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

GEORGE WILLIAM ANDREWS LOCK AND DAM

Mr. BYRD of West Virginia. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 12488.

The PRESIDING OFFICER laid before the Senate H.R. 12488, an act to change the name of the Columbia lock and dam, on the Chattahoochee River, Alabama, to the George W. Andrews lock and dam, which was read twice by its title.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, was read the third time, and passed.

Mr. BYRD of West Virginia. Mr. President, in view of the fact that H.R. 12488 is a companion bill to S. 3033, Calendar No. 573, I ask unanimous consent that S. 3033 be indefinitely postponed.

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

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and this will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows: The Senate will convene at 10 a.m. After the two leaders have been recognized under the standing order, the distinguished Senator from Mississippi (Mr. STENNIS) will be recognized for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes; at the conclusion of which the Chair will lay before the Senate the unfinished business.

The pending question will be on adoption of the amendment—No. 877—of the Senator from Nebraska (Mr. HRUSKA) on which there is a time limitation of 2 hours, with a vote to occur on that amendment not later than 2 p.m. That vote will be a rollcall vote. There may be other votes, in the event there are amendments to the amendment.

ADJOURNMENT TO 10 A.M. TOMORROW

Mr. BYRD of West Virginia. 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 10 a.m. tomorrow.

The motion was agreed to; and (at 6:09 p.m.) the Senate adjourned until tomorrow, Wednesday, February 9, 1972, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, February 8, 1972*

The House met at 12 o'clock noon.

Rabbi Albert A. Goldman, Isaac M. Wise Temple, Cincinnati, Ohio, offered the following prayer:

Lord, this month we recall with reverence the lives of the great Presidents who wove the character of our people upon the loom of history. From them we have inherited the legacy that free men alone can create the good society. Today, when the acids of disillusionment corrode our faith in democracy, when the young despair, we pray for a renewal of their vision and exultant faith. Help us to regain that idealism which moved America's races and peoples toward brotherhood, where, transcending differences, we can realize our individualities. Make us whole as we pray that tomorrow's great mission of peace will be the giant step for the recovery of man's humanity and the discovery of our oneness. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

CALL OF THE HOUSE

Mr. THOMPSON of Georgia. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Will the gentleman withhold that until the Chair receives a message from the White House?

Mr. THOMPSON of Georgia. Mr. Speaker, I make the point of order that a quorum is not present and insist upon the point of order at this time.

The SPEAKER. Evidently, a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 31]

Abbitt	Forsythe	Pelly
Abourezk	Fraser	Pettis
Alexander	Garmatz	Poage
Ashbrook	Giaimo	Pryor, Ark.
Aspinall	Gibbons	Quie
Badillo	Gray	Runnels
Bell	Griffin	Ruppe
Biaggi	Hansen, Wash.	Scheuer
Blatnik	Hawkins	Smith, N.Y.
Brown, Mich.	Heckler, Mass.	Stanton, J. William
Brown, Ohio	Helstoski	Stanton, James V.
Cabell	Jarman	Steed
Chisholm	Koch	Stokes
Clark	Landgrebe	Stubblefield
Clawson, Del	Lennon	Vanik
Clay	Lujan	Whitten
Conyers	McCulloch	Wiggins
Corman	Macdonald, Mass.	Wright
Davis, Wis.	Meeds	
Dellums	Melcher	
Downing	O'Konski	
Dwyer		

The SPEAKER. On this rollcall 370 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

THE GOVERNOR-ELECT OF LOUISIANA, REPRESENTATIVE EDWIN W. EDWARDS

(Mr. BOGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOGGS. Mr. Speaker, on behalf of the other Members of the Louisiana delegation and myself, I am happy to note on the floor today for the first time since his election the new Governor-elect of the great State of Louisiana, our colleague the Honorable EDWIN W. EDWARDS.

His election on last Tuesday was indeed an historic event in our State. He is one of the few Members of the House of Representatives to have ever been elected Governor of Louisiana; he is the first Catholic Governor in almost a century, and the first Governor to come from south Louisiana since before World War II. He did not achieve the highest office in our State without tremendous determination and several years of the hardest kind of work. He faced two Democratic primaries and a general election, all of which were hard fought.

Mr. Speaker, he brings to the governorship splendid qualifications, among them being the years of training in the art of government which he obtained in this great representative body.

I know that all of my colleagues on both sides of the aisle join in wishing for him a most successful administration. The Louisiana delegation pledges to him our full cooperation.

[Applause, Members rising.]

Mr. Speaker, I yield to the gentleman.

Mr. EDWARDS of Louisiana. Mr.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Speaker, you can always tell that this is an election year.

I want to thank the distinguished majority leader and my fellow Louisiana colleagues and all of the Members of the House for the courtesies extended to me during the past year. I want to make it abundantly clear that having spent a great deal of time in Louisiana and having been elected Governor, I am absolutely in favor of revenue sharing at whatever level you gentlemen would like to see it happen.

Mr. Speaker, I wish to take this means to invite each of you, if I may do so, to the inauguration. You will receive a formal invitation. You have been close, loyal friends of the State of Louisiana and we invite you as well as your constituents to visit our State and enjoy its hospitality at any time.

Mr. Speaker, I look forward to seeing each of you in the future.

Thank you, Mr. Speaker.

OPTIMISTIC PROSPECTS FOR 1972

(Mr. CEDERBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CEDERBERG. Mr. Speaker, the Wall Street Journal recently surveyed fourth quarter profits of a number of major U.S. corporations. This survey showed that the aftertax profits of the 464 companies included in the tabulation rose 25.3 percent in fourth quarter 1971 over fourth quarter 1970. The Journal's interviews with executives in many industries revealed that these executives expect continued profit improvement for first quarter 1972 and during the whole year.

More than half of the increase in profits was due to a strong performance by General Motors Corp., during fourth quarter 1971. Removing GM from the Journal tabulation of major companies, the earnings of the remaining 463 companies during fourth quarter 1971 still rose 10.2 percent from yearend 1970. Although neither Ford nor Chrysler were included in the tabulation and although neither has yet reported fourth quarter profits, both are expected to show sharply higher profits for fourth quarter 1971, with the result that the auto industry is continuing a pattern of brisk growth. The steel industry also showed very strong profit growth during fourth quarter 1971, when compared with fourth quarter 1970. The earnings of 22 steel companies surveyed by the Journal showed that such earnings were up 43.6 percent from fourth quarter 1970, which was a time of depressed industry profits.

The optimism which such strong business performance is generating among industry executives is apparent from the present activity in television advertising, often a barometer of business confidence for the coming year. According to spokesmen for the three principal networks, national network advertising is booming, after a slow year during 1971. Advertising time is virtually sold out for the second quarter of 1972, and sales for the third quarter are brisk. Such advertising growth is a sure indication that business is becoming more and more optimistic about prospects for 1972.

ENVIRONMENTAL AWAKENING—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92-247)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee of the Whole House on the State of the Union and ordered to be printed:

To the Congress of the United States:

From the very first, the American spirit has been one of self-reliance and confident action. Always we have been a people to say with Henley "I am the master of my fate . . . the captain of my soul"—a people sure that man commands his own destiny. What has dawned dramatically upon us in recent years, though, is a new recognition that to a significant extent man commands as well the very destiny of this planet where he lives, and the destiny of all life upon it. We have even begun to see that these destinies are not many and separate at all—that in fact they are indivisibly one.

This is the environmental awakening. It marks a new sensitivity of the American spirit and a new maturity of American public life. It is working a revolution in values, as commitments to responsible partnership with nature replaces cavalier assumptions that we can play God with our surroundings and survive. It is leading to broad reforms in action, as individuals, corporations, government, and civic groups mobilize to conserve resources, to control pollution, to anticipate and prevent emerging environmental problems, to manage the land more wisely, and to preserve wildness.

In messages to the Congress during 1970 and 1971 I proposed comprehensive initiatives reflecting the earliest and most visible concerns of the environmental awakening. The new cast of the public mind had to be translated into new legislation. New insights had to have new governmental forms and processes through which to operate. Broadly-based problems—such as air pollution, water pollution and pesticide hazards—had to be dealt with first.

The necessary first steps in each of these areas have now been taken, though in all of them the work is far from completed. Now, as we press on with that work in 1972, we must also come to grips with the basic factors which underlie our more obvious environmental problems—factors like the use of land and the impact of incentives or disincentives built into our economic system. We are gaining an increasingly sophisticated understanding of the way economic, institutional, and legal forces shape our surroundings for good or ill; the next step is learning how to turn such forces to environmental benefit.

Primary responsibility for the actions that are needed to protect and enhance our environment rests with State and local government, consumers, industry, and private organizations of various kinds—but the Federal Government must provide leadership. On the first day of this decade I stated that "it is literally now or never" for true quality of life in America. Amid much encouraging evidence that it can and will be "now," we must not slacken our pace but accelerate it. Environmental concern must crystallize into permanent patterns of thought and action. What began as environmental awakening must mature finally into a new and higher environmental way of life. If we flag in our dedication and will, the problems themselves will not go away. Toward keeping the momentum of awareness and action, I pledge my full support and that of this Administration, and I urgently solicit the continuing cooperation of the Congress and the American people.

TWO YEARS' AGENDA—FROM CONSIDERATION TO ACTION

In my 1971 environmental message, just one year ago today, I sent to the Congress a comprehensive program designed to clean up the problems of the past, and to deal with emerging problems before they become critical. These proposals included:

Regulation of toxic substances

Comprehensive improvement in pesticide control authority

Noise control

Preservation of historic buildings

Power plant siting

Regulation of environmental effects of surface and underground mining

Ocean dumping regulation

More effective control of water pollution through a greatly expanded waste treatment grant program and strengthened standard-setting and enforcement authorities

A National Land Use Policy Act

Substantial expansion of the wilderness system

Expanded international cooperation

To date, most of the legislation on this list has been the subject of congressional hearings; most of it has attracted heartening interest and support; but none of it has yet received final congressional action. Last year was, quite properly, a year of consideration of these measures by the Congress. I urge, however, that this be a year of action on all of them, so that we can move on from intention to accomplishment in the important needs they address. Passage of these measures and creation of the unified Department of Natural Resources which I also proposed in 1971—by this 92nd Congress—will be essential if we are to have an adequate base for improving environmental quality.

BUILDING ON THE BASE

As that base is being established, we must move ahead to build wisely and rapidly upon it. I shall outline today a plan for doing that, with initiatives and actions in the following areas:

—Tightening pollution control

A Toxic Wastes Disposal Control Act

Legislation to control sediment from construction activities

An emissions charge to reduce sulfur oxide air pollution
Clean energy research and energy conservation measures
—Making technology an environmental ally
Integrated pest management
Stepped-up research on noise control
Stepped-up research on air pollution effects and measurement
—Improving land use
Expanding and strengthening of the National Land Use Policy Act
Protection of wetlands
—Protecting our natural heritage
A ban on use of poisons for predator control on public lands
A stronger law to protect endangered species of wildlife
Big Cypress National Fresh Water Reserve
National Recreation Areas around New York Harbor and the Golden Gate
Conversion of 20 additional Federal properties to recreational use
18 new Wilderness Areas
Regulation of off-road vehicles on Federal lands
—Expanding international cooperation on the environment
Establishment of a United Nations Fund for the Environment
Further measures to control marine pollution
—Protecting children from lead-based paint
—Enlisting the young
President's Environmental Merit Awards Program for high schools
Youth opportunities in the Department of Agriculture Field Scout program.

TIGHTENING POLLUTION CONTROL

The legislative framework for dealing with our major air pollution problems has become law, and I have made comprehensive recommendations regarding water pollution control. But several problems remain to be addressed which are difficult to deal with under the general pollution control authorities.

DISPOSAL OF TOXIC WASTES

Increasingly strict air and water pollution control laws and their more effective enforcement have led to greater reliance on land—both surface and underground—for disposal of waste products from the toxic substances being used in ever greater volume and variety in our society. Without adequate controls, such waste disposal may cause contamination of underground and surface waters leading to direct health hazards.

—*I propose a Toxic Wastes Disposal Control Act, under which the Environmental Protection Agency would establish Federal guidelines and requirements for State programs to regulate disposal on or under the land of those toxic wastes which pose a hazard to health. The act would provide for Federal enforcement action if a State should fail to establish its own program.*

SEDIMENT CONTROL

Sediment, small particles of soil which enter the water, is the most pervasive water pollution problem which does not come primarily from municipal or industrial sources. Heavy loads of sediment interfere with many beneficial uses of water, such as swimming and water supply, and can change the entire character of an aquatic environment. Many of our great waterways are afflicted with this problem. In our urban areas, a significant amount of sediment comes from construction. However, if proper construction practices are followed, sediment runoff from this source can be greatly reduced.

—*I propose legislation calling upon the States to establish, through appropriate local and regional agencies, regulatory programs to control sediment affecting water quality from earth-moving activities such as building and road construction.*

The Environmental Protection Agency, together with other Federal agencies, would develop Federal guidelines for appropriate control measures. Federal enforcement would take place in situations where a State failed to implement such a program.

SULFUR OXIDES EMISSIONS CHARGE

In my 1971 Environmental Message, I announced plans to ask for imposition of a charge on sulfur oxides emissions, one of the air pollutants most damaging to human health and property, and vegetation. The Council on Environmental Quality, the Treasury Department and the Environmental Protection Agency have now completed their studies on this measure and have developed the details of an emission charge proposal.

—*I propose a charge on sulfur emitted into the atmosphere from combustion, refining, smelting, and other processes.*

This charge would begin in 1976 and apply in all regions where the air quality does not meet national standards for sulfur oxides during 1975. The charge would be 15 cents per pound on sulfur emitted in regions where the primary standards—which are designed to be protective of public health—have not been met within the deadline for achievement prescribed in the Clean Air Act. In regions where air quality met the primary standard but exceeded the secondary national standard—designed to protect property, vegetation, and aesthetic values—a charge of $.10 per pound of sulfur emitted would apply. Areas which reduce emissions sufficiently to meet both primary and secondary air quality standards would be exempt from the emission charge.

This charge is an application of the principle that the costs of pollution should be included in the price of the product. Combined with our existing regulatory authority, it would constitute a strong economic incentive to achieve the sulfur oxides standards necessary to protect health, and then further to reduce emissions to levels which protect welfare and aesthetics.

CLEAN ENERGY GENERATION AND CONSERVATION

Ours is an an energy-based economy, and energy resources are the basis for future economic progress. Yet the consumption of energy-producing fuels contributes to many of our most serious pollution problems. In order to have both environmental quality and an improving standard of living, we will need to develop new clean energy sources and to learn to use energy more efficiently.

Our success in meeting energy needs while preventing adverse environmental effects from energy generation and transmission will depend heavily on the state of available technology. In my message to the Congress on energy of last June, I announced a series of steps to increase research on clean and efficient energy production. But further action is needed.

—*As part of my new commitment to augment Federal research and development and target it more effectively on solving domestic problems, I have requested in the 1973 budget an additional $88 million for development of a broad spectrum of new technologies for producing clean energy.*

In addition to carrying forward the priority efforts I have already announced—the liquid metal fast breeder reactor, pipeline quality gas from coal, and sulfur oxide control technology—the budget provides funds for new or increased efforts on fusion power, solar energy, magnetohydrodynamics, industrial gas from coal, dry cooling towers for power plant waste heat, large energy storage batteries and advanced underground electric transmission lines. These new efforts relate to both our immediate and our future energy problems, and are needed to assure adequate supplies of clean energy.

My message on energy also announced several steps that would be taken by the Federal Government to use energy more efficiently and with less environmental harm. One of these steps was issuance by the Secretary of Housing and Urban Development of revised standards for insulation in new federally insured houses. The new standards for single-family structures, which have now been issued through the Federal Housing Administration, reduce the maximum permissible heat loss by about one-third for a typical home. The fuel savings which will result from the application of these new standards will, in an average climate, exceed in one year the cost of the additional insulation required.

—*I am now directing the Secretary of Housing and Urban Development to issue revised insulation standards for apartments and other multifamily structures not covered by the earlier revision. The new rules will cut maximum permissible heat loss by 40%.*

The savings in fuel costs after a 5-year period will on the average more than offset the additional construction costs occasioned by these revised standards.

These stricter insulation standards are only one example of administrative actions which can be taken by the Federal Government to eliminate wasteful use of energy. The Federal Government can and must provide leadership by finding and implementing additional ways of reducing such waste.

—*I have therefore instructed the*

Council on Environmental Quality and the Office of Science and Technology, working with other Federal agencies, to conduct a survey to determine what additional actions might be taken to conserve energy in Federal activities.

This survey will look at innovative ways to reduce wasteful consumption of energy while also reducing total costs and undesirable environmental impact.

RECYCLING

Recycling—the technique which treats many types of solid wastes not as pollutants but as recoverable and reusable "resources out of place"—is an important part of the answer to the Nation's solid waste burden. Last year, at my direction, the General Services Administration began reorienting government procurement policies to set a strong Federal example in the use of recycled products.

—*Because Federal tax policy should also offer recycling incentives, the Treasury Department is clarifying the availability of tax exempt treatment industrial revenue bond financing for the construction of recycling facilities built by private concerns to recycle their own wastes.*

THE ENVIRONMENTAL TRANSITION

Many environmental problems are influenced by the way our economy operates. Conversely, efforts to improve environmental quality have an impact on the economy. Our national income accounting does not explicitly recognize the cost of pollution damages to health, materials, and aesthetics in the computation of our economic well-being. Many goods and services fail to bear the full costs of the damages they cause from pollution, and hence are underpriced.

Environmental quality requirements will affect many of our industries by imposing new costs on production. We know that these impacts fall unevenly on industries, new and old firms, and on communities, but little concrete data has been available. Contract studies have recently been performed for the Council on Environmental Quality, the Environmental Protection Agency, and the Department of Commerce, under the policy guidance of the Council of Economic Advisers. These initial studies suggest that pollution control costs will result in some price increases, competitive trade disadvantages, and employment shifts. The major impact of these costs will be on older, and usually smaller plants.

As long as we carefully set our environmental goals to assure that the benefits we achieve are greater than the social and economic costs, the changes which will occur in our economy are desirable, and we as a nation will benefit from them.

MAKING TECHNOLOGY AN ENVIRONMENTAL ALLY

The time has come to increase the technological resources allocated to the challenges of meeting high-priority domestic needs. In my State of the Union Message last month, I announced an expanded Federal research and development commitment for this purpose. There is great potential for achievement through technology in the fight against pollution and the larger drive for quality in our environment.

The temptation to cast technology in the role of ecological villain must be resisted—for to do so is to deprive ourselves of a vital tool available for enhancing environmental quality. As Peter Drucker has said, "the environment is a problem of [the] success" of technological society, by no means a proof of its failure. The difficulties which some applications of technology have engendered might indeed be rectified by turning our backs on the 20th century, but only at a price in privation which we do not want to pay and do not have to pay. There is no need to throw out the baby with the bath water. Technology can and must be wisely applied so that it becomes environmentally self-corrective. This is the standard for which we must aim.

INTEGRATED PEST MANAGEMENT

Chemical pesticides are a familiar example of a technological innovation which has provided important benefits to man but which has also produced unintended and unanticipated harm. New technologies of integrated pest management must be developed so that agricultural and forest productivity can be maintained together with, rather than at the expense of, environmental quality. Integrated pest management means judicious use of selective chemical pesticides in combination with nonchemical agents and methods. It seeks to maximize reliance on such natural pest population controls as predators, sterilization, and pest diseases. The following actions are being taken:

—*I have directed the Department of Agriculture, the National Science Foundation, and the Environmental Protection Agency to launch a large-scale integrated pest management research and development program. This program will be conducted by a number of our leading universities.*

—*I have directed the Department of Agriculture to increase field testing of promising new methods of pest detection and control. Also, other existing Federal pesticide application programs will be examined for the purpose of incorporating new pest management techniques.*

—*I have directed the Department of Agriculture and of Health, Education, and Welfare to encourage the development of training and certification programs at appropriate academic institutions in order to provide the large number of crop protection specialists that will be needed as integrated pest management becomes more fully utilized.*

—*I have authorized the Department of Agriculture to expand its crop field scout demonstration program to cover nearly four million acres under agricultural production by the upcoming growing season.*

Through this program many unnecessary pesticides applications can be eliminated, since the scouts will be used to determine when pesticide applications are actually needed.

In my message on the environment last February, I proposed a comprehensive revision of our pesticide control laws—a revision which still awaits final congressional action. Also essential to a sound national pesticide policy are measures to ensure that agricultural workers are protected from adverse exposures to these chemicals.

—*I am directing the Departments of Labor and Health, Education, and Welfare to develop standards under the Occupational Safety and Health Act to protect such workers from pesticide poisoning.*

NOISE CONTROL RESEARCH

Scientific findings increasingly confirm what few urban dwellers or industrial workers need to be told—that excessive noise can constitute a significant threat to human well-being. The Congress already has before it a comprehensive noise control bill, which I proposed a year ago. A quieter environment cannot simply be legislated into being. We shall also need to develop better methods to achieve our goal.

—*I have requested in my 1973 budget a $23 million increase in research and development funds for reducing noise from airplanes. I have also requested new funds for research and development for reducing street traffic noise.*

RESEARCH ON AIR POLLUTION EFFECTS AND MEASUREMENT

Our pollution control efforts are based largely on the establishment of enforceable standards of environmental quality. Initial standards have often been based on incomplete knowledge because the necessary information has not been available. Also, the lack of adequate instruments to measure pollution and of models of how pollutants are dispersed has made it difficult to know exactly how much pollution must be controlled in a particular area. We need added research and development to make more precise judgments of what standards should be set and how we can most practically achieve our goals.

I have requested in my 1973 budget an additional $12 million to increase research on the health effects of air pollution, on regional air pollution modeling, and on improved pollution instrumentation and measurement.

IMPROVING LAND USE

In recent years we have come to view our land as a limited and irreplaceable resource. No longer do we imagine that there will always be more of it over the horizon—more woodlands and shorelands and wetlands—if we neglect or overdevelop the land in view. A new maturity is giving rise to a land ethic which recognizes that improper land use affects the public interest and limits the choice that we and our descendants will have.

Now we must equip our institutions to carry out the responsibility implicit in this new outlook. We must create the administrative regulatory mechanisms necessary to assure wise land use and to stop haphazard, wasteful, or environmentally damaging development. Some States are moving ahead on their own to develop stronger land-use institutions and controls. Federal programs can and should reinforce this encouraging trend.

NATIONAL LAND USE POLICY ACT

The National Land Use Policy Act, which I proposed to the Congress last year, would provide Federal assistance to encourage the States, in cooperation with local governments, to protect lands which are of critical environmental concern and to control major development. While not yet enacted, this measure has been the subject of much useful debate.

—*I propose amendments to this pending National Land Use Policy legislation which would require States to control the siting of major transportation facilities, and impose sanctions on any State which does not establish an adequate land use program.*

Under these amendments, the State programs established pursuant to the act would not only have to embody methods for controlling land use *around* key growth-inducing developments such as highways, airports, and recreational facilities; the States would also have to provide controls over the actual *siting* of the major highways and airports themselves. The change recognizes the fact that these initial siting decisions, once made, can often trigger runaway growth and adverse environmental effects.

The amendments would further provide that any State that had not established an acceptable land use program by 1975 would be subject to annual reductions of certain Federal funds. Seven percent of the funds allocated under sections of the Airport and Airway Development Act, the Federal-Aid Highway Acts including the Highway Trust Fund, and the Land and Water Conservation Fund, would be withheld in the first year. An additional 7 percent would be withheld for each additional year that a State was without an approved land use program. Money thus withheld from noncomplying States would be allocated among States which did have acceptable programs.

These strong new amendments are necessary in view of the significant effect that Federal programs, particularly transportation programs, have upon land use decisions.

PROTECTION OF WETLANDS

The Nation's coastal and estuarine wetlands are vital to the survival of a wide variety of fish and wildlife; they have an important function in controlling floods and tidal forces; and they contain some of the most beautiful areas left on this continent. These same lands, however, are often some of the most sought-after for development. As a consequence, wetland acreage has been declining as more and more areas are drained and filled for residential, commercial, and industrial projects.

My National Land Use Policy Act would direct State attention to these important areas by defining wetlands among the "environmentally critical areas" which it singles out for special protection, and by giving priority attention to the coastal zones. I propose to supplement these safeguards with new economic disincentives to further discourage unnecessary wetlands development.

—*I propose legislation to limit applicability of certain Federal tax benefits when development occurs in coastal wetlands.*

MANAGEMENT OF PUBLIC LANDS

During 1971, I acted to strengthen the environmental requirements relating to management and use of the Nation's vast acreage of federally-owned public lands administered by the Department of the Interior. I proposed new legislation to establish an overall management policy for these public lands, something which we have been without for far too long. This legislation, still pending before the Congress, would direct the Secretary of the Interior to manage our public lands in a manner that would protect their environmental quality for present and future generations. The policy which it would establish declares the retention of the public lands to be in the national interest except where disposal of particular tracts would lead to a significant improvement in their management, or where the disposal would serve important public objectives which cannot be achieved on non-public lands.

PROTECTING OUR NATURAL HERITAGE

Wild places and wild things constitute a treasure to be cherished and protected for all time. The pleasure and refreshment which they give man confirm their value to society. More importantly perhaps, the wonder, beauty, and elemental force in which the least of them share suggest a higher right to exist—not granted them by man and not his to take away. In environmental policy as anywhere else we cannot deal in absolutes. Yet we can at least give considerations like these more relative weight in the seventies, and become a more civilized people in a healthier land because of it.

PREDATOR CONTROL

Americans today set high value on the preservation of wildlife. The old notion that "the only good predator is a dead one" is no longer acceptable as we understand that even the animals and birds which sometimes prey on domesticated animals have their own value in maintaining the balance of nature.

The widespread use of highly toxic poisons to kill coyotes and other predatory animals and birds is a practice which has been a source of increasing concern to the American public and to the federal officials responsible for the public lands.

Last year the Council on Envronmental Quality and the Department of the Interior appointed an Advisory Committee on Predator Control to study the entire question of predator and related animal control activities. The Committee found that persistent poisons have been applied to range and forest lands without adequate knowledge of their effects on the ecology or their utility in preventing losses to livestock. The large-scale use of poisons for control of predators and field rodents has resulted in unintended losses of other animals and in other harmful effects on natural ecosystems. The Committee concluded that necessary control of coyotes and other predators can be accomplished by methods other than poisons.

Certainly, predators can represent a threat to sheep and some other domesticated animals. But we must use more selective methods of control that will preserve ecological values while continuing to protect livestock.

—*I am today issuing an Executive Order barring the use of poisons for predator control on all public lands. (Exceptions will be made only for emergency situations.) I also propose legislation to shift the emphasis of the current direct Federal predator control program to one of research and technical and financial assistance to the States to help them control predator populations by means other than poisons.*

ENDANGERED SPECIES

It has only been in recent years that efforts have been undertaken to list and protect those species of animals whose continued existence is in jeopardy. Starting with our national symbol, the bald eagle, we have expanded our concern over the extinction of these animals to include the present list of over 100. We have already found, however, that even the most recent act to protect endangered species, which dates only from 1969, simply does not provide the kind of management tools needed to act early enough to save a vanishing species. In particular, existing laws do not generally allow the Federal Government to control shooting, trapping, or other taking of endangered species.

—*I propose legislation to provide for early identification and protection of endangered species. My new proposal would make the taking of endangered species a Federal offense for the first time, and would permit protective measures to be undertaken before a species is so depleted that regeneration is difficult or impossible.*

MIGRATORY SPECIES

The protection of migratory species, besides preserving wildlife values, exemplifies cooperative environmental effort among the United States, Canada, and Mexico. By treaties entered into among these three countries, migratory species are protected. New species may be added by common agreement between the United States and Mexico.

—*I have authorized the Secretary of State, in conjunction with the Secretary of the Interior, to seek the agreement of the Mexican Government to add 33 new families of birds to the protected list.*

Included in the proposal are eagles, hawks, falcons, owls, and many of the most attractive species of wading birds. I am hopeful that treaty protection can be accorded them in the near future.

BIG CYPRESS NATIONAL FRESH WATER RESERVE

After careful review of the environmental significance of the Big Cypress Swamp in Florida, particularly of the need for water from this source to maintain the unique ecology of Everglades National Park, I directed the Secretary of the Interior to prepare legislation to create the Big Cypress National Fresh Water Reserve. This legislation, which has now been submitted to the Congress,

will empower the Federal Government to acquire the requisite legal interest in 547,000 acres of Big Cypress.

NEW PARKLANDS AT THE GATEWAYS

The need to provide breathing space and recreational opportunities in our major urban centers is a major concern of this Administration. Two of the Nation's major gateways to the world—New York City and San Francisco—have land nearby with exceptional scenic and recreational potential, and we are moving to make that land available for people to enjoy. In May of 1971, I proposed legislation to authorize a Gateway National Recreation Area in New York and New Jersey. This proposal would open to a metropolitan region of more than 14 million people a National Recreation Area offering more than 23,000 acres of prime beaches, wildlife preserves, and historical attractions including the Nation's oldest operating lighthouse.

On our western shore lies another area uniquely appropriate for making recreational and scenic values more accessible to a metropolitan community.

—*I propose legislation to establish a Golden Gate National Recreation Area in and around San Francisco Bay.*

This proposal would encompass a number of existing parks, military reservations, and private lands to provide a full range of recreation experiences. Altogether, the area would encompass some 24,000 acres of fine beaches, rugged coasts, and readily accessible urban parklands, extending approximately 30 miles along some of America's most beautiful coastline north and south of Golden Gate Bridge. Angel and Alcatraz Islands in the bay would be within the boundaries of the National Recreation Area, as would a number of properties on the mainland which afford magnificent views of the city, the bay and the ocean. As part of this plan, I am directing that the Presidio at San Francisco be opened for dual military and civilian recreational uses.

CONVERTING FEDERAL PROPERTIES TO PARKS

Among the most important legacies that we can pass on to future generations is an endowment of parklands and recreational areas that will enrich leisure opportunities and make the beauties of the earth and sea accessible to all Americans. This is the object of our Legacy of Parks program, initiated early in 1971. As part of this program, I directed the Property Review Board to give priority to potential park and recreation areas in its search for alternative uses of federally held real property. The results of this search so far have been most encouraging. To the original 40 properties which I announced in my Environmental Message of 1971 as being well suited for park use, another 111 prospects have been added. And from this total of 151 prospective parklands, 63 have already been made available.

—*Today I am pleased to announce that 20 more parcels of Federal lands are being made available for park and recreation use.*

These newest parcels, combined with those which have been announced over the past year, provide a legacy of 83 parklands for America which comprise 14,585 acres in 31 States and Puerto Rico. The estimated fair market value of these properties is over $56 million. In the months to come, every effort will be made to extend this legacy to all 50 States. The green spaces and natural retreats that we tend to take for granted will not be available for future enjoyment unless we act now to develop and protect them.

WILDERNESS AREAS

One of the first environmental goals I set when I took office was to stimulate the program to identify and recommend to the Congress new wilderness areas. Although this program was behind schedule at that time, I am now able to report that the September 1974 statutory deadline for reviews can and will be met.

The Wilderness Act of 1964 set aside 54 areas, consisting of about 9.1 million acres, as the nucleus of our wilderness system. Since then, 32 new areas totalling almost 1.2 million acres within National Forests, National Parks, and National Wildlife Refuges have been added to the system. Thirty-one areas totalling about 3.6 million acres, including 18 areas submitted by this Administration, have been proposed to the Congress but have yet to be acted upon. One of the most significant elements of this process has been the active participation by the public in all of its phases. At public wilderness hearings held all across the country, fair consideration has been given to all interests and points of view, with constructive citizen involvement in the decision-making process.

—*I am today proposing 18 new wilderness areas which, when approved, will add another 1.3 million acres to the wilderness system.*

Eight of these proposals are within the National Forests, four are within National Park areas, and six are in National Wildlife Refuges.

Of these areas, 1.2 million acres would be in the following National Forests: Blue Range National Forest, Arizona and New Mexico; Agua Tibia and Emigrant National Forests, California; Eagles Nest and Weminuche National Forests, Colorado; Mission Mountains National Forest, Montana; Aldo Leopold National Forest, New Mexico; and Glacier National Forest, Wyoming.

A total of 40,000 acres would be in our National Park system in the following locations: Black Canyon of the Gunnison National Monument, Colorado; Bryce Canyon National Park, Utah; Chiricahua National Monument, Arizona; Colorado National Monument, Colorado.

Finally, a total of 87,000 acres would be in areas administered by the Fish and Wildlife Services of the Department of the Interior in the following locations: St. Marks, National Wildlife Refuge, Florida; Wolf Island, National Wildlife Refuge, Georgia; Moosehorn National Wildlife Refuge, Maine; San Juan Islands, National Wildlife Refuge, Washington; Cape Romain, National Wildlife Refuge, South Carolina; and Bosque del Apache, National Wildlife Refuge, New Mexico.

The year 1972 can bring some of the greatest accomplishment in wilderness preservation since passage of the Wilderness Act in 1964. I urge prompt and systematic consideration by the Congress of these 18 new proposals and of the 31 currently pending before it. Approval of all 49 additions would bring the system up to a total of over 15 million acres.

Unfortunately, few of these wilderness areas are within easy access of the most populous areas of the United States. The major purpose of my Legacy of Parks program is to bring recreation opportunities closer to the people, and while wilderness is only one such opportunity, it is a very important one. A few of the areas proposed today or previously are in the eastern sections of the country, but the great majority of wilderness areas are found in the West. This of course is where most of our pristine wild areas are. But a greater effort can still be made to see that wilderness recreation values are preserved to the maximum extent possible, in the regions where most of our people live.

—*I am therefore directing the Secretaries of Agriculture and the Interior to accelerate the identification of areas in the Eastern United States having wilderness potential.*

OFF-ROAD VEHICLES

A recent study by the Department of the Interior estimated that Americans own more than 5 million off-road recreational vehicles—motorcycles, minibikes, trail bikes, snowmobiles, dune-buggies, all-terrain vehicles, and others. The use of these vehicles is dramatically on the increase: data show a three-fold growth between 1967 and 1971 alone.

As the number of off-road vehicles has increased, so has their use on public lands. Too often the land has suffered as a result. Increasingly, Federal recreational lands have become the focus of conflict between the newer motorized recreationist and the traditional hiker, camper, and horseback rider. In the past, Federal land-management agencies have used widely varying approaches to dealing with this conflict. The time has come for a unified Federal policy toward use of off-road vehicles on Federal lands.

—*I have today signed an Executive Order directing the Secretaries of Agriculture, Interior, Army and the Board of Directors of the Tennessee Valley Authority to develop regulations providing for control over the use of off-road vehicles on Federal lands.*

They will designate areas of use and non-use, specify operating conditions that will be necessary to minimize damage to the natural resources of the Federal lands, and insure compatibility with other recreational uses, taking into account noise and other factors.

EXPANDING INTERNATIONAL COOPERATION ON THE ENVIRONMENT

We are now growing accustomed to the view of our planet as seen from space—a blue and brown disk shrouded in white patches of clouds. But we do not ponder often enough the striking lesson it teaches about the global reach of environmental imperatives. No matter what else divides men and nations, this perspective should unite them. We must work harder to foster such world environmental consciousness and shared purpose.

UNITED NATIONS CONFERENCE ON THE HUMAN ENVIRONMENT

To cope with environmental questions that are truly international, we and other nations look to the first world conference of governments ever convened on this subject: the United Nations Conference on the Human Environment, to be held in Stockholm, Sweden, in June of this year. This should be a seminal event of the international community's attempt to cope with these serious, shared problems of global concern that transcend political differences.

But efforts to improve the global environment cannot go forward without the means to act.

—*To help provide such means, I propose that a voluntary United Nations Fund for the Environment be established, with an initial funding goal of $100 million for the first 5 years.*

This Fund would help to stimulate international cooperation on environmental problems by supporting a centralized coordination point for United Nations activities in this field. It would also help to bring new resources to bear on the increasing number of worldwide problems through activities such as monitoring and cleanup of the oceans and atmosphere.

—*If such a Fund is established, I will recommend to the Congress that the United States commit itself to provide its fair share of the Fund on a matching basis over the first 5 years.*

This level of support would provide start-up assistance under mutually agreed-upon terms. As these programs get underway, it may well be that the member nations will decide that additional resources are required. I invite other nations to join with us in this commitment to meaningful action.

CONTROL OF MARINE POLLUTION

Ocean pollution is clearly one of our major international environmental problems. I am gratified that in the past year the Congress has taken several steps to reduce the risks of oil spills on the high seas. However, further congressional action is needed to ratify several pending international conventions and to adopt implementing legislation for the various oil-spill conventions which have been ratified or which are awaiting approval.

Action on these recommendations will complete the first round of international conventions to deal with marine pollution. We have taken initiatives in three international forums to develop a second and more sophisticated round of agreements in this area. We are preparing for a 1973 Intergovernmental Maritime Consultative Organization (IMCO) Conference to draft a convention barring intentional discharges to the sea of oil and hazardous substances from ships. In conjunction with the Law of the Sea Conference scheduled for 1973, we are examining measures to control the effects of developing undersea resources. And, in the preparatory work for the 1972 U.N. Conference on the Human Environment, progress has been made on an agreement to regulate the ocean dumping of shore-generated wastes, and further work in this area has been scheduled by IMCO. We hope to conclude conventions in each of these areas by 1973.

PROTECTING CHILDREN FROM LEAD-BASED PAINT

To many Americans, "environment" means the city streets where they live and work. It is here that a localized but acutely dangerous type of "pollution" has appeared and stirred mounting public concern.

The victims are children: the hazard is lead-based paint. Such paint was applied to the walls of most dwellings prior to the 1950's. When the paint chips and peels from the walls in dilapidated housing, it is frequently eaten by small children. This sometimes results in lead poisoning which can cause permanent mental retardation and occasionally death. We can and must prevent unnecessary loss of life and health from this hazard, which particularly afflicts the poorest segments of our population.

To help meet the lead-paint threat, the Department of Health, Education, and Welfare will administer grants and technical assistance to initiate programs in over 50 communities to test children in high-risk areas for lead concentrations. In addition, these programs will support the development of community organization and public education to increase public awareness of this hazard. Other Federal agencies are also active in the effort to combat lead-based paint poisoning. ACTION and other volunteers will assist city governments to help alleviate lead paint hazards. The Department of Housing and Urban Development is engaged in research and other actions to detect and eliminate this hazard.

The resources of the private sector should also be utilized through local laws requiring owners of housing wherever possible to control lead paint hazards.

ENLISTING THE YOUNG

The starting point of environmental quality is in the hearts and minds of the people. Unless the people have a deep commitment to the new values and a clear understanding of the new problems, all our laws and programs and spending will avail little. The young, quick to commit and used to learning, are gaining the changed outlook fastest of all. Their enthusiasm about the environment spreads with a healthy contagion: their energy in its behalf can be an impressive force for good.

Four youth participation programs of mutual benefit to the young and the Nation are now planned or underway:

Last October, I initiated the Environmental Merit Awards Program. This program, directed by the Environmental Protection Agency in cooperation with the U.S. Office of Education, awards national recognition to successful student projects leading to environmental understanding or improvement. Qualifications for the awards are determined by a local board consisting of secondary school students, faculty and representatives of the local community. Already more than 2,000 high schools, representing all 50 States, have registered in the program.

The Department of Agriculture's expanded field scout demonstration program, designed to permit more effective pest control with less reliance on chemical pesticides, will employ thousands of high school and college students. These young people will be scouting cotton and tobacco pests in the coming growing season, and the program will be expanded to other crops in future years.

The Environmental Protection Agency has recently initiated in its Seattle regional office a pilot program using young people to assist the agency in many of its important tasks, including monitoring. EPA is working with State and local pollution control agencies to identify monitoring needs. ACTION and the youth training programs are providing the manpower. If this initial program proves successful, the concept will be expanded.

ACTION volunteers and young people employed through the Neighborhood Youth Corps, Job Corps, and college work-study programs will work with city governments to help alleviate lead paint hazards, gaining experience in community health work as they give urgently needed aid to inner-city families.

Young people working on environmental projects, learning the skills necessary for a particular job, must also understand how their work relates to the environmental process as a whole. Thus, all of these activities must be supplemented by continued improvement in many aspects of environmental education to help all of our citizens, both young and old, develop a better awareness of man's relation to his environment. In my first Environmental Quality Report, I stressed the importance of improving the Nation's "environmental literacy." This goal remains as important as ever, and our progress toward it must continue.

ONE DESTINY

Our destiny is one: this the environmental awakening has taught America in these first years of the seventies. Let us never forget, though, that it is not a destiny of fear, but of promise. As I stated last August in transmitting the Second Annual Report of the Council on Environmental Quality: "The work of environmental improvement is a task for all our people . . . The achievement of that goal will challenge the creativity of our science and technology, the enterprise and adaptability of our industry, the responsiveness and sense of balance of our political and legal institutions, and the resourcefulness and the capacity of this country to honor those human values upon which the quality of our national life must ultimately depend." We shall rise to the challenge of solving our environmental problems by enlisting the creative energy of all of our citizens in a cause truly worthy of the best that each can bring to it.

While we share our environmental problems with all the people of the world, our industrial might, which has made us the leader among nations in terms of material well-being, also gives us the responsibility of dealing with environmental problems first among the nations. We can be proud that our solutions and our performance will become the measure for others climbing the ladder of aspirations and difficulties; we can set our sights on a standard that will lift their expectations of what man can do.

The pursuit of environmental quality will require courage and patience. Prob-

lems that have been building over many years will not yield to facile solutions. But I do not doubt that Americans have the wit and the will to win—to fulfill our brightest vision of what the future can be.

RICHARD NIXON.

THE WHITE HOUSE, *February 8, 1972.*

PRESIDENT'S MESSAGE ON ENVIRONMENTAL AWAKENING

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. GERALD R. FORD. Mr. Speaker, the President has sent Congress a new message outlining new policies and proposals to improve this Nation's environment and urging on the proposals he sent to us last year.

As the President has said, 1971 was a year of consideration and this year should be a year of action. I join with him now in urging enactment this year of the environmental proposals the President has previously submitted and prompt consideration of his new recommendations in the most critical area.

The President's latest environmental message points up the importance of decisive action by the Congress to adopt and implement measures that would strengthen present programs, control emerging problems and promote overall environmental quality.

The President has proposed a comprehensive program aimed at improving the quality of our environment. This is the first time in our history that any President has demonstrated such great concern about our ecology.

The environmental issue is one which lends itself to rhetoric rather than action. I urge that we translate the rhetoric into meaningful measures based on the President's recommendations. The President has made explicit proposals which back up his expressed ecological concern. Let us act on them.

AMERICAN HISTORY MONTH

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H.J. Res. 190) designating February of each year as "American History Month".

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution as follows:

H.J. RES. 190

Whereas the study of history not only enlivens appreciation of past but also illuminates the present and gives perspective to our hopes;

Whereas a knowledge of the growth and development of our free institutions and their human values strengthens our ability to utilize these institutions and apply these values to present needs and new problems;

Whereas Americans honor their debt to the creativity, wisdom, work, faith, and sacrifice of those who first secured our freedoms, and recognize their obligation to build upon this heritage so as to meet the challenge of the future;

Whereas February 1967 has been designated by the President as "American History Month"; and

Whereas it is appropriate to encourage a deeper awareness of the great events which shaped America, and a renewed dedication to the ideals and principles we hold in trust: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That February of each year is hereby designated as "American History Month", and the President of the United States is requested and authorized to issue annually a proclamation inviting the people of the United States to observe such month in schools and other suitable places with appropriate ceremonies and activities.

Mr. BOB WILSON. Mr. Speaker, I rise to urge the House's favorable consideration of my resolution, House Joint Resolution 190, to designate February as American History Month. Since February is the birth month of two of our greatest national leaders and guiding spirits, Presidents Lincoln and Washington, it is a particularly appropriate time to focus national attention on the great men and events which have shaped our past and the legacy of freedom and self-government they bequeathed to us. With the change in the date of observing several of our patriotic holidays, such as Washington's birthday, we do not want to lose sight of the real significance of these occasions. Designation of February as American History Month is therefore especially fitting at this time and I urge my colleagues to set this month apart as a time to pay homage to America's past and the ideals upon which our future rests.

AMENDMENTS OFFERED BY MR. EDWARDS OF CALIFORNIA

Mr. EDWARDS of California. Mr. Speaker, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. EDWARDS of California: On pages 1 and 2 strike out the preamble.

On page 2, line 3, strike out the phrase "each year" and insert in lieu thereof "1972".

On page 2, line 5, strike out the word "annually".

The amendments were agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "Designating February of 1972 as 'American History Month.' "

A motion to reconsider was laid on the table.

NATIONAL BETA CLUB WEEK

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 153) to designate the week which begins on the first Sunday in March 1972 as "National Beta Club Week."

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate joint resolution as follows:

S.J. RES. 153

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the week which begins on the first Sunday in March 1972 as "National Beta Club Week," to recognize the National Beta Club for its dedication to the positive accomplishments of American youth and to encourage the furthering of its goals to promote honesty, service, and leadership among the high school students in America.

Mr. MIZELL. Mr. Speaker, it is with great pride that I rise at this time to urge my colleagues to join me in voting for passage of the resolution designating the first week in March 1972 as "National Beta Club Week" in honor of that outstanding youth organization.

As my colleagues know, I first introduced a similar measure last September, with the provision that this designation be an annual occurrence. The bill we consider today calls for the designation to be made in 1972 only, in compliance with a resolution passed by the Senate some weeks ago.

I would have preferred to see the designation made permanent, but I am quite pleased to see that so many of my colleagues from all across the country and from both sides of the aisle have seen fit to honor this club which does so much to recognize meritorious achievement in our young people.

As its constitution states:

The National Beta Club's purpose is the promotion of the ideals of honesty, service and leadership among high school students of America . . . and to encourage and assist students to continue their education after high school.

This is, indeed, a noble and worthwhile purpose, and the Beta Club has admirably fulfilled that purpose from its inception in 1933.

Now, with more than 4,000 chapters representing some 130,000 members, the Beta Club symbolizes all that is the best in youth, and, as we honor the club, we honor youth as well.

I thank my colleagues for their support of this legislation, and I urge them to join me now in paying this tribute to the National Beta Club and its outstanding membership by voting in favor of this resolution.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the two joint resolutions just passed.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

SELECT COMMITTEE ON PRIVACY, HUMAN VALUES, AND DEMOCRATIC INSTITUTIONS

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call

up House Resolution 164 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 164

Whereas the development of technology is advancing at an unparalleled rate of speed and is rapidly coming to affect every level of American life; and

Whereas the operations of industry and Government are coming more and more to rely on highly sophisticated computer technology to assist them in their operations; and

Whereas the full significance and the effects of technology on society and on the operations of industry and Government are largely unknown; and

Whereas computers and other technological innovations aid in the gathering and centralization of massive information of all kinds of individuals and, consequently, call into question the effect of technology on the right of privacy; and

Whereas Congress needs a committee ready and able to evaluate the effects of technology on the operations of Government, on the democratic institutions and processes basic to the United States, and on the basic human and civil rights of our citizens: Now, therefore, be it

Resolved, That there is hereby created a select committee to be known as the Select Committee on Privacy, Human Values, and Democratic Institutions to be composed of nine Members of the House of Representatives to be appointed by the Speaker, one of whom he shall designate as chairman. Any vacancy occurring in the membership of the committee shall be filled in the same manner in which the original appointment was made.

The committee is authorized and directed to conduct a full and complete investigation and study of the development and proliferation of technology in American society, including the role and effectiveness of computer technology in the operations of industry and Government, the consequences of using computers to solve social questions which traditionally have been addressed without the assistance of computers and other machines, and the effects of technology and machines on democratic institutions and processes. The committee shall also study the use of computers and other technical instruments in gathering and centralizing information on individuals and the effect of such activity on the human and civil rights.

For the purpose of carrying out this resolution the committee, or any subcommittee thereof authorized by the committee to hold hearings, is authorized to sit and act during the present Congress at such times and places and within the United States, including any Commonwealth or possession thereof, whether the House is in session, has recessed, or has adjourned, to hold such hearings, and to require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary; except that neither the committee nor any subcommittee thereof may sit while the House is meeting unless special leave to sit shall have been obtained from the House. Subpenas may be issued under the signature of the chairman of the committee or any member of the committee designated by him, and may be served by any person designated by such chairman or member.

The committee shall report to the House as soon as practicable during the present Congress the results of its investigation and study, together with such recommendations as it deems advisable. Any such report which is made when the House is not in session shall be filed with the Clerk of the House.

With the following committee amendment:

On page 3, line 5: Strike the words "act during the" and insert "act, subject to clause 31 of Rule XI of the Rules of the House of Representatives, during the".

The committee amendment was agreed to.

The SPEAKER. The gentleman from Indiana is recognized for 1 hour.

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA). I yield myself such time as I may consume.

Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 164 and ask for its immediate consideration.

House Resolution 164 would create a Select Committee on Privacy, Human Values, and Democratic Institutions, to be composed of nine Members to be appointed by the Speaker.

The committee is authorized and directed to investigate the development and proliferation of technology in American society, including the role and effectiveness of computer technology in the operation of industry and Government; the effects of technology and machines on democratic institutions and processes, and the effects of the use of computers and other technical instruments on individuals and the human and civil rights.

The committee may sit and act within the United States, its Commonwealths and possessions and is to report to Congress as soon as practicable. The resolution contains no authorization for the use of counterpart funds.

In accord with the Legislative Reorganization Act of 1970, the resolution was amended and is authorized to sit and act, subject to clause 31 of rule XI of the Rules of the House, which provides that committees—with some exceptions—may not sit while a bill is being read for amendment on the floor of the House.

Mr. Speaker, I urge the adoption of House Resolution 164.

Mr. LATTA. Mr. Speaker, way back in May 1971 the Rules Committee reported House Resolution 164, sponsored by the gentleman from New Jersey (Mr. GALLAGHER) and others, to create a special Select Committee on Privacy, Human Values, and Democratic Institutions to be composed of Members of the House of Representatives to "evaluate the effects of technology" on Government, et cetera. Just by coincidence today, the House will also consider H.R. 10243, to establish an Office of Technology Assessment, as an aid to the Congress in identification and consideration of existing and probable impacts of technological application, to amend the National Science Foundation Act of 1950, and for other purposes.

Mr. Speaker, I think the Members of the House would like to take a very serious look at the purposes of these two pieces of legislation, House Resolution 164 and H.R. 10243. As I read them, they would concern themselves with the same subject matter. In my humble judgment we do not need both. Whenever we consider another select committee of the Congress, we must concern ourselves with the matter of space. One of the most serious problems around this House is space, and we do not have it. This select committee would require space.

Another thing we are seriously concerned with is money. Creating a select committee is going to require $150,000, or $200,000. I do not think anybody can dispute that.

We have a very serious problem involved in the creation of this select committee in the matter of jurisdiction. Questions have arisen as to whether or not such a select committee would be trespassing on the jurisdiction rights of the Committee on the Judiciary. The Committee on the Judiciary maintains that it has jurisdiction over matters contained in this resolution at the present time. The question then is, why should not the Committee on the Judiciary continue to have jurisdiction over the areas covered by House Resolution 164 and do it without additional space and without another select committee and without additional cost?

I am certain we will hear further from the members of the Committee on the Judiciary on this matter of jurisdiction.

The Crime Control Act of 1970 established the National Commission on Individual Rights. Four appointed by the House, four by the Senate, and seven by the President. The Commission will cover the same ground as that proposed to be covered by the new select committee.

Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. HORTON).

Mr. HORTON. Mr. Speaker, I rise today to endorse in the strongest possible terms the proposal to create a Select Committee on Privacy, Human Values, and Democratic Institutions. House Resolution 164, cosponsored by NEIL GALLAGHER and myself, will allow the House to deal effectively with something the citizens of this Nation regard as a major problem.

Mr. Speaker, I certainly am not a practitioner of the currently popular art of doomsdaymanship, but it does not take an especially perceptive observer of the American scene to detect a rising tide of disenchantment with government on all levels.

The House of Representatives today has the opportunity to take a significant corrective action by bringing into being a Select Committee on Privacy, Human Values, and Democratic Institutions. Everywhere we look privacy is in the news, but we Members of the House cannot point to a single committee or subcommittee now structured to deal with the incredibly complex question of privacy.

I believe that Mr. GALLAGHER did a magnificent job as chairman of the Privacy Subcommittee of the Government Operations Committee when it was in existence, and one of the achievements of which I am most proud is that I worked closely with him to make that job even more effective. Today, the House can take a major step to recapture public esteem and to insure its own relevance in the future by creating the select committee under consideration.

This will be the year in which 18-year-olds vote for the first time and one of the most impressive features of my long association with the Privacy Subcommittee was the immense amount of interest in the privacy issue on the college campuses. Everywhere I have been among young people I have been asked variations of the same question: What kind of country are today's political leaders going to pass on to the next generation? Privacy matters are at the heart of a positive answer to that question. As an indication of the concern, the college debate topic for 1972 relates to increasing control over Federal agencies who collect and disseminate information about Americans. In a year when the young people will have the vote for the first time, it would seem to me to be an immensely valuable position to each Member if he could say that he supported a select committee to consider privacy.

I regard the actions of the select committee as being completely beyond partisanship or ideology. The long list of supporters for the select committee named by Mr. GALLAGHER clearly demonstrates the fact that party politics, in the traditional sense, would play little part in the actions of the select committee.

If one were to look at the record, one could see that the vast majority of the Privacy Subcommittee's investigations, hearings, and reports took place under a Democratic administration. In fact, during what was perhaps our most significant achievement—the elimination of a plan to create a National Data Bank—we learned that the plan was totally unknown by the top political advisers of the Johnson administration.

The select committee would bring public attention to such plans and proposals buried deep within the bureaucracy and allow public scrutiny before they were so far advanced that they became divisive issues.

Mr. Speaker, I believe the select committee could and should take a number of positive steps to reassert the very basis of the American democracy. Let me list several:

First, we simply must have a continuing body in the Congress to investigate the sophisticated use of the computer. The computer is being used in Government and in the private sector in ways that few of us appreciate. It is being used to create huge data banks of information, in immediately retrievable form, without congressional guidelines or, frankly, much congressional interest. The computer can have enormous benefits to our society, but society's leaders must assume a responsibility to guide the growth of computer application. That is not being done now.

Second, the recently passed Fair Credit Reporting Act covers only a small part of the threats posed by huge data repositories in private hands. While data banks used for credit, employment, or insurance coverage are partially within the act's ambit, there remains a great deal to be done. The select committee, free from any legislative responsibilities or specific oversight of individual agencies, would have the freedom to follow these threats to our liberties.

Finally, there is a behavioral modification revolution in our society, but no existing committee of the Congress has the jurisdiction to evaluate these new tools of human manipulation. A select committee could pursue the issues where no current committee now can.

The basic point, Mr. Speaker, is that every American—liberal or conservative, white or black, Republican or Democrat—is threatened by proposals which are advanced by men never held accountable as we elected officials are. If we are to monitor and predict the effects, both adverse and positive, which technological advances have on our freedom as individuals, then the Congress must provide the monitoring body. Otherwise, we will awaken one day and find that our lack of attentiveness to guarding our democratic institutions has meant that they have one by one been eroded or discarded in the name of efficiency and progress.

Mr. Speaker, I do not want to leave the impression that privacy has been completely ignored by current committees in the Congress. The Committee on Government Operations allowed our Privacy Subcommittee to proceed for some 8 years and, as a member both of the Privacy Subcommittee and of the full committee, I regard the actions of the subcommittee as very significant. Our Subcommittee on Foreign Operations and Government Information is going to hold hearings on the proposals of myself to control the private use of federally compiled mailing lists as well as the Federal privacy bill of Mr. KOCH. But as welcome as these steps are, they surely are not enough.

Subcommittees of the Post Office and Civil Service Committee have also held privacy-related hearings and the chairmen of those subcommittees—Mr. NIX, Mr. WILSON, and Mr. HANLEY—all support the select committee as does the full committee chairman, Mr. DULSKI. Mrs. SULLIVAN held hearings on the Fair Credit Act with her Subcommittee on Consumer Matters of the Banking and Currency Committee and Mrs. SULLIVAN supports the select committee.

Mr. Speaker, the area of privacy is so diverse, so complicated, and so far-reaching that there is room for dozens of committees to become concerned. All during the time that our Privacy Subcommittee was blazing the trail here in the House, we never received a single complaint from other legislative committees. I know this responsible record will continue under the select committee.

We need a formal, continuing, sophisticated group to help each of us meet our own responsibilities to those we represent. The proposal to do that is before us, and I urge support for House Resolution 164 to create a Select Committee on Privacy, Human Values, and Democratic Institutions.

Mr. MADDEN. Mr. Speaker, I yield 10 minutes to the gentleman from New Jersey (Mr. GALLAGHER).

Mr. GALLAGHER. Mr. Speaker, may I take 5 minutes now and reserve 5 minutes to the end of the debate since it is my bill?

The SPEAKER. The gentleman may do that. Without objection, it is so ordered.

Mr. HALL. Mr. Speaker, reserving the right to object, and I hate to object, but is it in order to have a unanimous-consent request at a time like this when the time is controlled by the members of the Committee on Rules to bring the bill on the floor?

Mr. GALLAGHER. I asked for the time to close the debate since there will be objections, and I would like to respond to those objections. It was my understanding that I would have the time at the conclusion of debate.

Mr. HALL. Mr. Speaker, I submit this is between the gentleman and the man handling the rule, and therefore I must object.

The SPEAKER. The Chair will notify the gentleman when 5 minutes are up.

Mr. YATES. That is right. He has been allotted that time.

Mr. GALLAGHER. Mr. Speaker, up until several days ago this resolution appeared to have broad support. Now the issue of jurisdiction has been raised by the chairman of the Committee on the Judiciary.

This resolution is about privacy—the many aspects of privacy; something that affects everything that this Congress does and something that affects the life of every single person in the United States.

Now, that is a pretty broad order, but I want to remind everyone that the Congress has done virtually nothing about it. Unless the Congress begins to deal with privacy, it may well be that the Congress itself will become irrelevant in the twilight of this decade and unless we wake up, it may well be that the most important thing that Congressmen will do will be to have their picture taken out on the steps with graduation classes, for we are allowing ourselves to sleep through a time of America's greatest challenge to its freedom This may well happen, because the policy options, the whole thrust of the way we are developing policy in this country has passed to the bureaucracy. All we do is approve en bloc those things that are done by the bureaucracy, and that limits our options on what we can do here in the Congress. The President and the Congress who are elected by the people need new tools if public men are to continue to bear the responsibility of public office.

I would like to point out one or two other things. On privacy, Prof. Charles Fried gave one of the best definitions I have heard:

> Privacy is the necessary context for relationships; we would hardly be human if we had to do without—the relationships of love, friendship, and trust. Intimacy is the sharing of information about one's actions, beliefs, or emotions which one does not share with all and which one has the right not to share with anyone. By conferring this right, privacy creates the moral capital which we spend in friendship and love.

Privacy is the necessary context for relationships. We would hardly be human if we had to do without the relationships of love, of friendship, and trust. Intimacy is the sharing of information about one's actions, beliefs, or emotions which he does not share with one who has the right not to share with anyone else. By conferring this right privacy creates the

moral capital which we spend in friendship and love.

I would like to say to my colleagues that the Speaker himself supported this proposition when he spoke to the press this morning, it is unfortunate that time precludes from this debate the feelings of so many who view their problem in the same context as I do.

I have spoken with various Members on the other side of the aisle and they see the merit of it.

Mr. Speaker, this is an issue where conservatives meet liberals: Liberals primarily from the standpoint of expanding human dignity and human values, those basic rights that are in our Constitution, but which today may no longer exist. Conservatives join on the point where the Federal Government is delving into the personal business of too many people.

And, Mr. Speaker, what has Congress done about it?

Congress keeps pouring the money out for purposes which deny human rights and let the Government invade more people's privacy.

Is it not the duty of the Congress to do something more responsible, something more basic than merely serve as the manure to fertilize the miracle growth of dehumanizing bureaucracies. They do not believe in what we are doing and they do not take us into consideration? We provide all the money and virtually none of the policy.

I am not talking about Republican or Democrat, or liberal, or conservative. I am talking about making public men, elected men relevant to the democratic process. I am talking of keeping people in the forefront of our concern.

Mr. Speaker, I asked for this committee long before the current administration was in power. These are common problems in all administrations and they affect every citizen of our country.

I know that the distinguished chairman of the Committee on the Judiciary is going to come to the well and tell you that there is a jurisdictional problem, one where we may transgress upon his committee's jurisdiction.

However, late last night, I thought we had an agreement and I would live up to the agreement whether the Judiciary Committee wants to accept it or not. We will not get involved in any matters within the responsibility or the jurisdiction of the Judiciary Committee.

Mr. Speaker, we know the members of the Judiciary Committee have made some great arguments in the past when we talked about the Bill of Rights. They imply that they are rather old-fashioned and old hat. Most of the Bill of Rights has already disappeared without any public outcry and with the active participation and approval of the Judiciary Committee.

I have heard the argument made by the Judiciary Committee many times when they say the problems of our country are so great that the jurisdiction of the States, of the counties, and the cities must give way.

Well, if that is true then, perhaps, the jurisdiction of some committees yield and they should at least consider the new problems in this terribly complex age in which we live.

Let me expand on that point, Mr. Speaker, because it is of central importance to the argument over jurisdiction and the argument over privacy. Many bills passed by the Congress and many actions of the Executive demand that local jurisdictions yield their rights and prerogatives to ever more widely based organizations. Privileges which once belonged to States, counties or cities are now taken over by interstate groups. We have not only allowed it to happen in this House, but we have encouraged it by legislative initiative.

Could not then we also do something about the jurisdiction of committees here in the House? Should we not be so parochial and petty in guarding the absolute right of each committee to control the Nation's future by its insistence of control over all inquiry into an area.

To put it bluntly, Mr. Speaker, we have destroyed much of the traditional independence of States, counties, and cities in this Nation in our pursuit of the lawbreaker. It seems to me that we should think about insisting that certain jurisdiction bend a bit in a new way to defend the lawabiding American citizen from outrageous and continuous prying by the Government. There is no reason why the committees cannot work together to serve our common responsibility; namely, the preservation of the basic freedoms in this country and in a larger sense the principles of the Republic for which we are supposed to stand, not sleep.

The SPEAKER. The gentleman from New Jersey has consumed 5 minutes.

Mr. GALLAGHER. Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The Chair must advise the gentleman that the time is under the control of the gentleman from Indiana (Mr. MADDEN) and the gentleman from Ohio (Mr. LATTA).

Mr. GALLAGHER. Mr. Speaker, I was granted 10 minutes and I reserve the balance of my time.

Mr. GROSS. Mr. Speaker, the gentleman cannot reserve the balance of 5 minutes.

Mr. GALLAGHER. I am not speaking under the 5-minute rule.

Mr. GROSS. It does not make any difference.

PARLIAMENTARY INQUIRY

Mr. Speaker, a parliamentary inquiry.

The SPEAKER. Does the gentleman from Indiana yield to the gentleman from Iowa for a parliamentary inquiry?

Mr. MADDEN. I yield to the gentleman from Iowa.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. GROSS. The gentleman under the rules cannot reserve time. Only the gentleman——

The SPEAKER. The gentleman from Indiana has control of the time and the Chair has so advised the gentleman from New Jersey of that fact.

If the gentleman from Indiana desires to yield further time at this time he can do so.

Mr. MADDEN. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. CHARLES H. WILSON).

Mr. CHARLES H. WILSON. Mr. Speaker, as you and my colleagues know, I am chairman of the Census and Statistics Subcommittee of the House Post Office and Civil Service Committee. Our subcommittee has been exploring in depth the methods and procedures utilized by the U.S. Census Bureau in taking the 1970 Census.

In particular, we have been concerned with the multitudinous questionnaires being forced on our citizens by various Federal Government departments. It is my feeling that these questionnaires constitute a real and present danger to the privacy of our citizens. While I feel my subcommittee's work has been important, there is no doubt in my mind that the need exists for an all-encompassing review and control of snooping into the private lives of our citizens.

During the hearings that were held by my subcommittee, it was demonstrated time and again by hundreds of citizens who in one way or another had contacted our subcommittee that they were very concerned that their right to privacy be maintained. Recently, a number of surveys have demonstrated that an overwhelming majority of citizens fear the regulation of their lives by computers. Many citizens sincerely feel that "Big Brother" is watching them. I sincerely hope, Mr. Speaker, that these fears are unfounded.

However, recognizing both the importance of the issue of invasion of privacy and the genuine validity of the public's concern, I strongly support and urge my colleagues to support the establishment of a Select Committee on Privacy, Human Values, and Democratic Institutions—House Resolution 164—a proposal sponsored by Congressman CORNELIUS GALLAGHER.

Based on my experience, I feel that the House of Representatives needs a committee which will represent the people and protect their right to privacy. After all, Mr. Speaker, the Federal Government is ever increasing in numbers and widening in scope of activities. It possesses tremendous moral authority and operates in a way which is more and more evident as an example to the private sector. I would hate to see the type of creeping totalitarian control that is envisioned by George Orwell in his "1984." This becomes increasingly possible with the development of technological means of control over people's lives such as electronic data banking. James Madison alerted us to the dangers of not protecting the rights of citizens when he said:

> I believe there are more instances of the abridgement of the freedom of the people by gradual and silent encroachment of those in power than by violent and sudden usurpations.

Mr. Speaker, invasions of personal rights must inevitably damage our Nation. Victor Hugo's observation that nothing can stand in the way of an idea whose time has come is certainly relevant here. It is time to guarantee that the House of Representatives will be alert to any attempt by any source to

deprive our citizens of their uninalienable right to privacy and the security of their homes by passing House Resolution 164 establishing a Select Committee on Privacy.

The SPEAKER. The time of the gentleman from California has expired.

Mr. LATTA. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. BRAY).

Mr. BRAY. Mr. Speaker, I rise in support of this resolution.

Mr. Speaker, if there were ever any questions as to why the U.S. Congress needed a Select Committee on Privacy, Human Values, and Democratic Institutions—the committee proposed today and which I am proud to support—that question was answered yesterday at the White House.

Herman Kahn, head of the Hudson Institute, well-known and somewhat controversial, deep-thinker but still provocative in his ideas, told the 1,500 corporation executives and others attending the first White House Conference on the Industrial World that—

> The biggest single problem facing us is meaning and purpose. Why do we stay alive? What are we here for? . . . My grandfather walked with God and knew why, but we didn't . . .

Mr. Kahn went on to list an assortment of possible dangers and disasters that could overtake mankind sometime in the next two decades. Among them was technological control of man, perhaps by new forms of humanity like live computers.

This prospect is close—much closer than many think or wish to admit. From an article in the Christian Science Monitor of October 18, 1971:

> Steadily growing prospects for test-tube babies and manipulated thought are forcing humanity to reconsider its concept of man. . . . Take for example the concept of new forms of thought control. Prof. B. F. Skinner of Harvard University believes human behavior to be largely a matter of conditioning. He has worked out sophisticated techniques for controlling behavior which, he explained, could alter the thought of people confined to institutions. However, his suggestions also have opened the scepter of 'big-brother' control of society at large. Meanwhile, dimly seen possibilities for direct chemical and electrical manipulation of the brain are developing similar concerns. . . .

From Behavior Today, January 18, 1971:

> Nestor Terleckyj of the National Planning Association in Washington, D.C. believes he has come up with a system that could increase life expectancy by 10 years and cause a dramatic reduction in physical disabilities in this country by 1980. The spending of $43 billion in the health field, Terleckyj told the recent convention of the American Association for the Advancement of Science, could produce major behavioral changes so that in 10 years 90 per cent of the smokers will have stopped, 70 per cent of the obese and underexercised will be physically fit, 80 per cent of the alcoholics and alcohol abusers will achieve contented sobriety and 90 per cent of drug abuse will be eliminated. . . .

From "The New Science of Sociobiology," by Dr. Edward O. Wilson, professor of zoology at Harvard, as it was reprinted in Intellectual Digest of January 1972:

> The dilemma of mankind is that technology and population growth have propelled us to the point where we could perhaps operate better as a society with termite-like altruism and regimentation, yet we cannot and must not forsake the primate individuality that brought us to the threshold of civilization in the first place. . . .

This cannot help but be disturbing and unsettling to many, yet this trend of thought is not new by any means. Anthony Standen, in his provocative little book, "Science Is a Sacred Cow," quoted from Oliver Wendell Holmes that:

> Science is a good piece of furniture for a man to have in an upper chamber provided he has common sense on the ground floor.

Standen then goes on to demonstrate that common sense has often been lacking on the ground floor. He notes that in "Survey of Social Science," by Marion B. Smith, professor of sociology at Louisiana State University, neither term "freedom" nor "liberty" appears in the index. However, they are discussed in the text as a subsection under "Regulations."

He quotes from G. A. Lundberg's "Can Science Save Us?":

> It may be that through properly administered public opinion polls, professionalized public officials can give us all the efficiency now claimed by authoritarian centralized administrators and yet have the administration at all times subject to the dictates of a more delicate barometer of the people's will than is provided by all the *technologically obsolete paraphernalia of traditional democratic processes.* (Italic supplied.)

Standen cites the remarks of Otis W. Caldwell, late general secretary of the American Association for the Advancement of Science:

> What science may *do for* men is not enough. This must become subordinate to what science may *do to* men. (Underscoring in original.)

And Aldous Huxley:

> The most important Manhattan projects of the future will be vast government-sponsored inquiries into what the politicians and the participating scientists will call "the problem of happiness"—in other words, the problem of making people love their servitude.

I would like to comment briefly on the foolishness of putting too much reliance on government-sponsored inquiries such as Huxley mentioned. For some years now, going back into the fifties, I along with some of my colleagues on House Armed Services Committee have been deeply disturbed by the trend in our Defense Establishment to come to rely more and more on what I call a footnote mentality.

It seemed to me that practically every problem facing us in the defense sector had to be contracted out to some think tank to be researched and studied. To be sure, in the field of the physical sciences, this often made quite good sense and I am sure the money and time was well spent, when it came to matters of weapons performance and technical questions. But—and this became especially so in the early sixties—it seemed that the human factor was being ignored in all problems, that an attitude had developed in the Pentagon which felt everything could be reduced to a line on a graph, a dot on a chart, a symbol in an equation, signals on computer tape, or holes in punch cards. If you will, there was no room for, and no consideration given to, what for lack of a better term can be called a gut feeling.

What has been the result? Let us consider some other options. First, Corelli Barnett, in Horizon magazine, summer 1971:

> Since 1945, under the stimulus of the Cold War, an immense apparatus has been created in the United States to apply academic minds to the problems of war in international relations. Learned volumes and monographs, stuffed with impressive calculations and formulas, have poured forth. A new jargon has been invented to enhance the mystique of the authors and obscure their meaning. Mathematicians, lawyers, economists, sociologists—all have enthusiastically joined the Pentagon irregulars.
>
> However, the climax of more than twenty-five years of intense and nationwide intellectual study of war has unfortunately proved to be the American defeat in Vietnam. How much the academic think-merchants share in the responsibility for the mess cannot yet be known. . . .

But Colin S. Gray, in the fall 1971 issue of Foreign Policy, has no doubt at all as to responsibility:

> In 1961 the promise was high. The civilian strategists came to Washington to assume an influential role in a new administration. Yet in 1971 it is fair to say that their performance has not lived up to their promise. And that's putting it mildly. . . . If policy prescription may be described as the advocacy of 'viable solutions,' so scholarship should be viewed as the pursuit of truth. The civilian strategist has fallen between the two extremes. The 'think-tank' world as exemplified by the RAND Corporation, has been the middle group between academe and government. Yet because of its dual loyalty—to the needs of problem-oriented officials and to the disintersted or 'policy-neutral' standards of scholarship—it has tended to produce both irrelevant policy advice and poor scholarship. . . .

In passing, a good comment on the above situation—although written years before it became an issue—is found in Standen's book from which I have already quoted:

> The problem of war is something more subtle than any social scientist can understand. As a problem in human motives, there is certainly no easy cure for it. Men are not angels, and the only reason science has not found this out is that science knows nothing about angels. A deep piece of wisdom was uttered on the Senate floor, in the course of the debate on inclusion of the social sciences in the proposed National Science Foundation, by Senator Willis: "It is a question of keeping selfishness in restraint, that is all." Senator Willis understands the problem of government in all its simplicity and its tremendous difficulty. He is quite unlike any social scientist. That is why he is in the United States Senate and they are not. . . .

Incidentally, for the record, the above remark was by the late Senator Raymond Willis, of Indiana, and was made during debate in the Senate on July 1, 1946.

Congressional attention to these disquieting and disturbing trends is not new. The country owes much to the gentleman from New Jersey (Mr. GALLAGHER) for his work during the 7 years he headed the Special Subcommittee on

Invasion of Privacy of the Committee on Government Operations. He has been well aware that what is today's theory can easily become—without anyone really recognizing the fact—tomorrow's reality. Just how far—if to any distance at all—have some of these theories influenced policies and actions of the Federal Government? There are, unfortunately, some indications that such influence has already taken hold at certain levels.

I refer here to the "group sensitivity" sessions—or by whatever name they go under—carried on in some agencies—most notably HEW and Agriculture—with the intention of abolishing discrimination by eliminating racist thoughts in individuals. A November 1970 directive in the U.S. Public Health Service, written in that fine style of bureaucratic-academic jargon I call higher murkiness, put it this way:

All headquarters, regional, and field program managers and supervisors shall participate in intensive training and working conferences designed to develop the racial and cultural awareness and skills in applying EEO (equal employment opportunity) policies, goals, and practices to their own immediate circumstances. All designated staff shall have participated in such training programs by the end of the fiscal year.

Note "shall participate," "shall have participated." One of these sessions, held in February 1971 for supervisors in the Chicago HEW office, had these questions, in the form of partial sentences, which the participants, paired off and facing each other, had to complete:

"My weakest point is . . ." "I love . . ." "I believe in . . ." "I am most ashamed of . . ."

The whole issue has crystallized once again, following publication of Dr. B. F. Skinner's latest book "Beyond Freedom and Dignity." One sentence sums up the thesis of the book:

It is not difficult to demonstrate a connection between the unlimited right of the individual to pursue happiness and the catastrophes threatened by unchecked breeding, the unrestrained affluence that exhausts resources and pollutes the environment and the imminence of nuclear war.

In essence, man's behavior has to be reshaped. Since each of us are unique, shaped by our environment and nothing more, then the environment must be reshaped and controlled—our culture in which we develop—and society must structure a new environment which by carrot and stick will make us behave.

As has been pointed out, Communist China is the only instance in recorded human history where society—for this Red government—has tried to so condition behavior, reaching in China's case for strict and unvarying egalitarianism, by shifting the entire mental atmosphere. But there is a difference between Mao and Skinner; Mao believes in self-criticism and punishment, whereas Skinner would use genetic engineering and behavioral conditioning. His thesis calls for his followers—and he has many, as well as some very sharp and vocal critics—to take these theories into every last facet of life.

This idea of Skinner's is not new with him; some years back he wrote that:

As scientific explanation becomes more and more comprehensive, the contribution which may be claimed by the individual himself appears to approach zero. Man's vaunted creative powers, his achievements in art, science and morals, his capacity to choose and our right to hold him responsible for the choice—none of these is conspicuous in the new scientific self-portrait.

We have behavior-modification programs, impelled in part and in whole by Skinner's theories, and others, already at work in private therapy, in mental hospitals, in schools, and in business. No one says these ideas should be suppressed. Skinner's critics, I must point out, give him and his ideas more latitude and freedom than he would be willing to give the subjects of the ideas. But it is essential they be made known, and if anyone doubts this, then I would refer him to a remark by Kenneth Little, executive officer of the American Psychological Association:

All I hope is that the Executive and Congress take Fred Skinner's book seriously. Behavior shaping is here. If they dismiss Skinner's book, decisions will be made at a level beyond their control.

I do not know what Mr. Little means by his last sentence and I do not care to wait to find out. Quite frankly, what we are dealing with here is a not too subtle attempt to shift power and control over the citizens of the American Republic into a different set of hands. I do not imply there is a large-scale plot; I do not imply incipient subversion or anything of the sort. Someone else has an idea as to how he and his followers could do it better; that is not at all unusual in our history.

But it is utopian in concept; it is no accident, I think, that Dr. Thomas Molnar called the idea of utopia the perennial heresy, and it is appropriate at this time to quote him on would-be utopians and the logical extension of their theories:

. . . in the popular mind the utopian is regarded as an idealist who is dissatisfied with conditions in this Valley of Tears and wants to overcome the powers that be and to bring happiness to earth. Viewed in this light, the utopian is a poet, a prophet, a benefactor of the human race, the very salt of the earth.

The facts in the case are otherwise. At utopia's roots there is defiance of God, pride unlimited, a yearning for an enormous power and the assumption of divine attributes with a view to manipulating and shaping mankind's fate. The utopian is not content with pressing men into a mould of his own manufacture; he is not a mere despot, dictator or totalitarian leader holding all temporal and spiritual power. His real vice is, first, the desire to dismantle human individuality through the dissolution of individual conscience and consciousness, and then to replace these with the collectivity and coalesced consciousness. In a raving moment, so the story goes, Caligula wished that mankind had only one head, so that he might chop it off with one blow. So, too, the utopian; he wants to deal with one entity to as to simplify his own task of transforming human nature into a slave. . . ."

In a purely chronological sense we are only 12 years away from 1984, the date made famous by Orwell's chilling novel of a future world where individuals are under an iron control truly hideous to contemplate. But the theories of Dr. Skinner and the behaviorists cannot help but make me think that we are even closer. We ignore the potential danger in these things only at our peril. What the Federal Government does today—influenced in whole or in part by ideas radically at variance with the most basic concepts of our Judeo-Christian heritage—cannot help but to some degree shape the lives of each of us.

I earlier quoted Dr. Skinner on his ideas of what would be the new scientific self-portrait. Skinner, like all utopians, paints this portrait in the most glowing colors. For myself, I believe the description was quite accurately written, some years ago, by Orwell, in his "1984":

If you want a picture of the future, imagine a boot stamping on a human face—forever.

There are many things ahead of the American Republic, but dealing with our citizens as if they were a cage of white rats is not one of them.

Mr. MADDEN. Mr. Speaker, I yield 10 minutes to the gentleman from New York (Mr. CELLER).

Mr. CELLER. Mr. Speaker, I am opposed to this resolution. At the outset, I wish to state that the Committee on the Judiciary unanimously—and I emphasize the word "unanimously"—passed a resolution opposing this resolution offered by the gentleman from New Jersey (Mr. GALLAGHER) and other cosponsors.

Why? For the simple reason that the entire subject matter of the so-called Gallagher resolution is within the purview and jurisdiction of the Committee on the Judiciary, and the Committee on the Judiciary, through its various subcommittees, is at the very present time engaged in studying the various subject matters contained in the so-called Gallagher resolution.

House Resolution 164 would authorize a duplication of effort and an unnecessary expenditure of funds—and, by way of interpolation, another select committee was set up last year, and for the first session of this Congress the cost was $900,000. Now, do you want to spend another $900,000 when a standing committee can do the very same work? I do not think you want to enter into that kind of a tangle.

Now beyond that in the Organized Crime Act of 1970 Congress established the National Commission on Individual Rights. This Commission will deal with same subject matter as that deal with under the Gallagher bill. The National Commission on Individual Rights is composed of 15 members—four to be appointed by the Speaker of the House, four to be appointed by the President of the Senate and seven by the President of the United States.

Eight Members have already been appointed. They are:

In the House: Representative CELLER, Representative MIKV., Representative MCCULLOCH, and Representative SANDMAN.

In the Senate. Senator MCCLELLAN, Senator ERVIN, Senator GURNEY, and Senator ROTH.

The White House is now considering

its seven appointees to this important Commission.

The statute charges the Commission with the responsibility for conducting a comprehensive study and review of Federal laws and practices relating to special grand juries and to special offender sentencing, wiretapping, and electronic surveillance, bail reform, and preventive detention, no-knock search warrants, and the accumulation of data on individuals by Federal agencies as authorized by law or acquired by executive action.

The Commission is authorized to make interim reports as it deems advisable and shall make its final report to the President and the Congress within 6 years of its establishment.

Mr. Speaker, the Committee on the Judiciary processed the legislation establishing the Commission on Individual Rights and four of its members have been appointed to serve on the Commission. The Committee on the Judiciary is clearly involved.

The charge to the National Commission on Individual Rights is broad—it is empowered to consider all Federal laws and practices "which in its opinion may infringe upon the individual rights of the people of the United States." No one should minimize the significance of this Commission nor of the contribution it can make to privacy and personal liberty.

Mr. Speaker, the Committee on the Judiciary is proud of its achievements and trust it may be permitted to continue to fulfill its obligations.

Today the Committees on the Judiciary of both Houses have liaison with the work that this Commission on Individual Rights is to perform.

Now should we have another group, a third entity, the so-called Gallagher committee, to do the very same work that the Commission is authorized to do—to examine invasions of privacy by data processing and wiretapping, electronic eavesdropping and surveillance, all of which are embraced in the Gallagher resolution? These also are the subject matters within the jurisdiction of the Committee on the Judiciary.

I must, if I am a responsible chairman, protect the integrity of the Committee on the Judiciary. I am very proud of the members of my committee. They are all well-known lawyers with great expertise. They have fine reputations.

The Committee on the Judiciary has been the very citadel of civil rights—a fortress that protects the Nation in a great degree from the diminution of civil rights and the invasion of privacy.

Where have we been derelict that you must substitute for our work by the establishment of another committee?

Mr. Speaker, I defy anyone to say where we have been derelict.

Mr. ROSENTHAL. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield to the distinguished gentleman from New York.

Mr. ROSENTHAL. Would the distinguished gentleman from New York detail for us the activities of the Committee on the Judiciary, for example, in the last session of the Congress concerning the invasion of privacy?

Mr. CELLER. We have been engaged in those subjects that I have just mentioned.

Now with reference to the collection of criminal histories and data processing, currently the Committee on the Judiciary is actively involved in developing a variety of legislative programs intimately connected to questions involving the right of privacy.

For example, the committee staff has obtained a selected sample of actual arrest records used by law enforcement agencies. The staff is analyzing these records and is engaged in drafting a bill relating to the extremely troublesome problems generated by the compilation of such records and other data collected by law enforcement agencies.

Subcommittee No. 4 under the chairmanship of the distinguished gentleman from California (Mr. EDWARDS) plans in the near future to hold hearings on this subject—the abuses and evils resulting from the collection, accumulation, and dissemination of arrest records.

They will consider the so-called national data bank containing criminal histories to which reference is made in the pending resolution.

The Judiciary Committee also has pending before it legislation recommended by the administration which deals directly with the law enforcement administration's programs affecting police information.

In the Congress the Committee on the Judiciary has also established a Subcommittee on Civil Rights Oversight which has become extremely active in monitoring the policies of the executive branch in the civil rights area. If the avowed purpose of House Resolution 164 is to concern itself as stated on page 2 of the resolution with "civil rights," then I submit that the function of the select committee clearly overlaps and unnecessarily duplicates the oversight responsibilities of the Judiciary Committee.

So I say to the gentleman from New York that we are actually working on the very subject matters of this resolution.

Mr. GALLAGHER. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield to the distinguished gentleman from New Jersey.

Mr. GALLAGHER. There is not one word involved in this resolution about bugging, wiretapping, or surveillance. That is all within the purview of your committee, and I would hope that you would begin to do something about that. That is not within the scope of my resolution.

Mr. CELLER. I do not think the gentleman is familiar with the words of his resolution.

Mr. GALLAGHER. I am familiar with the words.

Mr. CELLER. I will read from page 2 of the resolution the following:

> Whereas Congress needs a committee ready and able to evaluate the effects of technology on the operations of Government, on the democratic institutions and processes basic to the United States, and on the basic human and civil rights of our citizens—

What do you call civil rights?

Mr. GALLAGHER. A civil right could be a right that is not affected by wiretapping, bugging, or surveillance. That is what I am talking about.

Mr. CELLER. But I know human nature, and you would expand that very phrase to embrace——

Mr. GALLAGHER. I would not get involved with the jurisdiction of the Committee on the Judiciary.

Mr. CELLER. I want to answer you. I know human nature, and human nature is resonant within your bosom. You would expand that to a fare-thee-well. You would cover the waterfront.

Mr. GALLAGHER. My bosom is full of concern, Mr. Speaker. I have been involved in this for 7 years and it is a bigger concern in the bosom of all Americans than the parochial concern of a possible overlapping of jurisdiction.

Mr. CELLER. Do not interrupt me, please.

Mr. GALLAGHER. You asked me a question.

Mr. CELLER. I am willing to yield to the gentleman in a parliamentary way, but I am now pointing out that I am sure you would expand those phrases to mean anything and everything involving civil rights, and who has the jurisdiction by virtue of the rules of this House concerning civil rights? Not a select committee, but the Committee on the Judiciary.

Mr. Speaker, there is no committee in the House of Representatives which is more cognizant of the importance of the right of privacy than the Committee on the Judiciary. I urge that our committee's jurisdiction not be dismembered and that House Resolution 164 be opposed.

Mr. POFF. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Virginia.

Mr POFF To underscore and reenforce what the distinguished chairman has just said, I suggest that there is a more likely field in the language of House Resolution 164 for venturing into investigations involving civil rights. That language begins on line 17 of page 2 and reads in part as follows:

> The committee shall also study the use of computers and other technical instruments in gathering and centralizing information on individuals—

That is clearly the field of investigation of civil rights.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. LATTA. Mr. Speaker, does the gentleman desire more time?

The SPEAKER. Does the gentleman from New York desire additional time?

Mr. CELLER. Yes, just 2 more minutes.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from New York.

Mr. CELLER. I just want to say to the gentleman from Virginia that there are a few other words that he might read beginning at line 17, page 2. I read now on line 19, as follows: "in gathering and centralizing information on individuals and the effect of such activity on the human and civil rights."

In other words, there is a repetition

of the references to civil rights. I cannot for the life of me see why the gentleman from New Jersey would be willing to confine himself in such a way as not to poach on the preserves of the Judiciary Committee in relation to civil rights. I therefore submit that it would be highly unfair to adopt this resolution. It would be equivalent to a blow on the escutcheon of the Judiciary Committee. I ask in the utmost good faith that you let us do our work untrammeled. We have justified, I think, the faith that you have in us, and we will, by the dry light of reason and with an understanding heart, conduct these inquiries that are demanded by the country generally and which are envisaged in this resolution now before us.

Mr. LATTA. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. McCULLOCH).

Mr. McCULLOCH. Mr. Speaker, I oppose House Resolution 164. I oppose House Resolution 164 not because I oppose an inquiry into the impact of computer technology on our lives but because I oppose the unnecessary proliferation of House committees and the encroachment upon the jurisdiction of a committee most vigilant in protecting the right of privacy.

The Committee on the Judiciary has been charged by this body with the duty of safeguarding civil liberties. In my opinion, the committee has done its duty, is doing its duty, and will continue to do its duty. There is no need for a new committee to study the impact of computers on the right of privacy. We members of the Committee on the Judiciary are well aware of the intricate and complex problems raised by technological advances. I have introduced a bill, H.R. 10789, cosponsored by all the other Republican members of Subcommittee No. 5, which would be a start at balancing our desire for progress with our desire for privacy. The chairman of the committee has also introduced a bill, H.R. 10892. And I understand that the chairman of Subcommittee No. 4 is working on legislation regarding the accuracy and security of arrest records.

Mr. Speaker, I am inclined to remind the Members of the House that this committee's jurisdiction over the right of privacy was reconfirmed several years ago when we first assigned the duty to explore the use of electronic systems.

The Congress works best when it uses the committee system and the committees work best when they divide the work and develop expertise. The success of the system depends upon our ability to resist the temptation to do somebody else's work so that we can capture a few headlines. Thus I urge the Members of this body to resist that temptation, preserve the committee system, and vote no on House Resolution 164.

Mr. LATTA. Mr. Speaker, I yield to the gentleman from Ohio (Mr. KEATING) such time as he may consume.

Mr. KEATING. Mr. Speaker, at this time I rise in opposition to the creation of this committee.

Mr. Speaker, I am strongly opposed to the Enactment of House Resolution 164, calling for the establishment of a Select Committee on Privacy, Human Values, and Democratic Institutions.

While sharing the concern of my colleagues for the protection of our privacy, I am also concerned with making the House an effective legislative body.

It is my belief that this proposed select committee, while intended to deal with legitimate issues, would only duplicate existing jurisdiction of the House Judiciary Committee.

The creation of this committee would necessitate the hiring of more staff, the expenditure of more money, and the allocation of additional resources to an area adequately covered at the present time.

It is my strong belief that it would be irresponsible for Congress to create a separate committee to deal with each issue affecting our Nation. If we were to adopt this policy across-the-board, we would witness the disintegration of the committee system into utter chaos.

Senator SAM ERVIN is now conducting extensive hearings on these very issues in the Senate Judiciary Committee. I have complete confidence the House Judiciary Committee will address itself to any urgently needed legislation in this area and hopefully will have its own hearing shortly. I am sympathetic to the stated purpose of this resolution.

Nevertheless we have an obligation to organize the committees of Congress in such a way as to operate in an effective manner, and in a manner responsive to the needs of our Nation. The bill presently before us, however, will not move us in that direction.

Mr. LATTA. Mr. Speaker, I yield 8 minutes to the gentleman from Virginia (Mr. POFF).

Mr. POFF. Mr. Speaker, I shall vote against House Joint Resolution 164.

I shall do so reluctantly. I am reluctant because I am fearful that a "nay" vote may be interpreted as a criticism of the purpose of the bill. Such an interpretation would be a misinterpretation. I favor the purpose of the bill.

Indeed, in company with several colleagues on the Committee on the Judiciary, I introduced H.R. 10789, a bill with a similar purpose. In part, the title of our bill is "to insure the security and privacy of criminal justice information systems." It is addressed to the same concern which prompts House Joint Resolution 164, namely, the impact of computer technology upon individual privacy. It regulates the accumulation, storage, retrieval and use of criminal offender record information and criminal intelligence and prescribes both criminal penalties and civil damages for violations.

To repeat, I share the concern which motivates the authors of House Joint Resolution 164. We need to master the machine before the machine masters us.

I am voting against House Joint Resolution 164 in order to register a vote for the committee system. Without the committee system, the legislative process would collapse. The sweep of congressional jurisdiction is so broad and the issues with which Congress deals are so complex that no single member can master every single item of legislation. Accordingly, the congressional workload is subdivided and compartmentalized. It is subdivided by jurisdictional subject matter and compartmentalized among the standing committees. Working within these compartments, committee members have tended to specialize in the subject matters assigned to their committee. Undistracted by extraneous matters, they have developed an expertise which equips them to make sound judgments. This subdivision of jurisdictional responsibility has improved the quality of the legislative product.

But the committee system itself will not work unless the rule of exclusivity of jurisdiction is rigidly enforced. Rule XI of the rules of the House of Representatives reads in pertinent part as follows:

> All proposed . . . matters relating to the subject listed under the standing committees named below shall be referred to such committees, respectively:
>
> 13. Committee on the Judiciary . . . (d) civil liberties.

As I said earlier, the principal concern of House Joint Resolution 164 is the impact of technology on civil liberties. The mandate of the committee it would create is found in the language on page 2 of the bill. That language cannot be construed except as a license to trespass upon the jurisdictional domain of the Committee on the Judiciary.

The issue is not whether the House has the power to grant that license. Clearly, the House has such a power. Indeed, the House has the power to abolish the Committee on the Judiciary if it chooses to do so.

Rather, the issue is whether it is wise for the House to exercise that power. Is it wise to bypass the standing Legislative Committee which was created to oversee and protect civil liberties? I submit that for the sake of the preservation of the committee system, it is unwise. I suggest that neither is it justified ever to bypass a standing committee except when that committee has failed to perform under its legislative mandate.

The Committee on the Judiciary has not failed in the past. It is not failing today. It will not fail tomorrow. Subcommittee No. 4 has already undertaken the drafting of legislation to protect the privacy of those with criminal arrest records. Although hearings have not been scheduled on H.R. 10789, I am confident that hearings will be held as soon as the extremely heavy workload of the committee permits. I fully expect that one of the subcommittees will act on this or similar legislation in this session.

The Committee on the Judiciary has not been derelict in its duties. It does not deserve a rebuke. House Joint Resolution 164 should be defeated.

It is not as though this were the first exposure that the Congress had to this subject. As has already been detailed by the distinguished gentleman from Ohio, the very next bill on the calendar will establish an office with essentially the same legislative mandate; namely, to advise the Congress concerning the impact of computer technology on individual privacy.

In 1970 this Congress passed the Organized Crime Control Act of 1970. Title XII of that act created a new commis-

sion to be called the National Commission on Individual Rights. The mandate of that commission is, and I quote from that act:

To conduct a comprehensive study and review of Federal laws . . . and the accumulation of data on individuals by Federal agencies as authorized by law or acquired by executive action.

That commission will operate with an open-end authorization. The new office which the Congress is about to consider will have an authorization of $5 million. The Committee on the Judiciary goes before the Committee on House Administration tomorrow to get its annual appropriation, and I suggest it is only fair, proper, and prudent to commit to the Committee on the Judiciary where it belongs the responsibility for legislative oversight of this delicate matter.

So, Mr. Speaker, I earnestly trust that the legislation will be rejected.

Mr. Speaker, I yield to the gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. Mr. Speaker, I rise in opposition to the resolution.

Mr. Speaker, during the first session of this Congress the Committee on Rules reported to the House a resolution, House Resolution 164, which would establish a Select Committee on Privacy, Human Values, and Democratic Institutions. The Committee on Rules recommended that this resolution be passed and the measure now awaits the action of the full House. It is my opinion that the creation of this select committee is quite unnecessary as it both duplicates and invades the jurisdiction of one of the standing committees of the House.

The Committee on the Judiciary, one of the oldest standing committees of this Chamber, is specifically empowered under the rules of the House to consider all legislation in the area of civil liberties introduced in this Chamber. While the intent in creating this select committee may be the desire to focus exclusive and exceptional attention on the problem which is its subject matter, we cannot so easily dismiss the established outstanding record of the Committee on the Judiciary in the area of civil liberties and, most recently, civil rights. Since 1965 it has been my privilege to serve on this committee and to observe and participate in its proceedings. I can, therefore, testify to both the dedication of my colleagues serving on this panel and their appreciation of the guarantees of the law regarding the rights of the citizenry.

Mr. Speaker, those of us who serve on this committee under the leadership of our distinguished chairman, the gentleman from New York (Mr. CELLER) are prepared to consider the issues and problems this select committee might discuss. I believe I can speak for my fellow committee members when I say that we have met our responsibilities in the past, we stand ready to meet this task now, and we are firm in our commitment to maintain our vigilance in the future when the rights and liberties of the people are threatened. While special and select committees may be created in some particular hour of need and later fade away, the standing committees of this Chamber are continuous in their dedication, resourcefulness, and concern with the problems facing this Nation.

Mr. Speaker, in the consideration of the organized crime bill at the last session of the Congress, a general prohibition against private wiretapping was included. The measure authorized limited electronic surveillance—with court approval—or—in cases of national security—with the approval of the Attorney General. Mr. Speaker, during this Congress the oversight Subcommittee of the House Judiciary Committee has investigated the exercise of civil rights with respect to voting, housing, education, and other subjects. I am privileged to serve on this subcommittee—which specializes in protection of basic civil rights. The staff of the House Committee on the Judiciary is professionally equipped for and fully capable of conducting the investigations relative to protecting rights of privacy which are threatened and jeopardized by modern technological and scientific equipment and practices.

Mr. Speaker, I urge the defeat of House Resolution 164.

The SPEAKER. The gentleman from Ohio has 7 minutes remaining, and the gentleman from Indiana has 10 minutes remaining.

Mr. MADDEN. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. ICHORD).

Mr. ICHORD. Mr. Speaker and Members of the House, I wholeheartedly subscribe to the principles and objectives set forth in House Resolution 164, but I am concerned about the thrust of the resolution into the area of intelligence gathering in the field of crime and subversion.

In this area I would say to the sponsor of the resolution I do not think that the problem lies in the amount of information compiled or whether or not computers are being used but, rather, as to who is gathering the information and how the information is being used. The recent donnybrook concerning intelligence gathering by the Army is a good example.

This is an area where we experience a large number of complaints concerning the invasion of individual privacy, but I say that intelligence gathering in this area is highly essential, if not indispensable, to the preservation of individual rights.

Police agencies, for example, must have good intelligence or individual rights will be violated. Indeed, most of the legitimate complaints in this area arise out of the fact that inadequate and insufficient intelligence work has been done. Mistakes will be made from time to time, but poor intelligence or the lack of any intelligence enhances the possibility of mistake.

So I would like to ask the gentleman if he intends his resolution to get into the area of the jurisdiction of the House Committee on Internal Security.

Mr. GALLAGHER. No, it does not. I think there is a definite jurisdictional question here, and I recognize it. What this select committee would like to get into is not criminal surveillance or surveillance of genuine subversives. We will take action that will protect the average good American citizen who is not a subversive, not a criminal, but who finds the Federal Government breathing down his neck, modifying his behavior, and turning over his future and the future of his children to an elite which has contempt for the Congress and a hatred of individualism and human values. We would try to prevent America moving "Beyond Freedom and Dignity."

Mr. MADDEN. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. SEIBERLING).

Mr. HUNGATE. Mr. Speaker, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from Missouri.

Mr. HUNGATE. Mr. Speaker, I thank the gentleman for yielding. I rise in opposition to the resolution.

Mr. SEIBERLING. Mr. Speaker, I rise in opposition to the proposed resolution. It not only invades the jurisdiction of the Judiciary Committee to the extent that it deals with the right of privacy, but it goes far beyond that. I will read what the resolution says, starting on line 9, page 2:

The committee is authorized and directed to conduct a full and complete investigation and study of the development and proliferation of technology in American society, including the role and effectiveness of computer technology in the operations of industry and Government—

It goes on to say:

and the effects of technology and machines on democratic institutions and processes.

This resolution goes way, way beyond the question of the right of privacy and would, in fact, overlap the jurisdiction of one of the other committees of which I am also a member, the Science and Astronautics Committee, which is coming up with a bill just after this resolution, which bill, among other things, will establish an Office of Technology Assessment to assist all committees of the House in getting information about the effects of technology on matters coming within their particular province. I will read from that bill. It reads as follows:

The present mechanisms of the Congress do not provide the Legislative branch with adequate, independent and timely information concerning the potential application or impact of such technology, particularly in those instances where the Federal Government may be called upon to consider support, management, or regulation of technological applications.

I share the concern of the gentleman from New Jersey about the impact of technology on the rights of citizens, including the right of privacy, but I believe that the Judiciary Committee can and will deal with that within its own particular area of expertise.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. ROSENTHAL).

Mr. ROSENTHAL. Mr. Speaker, I think these issues that we have been discussing this afternoon are quite simple and quite clear. To me, at least, it is abundantly clear that all of us are affected by governmental intrusion into our private lives. So, while we agree that something must be done, we then come up

to the difficult question of who should look into it.

My judgment is that through the years oversight has been our one weakness. Legislative committees have not had the momentum nor the initiative to do a good oversight job and as a result thereof new or select committees have to be established which cross jurisdictional lines and it is often the case that the jurisdiction of many committees are touched.

But, Mr. Speaker, it seems to me that the objections stated in the well by those members of the Judiciary Committee who are naturally loyal to my distinguished chairman, the gentleman from New York (Mr. CELLER), who objects earnestly and honestly—and I say this with some trepidation, those objections are rather picayune and parochial.

If you want the job done, let us get it done. Let us not continue to beat this dead horse of "jurisdiction." We all agree that we do not want an invasion of individual rights. But, the existing committees are surrounded by the moats of jurisdiction much as are castles. I believe there is an urgent need for this massive job to be performed by a select committee.

I am delighted that there are Members of Congress such as the gentleman from New Jersey (Mr. GALLAGHER) who are willing to accept the responsibility. I am dismayed that there are members who are still standing on the parochial view, "Please do not invade our jurisdiction."

I think we ought to rise above this kind of parochial view if we really want to do anything to prevent this intrusion into our private lives. Therefore, Mr. Speaker, we ought to support this resolution wholeheartedly.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. HEINZ).

Mr. HEINZ. Mr. Speaker, I rise to indicate my opposition to House Resolution 164, not just because I feel that it is duplicative of existing committee assignments and structure, but because I think it is time we took a critical look at our priorities and the resources available to deal with them. Mr. Speaker, the enactment of this unwise legislation not only would cause conflicts with existing committee jurisdictions, but also will clearly signal that we have turned our backs on our senior citizens as well, and at a time when have every reason to expect fair and equitable consideration of their special problems by the Congress.

I would like particularly to recall that in August of last year, when there was considerable justification to establish a select or special committee for the benefit of the 20 million older Americans in this country today, it was pointed out at the time that we did not have sufficient space resources here in the Congress to actually make the facilities available for such a committee.

I serve on the Committee on Government Operations, and on the Subcommittee on Special Investigations thereof, under the gentleman from Missouri (Mr. RANDALL) and the gentlewoman from New Jersey (Mrs. DWYER) that deals with the problems of the aged. I must say that I feel very strongly that the establishment of the committee proposed under the resolution now under debate would serve unkind and unfortunate notice that we care little if at all for the 20 million older Americans, many of whom have very real problems maintaining their very dignity as human beings.

I cannot justify the establishment of the select committee proposed by House Resolution 164 when I believe its creation would dilute and detract from the efforts of this Congress in other areas vital to the national interest.

Mr. Speaker, I want to make clear that I firmly believe that the invasion of privacy and the misuse of the power of modern information technology is a legitimate and serious problem that we must recognize as a treat to the basic principles of democracy.

There are far too many examples of individuals having been harassed, deprived of credit or the opportunity for gainful employment. This national concern has been properly recognized by many of us in Government. Only last June, a U.S. district court, in barring the distribution of arrest records by the FBI to nongovernment sources, pointed out the necessity of a national regulatory policy on credit reporting.

But I would respectfully point out that two existing committees, the Judiciary Committee and the Government Operations Committee, have potential and actual jurisdiction over this problem, and that I am convinced this problem can be dealt with by using existing committee resources and saving the taxpayer considerable additional expenditures by doing so. I am sure these committees and the specific subcommittees involved are capable of conducting the necessary oversight and investigatory activities so that effective monitoring can be a fact right now.

Frankly, I think we have here a case of mistaken and confused priorities to the detriment of the national interest, and I respectfully urge my colleagues to join me in opposing the measure known as House Resolution 164.

The SPEAKER. The gentleman from Ohio (Mr. LATTA) has 3 minutes remaining.

Mr. LATTA. Mr. Speaker, I reserve the balance of my time.

Mr. MADDEN. Mr. Speaker, I yield 6 minutes to the author of the resolution, the gentleman from New Jersey (Mr. GALLAGHER).

CALL OF THE HOUSE

Mr. ROSENTHAL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. TEAGUE of Texas. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 32]

Abourezk	Edwards, La.	Melcher
Alexander	Esch	Monagan
Ashbrook	Evins, Tenn.	Moorhead
Aspinall	Ford, William D.	O'Konski
Bell	Forsythe	Pelly
Biaggi	Galifianakis	Poage
Blatnik	Garmatz	Pryor, Ark.
Brown, Mich.	Giaimo	Quie
Brown, Ohio	Gibbons	Rees
Cabell	Griffin	Ruppe
Chisholm	Hansen, Wash.	Ruth
Clark	Hawkins	Satterfield
Clawson, Del	Helstoski	Scheuer
Clay	Hillis	Skubitz
Collins, Ill.	Kemp	Springer
Colmer	Koch	Stanton, J. William
Corman	Kuykendall	Steiger, Ariz.
Davis, Wis.	Landgrebe	Stubblefield
Dellums	Leggett	Thompson, N.J.
Diggs	Lennon	Vanik
Dorn	Macdonald, Mass.	Wiggins
Downing		Wyman
Dwyer		

The SPEAKER. On this rollcall 365 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

SELECT COMMITTEE ON PRIVACY, HUMAN VALUES, AND DEMOCRATIC INSTITUTIONS

The SPEAKER. The gentleman from New Jersey (Mr. GALLAGHER) is recognized for 6 minutes.

Mrs. SULLIVAN. Mr. Speaker, will the gentleman yield?

Mr. GALLAGHER. I yield to the distinguished gentlewomen from Missouri.

Mrs. SULLIVAN. Mr. Speaker. As I understand it, this proposed special committee would not have any legislative powers, and would not, therefore, take away any jurisdiction from the committee on which I serve—the House Committee on Banking and Currency.

I say this, because our committee had many days of hearings on the privacy of the individual in connection with the Fair Credit Reporting Act.

That act was the first Federal law ever written to regulate the heretofore anonymous and unsupervised credit reporting bureaus and has given consumers important new protections against false, malicious, erroneous, or incomplete credit reports.

Prior to the passage in October 1970, of title VI of Public Law 91-508 as a new title VI of the Consumer Credit Protection Act of 1968, untold numbers of Americans were denied credit, insurance, or employment because of adverse reports from credit bureaus, without knowing what information had been used against them, or where it had come from. They had absolutely no recourse. Now, they do have recourse.

The gentleman from New Jersey (Mr. GALLAGHER) was one of the strongest supporters of that legislation, which I call the "Good name" Protection Act, and was the first witness we heard on the legislation in the Subcommittee on Consumer Affairs during hearings in 1970. So I know how deeply concerned he is over the whole problem of invasion of privacy.

As long as the proposed special committee is intended to study the whole

problem of invasion of privacy from a variety of standpoints, rather than merely second-guess our work in the Banking and Currency Committee on the Fair Credit Reporting Act, I have no objection to the bill.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. GALLAGHER. Yes, I yield to the gentleman from Illinois.

Mr. YATES. Mr. Speaker, I support House Resolution 164. I believe it is essential that the House move promptly to investigate the impact of the computer on the privacy of the American citizen.

Today we have an opportunity to resume our inquiry into the fate of the individual in a highly technological society. From 1965 to March 1971, the Special Subcommittee on Privacy of the Government Operations Committee called our attention to a number of disturbing conditions:

In 1966 the subcommittee investigated the proposal to establish a national data center to centralize and computerize the records of the individual Federal agencies. The proposal had been made without sufficient consideration of its implications for private citizens. There was danger of consolidating individual dossiers, of incorporating inaccurate information, of misusing the information collected, and of breaching any safeguards of germaneness and legitimate need to know.

In 1968 the subcommittee looked into commercial credit bureau operations and found them amassing and trading not merely financial but even political and behavioral data on some 100 million citizens—information which might or might not be accurate, information which could result in loss of job or home, information which could be obtained by practically anyone. Wisely, the Congress responded by enacting the Fair Credit Reporting Act.

In 1970 the subcommittee disclosed Federal support for the use of amphetamines to modify the behavior of some 200,000 to 300,000 American schoolchildren. The drugs were intended to treat certain dubious learning disabilities in hyperactive children.

Finally, by giving notice to hold hearings, the subcommittee shot down a proposal under serious consideration in the administration in 1970 to test all children for personality disorders. The purpose was to attempt to predict delinquent behavior.

A year ago the subcommittee was terminated, not for lack of business but rather because the parent committee supposedly lacked jurisdiction. Having made a promising start, it is well that the work should be continued.

The Constitution established certain fundamental principles for the protection of individual privacy—for due process and free religious belief, against self-incrimination and unreasonable searches and seizures. But the Bill of Rights was written in a far simpler world.

Today few practical obstacles to invasion of privacy still exist. Advances in information technology, medicine, and behavioral science make it relatively easy to affect, for better or worse, the lives of millions of people with the best of intentions.

We are all aware that the computer has produced an information revolution. Never before has so much information about so many individuals been so accessible and easily disseminated. Generally speaking, this is a desirable development. It promises to increase our capacity to make intelligent, rational social policy choices.

In theory the computer is a superbly impersonal machine. It does not, by itself, pry into the private affairs of citizens nor make insidious discriminations among them. However, personal facts which are fed into computer information systems always involve evaluation in the process of selecting what to record, the language in which it is formulated, and the classification of these with other facts.

According to Prof. Alan Westin, author of "Privacy and Freedom," these evaluations become the significant facts about an individual, first in his dealings with large public and private bureaucracies, potentially his relations with his associates, and perhaps ultimately in his estimation of himself. The result can be to curb personal initiative, interfere with free expression and association, and make it impossible for people to escape from errors of their past.

The hearings of both the special Subcommittee on Privacy and the Senate Subcommittee on Constitutional Rights proved that apprehension about this prospect is well founded and demonstrated that adequate safeguards for the collection and use of personal information by Government and private concerns have yet to be written.

I urge support for this resolution.

Mr. SCHMITZ. Mr. Speaker, will the gentleman yield?

Mr. GALLAGHER. I yield to the gentleman from California.

Mr. SCHMITZ. Mr. Speaker, I rise in support of this resolution.

Mr. Speaker, the danger of a massive, Orwellian invasion of the privacy of the American people as a result of the explosive growth of our technological capabilities transcends all partisan and ideological lines. It ought to be of deep concern to every Member of this body. It is far too important an issue to be smothered in petty arguments over committee jurisdiction. It is so important that it ought to override even the great reluctance felt by those of us who are committed to fighting big government, to create any new committee for any purpose in view of the large numbers of committees already in existence in every part of the Federal Government and their general record of ineffectiveness or worse.

Establishing this Select Committee on Privacy, Human Value, and Democratic Institutions—I would have preferred the Americanism Institution—is like setting up a new branch of our Armed Forces. It could—and the past performance of Congressman GALLAGHER's Special Subcommittee on Privacy of the House Government Operations Committee has indicated that it would—stand in the front lines of the battle against tyranny. It would be a new committee to protect us from new committees of behavior controllers such as B. F. Skinner, who would use the new technology to destroy human freedom and dignity, as the title of his latest book unabashedly proclaims, programing our lives and even our thoughts along the lines they think are socially desirable.

In September of 1970 the gentleman from New Jersey (Mr. GALLAGHER) chaired the subcommittee which held hearings on the use of the widely abused drug amphetamine to modify the behavior of hundreds of thousands of young schoolchildren throughout the Nation who have no detectable physical or mental disease, but are merely a little more rambunctious in class than average. He brought before Congress and the Nation evidence of the tremendous pressures put on parents of lively little boys in public schools to give their consent to the administration of mind-deadening drugs to their children—pressures which, according to testimony presented to the committee, emanated from administrators and teachers who seem to have regarded the drugs as a shortcut to solving classroom disciplinary problems and from doctors who found wholesale prescription of amphetamine-containing pills such as Ritalin to be financially profitable.

As the gentleman from New Jersey has said:

> The use of behavior modification drugs on at least 250,000 grammar school children, as disclosed by the Privacy Inquiry's hearing in September 1970, only hints at the widespread biochemical manipulation of Americans in all walks of life. Psychosurgery or brain mutilation is now increasingly popular to control those who show only minor deviations from supposedly acceptable behavior. Genetic engineering is low gaining prestigious support as a means to assure American society a tranquil work force.

Yet despite these looming dangers, the special Subcommittee on Privacy has been dropped by the Government Operations Committee. Without the new committee this resolution would create, we have nothing to take its place, no committee willing and ready to undertake the task of investigating the latest startling disclosures in the field of behavior control, presented in the following article by nationally syndicated columnist Paul Scott, released January 5:

> WASHINGTON, January 5.—One of the best kept secrets in government today is the amount of federal funds being spent in the behavioral research field and the scope of these investigations.
>
> No one in Congress or the Executive Branch is willing or can tell you the government's full involvement. Not even the General Accounting Office, the congressional watchdog on government spending, claims to know.
>
> This is the amazing finding of Representative Cornelius E. Gallagher (D. N.J.), who is seeking a full-scale congressional investigation of government activities in this highly sensitive field.
>
> Gallagher's inquiry request, which the House will vote on when it convenes later this month, was triggered by the discovery that the National Institutes of Mental Health had granted $283,000 to Dr. B. F. Skinner, author of the controversial book "Beyond Freedom and Dignity".
>
> The highly questionable grant, running through 1974, was made by NIMH to free Skinner, Chairman of the Psychology Department at Harvard, from teaching and research repsonsibilities so that he could pursue "scholarly activities".
>
> These activities have consisted mainly of

his writing the controversial book and appearing all over the country on television and at symposiums to talk about and promote his idea of government controls over the way we think and live.

When Gallagher sought information about the Skinner grant and the scope and amount of government spending in the behavioral research field, the General Accounting Office reported back that the task was virtually impossible.

Agency officials stated that there were tens of thousands of behavioral research projects being financed by government agencies. A preliminary check turned up 70,000 grants and contracts at the Department of Health, Education and Welfare (HEW), and 10,000 within the Manpower Administration of the Labor Department.

Thousands of additional behavioral projects, costing millions of dollars, also are being financed by the Defense Department, National Aeronautics and Space Administration, and the Atomic Energy Commission, according to the General Accounting Office's survey.

While the main center of the government's behavioral research activities appears to be concentrated within HEW, now the biggest spender in government, so many other agencies and departments are involved that GAO officials claimed they had neither the money nor the manpower to make a meaningful investigation.

Tip of the iceberg—In circulating to House members these and other details of the government's deep involvement in this field, Representative Gallagher hopes to convince lawmakers of the need for an extensive inquiry to determine if there is any "grand design" to these activities.

It is Gallagher's contention that the Skinner grant is only the tip of the iceberg and that millions of dollars in federal grants are being spent in such a way that could bring about what is proposed in "Beyond Freedom and Dignity"—to alter modern life by conditioning the behavior of each citizen by positive or negative reinforcements.

Gallagher doesn't oppose Skinner's right to advocate his thought-controlling proposals as a member of his profession or a private citizen but he does question whether the government should subsidize them since "they threaten the future of our system of government by denigrating the American traditions of individualism, human dignity, and self-reliance."

The power of computerized information systems, coupled with mood creating or altering biochemical discoveries, provide an overwhelming new tool for those who, like Skinner, feel that social engineering is more important than individual freedom.

In Gallagher's opinion, these technical developments answer those who would dismiss Skinner's ideas as being impossible to implement and are the basic reasons why members of Congress should take the threat he represents very seriously.

Wide influence—Most disturbing to Gallagher is the great influence that Skinner has among psychiatrists in and out of government. The huge grant by the National Institutes of Mental Health clearly indicates his influence within the government.

In a recent Johns Hopkins University poll, psychology faculties and graduate students around the nation named Skinner as the most respected social scientist alive despite his thought controlling proposals. A Southern Methodist University poll found that he was the only living man among the 10 great minds in the history of psychology.

These simple facts, Gallagher says, reveals the need for Congress to take a long, hard look at the federal government's role in promoting Skinner and his "new man" concept that in many ways is like that proposed by Aldous Huxley in his novel "Brave New World".

Other lawmakers will be given a chance to show whether they agree with Gallagher when a proposal to create a Select Committee on Privacy, Human Values and Democratic Institutions, comes to the House floor this month.

Sponsored by Gallagher and Representative Frank Horton (R.N.Y.), the proposed investigating committee would undertake the inquiry to determine where the government's behavorial research is taking the nation.

Powerful forces within the American Psychiatric Association are already putting intense pressure on vacationing members of Congress to vote against the Gallagher-Horton inquiry. Apparently they are opposed to having the American people learn how their money is being spent to change their way of living. The shock might wake up the nation to the possibility that 1984 is much closer at hand than most of us ever dreamed.

Senator ERVIN of North Carolina, well known as a champion of the right to privacy, has said:

> There is a real need in the Congress for a committee which can devote its full attention to a study of privacy as a human value necessary to our society. In particular, I see a need for a continuing study of those elements of the new technology, the machines, devices, instruments, methods, and attitudes which bring many benefits to society but which also may sometimes be used to violate privacy and threaten the liberty of individuals.

The privacy destroyers by all indications are smoothly organized and well financed. We need to know a lot more about them, and can well afford the comparatively small cost and the minor jurisdictional problems involved in setting up the proposed new Select Committee on Privacy, Human Values, and Democratic Institutions, to find out what we need to know. House Resolution 164 deserves a strong vote of support by this House.

Mr. GALLAGHER. Mr. Speaker, I have but a few minutes to try and sum up what I think is going to be the significant issue of the seventies when the war is concluded. That is the preservation of human values and democratic institutions, and the expansion of meaningful guarantees of the Bill of Rights in our technology-dominated society.

Mr. Speaker, we have heard a great deal said about jurisdiction. Now we find that everyone has a bill by which they are going to protect privacy, but the fact of the matter is that none of these bills have passed, and while it may be true that the Committee on the Judiciary does have jurisdiction, I am not poaching on that jurisdiction. And the fact is the Committee on the Judiciary has done nothing about the privacy issue other than to its new invasions of privacy.

Mr. Speaker, I am deeply distressed by the opposition of the dean of the House—the distinguished chairman of the Judiciary Committee and civil libertarian of long standing, Mr. CELLER—to the creation of the Select Committee on Privacy, Human Values, and Democratic Institutions. I yield to no one on this floor in my high regard for the Congressman from New York for his outstanding service in defense of our constitutional rights and liberties. In truth I am more than a little shocked and surprised to find the distinguished chairman on the opposite side of the issue on this first clear-cut and all-important vote on privacy in the House.

I would like the House to know that I have met with Chairman CELLER, written to Chairman CELLER, offered compromise language to amend this resolution any way he wants it, indeed pleaded with Chairman CELLER so that we might not be on opposite sides on this issue. But as you can see without success.

I would like the House to know what I said to the distinguished dean. I reminded him of the fact that privacy is an issue of paramount importance both to the people of this country and to the House which represents them. A vote for the select committee is a vote to insure a constant continuing focus by this House upon potential invasions of privacy—whether intended or unwitting. With this focus we hope to achieve the kind of early warning system that will ring bells and flash lights as the right of our people to be let alone is threatened.

Once the select committee fulfills this function of alerting the House to such dangers it has done what it is supposed to do. From that moment it can and will step aside and let the various standing committees with their legislative jurisdiction take up the challenge.

That is what I told the chairman. And that is my understanding of how select committees are supposed to operate—on privacy or on any other issue, for that matter. In effect a select committee is a servant both of the House and its legislative committees. It provides constant and undivided attention to an area that Members feel is worthy of such attention and that does not fit neatly into the jurisdictional ambit of any particular legislative committee. And as the select committee does its job it feeds its results to the legislative committees with the appropriate jurisdiction so that they can consider and frame the appropriate legislative remedies.

I also reminded the distinguished chairman of the Judiciary Committee that this pattern of service to the legislative committees and subcommittees of the House was my method of approach during the 7 years that I headed the Government Operations Committee's Special Inquiry on Privacy. There are many chairmen of legislative committees and subcommittees here today who know the truth of this. For we have worked together—I for my part providing them with the information they needed to hold hearings and to pass legislation.

Mr. Speaker, let me single out several of these distinguished chairmen—all of whom, incidentally, are strong supporters of a vote to establish the Select Committee on Privacy.

I would mention first my pleasure in cooperating on abuses of the credit reporting industry with the gracious Congresswoman from Missouri—LEONOR SULLIVAN. I was able to spotlight some of the more flagrant abuses in hearings of March and May of 1968. Then Mrs. SULLIVAN took over with her Consumer Subcommittee of the House Banking and Currency Committee.

Another subcommittee chairman with whom I have worked to advance the

cause of privacy is Chairman NIX of the Subcommittee on Postal Facilities. Chairman NIX has already held two hearings—and plans another further along in this session—on the abuses of the junk mailers in their access to and use of computerized mailing lists.

And the distinguished Californian and subcommittee Chairman CHARLES WILSON and I have been able to join forces to attack privacy problems inherent in census taking. His Subcommittee on the Census has held fruitful hearings in this area.

I would like also to mention the services in the cause of privacy of two distinguished subcommittee chairmen of the Education and Labor Committee—EDITH GREEN and JOHN BRADEMAS. Both of these chairmen are alert to the dangers that lurk behind the so-called technology of behavior advocated by Harvard psychologist B. F. Skinner. The use of drugs to modify behavior and of psychosurgery to pacify those who have the misfortune to deviate slightly from whatever some expert or another considers as "normal behavior" are the sorts of monstrous invasions of citizens' bodies and brains that demand the attention of the Education and Labor Committee.

There are, of course, other chairmen of legislative committees and subcommittees and members of both who also have helped to fight the good fight for privacy. And I would like to take this opportunity to salute them and to pledge the unstinting support of the Privacy Select Committee to their future efforts in this regard.

What I am saying today—and what I said to the distinguished chairman of the Judiciary Committee—is that privacy is the business of the whole House and of its legislative committees. Privacy is so all-embracing a matter that it is as much the concern of the Education and Labor Committee in one context as it is of the Judiciary Committee in another.

I should underscore my strong conviction that the constitutional aspects of the invasion of privacy are of special importance and that they cry out for consideration by the Judiciary Committee of this House. Indeed, I have on many occasions, respectfully urged and even implored the distinguished chairman, MANNY CELLER, to hold hearings on the privacy issue. But he never has—and so the harsh fact is, that the record of service to privacy by the Judiciary Committee that would today claim exclusive legislative jurisdiction, superseding the legislative jurisdictions of other legislative committees in the privacy area, is a record of no accomplishment whatsoever.

By their performance the Post Office Committee or the Banking and Currency Committee, for example, have a far better claim to exclusive legislative jurisdiction over privacy. But these committees which have done important work in this area are making no such claim. Instead, as I have noted, they have done their bit to protect our citizens from threats to privacy within their legislative ambits and the chairmen I have cooperated with are unanimous in their support of a select committee.

In brief, what the distinguished chairman of the Judiciary Committee is urging, is patently inconsistent and absurd. He has done little work in the privacy area. He has not been willing to shoulder his important responsibility to safeguard the right of privacy from unconstitutional attack. Yet he would claim exclusive legislative jurisdiction for his committee and opposes the establishment of a Select Committee on Privacy. Conversely, those chairmen who have fulfilled their legislative responsibilities in the privacy field, are strongly in favor of the establishment of this select committee.

What I am respectfully suggesting is that the distinguished chairman of the Judiciary Committee—rather than opposing the establishment of this select committee—should welcome the sort of help the select committee could—and I assure you—would give the Judiciary Committee in fulfilling its important responsibilities in the privacy area. I know that I would welcome the opportunity to be of service to the dean of the House—a man for whom I have the most profound respect and regard—in highlighting issues for his committee's consideration.

In another sense, Mr. Speaker, I welcome the oppositon of Chairman CELLER to the establishment of the Select Committee on Privacy—paradoxical though this may appear. For 7 years I have held hearings, testified at hearings of other committees, prodded administration experts, given speeches, written articles, done everything I knew how to do and was capable of doing, in sometime lonely service to the ideal of privacy, as I understand it.

It is an ideal that on reflection should commend itself to all of us. We are citizens of a giant industrialized nation. We are responsible as citizens, to uphold the laws and accept the administrative rulings and judicial opinions of Federal, State, and local governments. We see around us the continuing spiral of bigness—of big government, and big business, big labor and big agriculture, big welfare, and big educational systems and institutions. So much bigness—and with this bigness comes the power to impinge on the right of a person to a certain quantum of solace, a right to be left alone, to keep some of his thoughts for himself and his wife and his friends, to perhaps make a mistake and not have it haunt him for the rest of his life, a right to redemption, if you will, a chance to say indiscreet, wrongheaded, stupid things, in effect to think out loud, the right to have decisions that directly affect him, made by persons alert to the invisible, but all-important boundaries behind which we maintain our composure and even our very sanity at times—not by indifferent technocrats or machines. I could go on, but this is some of what privacy means to me.

I said before, that paradoxically I welcomed in one sense, the opposition of Chairman CELLER to the establishment of the Select Committee on Privacy. What the chairman may be signaling is that privacy is indeed of crucial importance to us all. After all, if the dean wants to take over an area for himself, it presumably is worthy of concerted House attention.

Privacy is certainly worthy of such attention. But, as I have urged, the way to go about equipping this House to fulfill this key responsibility is through a select committee that will serve the legislative committees as a scout serves the main body of his battalion. All I propose, is that the select committee fulfill this early warning service so that the House and its legislative committees can take up the major responsibility for repelling threats to privacy. Which I hope and feel confident that you will.

I have heard criticism that this committee is going to get involved in investigations of wiretapping, electronic surveillance, and bugging—we will do nothing of that sort.

We will not invade the jurisdiction of the Judiciary Committee and we will leave the record of the House exactly as that committee has made it—no inquiry, no investigation, and no concern. Asserting jurisdiction seems to mean guaranteeing inaction—we would not change that.

I heard the gentleman say that this is a question of civil rights. It is a question of human values far beyond civil rights. The civil rights aspect of this can remain with the gentleman from New York, and I must say he has done a splendid job in that area.

Is it not a human value and a civil right when a 17-year-old girl, seeks a nonsensitive clerical job with the Federal Government, and has to submit herself to all kinds of sexual innuendoes from a 21-year-old polygraph operator during a lie-detector examination.

I chaired the Privacy Subcommittee in the Committee on Government Operations 7 full years and never once did I hear an objection from any committee that we poached on their jurisdiction and, as I mentioned earlier, the subcommittee chairmen who followed up in the legislative area on issues I investigated all support the Select Committee. They are the knowledgeable Members of the House about the area and they support action now.

Mr. Speaker, several Members have spoken in the most glowing terms of what they regard as a major achievement of Judiciary—the Commission on Individual Rights. This was tacked onto the Organized Crime Act, in my judgment, as an attempt to distract attention from the antipoverty thrust of that bill and perhaps to salve the conscience of some of our Members. During debate on the act, I called the commission "a pale placebo" and "a puny palliative." I hope it really will do some kind of a genuine job, but I suspect my remarks of October 7, 1970, will be proven more accurate than the allegations today that it was a great achievement in the privacy area. The commission is not yet appointed but the "no knock" provisions and preventive detention and preemptive surveillance as well as other constitutional mutations are very much part of the law of the land. So you see the priority privacy has.

But let me now talk about a subcommittee which received but $75,000 in its 7 years of existence and which was declared outside its parent committee's jurisdiction in March 1971. I think two brief examples will suffice to show why

the Select Committee on Privacy, Human Values, and Democratic Institutions must be established to continue the work of our Privacy Subcommittee.

THE NATIONAL DATA BANK

There would today be a formal National Data Bank, with the records of every American's contact with the Federal Government in a centralized, computerized system, if the Privacy Subcommittee had not taken action in 1966. Not only did we hold public hearings and give the bureaucratic proposal public visibility, but I personally went to President Johnson and informed him that his statistician's were preparing to create a "big brother" system which could smother the civil liberties of our society.

Now, much has been said about President Johnson, but in the area of civil rights and personal freedom, no American President was more concerned or more aware. When I informed him what officials of his own administration were up to, he responded in his typical style with words which would not be suitable for either a family newspaper or the floor of the House.

He ordered Budget Bureau Director Charles Schultze and his Assistant Charles Zwick to be in my office the next day and the result was a 1968 letter which is suitable for the CONGRESSIONAL RECORD. One paragraph from Mr. Zwick will suffice:

> In our study of the data center idea, we are proceeding along the lines we discussed when Director Schultze and I met with you over a year ago; that is, we will prepare a specific, concrete plan which could be exposed to the critical review of a group representing the broad variety of interests in the matter. Only after that would we consider that we have a proposal for appropriate consideration by the Congress. In view of the priorities which we must give within the total program of the Bureau, it is doubtful if we will reach this latter stage in time to make a formal presentation to this Congress.

The formal idea for the National Data Bank was killed at that time and without a concerned congressional committee, ready to take prompt action, such a plan could have gone forward because no congressional approval was required. The statisticians were ready to go ahead until I brought their idea to President Johnson. Now, there is no similar committee in the Congress.

THE HUTSCHNECKER PROPOSAL

In March of 1970 I learned, in my capacity as chairman of the privacy inquiry, that there was under consideration at the very highest levels of our Government, a proposal to give every American child a predictive psychological test to determine his potential criminality. The plan, by Dr. Arnold Hutschnecker, proposed to take those children who flunked the test and send them to rehabilitation camps. I branded those camps "American Dachaus" and immediately launched a full scale investigation with my privacy inquiry.

The plan was studied within the Department of Health, Education, and Welfare for almost 3 months. It was only after I had announced my intention to hold public hearings on the issue that the plan was abandoned.

Here is a stark and dramatic example of the necessity for the House to equip itself with a formal body which can move in a timely and effective manner. Without the fact that I was chairman of a formal group within the Committee on Government Operations, this absolutely absurd plan might have been implemented. There is now no group to confront the proponents of similar suggestions with the kind of searching inquiry I was prepared to confront Dr. Hutschnecker and the responsible officials in HEW with.

Tomorrow's headlines, I feel confident, will reveal similar absurdities and we desperately need a group able to move immediately. The select committee would be the only group so constituted.

Mr. Speaker, let me now describe three pilot projects which are going forward now which contain potential for disaster for American freedom.

MONITORING OF PAROLEES

There are now pilot projects in which parolees are released, but first, they are affixed with an electronic device under their skin which is tied into a central computer. This device constantly monitors the location of the individual and a potential extension employing existing technloogy, could activate the device to allow monitoring of the parolees conversations. Certainly, given the current state of our corrections institutions, such a release of prisoners may well be in the public interest.

But again, who is asking the questions about future applications of this technology? Since modern science makes science fiction seem naive, what of this application? As a means for a future loyalty test, it could be required that all good Americans be implanted with this device. A national data bank could then be fed information on their associates, working conditions, and intimate conversations.

Since privacy concerns are met now with the question "why be concerned if you have nothing to hide?" who could resist such a proposal? This, of course, would turn Americans into nonpersons who, in a very real sense, would be wards of the State. The right questions must be asked now by public men of the proponents of these schemes because it is the future of American freedom that can be eliminated by these devices now being used on parolees.

MOE, THE ENSLAVED ELK

Moe the Elk was a pilot project in Yellowstone National Park. He was affixed with an electronic sending device which was connected with the orbiting satellite, Nimbus. Nimbus sent information on Moe's movements to scientists' computers over 2,000 miles away and every action of Moe and the other Elks which have followed in Moe's monitored footsteps, is known to people.

Now, to preserve the Elk population, this plan has considerable merit. But what of its application to the human population? We should always recall that we sent monkeys into space before we entrusted a human life to the rocket's nosecone, so who can say that this pilot project for animals will not be used to ground individual human freedom.

Moe may be nimble, but he can not beat Nimbus and we may now be free men but can we stay free if a Nimbus hovers over our future?

ORBIS III

Many State highway departments around the Nation are installing Orbis III. This system contains a sophisticated camera which can penetrate tinted glass or dark glasses worn by the car's occupants. It is tied in to computerized vehicle registration lists and produces automatic ticketing of speeders. A report is sent containing the picture of the occupants, the license plate number, the time, the weather conditions, the speed of the vehicle.

Now this is undoubtedly valuable to find speeders, but it is a singular example of the new surveillance technology. Its future applications may very well be to be put in the driveway of anyone ever suspected of a crime to automatically tell when he leaves his home. Similar technology is being used to monitor on a 24-hour-a-day basis downtown street locations in towns.

This represents a total surveillance society which is within the capabilities of our technology today. Unless questions are asked and future applications are evaluated, we all will be under the camera's eye and in the computer. What kind of freedom will Americans have then?

The system probably does have valuable applications but if it is blindly installed everywhere, will not the people tear it down and thus destroy its useful work? The use of Orbis III and similar systems is a matter for all society to consider and only a group like the select committee would be able to ask the right questions.

RESEARCH GRANTS

Mr. Speaker, I will now discuss what the Federal Government is funding, and how a select committee could help restore some prestige to the House.

Many people regard the Congress as merely the manure which fertilizes the magic seeds of bureaucratic growth. And many of the grants the money we authorize and appropriate allows to sprout, creates a giant king on the top of the beanstalk who "smells the blood of a Congressman." By that I mean that most of these grants are used by people who have no respect for the democratic system of government and they create fancy theories proving that all public men are dumb, irrelevant, corrupt, and unworthy to serve in the positions their constituents have elected them to.

The select committee could chop down a few of those beanstalks or at the very least, prune off some of the deadwood.

We need a group who can speak to the experts in their own terms and which can make them respond to searching inquiry in exactly the same way we have to respond to questions.

THE TECHNOLOGY OF BEHAVIOR

The most important part of the technology of behavior is a choice by a superior person as to what is good behavior. The leading man in this field is Harvard Prof. B. F. Skinner who expressed in the title of his book what parts of human life are not to be involved in the choice of good behavior. He called his book, "Be-

yond Freedom and Dignity," and he received $283,000 from the National Institute of Mental Health. So we see that those of us who believe in freedom and dignity are to have no chance to participate in the choice—the choice will be made by an elite who have contempt for individualism.

Once the decision as to what constitutes good behavior is made, there are powerful tools to be used by the elite to impose their view on the rest of us.

First would be the computer. If you know everything about a man, you can devise exactly the right approach to convince him that loyalty demands exactly what the State wants and what the computer discloses can be manipulated personally in that man.

Second are drugs. My Privacy Subcommittee disclosed that 250,000 grammar school children are being fed "speed" to change their behavior in the schoolroom. This in spite of the fact that everyone knows bright children are bored in most classrooms. Other drugs have been developed to change the moods and alter the ideas of people at every age. We truly are a "drug culture," but the important part as I see it are the drugs taken legally, which are just as disastrous in this context as is the incredible problem of drug abuse in the rest of society.

Third is psychosurgery. These brain mutilation operations are now being used on troublesome grammar school children and on others, mostly women and old people who deviate from what is allegedly "normal" behavior.

Shocking—yes, but it is happening and no one is doing a thing about it.

SYSTEMS ANALYSIS

Highly skilled and highly verbal research groups exist all around the Nation in what are called think tanks. These individuals employ a computer oriented method known as systems analysis and its popularity is best expressed in the cliche "Let us put the technology that got us to the moon to work solving problems here on earth."

Well, that is quite probably extremely simplistic. The goals of the diverse and independent groups that make up our society are not as easy to see as is the moon and human emotions cannot be reduced to machine readable form as easily as mathematical formulas. The language of the systems analyst is confusing to the ordinary citizen and he feels excluded from the decisionmaking process. Because the means to reach a goal are established so far in advance, he never really has the opportunity to know what his leaders plan for him until the idea is practically ready for action.

Systems analysts are frequently a member of Government on one project, member of a private team soliciting the contract on another, and an independent contractor after another bid. This easy ability of these influential men to desert a project when the time comes for the people to find out about it leaves we public men in a vulnerable exposed position and, of course, the contacts made in his work do suggest some conflict of interest.

No one can withhold information from the systems analysis computer on such fragile grounds as personal privacy, because the public good is alleged to be so overwhelming. Here we have machines dictating human behavior and forcing a denial of freedom. The Congress needs a committee to approach this new decision-assisting science from the angle of privacy and only a select committee could perform such a function. If the Ellsberg Papers proved one thing it is that public men cannot abandon their responsibility to the mystique of systems analysis.

PARTICIPATORY AND ANTICIPATORY DEMOCRACY

Mr. Speaker, we know nothing of these kinds of plans in the House, and we do not have a mandated structure which can consider them.

I think the establishment of the select committee would give us a very real chance to once again practice participatory democracy. We find decisions being made at a level over our heads here in the House, and those decisions are accompanied by a new vocabulary which we just do not speak. The select committee would have the necessary sophistication, I trust, to speak to the experts on their own terms.

But even more important than participatory democracy would be what Alvin Toffler referred to in his best selling book as "anticipatory democracy." That is, the instruments of Government would be sufficiently knowledgeable about the rate and the substance of technological change to have some ability to anticipate the effects on human values and democratic institutions. The select committee could investigate in depth the rationale behind giving drugs to grammar school children, for example, and bring forward to the public and to the decisionmakers downtown much evidence suggesting this therapy is both harmful to the child and to society. The therapy is predicted to "zoom" and it will "zoom" at a level beyond our understanding.

If we think we are in trouble now controlling the activities of the executive branch, think of how difficult it will be when the new decisionmaking—long range and machine dominated—fully takes over. The select committee would enable us to play a participatory role now and would allow us to anticipate what our role will be in the future.

NATIONAL DATA BANK OF CREDIT INFORMATION

Another crucial area, again totally outside the jurisdiction of the Committee on the Judiciary, is the credit investigating industry. At least 150 million people are now on file in the National Data Bank of Credit Information. While their rights are somewhat protected by the Fair Credit Act, it is now obvious that much more needs to be done and done soon.

I held the first congressional hearings on this industry and during our hearings we learned that anyone's record in the computerized credit systems can be retrieved anywhere in the Nation in 2 minutes. Our colleague Mr. ROSENTHAL volunteered himself and the machine produced his record.

Retail Credit Co., the subject of our hearing in May, would not allow insurance companies who turned down applicants to even tell the individual who provided the bad information. Retail credit deleted that clause from their basic contract after we spent the whole hearings hammering away at it, but Retail Credit is now expanding at an incredible rate. They alone now have nearly 100 million citizens in their data bank. The Federal Trade Commission is investigating as well as private groups like the Nader's Raiders, and individuals are suing. But we have no positive assurances that the House, which started the concern over these organizations, will continue its focus. Of course, the select committee will check carefully any jurisdictional problems with bank and currency, but I do think more needs to be done to assure each American his right to deserved credit, employment, or insurance which can be dicated by these organizations.

WHAT THE SELECT COMMITTEE WOULD DO

Mr. Speaker, nothing is now being done in the following six areas which demand attention—the people insist that their Representatives take action. And the select committee would be the only group which could give them action.

First. Lay out fully on the public record the state of privacy.

Second. Understand the new threats to privacy posed by the computer. This means not only the public and private agencies which apply the computer to their records but also certain new steps which can be taken by the computer recordkeeping. The speed of the computer and its capacity to absorb so much information permits "inferential relational retrieval" which can relate any action to any other action. This permits guilt by association on a hitherto unimagined scale. Other technical developments pose similar threats to freedom and perhaps almost as important to the anticipated and necessary growth of the computer industry itself.

Third. Private data banks, many untouched by the Fair Credit Act, which have information on voting habits, lifestyles, alleged deviations from some kind of norm, and others which can only be described as "hearsay machines."

Fourth. Dozens of scientific inventions are being used which permit the monitoring, control and observation of Americans. The select committee would disclose the nature of these devices, both good and potentially bad.

Fifth. The technology of behavior, like drugs to grammar school children, is not being considered since the abolishment of the privacy subcommittee. We would continue to assert humanist concern in a world increasingly relying on biochemical manipulation. The proponents would know they would have to answer the same kind of searching questions public men must answer.

Sixth. A full investigation of the funding of the Federal Government for Behavior Modification and Human Manipulation. No one now knows how much of this is going on and useful research is hurt by the random nature of the current disclosures.

THE WONDERS OF TECHNOLOGY

Perhaps most people are unaware of the kinds of devices mentioned in example 4 above. Let me list six.

First. A miniature satellite can fly as

high as 20 stories, photograph all documents through an office window, hear every sound in the room, and send the information to an observer up to 30 miles away.

Second. A single reel of plastic computer tape 20 feet long can contain the complete life history of every man, woman and child in the country. A 5-page dossier can be found within 10 minutes, according to current technological applications.

Third. The infinity transmitter is inserted into a telephone and is activated by the caller blowing a whistle before the phone rings. The telephone then acts as a receiver, disclosing every sound in the room to anyone who is listening on any phone which allows direct dialing.

Fourth. In 1970 Sylvania announced a 25-pound TV camera which can be activated by light levels below those required for human sight.

Fifth. An organization required employees to take lie detectors every 2 weeks. A lady flunked hers because her son had died between tests, yet millions of employees must regularly undergo these indignities.

Sixth. About $300,000 in Federal funds used to determine which young men have the XYY chromosome, supposedly a trigger to antisocial behavior. During the test phase the information was not withheld from the Criminal Justice System and no consent forms were employed before privacy subcommittee raised concern. Now, the XYY has been shown to be totally inaccurate as a predictor of violence and dozens of young men have been unfairly branded.

And, Mr. Speaker, the New York Post of February 7 discussed another example of the new technology. I insert the article at this point in the RECORD. Should there not be some group in the House which would make it its business to disclose the harmful aspects of this kind of thing? If the Committee on the Judiciary will do it, splendid, and the select committee would gracefully withdraw from bringing this information to the concerned legislative committee. But if not, and the record seems to speak against the possibility of such purely informative investigative hearings, then the select committee which would not have legislative jurisdiction or oversight of particular Federal agencies, could perform what I would regard as a vital function.

The article from the New York Post follows:

TWO-WAY TV VULNERABLE TO WIRETAPS

(By Margaret Gentry)

WASHINGTON (AP).—Spies armed with sophisticated listening devices could tap your television set if it is hooked to a special kind of cable now being developed.

Without your knowledge, they could listen to and record the programs you watch, your transactions with department stores and banks, even your living room conversations.

This new dimension in electronic eavesdropping would become possible with installation of two-way cable television, a development now being tested in some communities and likely to come into limited use within five years.

Expansion to a two-way system would require equipping the home TV set with a transmission terminal.

With two-way cables, TV specialists say, department store and banking transactions could be conducted by television, pollsters could question citizens via the tube, and water and electric meters could be read that way.

Henry Geller, special assistant to FCC Chairman Dean Burch, said two-way cable systems are now in a rudimentary stage. He agreed that they could be tapped but said that "nobody would dream of doing it."

The American Civil Liberties Union isn't so sure, however. Jerrole N. Oppenheim, staff counsel of the Illinois ACLU, wrote in a recent issue of the national organization's newsletter that cable TV "could be a serious threat to personal privacy," and he added: "Cable-tapping is no less of a threat than wiretapping. Imagine a TV camera in your home controlled by the FBI."

ACLU associate director Alan Reitman of New York commented: "The information being recorded by wire might be of interest to some third party. If there's a wire, it's possible to tap it."

Bob Stengel, a staff assistant with the National Cable Television Association, agreed that taps would be possible. He predicted a limited use of two-way systems within five years and widespread use after the cost of home terminals is reduced.

Stengel said virtually all one-way cable systems now being installed are being wired in such a way that the two-way capability could easily be added later.

CONCLUSION

Mr. Speaker, I have just laid out for the record a list of problems which are not being addressed in a concentrated, major effort by any current committee and which the Select Committee on Privacy, Human Values, and Democratic Institutions would be able to take the kind of prompt action which is often the difference between a bureaucrat's dream and a citizen's nightmare. I think these examples stated above show what privacy is, what human values are, and why democratic institutions are in grave peril. Let me conclude my remarks today with a brief discussion of the concept of privacy and what its abandonment would mean.

One of the most distressing things I see in our Nation is that today's generation of young people fight just as hard to stay out of society as our generation fought to get in. They do this, I believe, because they recognize we are rapidly becoming a one-chance society—a society in which a single misstep or youthful stupidity will haunt them for the remainder of their lives. We formerly held out a beacon to the oppressed peoples of the world as the Nation of the second-chance—the full implementation of "the technology of behavior" will make this a society in which anyone who wishes to adopt a slightly different life style will have no chance at all. This would definitely have happened to any child who had the XYY chromosome unless the privacy inquiry could move promptly, and it might well have happened to millions of children if we had not scuttled the absurd Hutschnecker proposal.

Using all of the devices and attitudes—there are hundreds of others—I have mentioned, and finding a Congress so unwilling to consider the hard questions they create, we run the grave risk of moving into postconstitutional America. I believe that the Age of Aquarius may well become the Age of Aquariums, in which all our lives are lived in a fishbowl. I personally would have been delighted to have received major support from the Committee on Government Operations to continue and expand my work there—instead, it declared the Privacy Subcommittee outside its jurisdiction. I would never have brought to the floor of the House a proposal for a select committee if Government Operation had shared my vision of privacy. And I quite probably never would have come to a time for an up or down vote on the issue of privacy if our Committee on the Judiciary had shown the kind of wide-ranging interest and indepth attention the problem demands.

Unfortunately, Mr. Speaker, this world falls far short of the best of all possible worlds and so I now must implore my colleagues to create a select committee which could at least study the problems and at least give us the kind of expertise to ask the proponents of these many programs searching and meaningful questions. It could also demonstrate to our constituents that each of us is as concerned over privacy as they are. But most important, Mr. Speaker, the Select Committee on Privacy, Human Values and Democratic Institutions could allow law-abiding Americans the right to live their lives in their own way, free from overt or subtle coercion, and to have the right to pursue happiness in their own manner.

Earlier in the debate, I had a discussion with Mr. ICHORD about gathering intelligence on subversives and I said the select committee would not engage in any actions which would hinder the legitimate collection of necessary information. But we too would gather information on subversives—on those who propose to change American traditions and values in pursuit of efficiency and economy or for other less worthwhile purposes. We would permit the Nation's lawmakers to know for the first time what the technocratic elite plans for our future.

If this select committee is voted down, we are really saying that we do not want to know, that we prefer the safe jurisdictional road to the dangerous road of true understanding. Privacy is just too important to be buried in petty squabbles and, should we not vote for creating this new group, we may very well see the death of freedom in our land. There was a very fine book written about my computer/privacy hearings called "The Death of Privacy." Today, we decide whether to breathe some life back into the corpse or to shovel dirt over the coffin. The choice is ours, Mr. Speaker, and I pray we make the right one. Congress cannot slumber like Sleeping Beauty only to be awakened by the gentle kiss of a Prince Charming. If we remain on our present course the awakening will be by Big Brother who will shock the Congress out of its slumber and its relevancy long before 1984. The awakening will be gentle to neither Congress nor the people we represent. They cry out for action now before it is too late.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. CELLER).

Mr. CELLER. Mr. Speaker, the gentleman from New Jersey asked what is the Committee on the Judiciary doing about

it and what will the Committee on the Judiciary do about it.

Well, if he examines the records of the Committee on the Judiciary, he will find ample evidence that we have been working most assiduously on the very subject matter of his resolution. He reminds me of a man looking through a telescope with a blind eye—he just cannot see. If he would come to the office of the Committee on the Judiciary——

Mr. GALLAGHER. Mr. Speaker, will the gentleman yield? The gentleman cannot hear.

Mr. CELLER. If the gentleman would come to the office of the Committee on the Judiciary, we would be very happy to open the books and show him exactly what we have done on almost every one of the subject matters contained in his resolution.

He makes much of the data bank and the national data banks and how modern methods are interfering with private rights. That is a matter that has been engaging our attention for quite some time. As I mentioned before in my main statement, one of our subcommittees headed by the distinguished gentleman from California (Mr. EDWARDS) is at this very moment working on this matter with the committee and with the staff. They are amassing a great deal of material preparatory to offering a bill.

What I say with reference to the data bank refers to computerization and its relation vis-a-vis private rights. We are working on that.

Now if the gentleman from New Jersey knew of these facts I am sure he would not come into the well of House and say that nothing has been done. I hope you gentlemen and ladies will have confidence in the Committee on the Judiciary. We have worked very hard and laboriously on these matters over the years and we will continue to do so. We are not resting on our laurels. We have adopted many civil rights acts which clearly indicates the intentions of the Committee on the Judiciary to protect civil rights and human rights and we will continue on that course.

Therefore, I hope that the resolution will be voted down.

Mr. LATTA. Mr. Speaker, I would just like to say to the Members, if they feel that the Committee on the Judiciary has not done a job in the area of civil liberties, if the Crime Control Act of 1970 which establishes the National Organization of Individual Rights will not do a job, and if you think the bill we are going to take up next, H.R. 10243, which would authorize the establishment of an Office of Technology Assessment for the Congress cannot do the job—then you should support this resolution.

If the Members think they can do the job, which needs to be done in this area, then Members should oppose this resolution as being unnecessary and a costly duplication of work already authorized.

Mr. CRANE. Mr. Speaker, in considering the question of whether or not the House should create a Select Committee on Privacy, Human Values, and Democratic Institutions—House Resolution 164—it is essential that we ask ourselves the question: are privacy, human values and democratic institutions in danger?

The sponsors of this legislation seek to continue and expand the work done by the Subcommittee on Privacy of the Government Operations Committee which was abolished on March 31, 1971. Is there really a need for such a congressional committee?

There are many examples which would lead to the conclusion that such a need really exists. In many instances, it has been the Federal Government itself which has violated the right to privacy, not only of the public at large, but of its own employees in particular.

The Supreme Court has made "illegal searches and seizures" an unlawful procedure for governmental authority, yet similar searches into the private lives and personal thoughts and feelings of Government employees has long been a policy of our bureaucratic agencies.

PRIVACY FOR GOVERNMENT EMPLOYEES

One example is a letter circulated among employees at Andrews Air Force Base Hospital. It urged employees to buy savings bonds and asked them to sign one of these three statements: a. I am now supporting the President by adding to my allotment or by beginning an allotment; b. I wish to show my support for the President by adding to my allotment or by beginning an allotment, and c. I do not accept my responsibility to support the President in his U.S. Savings Bond campaign.

This kind of choice without a choice is similar to the question asked in a questionnaire used by the Federal Aviation Agency: "When telling a person a deliberate lie I have to look away, being ashamed to look him in the eye." (a) True, (b) Uncertain, (c) False. In this kind of "When did you stop beating your wife?" situation you find yourself in a difficult position no matter what your reply.

The Senate Subcommittee on Constitutional Rights reports of a case in which an applicant for a nonsensitive job was strapped to a lie detector and asked such questions as: "How many times have you had sexual intercourse?" "When was the first time you had intercourse with your wife?" "Did you have intercourse with her before you were married?" "How many times?"

What are tests of this kind attempting to discover? Are they concerned with a potential employee's mental health and his ability to do his job or with some more abstract criteria such as his conformity to prevailing norms?

Government employees should be protected, but are not, against interrogation without the presence of counsel or other person of the employee's choice. Employees, to cite another example, should be protected against the kind of experience suffered by an 18-year-old college student who had previously worked for the State Department and was being considered for summer employment.

The girl was interviewed by a young investigator who questioned her about her personal life, with particular attention to matters of sex. The girl was also questioned about a visit to a psychologist while in high school. In effect, this girl was penalized because her parents took advantage of the counseling services of psychologists and psychiatrists to assist in resolving what may have been the usual problems of teenage children.

There are those, however, who urge Government to do much more far-reaching things in connection with the personal lives of its citizens.

CHILD DEVELOPMENT BILL

Let us consider the child development bill, passed by the Congress, but vetoed by the President. The very term "child development" is so vague that no one really seems to know what it entails. Under the bill which was passed, every American child would have instantly become a ward of the Federal Government.

In fact, the fears raised about this legislation have been confirmed by its most vigorous supporters. Dr. Reginald S. Lourie, President of the Joint Commission on the Mental Health of Children, suggested why he wanted this network of federally controlled child-care centers: so he and his fellow doctors would have a giant laboratory to tinker with children's minds. He stated that:

> The . . . important information we should keep in mind is that in the first 18 months of life, the brain is growing faster than it ever will again. It is then also more plastic and most available for appropriate experience and corrective interventions.

What the child development bill proposed without saying so were mental clinics to replace schools and a form of "indoctrination" to replace education. At the present time, sensitivity training is being conducted in many public school systems with money funded by the Department of Health, Education, and Welfare—even though Congress has appropriated no money for this purpose. These programs are set forth in the volume, "Pacesetters in Innovation, U.S. Office of Education, 1969."

SENSITIVITY TRAINING

Writing in the Washington Daily News, Solveig Eggerz recently reported that Government employees are compelled to attend sensitivity-training sessions for several days away from their families. They often listen to degrading language and in a series sponsored by the psychological testing corporation, Curber & Associates, they were subjected to a racial tirade via a recorded message from black militant Dick Gregory. Any employees who refused to participate in such sessions could be certain of impairing their jobs.

SCHOOL TESTING

Miss Eggerz also reported that in Montgomery County, Md., children of all ages in the public schools are forced to participate in so-called psycho-dramas in which teachers frequently ask them to act out actual incidents from the home, something which parents consider a clear invasion of their privacy. There have also been "talk-ins" in Montgomery County where two or three children will go to the school counselor and answer highly personal questions, such as "What does your father wear when he shaves?" or "Do you love your parents?" One Maryland child was assigned an essay on the subject, "Why do I hate my mother more than my father?"

Children have been asked, "Do you go

to church" and "How do you feel about going to church?" While prayer is unconstitutional, prying into a child's religious beliefs is, somehow, acceptable, and even federally funded. Parents object to the use of the "sociogram," a diagram used to trace intragroup relationships. It shows the likes, dislikes, revulsions and attractions within the group—children are asked to indicate who they like most in the class and who they dislike most. This has resulted in many hurt feelings, and some emotional problems.

There are, as can be easily documented, innumerable other examples of how Government, and many nongovernmental bodies, have invaded the privacy of individuals.

RIGHT TO PRIVACY

The Founding Fathers did not specifically write a "right to privacy" into the Constitution. They felt that this was understood by civilized men, but history has shown us that this is not the case. In fact, Mr. Justice Brandeis felt the need in Olmstead against United States in 1928, to state clearly that "The right to be alone—the most comprehensive of rights, and the right most valued by civilized men" was one guaranteed by our laws.

BIG BROTHER

Is it possible that our citizens are to be subjected to a Big Brother government which has all of the elements George Orwell so eloquently described in "1984"? And, if government, as we have seen, cannot treat its own employees with decency and fairness, how can Members of Congress, many of whom advocate far-reaching welfare state programs which would subject all of us to governmental control, argue that they are really serving their constituents by denying that a problem exists in this area?

For all of these reasons, it seems clear that there is a need for a congressional committee to consider the serious challenges to individual freedom and privacy which exist in our society today. Americans of every viewpoint and station in life share an interest in maintaining privacy and, since privacy is today under attack from so many different sources, those of us who seek to represent our constituents must assist them in resisting that attack.

Mr. FRENZEL. Mr. Speaker, I rise in support of House Resolution 164. I am not satisfied that the critically important area of personal privacy is getting enough attention under our present organization.

I do not like select committees, and generally vote against them. In this case, however, I believe the issue is of such importance that the creation of a select committee to deal with it is warranted. I think the House now lags too far behind the Senate both in its study of personal privacy and its enthusiasm to protect it. I urge an affirmative vote on House Resolution 164.

Mr. RANDALL. Mr. Speaker, I rise to oppose House Resolution 164, which would create a select committee to be known as the Select Committee on Privacy, Human Values, and Democratic Institutions. The only reason I take this time is to spread on the record by a clear recitation, the reasons why this particular resolution should not be approved.

After a few months pass by, and during the fall campaign, there is the likelihood that either an opponent or someone else will come forward to be critical of a vote which seems to be against the protection of such lofty concepts as individual privacy, human values, and democratic institutions.

Even if some of us cannot support this particular way of protecting personal privacy, I think every one of us must admire the handiwork of the wordsmiths, who in the preparation of the many whereases, and then the resolving clause, have prepared some phrasing and terminology which, although it is stated in prose, sounds, almost poetic.

Who among us can be against "the democratic institutions and processes basic to the United States" as recited at the top of page 2 of this resolution? Who would want to put anything in the way of protection of "the basic human and civil rights of our citizens" which was contained in one of the whereases preceding the resolving clause? The fact of the matter is, no Member of this House can ever afford to be against the protection of privacy or the perpetuation of our democratic institutions and processes so basic to our way of life. Again, no Member could possibly take a stand against the perpetuation of the basic human and civil rights of our citizens, unless he wishes to leave the impression our Constitution is an instrument that has of its objectives to protect human liberties.

All of the language of the resolution makes it seem that if we fail to support House Resolution 164, then we all stand indicted as being against democratic institutions, human rights and civil rights and become advocates of the violation of one's right to privacy. Well, of course, in spite of all of the lofty language of this resolution, those who oppose it are not against the protection of privacy. We simply believe there is a better way to protect these basic rights than the creation of one more select committee.

Those who oppose House Resolution 164 are not even required to assume the burden of proving there is a better way. We only have to prove that there are now established at least three other ways by which these rights can be protected. There are two standing committees of the House and one commission created by the Congress a short time ago. Surely if there should be any problem to have to prove that these other committees can do a better job than this new select committee, then there should certainly be no difficulty in being able to prove that they can do an equally good job.

Now the reason for this last foregoing assertion or allegation is the fact that the matters covered by this resolution are now within the assigned jurisdiction of the House Judiciary Committee, one of our standing committees. Moreover, the gentleman from New Jersey, the author of House Resolution 164, in the closing remarks of the debate mentioned that for some 7 years he had chaired a select subcommittee in the House Committee on Government Operations. These remarks amount to an admission that another standing committee of the House, the Committee on Government Operations, surely has jurisdiction over privacy because he said during all these 7 years, there was no objection from the Judiciary Committee that his work during those years were imposing upon the jurisdiction of the Judiciary Committee.

Third and finally, there has now been established by law a National Commission on Individual Rights, set up under the Organized Crime Control Act of 1970, and which has just been commenced to do its work in January of 1972.

Mr. Speaker, in addition to the fact that there are two standing House committees and one national commission already organized and staffed to do this job, which should be reason enough to oppose this resolution, there is the additional reason that to create this select committee could cost the taxpayers as much as $1 million a year, if the $900,000 annual cost of the Select Committee on Crime is any kind of an indication.

But there are other considerations than the cost and the duplication of effort which we should not overlook. How is it that the Rules Committee, way back in May, 1971, could pass out this resolution when they have since concluded they should not approve a rule to create a Select Committee on the Aging because there is no available space on Capitol Hill for office facilities or hearing rooms for any more select committees?

I am not sure that there has been a recent or an accurate count of all of the subcommittees of all of the standing committees of the House of Representatives. Somewhere in my mind I recall there are a total of approximately 170 standing subcommittees, already organized, staffed, and working on their assigned jurisdiction. I am confident there must be some overlapping of jursidiction and duplication of effort among this great number of already created subcommittees. Surely, then, there should be no further duplication by the creation of yet another new select committee. I am not sure how much work our House Judiciary Committee has done on this matter. I know for a fact that the Senate Judiciary Committee has done considerable work on the matter of privacy. Surely our House Committee on the Judiciary can perform equally well.

Because we oppose this resolution, are we then for the invasion of individual privacy? Are we against the protection of this same personal privacy? The answer should be easy. It would be ridiculous for any Member to make an affirmative answer to either of these questions. What we are against is the costly or expensive duplication of effort by a new committee. Those who oppose this bill are for all of the lofty objectives including the study of the effect of the use of computers and other technical instruments on human and civil rights, including data banks. We are for the objective of House Resolution 164 but at the same time are recognizing there are now two committees and one commission already established to do the job. To establish a fourth would lead to an unneeded, unjustified and most expensive result.

Mrs. ABZUG. Mr. Speaker, I am pleased to rise in support of House Resolution 164, which would establish a House Select Committee on Privacy, Human Values, and Democratic Institutions.

The technological and scientific revolution which has occurred within our lifetime has done much to improve our society, and I fully expect that future discoveries will continue this course of improvement. These great advances, however, are not without their shortcomings.

Electronic technology, for example, has been used to bug our meeting rooms and even our bedrooms.

Computer technology has been used to amass vast amounts of "credit" data on private individuals—usually with little regard for whether it is accurate. This material is usually distributed to anyone who will pay for it—except of course, to the hapless subject.

Newly developed drugs have been used to make placid zombies of hyperactive children.

The U.S. Army—supposedly under civilian control—has spied on civilian political activists, violating their right of privacy in an effort to chill their exercise of their right of free speech.

Private employers require employees and prospective employees to undergo lie detector tests and to answer questions which bear no conceivable relation to the jobs they do.

There has been some opposition to this resolution on the ground that it infringes upon the jurisdiction of the Judiciary Committee. For one thing, as I understand it, the jurisdiction of this new committee will be limited to infringements upon the right of privacy resulting from technological developments. Second, the select committee will not have the power to report legislation, so it certainly will not infringe upon Judiciary's authority in that regard. Finally, if the Judiciary Committee does have jurisdiction in this area, it has not made much use of it thus far. If the creation of the select committee spurs the Judiciary Committee to take an active role in this area in the future, then we can reconsider the question of the select committee at some future point, but for the present, I think we need it.

Activities such as these must be closely watched by the representatives of the American people. This House, in concert with our Constitution and the people of this Nation, can play a major and successful role in focusing attention on this problem and seeing to it that positive steps are taken to protect this cherished and fundamental right of a free people. I urge the adoption of this resolution.

Mr. RODINO. Mr. Speaker, today I have voted to disapprove House Resolution 164, which would have established a Select Committee on Privacy, Human Values, and Democratic Institutions.

I wish to emphasize that my vote was not directed at the purpose or objective of this legislation. I have long opposed any governmental interference with the human rights and privacy of our citizenry. Instead, my opposition to this resolution is based on a firm belief that the subject matter jurisdiction of the select committee which would have been established, would have seriously invaded the jurisdiction of the Judiciary Committee, on which I serve.

The Judiciary Committee has continuously manifested its active concern for protecting the civil liberties of all people. The long record of achievements of this committee sufficiently demonstrates that it has been a strenuous defender of civil rights.

Furthermore, a Special Subcommittee on Civil Rights Oversight has been established by the Judiciary Committee under the able leadership of the distinguished gentleman from California (Mr. EDWARDS). The primary responsibility of this subcommittee is overseeing the administration and enforcement of all civil rights laws. During the present Congress, this subcommittee, along with Subcommittee No. 4, has been actively engaged in various legislative and nonlegislative matters pertaining to the individual rights of all citizens.

Therefore, although I voted against this proposal because of this jurisdictional conflict, I wish to commend the distinguished gentleman from New Jersey (Mr. GALLAGHER) for his efforts in this area. For some time, he has been extremely interested in the effect of technology on government operations and its impact on the human and social rights of all men. Mr. GALLAGHER has recognized the need for examining the potentially deleterious effect of computerization on individual privacy.

However, the issues raised by House Resolution 164 are far reaching and concern matters which have been and are presently being considered by the Judiciary Committee, and I, therefore, in all good conscience and in my best judgment, had no recourse but to vote against House Resolution 164.

Mr. DONOHUE. Mr. Speaker, neither I nor any other Member of this House, I am sure, has any opposition toward or quarrel with the timely and wholesome objectives of House Resolution 164, which are to adequately protect the citizens of this country from any technological invasion of their constitutionally guaranteed privacy and the resulting diminution of their civil rights and liberties.

The only question that is presented here for our legislative determination is how these objectives can be most effectively and prudently accomplished.

It has been very clearly demonstrated here, I believe, that the House Judiciary Committee, of which I am very proud to be a member, has the acknowledged original and continued jurisdiction and responsibility in this legislation area. It has also been very clearly evidenced here that the House Judiciary Committee has a recognized and respected record of diligent and effective action in the defense and preservation of personal freedom and all human values. That admirable record is being extended every day through the dedicated efforts of its distinguished chairman, its devoted membership, and competent staff.

In other words, we already have an established committee in this House that is exceptionally well equipped to preside over, and is already presiding over, for their protection and preservation, the very same objectives recited in this resolution.

Obviously, the creation of any new and special committee for this same purpose would only duplicate the existing and proper unit of jurisdiction. It would necessitate the allocation of additional money, staff, and resources to an area that is very adequately covered now.

Mr. Speaker, in this Chamber, practically every day, we are urging most agencies of our Government to eliminate unnecessary spending and the duplication of energy and resources.

It would be both contradictory and ironic if we were to approve a resolution, however well meant, that would inevitably tend to create the very factors, in our own legislative operations, that we criticize in the executive department units.

In simple summary, Mr. Speaker, it would be obviously imprudent and unwise if it were made to appear here this afternoon that this House was in any way establishing an across-the-board policy of setting up a special and separate committee to deal with the different and various issues affecting this Nation. I feel confident that this House will avoid, in its traditional wisdom, the creation of any such impression by rejecting this resolution.

The SPEAKER. All time has expired.

Mr. MADDEN. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

Mr. THOMPSON of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 168, nays 216, not voting 47, as follows:

[Roll No. 33]

YEAS—168

Abzug	Delaney	Horton
Adams	Denholm	Howard
Anderson, Calif.	Dent	Ichord
Anderson, Ill.	Diggs	Johnson, Calif.
Anderson, Tenn.	Dingell	Jones, Ala.
Andrews	Dorn	Jones, Tenn.
Annunzio	Dow	Karth
Ashley	du Pont	Kee
Aspin	Esch	Kluczynski
Badillo	Evins, Tenn.	Koch
Barrett	Fascell	Kyros
Begich	Foley	Leggett
Bergland	Ford, William D.	Link
Betts	Fraser	Long, Md.
Blanton	Frelinghuysen	Lujan
Boggs	Frenzel	McDade
Boland	Fulton	McDonald, Mich.
Bolling	Gallagher	McFall
Brademas	Gaydos	Madden
Bray	Gettys	Mazzoli
Buchanan	Gonzalez	Meeds
Burke, Mass.	Grasso	Metcalfe
Burlison, Mo.	Gray	Mills, Ark.
Burton	Green, Oreg.	Minish
Byrne, Pa.	Green, Pa.	Mink
Caffery	Griffiths	Mitchell
Carney	Grover	Mollohan
Clark	Gude	Moorhead
Collins, Ill.	Halpern	Morgan
Collins, Tex.	Hamilton	Morse
Conte	Hanley	Mosher
Cotter	Hanna	Moss
Crane	Hansen, Idaho	Murphy, Ill.
Culver	Harrington	Murphy, N.Y.
Daniels, N.J.	Hathaway	Nedzi
Davis, S.C.	Hays	Nix
de la Garza	Hechler, W. Va.	Obey
	Hicks, Mass.	O'Neill

Patten
Pepper
Perkins
Pike
Podell
Preyer, N.C.
Price, Ill.
Pucinski
Rangel
Rarick
Rees
Reid
Reuss
Roe
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Runnels
Ryan
St Germain
Satterfield
Saylor
Scheuer
Schmitz
Shipley
Sisk
Slack
Smith, Iowa
Stanton, James V.
Steele
Steiger, Wis.
Stokes
Stratton
Stuckey
Sullivan
Thompson, N.J.
Thone
Tiernan
Udall
Vander Jagt
Vigorito
Waggonner
Waldie
Whalen
White
Widnall
Wilson, Charles H.
Wolff
Wright
Wydler
Yates
Yatron
Zablocki

NAYS—216

Abbitt
Abernethy
Abourezk
Addabbo
Archer
Arends
Baker
Baring
Belcher
Bennett
Bevill
Biester
Bingham
Blackburn
Bow
Brasco
Brinkley
Brooks
Broomfield
Brotzman
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burleson, Tex.
Byrnes, Wis.
Byron
Camp
Carey, N.Y.
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clausen, Don H.
Cleveland
Collier
Colmer
Conable
Conyers
Coughlin
Curlin
Daniel, Va.
Danielson
Davis, Ga.
Dellenback
Dennis
Derwinski
Devine
Dickinson
Donohue
Drinan
Dulski
Duncan
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Eshleman
Evans, Colo.
Findley
Fish
Fisher
Flood
Flowers
Flynt
Ford, Gerald R.
Fountain
Frey
Fuqua
Goldwater
Goodling
Gross
Gubser
Hagan
Haley
Hall
Hammer-schmidt
Harsha
Harvey
Hastings
Hébert
Heinz
Henderson
Hicks, Wash.
Hogan
Holifield
Hosmer
Hull
Hungate
Hunt
Hutchinson
Jacobs
Jarman
Johnson, Pa.
Jonas
Jones, N.C.
Kastenmeier
Kazen
Keating
Keith
Kemp
King
Kuykendall
Kyl
Landrum
Latta
Lent
Lloyd
Long, La.
McClory
McCloskey
McClure
McCollister
McCormack
McCulloch
McEwen
McKay
McKevitt
McKinney
McMillan
Mahon
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills, Md.
Minshall
Mizell
Montgomery
Myers
Natcher
Nelsen
Nichols
O'Hara
Passman
Patman
Pettis
Peyser
Pickle
Pirnie
Poff
Powell
Price, Tex.
Purcell
Quillen
Railsback
Randall
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Rooney, N.Y.
Roush
Rousselot
Roy
Roybal
Ruth
Sandman
Sarbanes
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shoup
Shriver
Sikes
Skubitz
Smith, Calif.
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Steed
Steiger, Ariz.
Stephens
Symington
Talcott
Taylor
Teague, Calif.
Terry
Thompson, Ga.
Thomson, Wis.
Ullman
Van Deerlin
Veysey
Wampler
Ware
Whalley
Whitehurst
Whitten
Williams
Wilson, Bob
Winn
Wyatt
Wylie
Young, Fla.
Young, Tex.
Zion
Zwach

NOT VOTING—47

Alexander
Ashbrook
Aspinall
Bell
Biaggi
Blatnik
Brown, Mich.
Brown, Ohio
Cabell
Chisholm
Clawson, Del
Clay
Corman
Davis, Wis.
Dellums
Dowdy
Downing
Dwyer
Edwards, La.
Forsythe
Galifianakis
Garmatz
Giaimo
Gibbons
Griffin
Hansen, Wash.
Hawkins
Heckler, Mass.
Helstoski
Hillis
Landgrebe
Lennon
Macdonald, Mass.
Melcher
Monagan
O'Konski
Pelly
Poage
Pryor, Ark.
Quie
Ruppe
Stanton, J. William
Stubblefield
Teague, Tex.
Vanik
Wiggins
Wyman

So the resolution was rejected.

The Clerk announced the following pairs:

On this vote:

Mrs. Dwyer for, with Mr. Pelly against.
Mr. Forsythe for, with Mr. Wyman against.
Mrs. Heckler of Massachusetts for, with Mr. Landgrebe against.

Until further notice:

Mr. Garmatz with Mr. Wiggins.
Mr. Teague of Texas with Mr. Ashbrook.
Mr. Stubblefield with Mr. Vanik.
Mr. Aspinall with Mr. Del Clawson.
Mr. Blatnik with Mr. Quie.
Mr. Cabell with Mr. Bell.
Mr. Macdonald of Massachusetts with Mr. Ruppe.
Mr. Monagan with Mr. Brown of Michigan.
Mr. Melcher with Mr. Davis of Wisconsin.
Mr. Pryor of Arkansas with Mrs. Hansen of Washington.
Mr. Corman with Mr. Clay.
Mr. Hawkins with Mr. Giaimo.
Mrs. Chisholm with Mr. Helstoski.
Mr. Lennon with Mr. O'Konski.
Mr. Alexander with Mr. Brown of Ohio.
Mr. Biaggi with Mr. Dellums.
Mr. Downing with Mr. Gibbons.
Mr. Galifianakis with Mr. Hillis.
Mr. Griffin with Mr. J. William Stanton.

Mr. SCHWENGEL changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CELLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on the resolution, House Resolution 164.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. COLMER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

WEST COAST DOCK STRIKE SETTLEMENT

(Mr. THOMPSON of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. THOMPSON of New Jersey. Mr. Speaker and Members of the House, this morning this Committee on Education and Labor reported favorably the resolution reported by my subcommittee yesterday, House Joint Resolution 1056.

The Committee on Rules has that resolution and several others before it.

We have just been informed that the west coast dock strike has been settled but we do not yet know the details. I shall proceed from here to talk to the principals involved and will be back a bit later in the afternoon to report details as they report them to us.

If this happy news is in fact so, then of course we will be spared the need tomorrow to consider one or another of the various resolutions relating to the solution of that dock strike.

WEST COAST DOCK STRIKE SETTLEMENT

(Mr. BURTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON. Mr. Speaker, I share the delight of all of us that the dock strike on the west coast has been resolved.

I would like to point out once again that this agreement is a tribute to the collective bargaining process.

The PMA and the ILWU have had most effective labor-management relations for over 22 years and during the course of that time there has never been a strike resulting from a breakdown in collective bargaining. Because their last contract was signed some 5 years ago without a cost-of-living wage increment, this particular negotiation was a very difficult one for all parties concerned.

I am delighted that this House did not act with undue haste because, if we had been too hasty, perhaps this very fortuitous event may have been foreclosed.

ESTABLISHING THE OFFICE OF TECHNOLOGY ASSESSMENT AND AMENDING THE NATIONAL SCIENCE FOUNDATION ACT OF 1950

Mr. DELANEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 791 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 791

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10243) to establish an Office of Technology Assessment for the Congress as an aid in the identification and consideration of existing and probable impacts of technological application; to amend the National Science Foundation Act of 1950; and for other purposes, and all points of order against section 8 of said bill for failure to comply with the provisions of clause 4, rule XXI are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Astronautics, the bills shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments

thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from New York is recognized for 1 hour.

Mr. DELANEY. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA). I now yield myself such time as I may consume.

The SPEAKER. The gentleman is recognized.

Mr. DELANEY. Mr. Speaker, the proposed legislation is long overdue. House Resolution 791 provides an open rule with 1 hour of general debate for consideration of H.R. 10243 to establish the Office of Technology Assessment and amend the National Science Foundation Act. All points of order are waived against section 8 of the bill for failure to comply with the provisions of clause 4 of rule XXI—there is a transfer of funds.

H.R. 10243 would establish an Office of Technology Assessment in the legislative branch, thereby extending the congressional information-gathering function. The National Science Foundation Act would be amended to conform therewith.

The Office would be composed of a policymaking Assessment Board, composed of 11 members, and an operational unit headed by a Director, who would be responsible for the day-to-day operations. The Director would be appointed by the Board for a 6-year term.

The Office would appraise the probable impacts of the applications of technology and coordinate information to assist the Congress in determining the priorities of programs.

The Office is authorized to promulgate rules and regulations, make contracts, hire personnel, fix compensation, and so forth; it is authorized to sit and act whenever and wherever necessary and has subpena powers.

Arrangement is made for cooperation and supportive services of the Library of Congress and the GAO.

Coordination and cooperation with the National Science Foundation would be maintained to avoid unnecessary duplication or overlapping of research activities in the field of technology assessment techniques and programs.

Assessments could be initiated by any congressional committee chairman or ranking minority member, or by a majority of the committee members.

All results would be available to the public except in cases involving national security or where public information statutes would prohibit its release.

The sum of $5 million as authorized for fiscal year 1972 to establish the Office.

Mr. Speaker, this legislation could be very beneficial to the Congress and I urge adoption of the rule in order that it may be considered.

Mr. LATTA. Mr. Speaker, I agree with the statement just made by the gentleman from New York.

I wish to point out one thing that was brought up before the Committee on Rules. In the committee report on page 1, at the bottom of the page, the report reads as follows:

The Office would be composed of a policymaking body called the Technology Assessment Board.

Really "policymaking body" is a poor choice of words, as actually it is not going to be a policymaking body in the real sense of the word, but it is only going to be permitted to make its own rules. It is going to work for this Congress and not be making policy for it.

I yield to the gentleman from Georgia if he would like to say anything on this matter.

Mr. DAVIS of Georgia. Mr. Speaker, I agree with the gentleman from Ohio. He is absolutely correct. Perhaps "policymaking" was an unhappy choice of words. Certainly it is not contemplated the Office of Technology Assessment would have any policymaking powers whatsoever with respect to Congress.

Mr. LATTA. I thank the gentleman from Georgia for his contribution.

I yield back the balance of my time.

AMENDMENT OFFERED BY MR. DELANEY

Mr. DELANEY. Mr. Speaker, there is a technical error, and I ask unanimous consent to correct it. On page 2, line 3, the word "bills" should be "bill."

Mr. Speaker, I ask unanimous consent that the resolution be so amended.

The SPEAKER. Without objection, the amendment is agreed to.

There was no objection.

Mr. DELANEY. Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. DAVIS of Georgia. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10243), to establish an Office of Technology Assessment for the Congress as an aid in the identification and consideration of existing and probable impacts of technological application; to amend the National Science Foundation Act of 1950; and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Georgia.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 10243, with Mr. DANIELS of New Jersey in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Georgia (Mr. DAVIS) will be recognized for 30 minutes, and the gentleman from Ohio (Mr. MOSHER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. DAVIS of Georgia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 10243 would establish an Office of Technology Assessment within the legislative branch of the Government. In addition to authorizing the establishment of the Office, the bill would authorize $5 million for fiscal year 1972. I might say in that connection that the committee has an amendment which will extend that authority for the years 1973 and 1974. As the bill now stands, additional authorization would be required for additional fiscal years. Because of the lateness of the fiscal year and the normal delays in appropriations in such cases, we will offer a committee amendment which will not increase the $5 million, but we do propose to offer the amendment.

The bill was reported from the committee following 5 years of extensive, careful work. It was reported unanimously and, together with its companion bill, H.R. 10246, has the cosponsorship of all members of the committee. The comprehensive background and spadework done on this bill includes two voluminous sets of hearings in 1969 and 1970, the completion of four contract studies on the subject, special seminars, and so forth.

It is important to note that the bill is designed to provide informational aid for the Congress, not for the executive branch. The OTA would be at the disposal of any committee of the Congress, but it would not assume any congressional function—oversight, investigative, or otherwise. It would function entirely in a supplemental fashion.

At this point one may well ask—what is technology assessment? A definition which seems accurate for our purposes is as follows: Technology assessment is a mechanism which may be used to evaluate the impacts, good and bad, which new or developing technology may be expected to have on legislative programs with which the Congress must deal; the intent is not to evaluate the technology itself, but to evaluate the impacts—physical, economic, social, and political. Most importantly, it is designed not only to provide Congress with early warnings of possible troubles—but to help move new technologies into action rapidly in areas of society where they can be helpful.

Let me describe briefly the organizational arrangement of the OTA.

First, it would be composed of a technology assessment board, the functions of which would be limited to the formulation and promulgation of the office's internal policies. The board would be composed of 11 members as follows: Two Members of the House, one for each party, appointed by the speaker; two Senators, one from each party, appointed by the President pro tem of the Senate; the Comptroller General of the United States; the Director of the Congressional Research Service of the Library of Congress; four specially qualified members from the general public, appointed by the President with Senate approval; and the Director of the Office.

The four public members of the board would be appointed for 4-year staggered terms; the terms of two members would expire every other year and two new members would be appointed. Such members could be reappointed once, making a maximum service of 8 years.

Second, responsibility for the day-to-day operations would be carried out by a director. The Director would be selected by the board for a 6-year term. Once appointed, he would also become a member

of the board and would be a voting member on all matters, except with respect to his own reappointment. No limit is placed on his reappointment.

The OTA would not itself carry out technological assessments, but would arrange for them to be done through contract with appropriate outside groups—industrial, nonprofit, academic, or ad hoc. Such assessments would be undertaken upon request of any congressional committee or upon the initiative of the Director of the office or its governing board. It is expected that the office itself would remain a small, highly skilled unit somewhere between 50 and 100 persons.

The office should be valuable not only in updating the machinery of Congress for dealing with technological issues, but in improving the congressional image with regard to legislative efficiency.

It is expected that the office would pay for itself many times over in the money which could be saved with its help. This should result from the fact that assessments provided to the various committees would permit them to begin their hearings and investigative procedures from a more advanced and sophisticated level.

The office is designed to provide the Congress with first-rate information with regard to the probable impact of technological programs the Nation may be called upon to support or regulate. It is not designed to make recommendations as to courses or legislative action, nor would the office have any regulatory powers.

The authorization figure of $5 million was arrived at as follows: The new OTA, in its organizational structure and purpose of serving Congress is roughly comparable to the General Accounting Office—GAO. In 1923, the first year of funding for the GAO, Congress appropriated $2.5 million. By extrapolation, and taking into account the inflation over the past 50 years, the amount requested for the new OTA is probably about one-third or less of what Congress provided GAO to get organized, get its basic staff on board, its housekeeping arrangements set up, and so on. We believe that it is reasonable to request less authorization at this time than GAO had, since it is not intended that the OTA staff would approximate the size of GAO and since actual assessments would not be done in-house, but would be contracted through outside groups with special expertise.

Mr. Chairman, I urge the committee to support and approve this legislation.

Mr. MOSHER. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I join in strong support of this bill (H.R. 10243), to establish an Office of Technology Assessment as an entirely new arm of the Congress. I gladly second the plea for support just made by our subcommittee chairman, the gentleman from Georgia (Mr. DAVIS).

In fact, for purposes of emphasis, I will repeat several of the points he made.

But first let me emphasize that this proposal has the unanimous backing of the minority side of the House Science Committee, and it was approved in the full committee without a dissenting vote.

It is the product of several years of hard study in our Subcommittee on Science Research and Development, originally under the vigorous, creative leadership of a former colleague, Mim Daddario, of Connecticut, and more recently JOHN DAVIS. I feel privileged to have worked closely with those two distinguished gentlemen, with Chairman GEORGE MILLER, and with the exceedingly competent Phil Yeager of our committee staff—and with many others—in perfecting the technology assessment concept, and attempting to apply it to the needs of the Congress.

I know that I speak for all of the minority on our committee in expressing the urgent hope that H.R. 10243 shall win the overwhelming approval of the House Members here today.

Incidentally, it appears that the other body may move rather quickly and favorably on this legislation, if we send it over to them. It is being cosponsored there, on a bipartisan basis by Senators JORDAN of North Carolina, STEVENS, KENNEDY, ALLOTT, and PASTORE.

It was in April 1970 that former Congressman Daddario and I first joined in cosponsoring a bill which was basically the same as the bill before us today.

And on September 16, 1970, we attempted by amendment to the congressional reorganization bill, to include this legislation, creating a congressional Office of Technology Assessment.

But at that time, in 1970, our bill had not yet had a hearing before the House Rules Committee. Members of the Rules Committee were understandably uncertain concerning its relationship to other elements in the reorganization bill, and they challenged our amendment on the grounds that it was not germane to the legislation then before the House. But at the same time they made it clear that they were friendly to our proposal and would consider it carefully later. So, our amendment was ruled not germane.

Now, I am happy to report, members of the House Rules Committee gave our bill a very friendly, receptive hearing last week. Several members stated their strong support. Our request for a rule was approved. And today we urge the House to approve the bill.

We are convinced that the Congress and the country urgently need the services of the Office of Technology Assessment which H.R. 10243 would authorize.

The solid evidence and valid arguments, the several very responsible, expert studies and reports accumulated over recent years by our subcommittee, all increasingly point to that important need here in the Congress.

Too often, we in the Congress are flying blind—or at least much more in the dark than is necessary or good—to the extent that we do not obtain better information and advice than we now have so as to be more sure of what we actually are doing when we make decisions which involve the use of new technology.

I submit that the Congress faces a very real and serious need for better information, more accurate, comprehensive, significant information. Too often we act without knowing enough about what we are doing.

That is especially true as to the impacts of today's complex, sophisticated new technology developments.

It is much too easy for us to accept on faith proposals to put new technologies to work, when really we are sublimely ignorant of what some of the vitally important results of it—for good of evil—are likely to be.

I point especially to the often terribly significant secondary and tertiary consequences of new technologies, the domino and ripple effects that we too easily fail to anticipate. Particularly, I mean the social impacts, the ecological, environmental, or health changes that are wrought, and the economic changes, the effects that easily are overlooked when we consider the claims made for new proposals.

Nearly every congressional committee today is forced to make extremely important decisions which include significant technology components, and that will be increasingly so as we move ahead. We increasingly contemplate projects that require huge expenditures of public funds, prospects that would have huge social, environmental, health, or economic impacts, not very readily evident to us.

There is, therefore, a crucial need that we know better and assess more accurately those impacts, before we vote our decisions.

We can accomplish that effectively only by the use of highly competent skilled systems analysis techniques—supplementing the common horsesense and practical instincts on which we traditionally depend.

Today, there is strong, competent staff help for many of the congressional committees. But I submit that our present staffing does not even pretend to provide, nor could today's staffs provide, the comprehensive systems analysis assessments of complex technologies, and their consequences, which we are proposing in this legislation, and for which there is a vital need.

Also, let us clearly recognize that the Congressional Research Service in the Library of Congress does not and will not provide the assessment services we are proposing in this bill, even though all of us do certainly recognize and appreciate the tremendous helpfulness of the increasingly excellent services the CRS do perform for us.

Let us face it, Mr. Chairman, we in the Congress are constantly outmanned and outgunned by the expertise of the executive agencies. We desperately need a stronger source of professional advice and information, more immediately and entirely responsible to us and responsive to the demands of our own committees, in order to more nearly match those resources in the executive agencies.

Many, perhaps most of the proposals for new or expanding technologies come to us from the executive branch; or at least it is the representatives of those agencies who present expert testimony to us concerning such proposals. We need to be much more sure of ourselves, from our own sources, to properly challenge the agency people, to probe deeply their advice, to more effectively force them to justify their testimony—to ask the

sharper questions, demand more precise answers, to pose better alternatives.

It is very important to recognize that the Office of Technology Assessment, as proposed in this bill, will be strictly supplemental to the services performed for us by the Congressional Research Service and the General Accounting Office. It will not be similar to, nor duplicate their services.

The new Office of Technology Assessment will be somewhat analogous to the GAO and to the Library's Research Service, only in that it will be distinctly an arm of the Congress alone, an instrument for the Congress alone to use, and responsible only to the Congress. It will greatly strengthen our staffing, our sources of information—in short, it will greatly strengthen our own competence to do the job we are supposed to do, in the public interest.

Of course, we considered carefully whether this technology assessment function should be placed in the already existing GAO or Congressional Research Service, and the evidence was convincing that it should not be. To be effective, it should be separate. GAO makes its examinations after the fact, after the water is over the dam. The essence of our bill is to anticipate far more accurately in advance the consequences of our decisions here. And even though the Congressional Library has great competence in many respects, it does not have the type of competence, nor traditionally the thrust, the interests and attitudes intended by this new legislation.

It is significant that responsible representatives of both the GAO and of the Library of Congress testified before our subcommittee in favor of this OTA concept.

Technology assessment often is referred to as an early warning system, to alert us much more accurately and fully both to the potential dangers and threats and to the potential good, the opportunities, in new or expanded technology proposals.

In making these complex decisions, we urgently need better insights in advance into their consequences further down the river, over the dam. We need to define and to measure much more clearly and accurately what are the options and the alternatives available to us.

We believe the new office could begin to function effectively with a small cadre of a dozen to 20 very competent people, carefully selected, a staff broadly knowledgeable in the sciences, technology, Government and public problems, and especially experienced in the management of public enterprises.

Obviously, as a starting team they will have to feel their way carefully but vigorously and imaginatively, in this new enterprise. There will have to be a certain amount of trial and error, and a lot of initiative.

The growth and the boundaries of activity in the new office, this new arm of the Congress, will depend entirely on the Congress itself. We can use it, accept it, expand it, or cut it off, depending on how usefully effective it proves to be. It will have to prove itself, and we on the committee are convinced that it can and that it will.

We contemplate the possibility, sometime in the future, after proved success, that the Congress might authorize an ultimate staff size of somewhere between 50 and 100 for the Office of Technology Asssessment.

Its original housing and housekeeping functions probably would be in the General Accounting Office. We understand the Comptroller General approves that idea. Later, the OTA staff might well be housed in the new annex of the Congressional Library, now going up just east of the Cannon Building.

It is very important to recognize that the staff of the new OTA will not themselves do the actual assessment studies and reports that the Congress will ask of them. The essential function of the OTA staff will be administrative. They will be expected to identify, recruit, and employ the best available expert talent, wherever it may be found, to do the actual assessment studies and reports on an ad hoc basis—undoubtedly different experts or groups in almost every case, depending on the proposal to be assessed.

This usually would be on a contract basis, just as many of the executive agencies contract for technology assessment services. The OTA staff would be expected to use the professional competence of the National Academy of Science and Engineering, the universities, the industrial science and technology organizations, the private research institutions, the great Federal laboratories, the most competent individuals or groups wherever they can be found.

Now, it will be asked, who shall have the privilege of asking or demanding assessment reports from the new Office of Technology Assessment? As we conceive it, in the bill before us, the OTA shall be responsive only to official requests from the committees of the Congress, acting through their respective chairmen; or, of course, the OTA also could respond to requests and instructions from the Congressional leadership.

It is an important point that the OTA would not be expected to accept or respond to just any request made upon it by an individual Member of the Congress. In that respect, it definitely would not be like the Research Service in the Library of Congress. The studies and reports contracted by the OTA will usually be of a much larger, more comprehensive scope, applying to major technology decisions that are before a committee.

Also, the OTA staff will be expected to anticipate the assessment needs of the various committees, to identify problem areas, and to initiate proposals for the needed assessments, subject to committee approval.

Obviously, the new OTA staff and the purchase of those expert assessment services will cost a very considerable amount of money, requiring some increase in our legislative appropriations.

Perhaps the most important point we can make here today is this, that such money can be mighty well and wisely spent: Not so much spent as invested, invested effectively to pay big dividends to prevent in advance some huge mistakes we might otherwise make; or to point the way for us to use much more effectively and economically opportunities we do not now recognize.

In a committee amendment which will be offered for H.R. 10243, we will request an authorization of $5 million in the aggregate, for the 2 fiscal years of 1973 and 1974. We believe that is a sound estimate as an expenditure ceiling. After those 2 beginning years, the OTA would then have to come back to the Congress, the parent body to which it is solely responsible—not to the executive branch—to justify the quality of its services and to obtain any further authorizations the Congress may decide it deserves.

Now, finally, one other crucial point should be made very clear. Please recognize that both the new Office of Technology Assessment, and the board that shall oversee its operations, are being created to perform only staff work for the Congress, not to make our decisions for us, not to make national policy.

I repeat, with emphasis, the OTA will not be a decisionmaking body, nor a policy making body. It is absolutely fundamental to our entire concept, and it is the very essence of this bill, that the OTA shall not in any way usurp any of the intrinsic powers or functions of the Congress itself, nor of any of the congressional committees, it will be only supplemented.

The OTA shall be solely a servant of the Congress; its fundamental function will be to supply us with much more comprehensive, accurate, significant technical advice and information than is now available to us. It will be created solely to help us do a better job.

In conclusion, let me remind you of that basic truism, that science and technology are only tools. In themselves they are neither good nor bad. Their quality and consequences depend completely on how wisely and effectively in the best interests of ourselves and of all mankind, we use these complex, fearsome or amazingly and increasingly useful tools.

I submit that that is precisely the very valid, vital reason why we should vote in favor of H.R. 10243 here today. The Congress itself urgently needs this legislation in order to make far wiser, more effective, more economical use of the wonderful tools of science and technology which are so readily available to us.

Mr. DAVIS of Georgia. Mr. Chairman, at this time I yield 2 minutes to the gentleman from Indiana (Mr. ROUSH).

Mr. ROUSH. Mr. Chairman, I would like to comment on the bill we are now considering, H.R. 10243, a bill that would enhance congressional information gathering by the creation of a special Office of Technology Assessment in and for the legislative branch.

I was a cosponsor in the first session of this Congress of an almost identical bill, H.R. 3269; H.R. 10243 provides certain changes from that proposal which are mainly perfecting amendments, none are substantive changes. And I have cosponsored similar legislation in Congress before. I am happy to have a chance to speak to the importance of this legislative proposal before the House today.

H.R. 10243 has as its purpose, accord-

ing to the accompanying report, to set up an Office of Technology Assessment which would "provide an early appraisal of the probable impacts, positive and negative, of the applications of technology and to develop other coordinate information which may assist the Congress in determining the relative priorities of programs before it."

Actually as Members of Congress we are assessing technology all the time, consciously or unconsciously, effectively or inadequately. We vote funds or disapprove projects based on our assessment of the value of the project involved, such as the SST or pollution control, atmospheric research, or new defense equipment. Yet none of us can be a specialist in all these fields, so we critically need the sound advice of an Office of Technology Assessment, such as this legislation proposes, a "highly skilled, problem-oriented, independent office" as the report describes the recommended Office of Technology Assessment. This is an office designed to serve the Congress alone, an office coordinating information on technology from committees, agencies, private organizations, universities, to bring this information to bear upon our knowledge needs.

I have also introduced into this Congress a bill that is closely related to technology assessment. This is a bill, H.R. 9379, to create an Office for Federal Technology Transfer, to coordinate the disparate Government efforts to more fully utilize information derived from the expenditure of Federal funds for research and development. The Office of Technology Assessment would provide information concerning the relative benefits and dangers of technology utilization. My proposal would take up at that point. Once a particular technology has been endorsed and funded by the Federal Government, and many have, the Office for Federal Technology Transfer would endeavor to make sure that we secure the full benefits of that technology, that we guarantee that the money spent by the Federal Government on research and development is turned to full use for the whole American community, in medicine and education, business and the professions.

Only one of these bills is before us today, so let me concentrate my remarks on H.R. 10243, creating an Office of Technology Assessment.

Indeed today most of our national problems are related in one way or another to technology and its application. Our cities are the product of new technology, our transportation, communications, medicine, education, defense have been revolutionized and are continuing to be revolutionized, by technological innovations. Accordingly our way of life changes with the introduction of new modes of operation.

Yet we have not been prepared for the changes required. We are surprised and distressed when the blessings of progress purvey unexpected problems. Who would have thought that detergents might clog our streams, that jet planes might clutter the air with noise, that pesticides could threaten man's food supply? Well, they have and are. Yet, would we want to abandon any of these totally?

Some would. Some even insist we must, if we want to survive. Reputable scholars are now recommending that in face of this challenge, this Janus face to technological progress, that perhaps we should turn the clock back, perhaps advancing civilization technologically is not worth it. We should depopulate the cities, return to small community living, abandon mechanized transportation, processed foods and other luxuries we have learned to expect, to demand, to depend upon.

I reject such a solution. I have more faith in man's ability to discern his needs and rationally choose technology that will meet those needs, avoiding potential detrimental effects. The American people have traditionally been the leaders in technological progress. We have now reached a stage when we must reassess, reevaluate what that technology, whether machinery or new methods of operation, can do for us and has done to us. This is, what Mr. Moynihan would call, a "knowledge problem." And that is exactly what it is. That is the reason that I am supporting H.R. 10243, for it is the Congress which deliberately or inadvertently makes many of the choices regarding technology and its use or misuse.

Dr. Jerome B. Wiesner cogently described the task we face in an appearance before the House Science and Astronautics Committee when he said:

> Our task in dealing with these problems is two-fold: To anticipate and avoid destructive applications of technology and to stimulate and emphasize those uses which would point us in the direction of a more humane, decent, happy society. We must learn to recognize and avoid those uses of technology which would be destructive or demeaning to people, no matter what their material yield: in other words, we must learn how to create a humane technology.

Creating that humane technology, making it possible for the Congress to contribute toward that task or goal, is what H.R. 10243 is all about. H.R. 10243 has my full support and I hope that of the other Members of the House of Representatives.

Mr. MOSHER. Mr. Chairman, I yield 3 minutes to the gentleman from Kansas (Mr. WINN).

Mr. WINN. Mr. Chairman, as a cosponsor of H.R. 10243, I would like to add my support. In America today there is an increasing need and demand for legislation which will result in immediate and concrete social benefits. The major role that science and technology must play in these programs cannot be denied.

The rapidly changing and expanding technology base which exists in our Nation, and its influence on much of the legislation we consider, places great stress on the Congress in terms of understanding all the possible physical, economic, social, and political ramifications of a particular bill which is being considered.

The establishment of an Office of Technology Assessment would represent a major step forward in providing the Congress with the unbiased information that is required to create legislation which is both beneficial to the American public and which utilizes public funds and resources in a cost-effective manner.

This office would provide us with the ability to visualize the potential influences of technology allowing us to ascertain its optimum use. This would better enable Congress to control and direct emerging technologies so as to maximize the public benefits while minimizing public risk.

The profit motive and the traditional market mechanism that we have long relied upon for the task of sorting out what technology should be used is no longer sufficient. With the establishment of OTA, the interactions, side-effects, byproducts, and trade-offs among constantly developing technologies would be scrutinized in order to fully understand the effect of technology which is often the cause of unforeseen and undesirable results.

Mr. GOLDWATER. Mr. Chairman, I would like to rise in support of H.R. 10243, to establish an Office of Technology Assessment for the Congress.

As one of the cosponsors of this legislation, I share the view of my esteemed colleague, Mr. DAVIS of Georgia, that such an office is essential if the Congress of the United States is to be properly informed on the potential and immediate effects of our exponentially increasing technological growth.

As a Representative from southern California, I am especially familiar with the rapidity of "spin-offs" from the aerospace industry. I can say with all honesty that it is humanly impossible for one man to keep track of all of these "spin-offs," much less their potential impact on our society. Yet the collation and dissemination of this type of information is, it seems to me, especially critical for the Congress, for a number of reasons.

First of all, we must consider the billions that Congress spends each year to advance technology and to further basic research. We have always acted on the basic premise that this type of investment is good, that it will produce concrete returns, and that these returns will be of value to society. The Office of Technology Assessment will take this basic premise and put it to the test; by so doing, it will present the Congress, for the first time, with rational options for program activity. We will be able to trace out the possible effects of varying forms of investment, as well as to identify areas of critical need.

Mr. Chairman, I wish to compliment Mr. DAVIS for his fine efforts on behalf of this bill; passage of this legislation will enable the Members of Congress to serve more knowledgeably and responsibly in setting the technological goals for this country and in allocating America's resources for the achievement of these worthwhile goals.

Mr. DAVIS of Georgia. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri (Mr. SYMINGTON).

Mr. SYMINGTON. Mr. Chairman, I have served but 3 of the 5 years on the Committee on Science and Astronautics, during which time the committee has considered the need for an Office of Technology Assessment, but I can honestly say that I had only served a few weeks

on the committee, during the period of the early hearings in 1969, when I recognized the need for such an office. I think that it is interesting and perhaps fortuitous that we have only within the past hour concluded the debate on a recommended resolution highly relevant to the questions that we raise in our discussion here. As you will recall, that was House Resolution 164, the preamble of which reads in a sense almost identically with the preamble of the bill before us, and yet was addressed, the meat and thrust of that legislation, toward but one particular, imperative problem which was the problem of protecting the rights of privacy, and the civil rights aspects of a man's personal life from the, unwitting at times and perhaps sometimes deliberate, encroachments of technology. The 168 Members who supported that resolution undoubtedly recognized that problem, and perhaps did not know that we were about to present an overall piece of legislation which would attempt to provide the Congress with resources to answer many, many questions of technology assessment that can arise out of every committee in both Houses of the Congress. And that is the bill that is before us today.

I am proud of our chairman, the gentleman from Georgia (Mr. DAVIS), for taking the baton from our former colleague, Mr. Daddario, who was the great chairman that preceded him in producing this legislation, because I honestly feel that this bill will help the Congress know what it is doing in many other pieces of legislation that will come before it.

We cannot exactly call this an America-first type of bill because in the remarks which I hope will receive consideration in the Extensions of Remarks it is clear that West Germany, Britain, Japan, Sweden, Canada, and, in fact, most of the major developed countries of the world have established such an office, either serving their parliaments directly or stemming from their ministries of trade or economy in order to make them competitive, which is what we would like to continue to be, and which is why I would very much hope that the Congress would avail itself of this opportunity, not so much as an offset to the executive powers in this regard, though they are clearly ahead of us there, and much information we receive from the administration is highly useful to us.

But there are times when we would feel more comfortable developing our own views, and the basis for them, not necessarily in contradistinction, but often in support of initiatives the executive asks of us. This Office of Technology Assessment would provide such resources. Moreover, I do believe the suggested authorization of an appropriation of $5 million is not out of line with the kind of sums that we ought to be saving our Nation should such an office be established, warning us away from erroneous uses of technology and encouraging us to make correct uses of it.

Our committees are simply not staffed nor are any of our individual offices so staffed that we can make these assessments ourselves. This bill provide us with a much-needed and much-lacking resource, and I do hope it will receive the earnest and positive consideration of the House.

Mr. Chairman, technology assessment is a response to the public demand that science serve all human needs and values.

This feeling is apparent throughout the world, not just in our own country.

People continue to use technology to make a living, of course, but they also want to steer its application to improve the environment and the quality of life.

Citizens everywhere are telling their governments and business enterprises to make sure that new technologies and new projects return a net benefit when social and environmental as well as economic costs are added up.

In considering this bill to establish an office of technology assessment I wish to point out the number of parallel activities going on in other countries and in international organizations.

In the United Kingdom the Ministry of Trade and Industry has for some time operated a program analysis unit to study broadly the costs and benefits of alternative government investments in technological projects.

A special "Crown Commission" was formed to assess the social and environmental impacts of a third airport for London as well as its economic feasibility.

As some of my colleagues here recall, Mr. Peter Walker, the British Minister for the Environment, told a group of Senators and Congressmen at the recent joint colloquium on International Environmental Science that because of their effort in assessment the quality of Government decisionmaking had been greatly improved.

In West Germany an institute for systems planning has been set up at Heidelberg and the Bundestag has empowered a committee to assemble information on assessments of the impacts of roads, dams, waterways projects, and other public works.

In Japan the Ministry of Trade and Information has undertaken a massive study of probable opportunities and hazards in future technological capability.

The Swedish Board for Technological Development is studying the "problems of monitoring and abatement of negative side effects of existing technologies."

Other nations beginning technology assessment include the Netherlands, Canada, Norway, and France.

These concerns are not limited to the capitalist world.

I have obtained a copy of a report, "Science of Science—Effective Management of Technology" by G. M. Dobrov of the U.S.S.R. Academy of Sciences. It purports to discuss the Russian experience with side effects of technology and is now being translated into English by the Congressional Research Service.

Just a few days ago representatives from 12 countries met at the Organization for Economic Cooperation and Development—OECD—in Paris to discuss technology assessment.

A recent report by the OECD on science policy for the 1970's has concluded:

> That the new orientation of our societies towards the qualitative aspects of growth and towards broader concepts of welfare will require a much closer integration of science policy with the totality of economic and social policy, especially in relation to the long range human objectives of economic development.

The 12 nation technology assessment seminar compared experiences and methods of assessment. They agreed that technology assessment must be performed and the results communicated to parliamentarians and other decisionmakers.

A cooperative program to exchange assessment information is being formed by the OECD.

The North Atlantic Treaty Organization through its science committee has planned a meeting of member country experts on technology assessment for this next fall.

UNESCO has begun to apply assessment of the noneconomic consequences of technological development to its program planning for the emerging nations.

These less developed countries are well aware of the chance they have to avoid unwanted side effects as they expand their economies.

The council of Europe will hold its third parliamentary and scientific conference in April of this year in Switzerland.

The theme is "Management of Technology and Parliamentary Control" to insure "that decisions necessary to make modern government both effective and democratic are taken on the basis of the most relevant information at the right level, under parliamentary control and at the right time."

A New International Institute for the Management of Technology has been established in Milan, Italy, under the auspices of Austria, France, Germany, Italy, the Netherlands and the United Kingdom, with the support of over 20 major European corporations.

The purpose of the IIMT is to train government and business leaders in the new techniques of management, and technology assessment is a principal part of the curriculum.

The European Industrial Research Management Association — EIRMA — a private sector organization, has recognized the importance of technology assessment in its programs and plans.

Finally, Mr. Chairman, the U.N. Conference on the Human Environment to be held in Stockholm this spring will discuss environmental consequences as a part of the total impact assessment process which is becoming recognized throughout the world as a necessity for the rational progress of civilization.

Thus the Office of Technology Assessment proposed in H.R. 10243 would become a major link in a global network of institutions which are assisting decisionmakers to do a better job.

Technological matters have many international aspects and the assessment of impacts is an appropriate subject for the exchange of information and methodology.

The U.S. Congress can gain a great deal from the experiences of other gov-

ernments if it establishes the functions described in our bill.

The OTA can channel assessment results accomplished elsewhere to bear on our domestic problems where technologies are similar.

There will be differences in value systems among countries which may cause implementation of technology assessments to differ—but the surging interest in this analytical method throughout the world should be of benefit to all nations.

Mr. MOSHER. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. COUGHLIN).

Mr. COUGHLIN. Mr. Chairman, I would like to join Chairman MILLER and Mr. MOSHER in offering my endorsement of H.R. 10243. I would also like to comment further about the pressing need for creating an Office of Technology Assessment.

The term technology assessment has an appealing sound of relevance about it, and yet, I am not sure that the contribution such an Office would make to the Congress is fully appreciated.

Technology in essence means change. This change can mean great advantages for society. But it can also mean major threats. The automobile's air polluting engine as well as the jet's noise polluting engine come immediately to mind.

In the past few years, as a result of some of the unforeseen implications of our advancing technology, technology has been scored for its detrimental impact on society. The basis of the problem, however, is that society has failed to anticipate the impacts of the technological age—rather we have merely reacted to them.

We need to be concerned, therefore, not only with the obvious, first-order effects of technological innovation, but also with the less obvious and sometimes nearly imperceptible second-order effects.

Most of us have been able to recognize the first-order effects of damming a river or developing a supersonic transport or introducing a new pesticide. But an Office of Technology Assessment would try to determine the effects beyond that which might otherwise be overlooked, whether those effects be beneficial or harmful.

An Office of Technology Assessment would thus permit the Congress to foresee and to understand in full the implications of a perspective change, and to help society share this understanding so that we can be ready to make the most of the advantages and to lessen, insofar as possible, the dangers.

In essence then, an Office of Technology Assessment would consist of a small core of multidisciplinary experts who would investigate the unexpected impacts of technology on the natural and social environments; look for conditions in which technology might solve our problems and benefit our society; identify Government programs with a high or novel technology content; and identify for the Congress promising technological and scientific developments.

One of the great challenges of our time is to apply science and technology to enriching the quality of life, to enhancing the satisfaction of daily work, and to improving the environment. It is obvious that one of the most promising frontiers for future technological efforts is in the direction of human, environmental, and resource development—a "big picture" approach—rather than simply a multiplication of gadgets. Technology is something to be adapted to the needs of man to serve man—with the task of an Office of Technology Assessment to direct that technology to the fulfillment of important human purposes.

Mr. MOSHER. Mr. Chairman, I yield such time as he may consume to the gentleman from Oklahoma (Mr. CAMP).

Mr. CAMP. Mr. Chairman, I join with Chairman MILLER and the ranking Republican member of the committee, Mr. MOSHER, in offering my enthusiastic support of the bill to create an Office of Technology Assessment.

I feel that the creation of this Office responds to one of the more immediate and pressing needs of society. I see this Office as an outgrowth of the increasing public concern which has developed over the deterioration of many aspects of our quality of life—a deterioration tied in many cases to technology.

It is wrong of course to lay the complete blame on technology for such problems as air pollution, noise pollution, inadequate transportation, and urban crowding. Still, these and many of our other major problems distinctly involve technology—not only in terms of how the problem arose, but also in terms of how the problem will be solved.

This in essence is what technology assessment is all about. Past progress in such diverse fields as defense, transportation, and agriculture has advanced in rather haphazard, or at best, undirected fashion. Society is now having to bear the consequences. Many of the goods and concepts we have come to consider as benefits are now being viewed more skeptically. Much of our past progress is instead seen as contributing directly to the very ruination of our environment and our standard of living. It is not surprising therefore that a strong desire has emerged to eliminate or minimize these undesirable effects.

One clear outgrowth of this desire is the bill before the Congress today—a bill designed to better exploit the advantages of technological innovation while reducing the disadvantages. While an Office of Technology Assessment will not be able to answer all the questions on every issue, it certainly will be able to better explore and evaluate the uncertainties inherent in technological developments, particularly in its initial stages. I further emphasize that technology assessment does not mean putting controls on technology. What it does mean is integrating the technological with the social, governmental, and political.

In summary, Mr. Chairman, I think the creation of an Office of Technology Assessment represents a major move both in the direction of remedying present ills and in reassuring those who doubt or fear technology. The wise and imaginative application of technology can do much to alleviate current problems while simultaneously bringing about new social benefits. I ask my colleagues to join with me in supporting this new Office as it is designed to carry out this essential responsibility.

Mr. DAVIS of Georgia. Mr. Chairman, I yield 5 minutes to the gentleman from Washington (Mr. MCCORMACK).

Mr. MCCORMACK. Mr. Chairman, one of the noteworthy aspects of the bill we are considering today is that the underlying concept of technology assessment has already begun to appear in the deliberations of the Congress. There is a realization of the need for technology assessment not only in terms of the general discussions heard in this body about the impact of modern technology on our society and its environment, but also terms of the specific actions which we take.

Let me suggest a few examples. In the conference report on the appropriations for the Environmental Protection Agency in the last session of this Congress the conferees stressed the need for Government agencies to review new projects not only for their environmental impact. They also directed that "all required reports from departments, agencies, or persons shall also include information—on the effect of the economy, including employment, unemployment, and other economic impacts."

The same concern for broad technology assessment and for the methods of performing such assessments can be found in the debate on the water quality amendments last year. One Member noted that the act already calls for determinations to be made of the social benefits and costs which would result in specific cases from the imposition of higher standards of effluent control. He proposed an amendment giving the Environmental Protection Agency responsibility for the development of "the most effective practicable tools and techniques for measuring the social costs and benefits of activities which are subject to regulation."

Let me note as a final example the language contained in the Rivers and Harbors Appropriations Act for fiscal year 1972. Section 122 called on the Chief of the Army Engineers to study the adverse economic, social, and environmental effects of new projects. These adverse effects were enumerated in some detail and include air, noise, and water pollution, esthetic values, community cohesion, and effects on employment, taxes, property values and community growth, and the general displacement of people, businesses and farms.

These examples suggest two things.

One is that the Congress has become thoroughly aware of the need for technology assessment. The other is that up to now very little of this has been done by the Congress itself. In almost every case the buck has been passed to the executive branch.

In my opinion the time has come for the Congress to begin doing its own technology assessments. I am strengthened in that view by a survey made a few years ago of the proposals introduced in the Congress regarding the establishment of new committees with special interest in science, technology, and the en-

vironment. In the 89th Congress, nine such proposals were introduced. In the 90th Congress, a total of 27 proposals were introduced. In the 91st Congress the figure jumped drastically to 132 proposals for the establishment of such new committees in the field of science, technology, and the environment.

I think that it is clear that as a nation we have recognized the need for technology assessment. And I think that it is equally clear that in the Congress we have a need for a capability to do at least part of the job of technology assessment as an integrated part of the legislative process.

Mr. MOSHER. Mr. Chairman, I have no further requests for time at this time.

Mr. DAVIS of Georgia. Mr. Chairman, I yield 5 minutes to the chairman of our full committee, the gentleman from California (Mr. MILLER).

Mr. MILLER of California. Mr. Chairman, those of us who have been thinking about an Office of Technology Assessment for some time have long since concluded that it will more than pay for itself in money saved.

Not that the advanced type of information the OTA could provide will guarantee there will be no unnecessary Government expenditures—but it certainly should help the legislative branch in its efforts to hold these to a minimum.

No doubt each of us could cite offhand various instances of stop-and-start Federal activities which have resulted in the loss of hundreds of millions of taxpayer dollars.

This brings me around to the question of what the size and cost of the OTA itself may be. Clearly we cannot get accurate data on this question for two main reasons.

One is that the answer depends to a great degree on the quality of work done by the OTA, and hence how much use Congress chooses to make of it.

Second, since actual assessments will not be made by OTA itself but would be contracted to outside organizations, institutions, or ad hoc groups, we cannot state with accuracy what the studies will cost.

Obviously some will be inexpensive and some may be quite expensive, depending on their nature. And, we must remember that inflation must always be considered.

We believe, however, that the OTA in-house staff itself, though highly skilled, will remain small. The eventual professional staff is visualized at somewhere between 40 and 60, and we would expect the total personnel would level out at a somewhat higher figure.

If we estimate the annual cost per professional at about $30,000—which costs would include supporting services, overhead, administrative, and other expenses—then the operational costs eventually should be in the neighborhood of one and a half million per year.

Turning now to the cost of the assessments themselves, it is my understanding that on the basis of experience in the executive branch regarding somewhat similar activities, we might expect an average assessment of between $50,000 and $80,000, though some might run as little as $5,000 and some as high as $500,000.

If we assume that the OTA would handle 100 assessments of all types in a typical year, the average cost being $60,000, this would result in a contractual outlay of about $6 million.

If experience proves that the assessments run at a considerably higher figure, it is our expectation that the policy of the Office would be to exert stringent priorities and decrease the number of assessments initiated by the Office itself.

Hence, if it turned out that the assessments averaged, say, $150,000, we might reasonably expect the number performed in a typical year to be considerably fewer.

In any event, at this point in time, it would seem reasonable to estimate that a fully operative OTA would cost in the neighborhood of $7 or $8 million, annually.

In the long run, the cost of the Office, as I have suggested, will depend on the regard with which it is held by its constituency—that is, the Congress. The budget level must eventually be determined by the use that is made of it and the quality of its work.

Mr. DAVIS of Georgia. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, I support H.R. 10243 to create an Office of Technology Assessment to aid Congress in its decisionmaking on the many technological issues that will confront us in coming years. Not only would such an Office be of invaluable assistance to Congress and to the various committees that deal with complex technological matters, but such an Office would pay for itself many times over in the prevention of wasted expenditures of public funds.

In recent years we have seen a tremendous increase in concern for certain physical and social values and in the realization that the side effects of technological developments can sometimes far outweigh the intended purposes of the developments themselves. Because of this new awareness, many public works projects and programs of support to technological development which Congress has authorized have subsequently encountered strong resistance.

If Congress had access to better information about these technological programs and a clearer picture of what their ramifications might be, many costly mistakes might be avoided. How much more sensible it would be to decide for or against a program after a small investment of time and money that told us something of its consequences, than to abandon investments of millions and even billions of dollars because the liabilities of a program were not realized until it was half constructed. Let me cite a few examples of some of the better known projects that have been abandoned or delayed because of concerns which erupted after they were already well underway. The money lost on any one of these projects would justify—even more than justify—expenditures for technology assessment.

Everyone is aware of the environmental focus that was brought to bear on the Cross-Florida Barge Canal but not everyone remembers that close to $50 million had already been invested in the project when it was halted. That is $50 million down the drain with practically no benefits. As of last November, the Corps of Engineers had five other projects that were stopped because of law suits, and eight more that were the subject of litigation. The corps is not the only case; water resource projects of TVA and the Bureau of Reclamation similarly are subject to opposition because of side effects—not merely environmental effects, but economic, social, and political ones.

Last year's drastic reversal of policy on the prototype SST was the result of a number of factors, including the possible environmental effects of a fleet of SST's operating in the stratosphere. Chief among these was the possible destruction of stratospheric ozone by the release of large quantities of nitrogen oxides in the stratosphere. Some scientists projected a substantial reduction of such ozone, with a resulting sharp increase in the amount of ultraviolet radiation reaching the surface of the earth. While there is no question that such an increase in radiation would be catastrophic for life on earth, there was and is no consensus as to whether such an increase would occur. Research is continuing on this question.

If the question had been raised and resolved before Government and industry had invested a billion dollars in the SST project, the waste of money and effort represented by the belated curtailment of the project might have been avoided.

Airports are often begun before careful scrutiny has been given to their environmental impact. The Big Cypress Jetport is now a $10 million patch of concrete, a huge scar in a tropical wilderness that will probably never serve its intended purpose. At least three Federal grants involving a million dollars went in the jetport.

Highway construction is notorious for its lack of consideration for side effects. I am sure all of the Members have cases in their districts of highways that have wiped out parks or low-income housing, or have split a community in two. We are just beginning to realize the tremendous impact that highway programs have on urban development, urban sprawl, the decay of center cities, and so on.

I will mention just one more category of projects: powerplants. Our needs for power are great and increasing, but our concern for the disruptions that powerplants can cause is also great and increasing. We must be sure that the best possible assessments of these technological developments are made before making decisons on them; otherwise there may be great blunders of economic and environmental disruption, severe local power shortages, and a multiplicity of lawsuits. Significant changes may be made in many nuclear plants following the Calvert Cliffs decision. This could result in substantial increased cost—all because of inadequate technology assessment during early planning stages.

Technology assessment would not necessarily reveal reasons for stopping such projects. More likely, it would point out probable consequences in time to take corrective action. The proponents of progress could then devise alternatives or remedies to make the projects acceptable. It is certain that prior knowledge of potential adverse reactions will prove less expensive than changes after the project is underway.

I urge passage of H.R. 10243. Congress, as the chief decisionmaking body for the Nation, should have the best possible technology assessment at its disposal.

Mr. DAVIS of Georgia. Mr. Chairman, I yield 3 minutes at this time to the gentleman from California (Mr. HANNA).

Mr. HANNA. Mr. Chairman, I thank the chairman for yielding.

I am sure there are more than an adequate number of cases for this legislation, as pointed out in the remarks that have been made and that will be made.

It does strike me as rather singularly important that this body should answer the question to the people of the United States: Who is in charge? Everywhere we look we see that the Congress is reacting to conditions that have been established by the decisionmakers whom the people of the United States have not put in charge. They are the people who are pursuing activities in this country the results of which become extremely burdensome to the American people.

Those persons do not have any constituency to whom they must respond. They are simply going out to take advantage of all the opportunities to carry out to the greatest extreme the activity to which they have addressed their time, talent and money. Yet inevitably the results of that activity create in our society conditions which are then brought to this Congress, and we are asked to do something about it. By that time the load factor is so great it would give the Jolly Green Giant a double hernia, and the costs of doing something about it are so great, we find ourselves facing deficits the like of which even some of our most concerned gentlemen in this House would never have dreamed possible we would have to face in this country and in this Congress.

So here we have an opportunity to do something constructive, something that we possibly should have done some time ago before this tremendous velocity of change was upon us.

The impact of scientific knowledge and technological advance has been so dominant in decisionmaking, but whether we like it or not, that is who is in charge. It is the conditions that are being created by this tremendous avalanche of so-called progress which leaves in its wake the tremendous problems which are then the business of this House.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield for a question?

Mr. HANNA. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Would the gentleman agree that without this kind of assistance, the Congress is going to find itself in the course of time unable to deal with its constitutional responsibilities, and, therefore, it is going to experience a continual erosion of its constitutional authority?

Mr. HANNA. I could not agree more with the gentleman. The challenge is before us. We simply have to pick it up and take charge in a manner which we have not heretofore done.

This legislation gives us a vehicle by which we can do just that, I should hope it would put in our hands that decision making ahead of the facts instead of after the facts, so instead of being the cleanup crew, the salvage crew of the United States, the Congress can be a constructive decisionmaker in helping to determine the future of this country.

Mr. DAVIS of Georgia. Mr. Chairman, may I inquire how much time remains on this side?

The CHAIRMAN. The gentleman has 3 minutes remaining.

Mr. DAVIS of Georgia. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. BROOKS).

Mr. BROOKS. Mr. Chairman, may I ask my distinguished colleague from Ohio if I might have 2 or 3 minutes of the time on his side?

Mr. MOSHER. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio.

Mr. BROOKS. Mr. Chairman, we are all acutely aware that Congress does not command the information resources—the analytical capability independent of the executive branch—it should have for policy determination and program review.

In this context, the objectives envisioned for an Office of Technology Assessment in the legislative branch are certainly desirable.

But I question whether this new agency, as described in H.R. 10243, would in fact be an Office of Technology Assessment for Congress.

Let me explain my reservations:

H.R. 10243 gives the Office and its Director extremely broad authority to provide an "early warning" on the results of applying technology, thereby assisting "the Congress in determining the relative priorities of programs before it."

Overall policy guidance for the office is the responsibility of an 11-member board made up of private citizens and public officials. Its chairman and vice chairman are private-citizen members. A majority of its members are either appointed by the President or selected by a Presidential appointee. Moreover, as a practical matter, the President—through judicious selection of the private citizen contingent—can insure control of this board by members of his party.

The Office may hold hearings and take testimony under whatever procedures it may wish to establish. This authority may be delegated to the Director or to a private-citizen-member of the Board.

Its Director, appointed by the Board, may initiate assessments on his own authority. And he may issue subpenas on his own authority or designate any person to do so for him—a power well beyond that of any Representative or Senator acting in his individual capacity.

Mr. Chairman, my amendment returns the Office of Technology Assessment to the legislative branch.

First, it creates a Technology Assessment Board made up of elected Members of the U.S. Congress. It provides for appointment of five Senators by the President pro tempore, three from the majority and two from the minority. Similarly, it provides for appointment by the Speaker of five Representatives. The chairmanship will alternate between the Houses every 2 years.

Second, it establishes responsibility for initiation of assessments in the committees of Congress and in this congressional Board of Technology Assessment; and

Third, it eliminates section 6(d) and the far-reaching authority to conduct hearings under unspecified conditions and procedures. It also eliminates the Director's subpena power.

Mr. Chairman, I am convinced that in our representative system the experts should be on tap, not on top.

The activities of an Office of Technology Assessment must supplement—not supplant—the work of the congressional committees. My amendment will insure that this Office is both responsive and responsible to the Congress.

Mr. DAVIS of Georgia. Mr. Chairman, I have no further requests for time.

Mr. MOSHER. Mr. Chairman, I have no further requests for time.

Mr. TEAGUE of Texas. Mr. Chairman, I rise in support of H.R. 10243 which would establish an Office of Technology Assessment for the Congress. Congress has needed an organization like the Office of Technology Assessment for a long time. The reasons for this are straightforward.

Legislative programs have become increasingly technological in character over the past decades. As a result, the committees of the Congress have had to depend more and more on experts from the executive branch or upon outside groups which have vested interests in the issues under consideration. Let me cite some figures which will illustrate to some extent the quantitative trends we are facing.

In 1954 total expenditures of the Federal Government for research and development were only slightly more than $3 billion. Of this total, $2.5 billion were by the Department of Defense and almost $400 million by the AEC. In fiscal year 1973 the administration has proposed obligations of almost $18 billion for R. & D. Over $2 billion of this total is for programs within the Department of Health, Education, and Welfare, and billions more are for other civilian R. & D. programs. The complexity of the programs which these expenditures represent make adequate congressional review very difficult. Our hard-working legislative and appropriations committees need the expert assistance which an Office of Technology Assessment can provide.

Another example of how we can expect technology to be woven ever more closely into the fabric of legislative issues is the new program to help stimulate R. & D. in American industry which the administration is expected to announce shortly. During the last few years we have seen the U.S. surplus in international trade turned into a resounding deficit. A growing sense of worry about a reverse technology gap is apparent to

those of us that have some knowledge of the condition of America's technology based industries.

Since the Second World War we have seen most of the world's airlines flying U.S. made jetliners. Our industrial companies have built petrochemical plants all over the world based on American expertise. Recently we have seen foreign steelmakers forge ahead of our domestic steel companies with new technological advances and large capital expenditures. European and Japanese corporations have taken the lead in high technology activities all the way from extra high voltage electrical transmission lines to polypropylene; from optical equipment to semiconductors.

It is expected that the President will be sending up a special message in the near future outlining a "new technological opportunities" program. It is the duty of Congress to carefully scrutinize these proposals. At the same time, we will find it difficult to marshal the sophisticated, systems-analytic approaches needed to perform these indepth reviews. The Office of Technology Assessment could provide just that kind of analysis if it were in existence.

In conclusion, let me reemphasize that in the coming years legislation which we as lawmakers must grapple with will be increasingly technological in nature. If Congress is to be adequately equipped to deal with these complex issues, it must have an independent source of expertise. We in the legislative branch must have an organization capable of finding answers to our sometimes complicated questions in an unbiased manner. I am convinced that we can take a giant stride toward this objective by establishing the Office of Technology Assessment, as proposed in H.R. 10243.

Mr. PELLY. Mr. Chairman, I wish to add my support to H.R. 10243, establishing the Office of Technology Assessment. Throughout history benefits from a new technology have been accompanied by unforeseen social effects resulting from that new technology. However, the unexpected consequences of today's scientific research are even more significant, and occasionally more devastating, than those in past history. This is due to the enlarged scope and capability of many of our modern technological products.

In our rapidly advancing Nation, the pressure for immediate application of a new technology is great. Frequently, the time and knowledge necessary for impartially weighing the definite benefits of a particular technology against the possible undesirable side effects is not available prior to its implementation.

Too often, the little information available to the Congress regarding the desirability or undesirability of a new technology comes from a variety of special interest groups—each with their own point of view to foster.

The Office of Technology Assessment will bring within the legislative branch of our Government the means to impartially assess the possible consequences of the use of particular technologies. Potential impacts on our society may be examined which tend to be overlooked by organizations whose interests are focused elsewhere. This Office will provide Congress with a technology-predictive tool, since its efforts will be directed at examining the effects of the choice of a particular technology at a time when the application of that technology lies in the future, or is still hypothetical.

The Congress will also be able to focus more on the possible second-order effects of technology that result from little understood or wholly unsuspected relations between technology and society.

Again, I fully endorse this bill to establish an Office of Technology Assessment to provide Congress with a much-needed means of improving our decision-making capability.

I thank the gentleman for yielding.

Mr. FUQUA. Mr. Chairman, as a cosponsor of H.R. 3269, a bill essentially identical to the one we are considering today, I strongly urge my colleagues to support this measure as the Congress is in dire need of a responsive and efficient technology assessment pipeline. The Congress is called upon daily to deal with legislation of complex technological matters and the establishment of the Office of Technology Assessment would greatly aid Members in voting on the basis of sound scientific information.

The committee report on this important legislation shows that 39 congressional committees or subcommittees, plus four joint committees or subcommittees, whose activities and needs are directly applicable to technology assessment. The Congress was at a similar informational watershed when the Congress inaugurated the Legislative Reference Service in 1915, and the Government Accounting Office in 1921. The Office of Technology Assessment authorized in the bill would be fully within and responsible to the legislative branch and would be an important conduit for information regarding the state of our technology and its support, management, or control.

The bill has the attractive feature of being closely coordinated with the National Science Foundation as the NSF has important experience in the research and development of technology assessment methodology. Grants and contracts which would contribute to the assessment of technology would be coordinated through the two bodies to insure that there is no duplication of efforts.

The President's Task Force on Science Policy noted that the legislative branch should have an effective technology assessment structure to create a forum not only for governmental activities but those in the private sector. The task force supported the establishment of the Office of Technology Assessment as a major contributor in developing a national growth policy to insure that technological advances are understood and applied in the most prudent manner possible.

The Congress must act to stay current on the changing tides of technology and its impact on this society. H.R. 10243 provides an important aid in the identification and consideration of existing and probable impacts of technological application, and I urge its enactment.

Mr. BELL. Mr. Chairman, I strongly support H.R. 10243 to establish an Office of Technology Assessment. I would also like to associate myself with the remarks made by my distinguished colleagues, Chairman MILLER and Mr. MOSHER.

The need for a comprehensive approach to technology assessment is now almost universally agreed upon. Where Congress has traditionally based most decisions on first-order consequences, the Office of Technology Assessment would permit investigation and consideration of secondary and even tertiary consequences—both positive and negative.

I think none will dispute that Congress is being faced with an ever-increasing burden of technological problems. More and more we are seeing heavy technical and scientific content in the bills brought before us. But the Congress today simply has no adequate vehicle for the type of in-depth, expert, and objective analysis so many of our bills require. Regrettably, therefore, we are too often placed in the position of being unable to penetrate the implications of the technical and scientific language to determine the "direction" in which the bill will lead or the consequences of its recommendations.

I know that many of my colleagues can think of issues in which the Office of Technology Assessment would have played an invaluable role. Two major examples are the development of the ABM and the SST. On both of these issues, many of the often conflicting technical and scientific arguments were fully comprehensible only to Ph.D's in the particular speciality area.

The Office of Technology Assessment, designed and staffed specifically to serve the needs of the Congress, would help to fill this "information gap." In essence, the Office would provide a comprehensive intelligence gathering and early-warning system for the Congress. The result would be a more enlightened Congress and more effective legislation.

Mr. Chairman, I would like to raise one final point. The hope in creating this new Office is that the Congress will be provided with an independent expert counsel in scientific and technological matters. H.R. 10243 vests responsibility over the Office in a Board whose majority represents the legislative, rather than the executive, branch of our government. And since regular review of the Office's performance is required, I am confident that OTA will be able to maintain its professional independence in providing for the needs of the Congress.

Mr. Chairman, I attach great importance to seeing that the Congress maintain its preparedness to serve the people. I feel that the creation of an Office of Technology Assessment will serve as the keystone to our future progress in evaluating and managing scientific and technological issues.

I ask my colleagues to join with me in supporting H.R. 10243.

Mr. McCLORY. Mr. Chairman, I congratulate the Science and Astronautics Committee on developing this measure (H.R. 10243)

Mr. Chairman, it has become the fashion to denounce the increasing complexity of science and technology and their undesirable effects. But we know

we cannot turn back the clock. What is the alternative? We can continue to use science and technology while we provide the means for directing its orderly progress. Instead of following blindly where science leads, we must learn how to do the leading. The bill under consideration today will help the Congress to provide such leadership.

We are beginning to recognize that science can no longer be left completely free. The direct and indirect impacts of new science and technology are so vast and far-reaching that they can no longer safely be turned loose on our society. Technology is national in scope, national in effect, and national in its organizational instrumentalities. We need an effective national mechanism for exploiting the good and restraining the harmful. Moreover, we cannot afford to wait to initiate remedial action until a problem reaches crisis proportions.

Increasingly the executive branch has expanded to meet the challenge of new science and technology and to direct it to its own ends. But what guarantees have we that the scientific activities of the bureaucracy will indeed serve society rather than bureaucratic self-interest?

Mr. Chairman, a well-informed, knowledgeable Congress, through its oversight functions, can help assure that science and technology serve the national interest. We can no longer permit highly controversial and sometimes questionable activities to be hidden from sight or lost in a welter of conflicting statements.

It should be emphasized that the main purpose of this bill is to extend the information-gathering capabilities of the Congress, not to recommend or control. These latter functions remain with the Congress. As the institution responsible for public decisionmaking on technological issues, Congress needs reliable information to make these decisions wisely. The information should be available as early as possible, before a technical issue has reached the stage of heated controversy. We know from experience that information developed on a crash basis is unlikely to be as useful as that developed carefully and deliberately under more objective circumstances.

Mr. Chairman, this bill would provide us with an early-warning system to assess the existing and probable impacts of both present and emerging technologies. It would inform us, well in advance, of the probable primary and secondary consequences of any developing technology. It would help eliminate guesswork and would allow us to apply greater skill and judgment in determining scientific priorities. I strongly urge the passage of H.R. 10243, the Technology Assessment Act of 1971.

Mr. ANDERSON of Illinois. Mr. Chairman, I wish to speak on behalf of H.R. 10243, creating an Office of Technology Assessment. The formation of this Office will crystallize a concept that has been a long time percolating in this body.

I was fortunate to be involved in what might be termed a precursor to this Office when I was a member of the House Select Committee on Government Research—the Elliott committee. While the aim of that committee was to look at an overall American science policy, an important element of its findings was to identify how Congress could take better advantage of scientific knowledge in formulating legislation. The recommendations of the committee, sensible though they were, were probably ahead of their time.

Technology assessment in the Congress was an idea whose time had to come. Two powerful currents in the past decade contributed to it.

First, there was the geometrical growth of technology and the boom in research and development output—the latter chiefly financed by the Government—along with a concomitant information explosion in all scientific fields. This was a technical and knowledge expansion which Congress felt ill equipped to evaluate.

The second current came to fruition late in the decade. It was a new skepticism about production-for-production sake, a new awareness of resource limitations and population pressures—all that has come to be summed up in the terms "ecology" and "the environment." At first faddish, later voiced by a spectrum from concerned researchers to strident neo-Luddites, it settled into what I hope is a permanent American critique of technology's effects on society and the ecostructure.

I have seen the evidence of these currents over the years sitting on the Joint Committee on Atomic Energy. Committee members have seen tremendous advances at the cutting edge of the most sophisticated technology together with a new questioning of energy balances, radiation levels, new installations. We may sometimes be staggered by the complexities the committee's business presents to us, yet, although laymen, we must continue to make informed decisions on abstruse questions.

Let me cite but one example of how an Office of Technology Assessment might have benefited this Congress. Last session we saw an epic debate on the supersonic transport plane. Without resuscitating the arguments of that acrimonious period, we can all recognize how much Congress could have used an independent, objective account of the social and environmental effects of that project. At its worst, that debate degenerated into an exchange of bombast, an exchange which could have been made more rational by better congressional backgrounding in technology assessment.

Some Members surely felt they were too dependent on the justifications of the executive branch for the plane and lacking countervailing information of their own. An Office of Technology Assessment would not have made the SST debate less controversial, but it might have added an element of clear reason to the whole issue.

The many Members who have contributed to this legislation over the years deserve the applause of this body, as do those Members from both parties on the Science and Astronautics Committee who have given it final form. A congressional "early warning system" on how this country's technology defines our tomorrow is long overdue.

Mr. CABELL. Mr. Chairman, the bill we are considering today aims to strengthen the capability of the Congress to assess the national impacts of technology. I think it is of interest that executive and legislative decisionmaking bodies in the 50 States are also beginning to feel the need for a technology assessment capability.

State research and advisory units are providing the Governor or the legislature with facts about technological trends offering opportunities for growth, or which need to be regulated to protect their citizens. Some of these are supported with matching grant funds from the National Science Foundation.

For example, the State of Hawaii recently established a Center for Science Policy and Technology Assessment. It will analyze the social, environmental, and economic effects of new technology and recommend appropriate actions by the State in response. The immediate task is to develop a systematic approach using the growing literature in this field, and relying also on experiences in other States.

In Georgia, the Center for Technology Forecasting and Assessment, under the Science and Technology Commission, has prepared for the Governor some noteworthy assessment reports on such issues as alternatives to the pending shortage of natural gas, hazards of exposure to radiation, environmental education plans for the Chattahoochee River Valley; and development of research and training centers for health sciences, biotechnology, and information technology. A forthcoming report assesses the merits of earth resource satellite technology.

In Pennsylvania, the uniquely constituted "Operation Alert," under the sponsorship of the State Government Advisory Committee, alerts decisionmakers to technological threats or opportunities impacting significantly upon the growth and well-being of the citizens of that State.

Several other States which have not yet established a systematic institution for technology assessment have, nevertheless, recognized the need to advise State officials of the benefits or hazards of new and existing technologies. Drawing upon the special resources of university and industrial scientists, and citizens with special qualifications, these States have authorized by statute or have created on an ad hoc basis groups to evaluate the merits of some specific technological innovation.

New York is assessing the design of a sensible regulation of weather modification. The New York State Assembly science advisory staff is also beginning research to devise noise pollution standards and has recently completed a technology assessment of certain types of motor vehicle accessories.

The California Science and Technology Advisory Council is considering problems of invasion of privacy due to expanded police use of computers. Another assessment recently performed in California was to evaluate the relative merits of leaded versus nonleaded gasoline with respect to air pollution.

Both California and Washington State science advisory groups have long alerted the Governor to problems of environ-

mental quality and water resources planning.

Regional and national conclaves have addressed the question of improving State science advisory units to enhance the application of science and technology by State governments. Notable among these are the National Academy of Public Administration Conference on State Government and Technology Assessment, the Science and Technology Project of the Council of State Governments, and the deliberations of the Committee on Intergovernmental Science Relations of the Federal Council for Science and Technology.

Mr. Chairman, the creation of an office of technology assessment for the Congress is not only essential—but will carry these beginning State efforts further along by the development of much broader national issues and assessment techniques.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Technology Assessment Act of 1971".

DECLARATION OF PURPOSE

SEC. 2. The Congress hereby finds and declares that:

(a) Emergent national problems, physical, biological, and social, are of such a nature and are developing at such an unprecedented rate as to constitute a major threat to the security and general welfare of the United States.

(b) Such problems are largely the result of and are allied to—

(1) the increasing pressures of population;

(2) the rapid consumption of natural resources; and

(3) the deterioration of the human environment, natural and social,

though not necessarily limited to or by these factors.

(c) The growth in scale and extent of technological application is a crucial element in such problems and either is or can be a pivotal influence with respect both to their cause and to their solution.

(d) The present mechanisms of the Congress do not provide the legislative branch with adequate independent and timely information concerning the potential application or impact of such technology, particularly in those instances where the Federal Government may be called upon to consider support, management, or regulation of technological applications.

(e) It is therefore imperative that the Congress equip itself with new and effective means for securing competent, unbiased information concerning the effects, physical, economic, social, and political, of the applications of technology, and that such information be utilized whenever appropriate as one element in the legislative assessment of matters pending before the Congress.

ESTABLISHMENT OF THE OFFICE OF TECHNOLOGY ASSESSMENT

SEC. 3. (a) In accordance with the rationale enunciated in section 2, there is hereby created the Office of Technology Assessment (hereinafter referred to as the "Office") which shall be within and responsible to the legislative branch of the Government.

(b) The Office shall consist of a Technology Assessment Board (hereinafter referred to as the "Board") which shall formulate and promulgate the policies of the Office, and a Director who shall carry out such policies and administer the operations of the Office.

(c) The basic responsibilities and duties of the Office shall be to provide an early warning of the probable impacts, positive and negative, of the applications of technology and to develop other coordinate information which may assist the Congress in determining the relative priorities of programs before it. In carrying out such function, the Office shall—

(1) identify existing or probable impacts of technology or technological programs;

(2) where possible establish cause-and-effect relationships;

(3) determine alternative technological methods of implementing specific programs;

(4) determine alternative programs for achieving requisite goals;

(5) make estimates and comparisons of the impacts of alternative methods and programs;

(6) present findings of completed analyses to the appropriate legislative authorities;

(7) identify areas where additional research or data collection is required to provide adequate support for the assessments and estimates described in paragraphs (1) through (5); and

(8) undertake such additional associated tasks as the appropriate authorities specified under subsection (d) may direct.

(d) Activities undertaken by the Office may be initiated by—

(1) the chairman of any standing, special, select, or joint committee of the Congress, acting for himself or at the request of the ranking minority member or a majority of the committee members;

(2) the Board; or

(3) the Director.

(e) Information, surveys, studies, reports, and findings produced by the Office shall be made freely available to the public except where (1) to do so would violate security statutes, or (2) the information or other matter involved could be withheld from the public, notwithstanding subsection (a) of section 552 of title 5, United States Code, under one or more of the numbered paragraphs in subsection (b) of such section.

(f) In undertaking the duties set out in subsection (c), full use shall be made of competent personnel and organizations outside the Office, public or private; and special ad hoc task forces or other arrangements may be formed by the Director when appropriate.

TECHNOLOGY ASSESSMENT BOARD

SEC. 4. (a) The Board shall consist of eleven members as follows:

(1) two Members of the Senate who shall not be members of the same political party, to be appointed by the President pro tempore of the Senate;

(2) two Members of the House of Representatives who shall not be members of the same political party, to be appointed by the Speaker of the House of Representatives;

(3) the Comptroller General of the United States;

(4) the Director of the Congressional Research Service of the Libraray of Congress;

(5) four members from the public, appointed by the President, by and with the advice and consent of the Senate, who shall be persons eminent in one or more fields of science or engineering or experienced in the administration of technological activities, or who may be judged qualified on the basis of contributions made to educational or public activities; and

(6) the Director (except that he shall not be considered a voting member for purposes of appointment or removal under the first sentence of section 5(a)).

(b) The Board, by majority vote, shall elect from among its members appointed under subsection (a)(5) a Chairman and a Vice Chairman, who shall serve for such time and under such conditions as the Board may prescribe. In the absence of the Chairman, or in the event of his incapacity, the Vice Chairman shall fulfill the duties and functions of the Chairman.

(c) The Board shall meet upon the call of the Chairman or upon the petition of five or more of its members, but it shall meet not less than twice each year.

(d) Seven members of the Board shall constitute a quorum.

(e) Any vacancy in the Board shall not affect its powers, but shall be filled in the manner in which the vacant position was originally filled.

(f) The term of office of each member of the Board appointed under subsection (a)(5) shall be four years, except that (1) any such member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and (2) the terms of office of such members first taking office after the enactment of this Act shall expire, as designated by the President at the time of appointment, two at the end of two years and two at the end of four years after the date of the enactment of this Act. No person shall be appointed a member of the Board under subsection (a)(5) more than twice.

(g)(1) The members of the Board other than those appointed under subsection (a)(5) shall receive no compensation for their services as members of the Board, but shall be allowed necessary travel expenses (or, in the alternative, mileage for use of privately owned vehicles and a per diem in lieu of subsistance not to exceed the rates prescribed in sections 5702 and 5704 of title 5, United States Code), and other necessary expenses incurred by them in the performance of duties vested in the Board, without regard to the provisions of subchapter I of chapter 57 of title 5, United States Code, the Standardized Government Travel Regulations, or section 5731 of title 5, United States Code.

(2) The members of the Board appointed under subsection (a)(5) shall each receive compensation at the rate of $100 for each day engaged in the actual performance of duties vested in the Board, and in addition shall be reimbursed for travel, subsistence, and other necessary expenses in the manner provided in paragraph (1) of this subsection.

DIRECTOR AND DEPUTY DIRECTOR

SEC. 5. (a) The Director of the Office of Technology Assessment shall be appointed by the Board and shall serve for a term of six years unless sooner removed by the Board. He shall receive basic pay at the rate provided for level II of the Executive Schedule under section 5313 of title 5, United States Code.

(b) In addition to the powers and duties vested in him by this Act, the Director shall exercise such powers and duties as may be delegated to him by the Board.

(c) The Director may appoint, with the approval of the Board, a Deputy Director who shall perform such functions as the Director may prescribe and who shall be Acting Director during the absence or incapacity of the Director or in the event of a vacancy in the office of Director. The Deputy Director shall receive basic pay at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code.

(d) Neither the Director nor the Deputy Director, except with the approval of the vocation or employment than that of serving as such Director or Deputy Director, as the case may be; nor shall the Director or Deputy Director, except with the approval of the Board, hold any office in, or act in any capacity for, any organization, agency, or institution with which the Office makes any contract or other arrangement under this Act.

AUTHORITY OF THE OFFICE

SEC. 6. (a) The Office shall have the authority, within the limits of available appropriations, to do all things necessary to carry out the provisions of this Act, including, but without being limited to, the authority to—

(1) prescribe such rules and regulations as it deems necessary governing the manner of its operation and its organization and personnel;

(2) make such expenditures as may be necessary for administering the provisions of this Act;

(3) enter into contracts or other arrangements as may be necessary for the conduct of its work with any agency or instrumentality of the United States, with any foreign country or international agency, with any State, territory, or possession or any political subdivision thereof, or with any person, firm, association, corporation, or education institution, with or without reimbursement, without performance or other bonds, and without regard to section 3709 of the Revised Statutes (41 U.S.C. 5);

(4) make advance, progress, and other payments which relate to technology assessment without regard to the provisions of section 3648 of the Revised Statutes (31 U.S.C. 529);

(5) acquire by purchase, lease, loan, or gift, and hold and dispose of by sale, lease, or loan, real and personal property of all kinds necessary for or resulting from, the exercise of authority granted by this Act; and

(6) accept and utilize the services of voluntary and uncompensated personnel and provide transportation and subsistence as authorized by section 5703 of title 5, United States Code, for persons serving without compensation.

(b) the Director shall, in accordance with such policies as the Board shall prescribe, appoint and fix the compensations of such personnel as may be necessary to carry out the provisions of this Act. Such appointments shall be made and such compensation shall be fixed in accordance with the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates; except that the Director may, in accordance with such policies as the Board shall prescribe, employ such technical and professional personnel and fix their compensation without regard to such provisions as he may deem necessary for the discharge of the responsibilities of the Office under this Act.

(c) The Office shall not, itself operate any laboratories, pilot plants, or test facilities in the pursuit of its mission.

(d)(1) The Office or (on the authorization of the Office) any of its duly constituted officers may, for the purpose of carrying out the provisions of this Act, hold such hearings, take such testimony, and sit and act at such times and places as the Office deems advisable. For this purpose the Office is authorized to require the attendance of such persons and the production of such books, records, documents, or data, by subpena or otherwise, and to take such testimony and records, as it deems necessary. Subpenas may be issued by the Director or by any person designated by him. If compliance with such a subpena by the person to whom it is issued or upon whom it is served would (in such person's judgment) require the disclosure of trade secrets or other commercial, financial, or proprietary information which is privileged or confidential, or constitute a clearly unwarranted invasion of privacy, such person may petition the United States district court for the district in which he resides or has his principal place of business, or in which the books, records, documents, or data involved are situated, and such court (after inspecting such books, records, documents, or data in camera) may excise and release from the subpena any portion thereof which it determines would require such disclosure or constitute such invasion. Where the subpena or such portion thereof would require such disclosure or constitute such invasion but the books, records, documents, or data involved are shown to be germane to the matters under consideration and necessary for the effective conduct by the Office of its proceedings or deliberations with respect thereto, the court may require that such books, records, documents, or data be produced or made available to the Office in accordance with the subpena but subject to such conditions and limitations of access as will prevent their public disclosure and protect their confidentiality.

(2) In case of contumacy or disobedience to a subpena issued under paragraph (1) the Attorney General, at the request of the Office, shall invoke the aid of the United States district court for the district in which the person to whom the subpena was issued or upon whom it was served resides or has his principal place of business, or in which the books, records, documents, or data involved are situated, or the aid of any other United States district court within the jurisdiction of which the Office's proceedings are being carried on, in requiring the production of such books, records, documents, or data or the attendance and testimony of such person in accordance with the subpena (subject to any conditions or limitations of access which may have been imposed by such court or any other court under the last sentence of paragraph (1)). Such court may issue an order requiring the person to whom the subpena was issued or upon whom it was served to produce the books, records, documents, or data involved, or to appear and testify, or both, in accordance with the subpena (subject to any such conditions or limitations of access); and any failure to obey such order of the court may be punished by the court as a contempt thereof.

(e) Each department, agency, or instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Office, upon request by the Director, such information as the Office deems necessary to carry out its functions under this Act.

(f) Contractors and other parties entering into contracts and other arrangements under this section which involve costs to the Government shall maintain such books and related records as will facilitate an effective audit in such detail and in such manner shall be prescribed by the Director, and such books and records (and related documents and papers) shall be available to the Director and the Comptroller General or any of their duly authorized representatives for the purpose of audit and examination.

UTILIZATION OF THE LIBRARY OF CONGRESS

SEC. 7. (a) Pursuant to the objectives of this Act, the Librarian of Congress is authorized to make available to the Office such services and assistance by the Congressional Research Service as may be appropriate and feasible.

(b) The foregoing services and assistance to the Office shall include all of the services and assistance which the Congressional Research Service is presently authorized to provide to the Congress, and shall particularly include, without being limited to, the following:

(1) maintaining a monitoring indicator system with respect to the natural and social environments which might reveal early impacts of technological change, but any such system shall be coordinated with other assessment activities which may exist in the departments and agencies of the executive branch of the Government;

(2) making surveys of ongoing and proposed programs of government with a high or novel technology content, together with timetables of applied science showing promising developments;

(3) publishing, from time to time, anticipatory reports and forecasts;

(4) recording the activities and responsibilities of Federal agencies in affecting or being affected by technological change;

(5) when warranted, recommending full-scale assessments;

(6) preparing background reports to aid in receiving and using the assessments;

(7) providing staff assistance in preparing for or holding committee hearings to consider the findings of the assessments;

(8) reviewing the findings of any assessment made by or for the Office; and

(9) assisting the Office in the maintenance of liaison with executive agencies involved in technology assessments.

(c) Nothing in this section shall alter or modify any services or responsibilities, other than those performed for the Office, which the Congressional Research Service under law performs for or on behalf of the Congress. The Librarian is, however, authorized to establish within the Congressional Research Service such additional divisions, groups, or other organization entities as may be necessary to carry out the objectives of this Act, including the functions enumerated in this section.

(d) Services and assistance made available to the Office by the Congressional Research Service in accordance with this section may be provided with or without reimbursement from funds of the Office, as agreed upon by the Chairman of the Board and the Librarian of Congress.

COORDINATION WITH THE NATIONAL SCIENCE FOUNDATION

SEC. 8. (a) The Office shall maintain a continuing liaison with the National Science Foundation with respect to—

(1) grants and contracts formulated or activated by the Foundation which are for purposes of technology assessment, and

(2) the promotion of coordination in areas of technology assessment, and the avoidance of unnecessary duplication or overlapping of research activities in the development of technology assessment techniques and programs.

(b) Section 3(b) of the National Science Foundation Act of 1950, as amended, is hereby amended to read as follows:

"(b) The Foundation is authorized to initiate and support specific scientific activities in connection with matters relating to international cooperation, national security, and the effects of scientific applications upon society by making contracts or other arrangements (including grants, loans, and other forms of assistance) for the conduct of such activities. When initiated or supported pursuant to requests made by any other Federal department or agency, including the Office of Technology Assessment, such activities shall be financed whenever feasible from funds transferred to the Foundation by the requesting official as provided in section 14(g), and any such activities shall be unclassified and shall be identified by the Foundation as being undertaken at the request of the appropriate official."

ANNUAL REPORT

SEC. 9. The Office shall submit to the Congress and to the President an annual report which shall, among other things, evaluate the existing state of the art with regard to technology assessment techniques and forecast, insofar as may be feasible, technological areas requiring future attention. The report shall be submitted not later than March 15 each year.

UTILIZATION OF THE GENERAL ACCOUNTING OFFICE

SEC. 10. Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel, and procurement) and such other services as may be appropriate shall be provided the Office by the General Accounting Office, with or without reimbursement from funds of the Office, as may be agreed upon by the Chair-

man of the Board and the Comptroller General of the United States. The regulations of the General Accounting Office for the collection of indebtedness of personnel resulting from erroneous payments (under section 5514 (b) of title 5, United States Code) shall apply to the collection of erroneous payments made to or on behalf of an Office employee, and the regulations of the Comptroller General for the administrative control of funds (under section 3679(g)) of the Revised Statutes (31 U.S.C. 665(g)) shall apply to appropriations of the Office; and the Office shall not be required to prescribe such regulations.

APPROPRIATIONS

SEC. 11. (a) To enable the Office to carry out its powers and duties, there is hereby authorized to be appropriated to the Office, out of any money in the Treasury not otherwise appropriated, not to exceed $5,000,000 for the fiscal year ending June 30, 1972.

(b) Appropriations made pursuant to the authority provided in subsection (a) shall remain available for obligation, for expenditure, or for obligation and expenditure for such period or periods as may be specified in the Act making such appropriations.

Mr. DAVIS of Georgia (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

Mr. GROSS. Mr. Chairman, reserving the right to object, is there any disposition to foreclose anyone from speaking on this bill?

Mr. DAVIS of Georgia. Absolutely not.

Mr. GROSS. On the amendments or on the bill itself?

Mr. DAVIS of Georgia. Not in either instance.

Mr. GROSS. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

AMENDMENTS OFFERED BY MR. DAVIS OF GEORGIA

Mr. DAVIS of Georgia. Mr. Chairman, I offer three amendments, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. DAVIS of Georgia: Page 1, line 4, strike out "1971" and insert "1972".

Page 10, line 19, strike out "the" and insert "The".

Page 18, lines 15 and 16, strike out "not to exceed $5,000,000 for the fiscal year ending June 30, 1972" and insert the following: "not to exceed $5,000,000 in the aggregate for the two fiscal years ending June 30, 1973, and June 30, 1974".

Mr. DAVIS of Georgia. Mr. Chairman, the first two amendments are purely technical conforming amendments and are self-explanatory.

The third amendment would simply change the time covered by the authorization figure. The total amount would remain unchanged at $5 million, but it would cover both fiscal year 1973 and fiscal year 1974. The reason for this is, I think, clear. It would simply be impossible to fund this program in fiscal year 1972, and in all likelihood funds could not be made available before most of fiscal year 1973 had expired.

Our intent here is simply to carry out the original plan of the bill for at least a complete year of authorization.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, to hear this bill explained, one would think that the millenium had been achieved or we are on the threshold of the millenium; that the creation of a new board in Government is going to save I do not know how many billions of dollars. Yes, we are told, there will be wondrous savings accruing from the creation of another board that will cost us $5 million to get started, under the terms of the gentleman's amendment, and $7 million to $8 million a year after that.

This is a board that is going to have a "small but skilled staff," and I have heard varying figures on that. I believe the gentleman from Ohio (Mr. MOSHER) said there would be between 10 and 20, another member of the committee says it will be 50 to 60, and the member who made the last estimate of the staff that is going to handle this technology assessment business, whatever it is, says that it will probably be much higher than that.

Mr. MOSHER. Will the gentleman yield to me?

Mr. GROSS. I am glad to yield to the gentleman since I used his name.

Mr. MOSHER. Mr. Chairman, let me say to the gentleman that my earlier remark was that we contemplated a beginning cadre of around 12 to 20 people, highly skilled, as the gentleman from Iowa said.

Mr. GROSS. I did not say that. I was quoting somebody else as saying that they would be highly skilled. But go right ahead.

Mr. MOSHER. The gentleman has raised a very good question. The beginnings would be small, as the chairman of the committee suggested, but if the Congress finds that this new office operates as effectively and is as helpful as we hope it might be, it might increase to around 40 to 60 people or even 100. However, it will certainly be within the control of the Congress at every point as to how large this board would be.

Mr. GROSS. If it would save the hundreds of millions and billions of dollars that we are led to believe would be saved, I would have no quarrel with it. But I have been here a few years and I have seen more boards, bureaus, and commissions created and I have seen nothing but Government expense go up and up and on and on and there is seldom if ever a proposal to disband any board, bureau, or commission in the Federal Government so far as I know.

I have heard no claim made here today that no matter how successful his technology assessment business might be that there is any thought of abolishing anything. This is going to add one more boondoggling board to what we already have.

I wonder if there is not something somewhere in this scheme of things that will somehow have some power to persuade many of the Members of the House that the time has come when we cannot continue to create more boards, bureaus, and commissions at $5 million a clip, because this country is on the verge of bankruptcy.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield for a question?

Mr. GROSS. Yes, I yield to the gentleman.

Mr. SEIBERLING. I do not know how many people are employed by the General Accounting Office, but would not the gentleman agree that there is one agency that has saved the taxpayers a lot of money?

Mr. GROSS. Yes, they have helped. Of course, they have helped. Why, then, not turn over to the General Accounting Office this technology assessment, and let them hire the few people that would be needed? Why create another board in Government?

Mr. SEIBERLING. Mr. Chairman, if the gentleman will yield further, if the General Accounting Office were equipped to do the job, I suppose that might be a good idea, but this requires quite a different kind of expertise than accounting.

Mr. GROSS. We have boards, bureaus, and commissions all over this Government. They are running out of our figurative ears and I cannot understand why we have to create another one. I just do not understand this.

I thought you had a large and well-equipped staff on the Science and Astronautics Committee, but apparently somebody has got to go outside now and create another lineup here. Look at this language on page 11:

. . . except that the Director may, in accordance with such policies as the Board shall prescribe, employ such technical and professional personnel and fix their compensation without regard to such provisions as he may deem necessary for the discharge of the responsibilities of the Office under this Act.

In other words, the Director of this new board could hire and pay almost at will, for the discharge of the responsibilities of the Office.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

(By unanimous consent, Mr. GROSS was allowed to proceed for 5 additional minutes.)

Mr. DAVIS of Georgia. Mr. Chairman, will the gentleman yield?

Mr. GROSS. In just 1 second or 2 I shall be glad to yield to the gentleman.

This is wide open, carte blanche authority for the Director of this Board to go out and hire anyone he chooses and pay them anything he wants to.

Now I yield to the gentleman from Georgia.

Mr. DAVIS of Georgia. I would say that the Science and Astronautics Committee does indeed have a good staff. It is, however, a small staff and it was primarily concerned in its early years with the oversight of the National Aeronautics and Space Administration. It is now, of course, also deeply involved in the programs and over view of the National Science Foundation and the National Bureau of Standards, among many other things. But, it cannot begin to cope with evaluating the problems which face this country as a result of the impact of technolcgy.

I would say that the problem of going to the moon is not one-hundredth as difficult as the problems which now face our country in matters such as the environment, transportation, housing, civil disorder, and other matters which have been brought on at least in part by technology.

Mr. GROSS. I thoroughly agree with the gentleman. One of the biggest problems facing this country is bankruptcy, the desperate financial situation of this Government, and I do not believe this is aiding it in any way. If I could be convinced otherwise I could support the bill, but I do not believe this is aiding that situation at all. It will only make it worse.

Someone, I believe it was the gentleman from Ohio, mentioned that some agency had built a road in the jungles somewhere. Would the creation of this Board stop the building of all of those foreign giveaway projects?

Mr. SEIBERLING. Could I answer the gentleman's question?

Mr. GROSS. Yes; certainly.

Mr. SEIBERLING. What I was referring to was that we have spent $10 million to start a jet airport in the middle of the Everglades before someone woke up to the fact that it would destroy the Everglades. If we had known that would be the result before we started the project we could have saved the $10 million. That is just one example of the kind of information such an office could give to the Congress, and thus help us to avoid such situations in the future.

Mr. GROSS. How about all the hundreds of billions of dollars that have been wasted overseas?

Mr. DAVIS of Georgia. I would expect this could help us evaluate some of those, too.

Mr. GROSS. Perhaps this Board could also give us some advice before we get into another war. I do not know whether it is prepared to go that far, but from what I have heard here today, just about everything under the shining sun will come under the surveillance and scrutiny of this new Board. I must say that something that intrigued me very much in the report was a quote from a Dr. Wolfle, who said that:

> The staff of the proposed Office will owe primary loyalty to Congress and to the national welfare, not to the Navy, the Sierra Club, General Motors, the AFL–CIO, or any other special interest group.

In the past has too much attention been paid to the Navy, the Sierra Club, General Motors, the AFL–CIO? Just what prompts that kind of a statement?

Mr. DAVIS of Georgia. The thing that prompted that, I am sure, on Dr. Wolfle's part, was an effort to point out the fact that the findings of this office will be impartial. They will not be the reflection of any special interest whatsoever. It will be beholden to no one but Congress, and in the public interest.

Mr. GROSS. Well, has too much attention been paid in the past? I just do not understand what prompts a statement of that kind. There must be something back of it.

Mr. DAVIS of Georgia. One of the difficulties that we as Members of the Congress face, as the gentleman in the well knows, is trying to decide what side some witness represents, or to what interests that witness may respond, and therefore I think it would be a good thing for the Congress to have an agency of its own that it can depend upon.

Mr. GROSS. I will say to my friend, the gentleman from Georgia, that that is going to be the day, when some board or agency of the Government, any part of the Government, can make up the collective minds of this House when they want to spend money.

It is the easiest thing accomplished around here, to spend the public's money; it does not appear to belong to anybody, therefore it is easy to bestow it on somebody.

The CHAIRMAN. The Committee will rise informally in order that the House may receive a message.

The Speaker resumed the chair.

The SPEAKER. The Chair will receive a message.

FURTHER MESSAGE FROM THE PRESIDENT

A further message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

The SPEAKER. The Committee will resume its sitting.

ESTABLISHING THE OFFICE OF TECHNOLOGY ASSESSMENT AND AMENDING THE NATIONAL SCIENCE FOUNDATION ACT OF 1950

The Committee resumed its sitting.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, first of all, I would like to compliment my colleague from Iowa (Mr. GROSS) who is the ranking member of the Committee on Post Office and Civil Service. He has to deal with this problem of expanding bureaucracy constantly. Somehow the Members of this Congress should begin to come to grips with the problem of controlling this massive expanding bureaucracy that grows all around us here in Washington. His genuine interest in trying to make sure that we are not just creating more and different agencies every time somebody gets a new idea, is a proper legislative concern.

I would like to direct a question to the gentleman from Georgia and ask if it is not possible to give more adequate staffing to our present congressional space committee that we have right here in the House. Maybe such a properly staffed committee could serve many of the functions considered in this legislation.

Mr. DAVIS of Georgia. I know that our good chairman, the gentleman from California (Mr. MILLER) will be glad to answer the gentleman, if the gentleman will yield to him.

Mr. ROUSSELOT. I yield to the distinguished gentleman from California.

Mr. MILLER of California. I think we have an excellent staff. We try to keep staff control, but we could use more money, like most committees, and if the gentleman will help us, we would appreciate it.

May I say to the gentleman that the whole field of science today is a very broad one and in order to meet the requirements, quite frequently this committee has turned for some of its best reports through contracts with the National Academy of Sciences or the National Academy of Engineering or some of the sophisticated private agencies that make these investigations. We have had to turn to them. That has been costly, but it has in the long run saved Government money and has utilized the very best tools that are at our disposal. It is such tools that we are trying now to formulate into an organization that will be available to all of the Congress.

Mr. ROUSSELOT. I appreciate the answer of the distinguished chairman of the committee. My question was why could we not just expand upon the already existing committee and continue to contract out in proper way rather than creating another full agency.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. ROUSSELOT. I am glad to yield to the gentleman.

Mr. MILLER of California. I suppose we could do what you suggest and then set up within the Congress a committee that would perhaps be too big for its own good. Such a committee might not be as responsive to the Congress as the present committee is.

I have no desire to head a supercommittee any more than the Committee on Ways and Means should take over the work of the General Accounting Office or any of the other agencies that have been established to protect the interests of the Government.

Mr. ROUSSELOT. I thank the gentleman for his answer. In other words, it could be done through the congressional committee as you have suggested.

Mr. DAVIS of Georgia. Mr. Chairman, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman from Georgia.

Mr. DAVIS of Georgia. The depth and breadth of the impact of technology upon our country is so wide and is felt in so many places, I dare say that the committee staff of every congressional committee, both in the House and in the Senate, would have to be drastically enlarged to encompass the function which the gentleman suggests.

Mr. ROUSSELOT. But at least we could start with our Committee on Science and Astronautics to establish the purposes of this legislation in a more reasonable way. I think the gentleman from California and chairman has already suggested that it would be possible through the existing committee. I know Mr. MILLER favors this particular legislation. I am not trying to put words in his mouth, but he did say that we could move in the direction suggested here through the committee maybe a step at a time and that would be a more appropriate way to handle it.

I have one further question if I may, to direct to the gentleman from Georgia.

We are expanding and soon undertaking to utilize more fully data processing equipment purchased by Congress and also will construct a whole building that will house this equipment. Couldn't we plug into this new congressional operation an adequate accumulation of technical data and accomplish what is anticipated in this bill? Won't this be existing machinery and equipment that we will already have and which can be utilized by your Science and Astronautics Committee and could help solve many of the informational questions of data gathering that is recommended by your legislation here?

Mr. DAVIS of Georgia. I think that in the minds of very many people there is too great a mystique that surrounds the use of computers.

Mr. ROUSSELOT. I have no illusions about what computer equipment can or cannot do.

Mr. DAVIS of Georgia. I am sure that is so. But I would say that just because a person has a computer, it does not necessarily mean he is going to be any more able to solve a problem than before.

Mr. ROUSSELOT. No, but it means you have the capability of gathering far more data, more rapidly, and to a greater extent than you had before such equipment was under our control. What I am saying to you is this: Is it possible, because we are already purchasing this kind of equipment to more fully utilize what we will soon have in our possession.

The CHAIRMAN. The time of the gentleman from California has expired.

(On request of Mr. MILLER of California, and by unanimous consent, Mr. ROUSSELOT was allowed to proceed for 2 additional minutes.)

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. ROUSSELOT. I am glad to yield to the distinguished chairman.

Mr. MILLER of California. I was just going to say that if you want us to do what you suggest, I would hope that you would come in here and support a measure for facilities to house the agency which we would have to set up. We do not have enough space now actually to take care of our committees. That is true only with our committee, but with all committees. Perhaps we could build another Rayburn Building to handle all the proposed enlargements.

Mr. ROUSSELOT. You do not believe that the new building which will be built adjoining the Cannon facility where we have the huge hole out there now, where incidently the computers will be located, are not also adequate to handle this proposed effort.

Mr. MILLER of California. That is going to be a part of the Library of Congress.

Mr. ROUSSELOT. I understand this particular agency that is contemplated would be put in that building.

Mr. MILLER of California. Eventually it may. And I think it is very desirable to put the computers there.

Mr. ROUSSELOT. But I realize the gentleman from Georgia is suggesting that this agency should be under the control of Congress—and I definitely believe that is a step in the right direction. Rather than creating a whole new agency, rather than turning it over to the executive branch—why would it not be possible to expand the staff of the Science and Astronautics Committee and utilize the equipment that will be in the new building? Would we not achieve the same basic objectives that are being sought by this legislation?

Mr. DAVIS of Georgia. Mr. Chairman, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman from Georgia.

The CHAIRMAN. The time of the gentleman from California has again expired.

(By unanimous consent, Mr. ROUSSELOT was allowed to proceed for 1 additional minute.)

Mr. ROUSSELOT. Mr. Chairman, I yield to the gentleman from Georgia.

Mr. DAVIS of Georgia. I would merely like to repeat what I said earlier. Maybe I did not make myself clear. The jurisdiction of the Committee on Science and Astronautics is primarily science and astronautics. The problems that technology poses to our society include problems which affect every committee of the Congress on either side of the Capitol. The fact that you might try to put all of this in the Committee on Science and Astronautics would pose any number of problems which would involve the jurisdictions of the Committee on Interstate and Foreign Commerce, the Committee on Agriculture, or almost any other committee you might want to name.

Mr. ROUSSELOT. But this would be the right committee with which to start the proposal suggested in this legislation.

Mr. DAVIS of Georgia. I would not quarrel with that, but please note this bill has the approval of the General Accounting Office and the Librarian of Congress. It has the approval of many knowledgeable witnesses. It strikes me as the most sensible solution to the problem of handling the impact of technology on our society today. Moreover, it is the result of some 5 years of study on the part of our subcommittee.

Mr. ROUSSELOT. I thank the gentleman.

Mr. ESCH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I appreciate very much the remarks of the subcommittee chairman because I think it is important to recognize that the proposed Office of Technology Assessment would in effect reach out and serve all committees of Congress and not merely the Committee on Science and Astronautics. That point should certainly be made loud and clear here today.

I think there is another point that should be reemphasized, and that would be in response to the gentleman from Iowa who spoke earlier. I think there is no one who has been a more effective watchdog for the people in Congress on the purse strings than the gentleman from Iowa. Few would dispute that. But in a time of great technological change, Congress as an independent branch of Government does not have currently the resources available in order to make totally analytical judgments on the issues facing this country. The purpose of this new Office of Technology Assessment would be just that: to serve the Members of Congress as an independent branch, as a research branch, so that the Congress might, without reliance upon the executive branch and without reliance upon outside resources, have, hopefully, a more—and, granted, it would not be completely analytical—a more analytical resource to turn to independent of the executive branch. And as the monumental questions arise, brought about by technological change and, indeed, as the pressures of establishing priorities in the budget continue, we in this Congress must fully utilize the resources available in the social and physical sciences in order to make those competent judgments that will affect the future of this country.

That is why I would surely hope that the gentleman from Iowa and the gentleman from California and others would recognize that in total the money spent for competent staff and resources for this Congress in order that it may make adequate judgments and establish programs in this country is perhaps the wisest investment this body can make. So I suggest to the members of the committee that we look with favor upon this action as perhaps one of the most significant congressional reform actions that this Congress will take in this decade. When all of us in a together-like mood feel pressed by the pressures of the times, when perhaps the most significant enemy to public policy decisionmaking today is that "enemy of time," we need to use all the resources available that this country has. This would be the channel through which the social and physical scientific community could channel information into Congress for proper decisionmaking.

Mr. Chairman, I am pleased to speak in support of the establishment of an Office of Technology Assessment. The OTA will provide Congress with an independent source of technical information.

The proposal for an Office of Technology Assessment was first developed under the leadership of our distinguished former colleague, "Mem" Daddario, in 1967, although the idea for such a capability goes back to a 1937 Congressional Report.

When JOHN DAVIS assumed the chairmanship for the Subcommittee on Science, Research, and Development, he undertook a revision of the subcommittee report, "Technical Information for Congress," to help develop the case for the establishment of an OTA. The preface of the study stated succinctly a condition with which all of us have to live: "Few politicians are scientists, and few scientists are politicians. In the communication of technical information from one group to the other, some members of the receiving group, as well as the members of the transmitting group, need to have special qualifications."

With an ever-increasing frequency, Congress is being required to deal with issues which arise from this country's rapid advances in science and technology. These issues have ranged from nuclear power to household detergents,

from the SST to the automobile air bag, and from the Alaskan aid pipeline to the computer invasion of privacy.

When considering these technology-based issues, the Congress must carefully assess the potential progress that this country could attain by proceeding with a particular scientific project against the adverse effects that might be encountered as a result.

Too often, as has become painfully clear to most of us, very pertinent information affecting the desirability of technological legislation comes to the attention of the Congress only after a good deal of damage has been done—after funds from the public purse have been unnecessarily spent, or after it is discovered that equivalent technology has already been developed elsewhere.

To better deal with these technological issues, we must improve the capability of the Congress to assess the probable impacts of technology, good and bad.

Historically, congressional interest in science, and conversely the interest of the scientific community in assisting the governmental bureaucracy, has been casual and sporadic at best. Actions like funding the Lewis and Clark expedition to the Pacific Northwest and underwriting Samuel Morse's telegraph were taken by a generally indifferent Congress.

On the other hand, during the depression days of the 1930's, President Franklin Roosevelt attempted unsuccessfully to enlist the resources of the scientific community in programs of research pertinent to the overriding national problem of economic depression. Scientists were unprepared to accept the constraints imposed in working with the national bureaucracy.

Under the compulsions of the Second World War, however, an enforced teamwork evolved and proved dramatically rewarding. Thereafter it became easier for scientists to accept the proposition that a Government grant did not necessarily compromise their professionalism. Likewise, the bureaucracy learned that grants could and usually had to be made available without expectation of immediate and explicit public benefit.

The outstanding success demonstrated by this arrangement became a justification for its continuance in peacetime. In fact, the national scientific policy between the years of 1945 and 1968 is best characterized by its free and unconstrained support of scientific research. The belief underlying this policy was that every "worthwhile" scientific proposal should receive sponsorship.

Then, in about 1968, there came a period of intense reevaluation. The pressure for economy; reservations about the secondary effects of many technologies; the campus revolts over military research by the universities; growing congressional resistance to the continued spending of large amounts of public funds by the Department of Defense for basic research; and perhaps a general sense that things were getting out of hand, combined to induce Congress to put on the brakes.

That is where things stand today. Today, research laboratories are closing down for want of support, universities are facing loss of Federal contracts and grants for basic research, the aerospace industry is laying off its work force, and it is not unheard of for scientists with doctoral degrees to be seeking jobs as shop clerks and door-to-door salesmen.

This marked reversal in government policy toward support of scientific research indicates the great need for Congress as a whole to be better informed as to the potential benefits and impacts of this Nation's proposed scientific research programs. Better information will not only insure that those programs which are necessary or desirable to provide for the common good receive the support they deserve, but will also minimize the wasteful funding of programs which are limited in their potential public benefits.

I would like to make one point clear. I am referring to the needs of the legislative branch of our Government. The executive branch of our Government has similar needs for scientific counsel. However, the needs of the executive branch are met in the form of the Special Assistant to the President for Science and Technology, the Office of Science and Technology, the President's Scientific Advisory Counsel, and the Federal Counsel for Science and Technology, among others.

The executive and legislative branches of our Government, through our constitutional system of checks and balances, are two distinct and separate entities and I believe that each branch should have access to its own group of scientific and technological experts—experts objective in their technical analyses, but loyal to the role and vested governmental interests of whichever branch they serve.

Congress, due to lack of sufficient scientific support, has in too many instances been unable to respond effectively to scientific issues, and it has too often fallen to the executive branch to evaluate the impact of a particular new technology and find solutions to any resulting problems. This pattern has recurred too many times over the years, affecting the ability of Congress to exercise an effective leadership role in anticipating the problems and opportunities raised by our country's scientific and technological developments.

What is required is an organization whose sole purpose is to provide the legislative branch with competent, unbiased information concerning the physical, economic, social, and political effects of the applications of specific technological issues.

I realize that there are differing viewpoints on the issue of scientific advice to Congress. Many people feel that Congressmen use technical information and advice only where it suits them. That is, the lawmaker is very likely to select an approach to a particular problem that supports his personal political philosophy regardless of its technical merits. If faced with a set of alternatives which are politically very sensitive he will, because of society's tendency to view technical solutions as being objectively correct and apolitical, look for a technical excuse for making his decision.

Others feel that the present system of hearings, staff investigations, the Congressional Research Service, and outside advisory groups already produce more technical information than a Congressman could hope to cope with.

We must also recognize the question in the minds of certain prominent scientists as to whether the scientific community should assume voluntary responsibility for attempting to insure that the results of their scientific work are properly used. They say the greatest contribution that science can make to society is excellent scientific work. Why, they ask, do we not hold the miner responsible for the use of the iron which he mines from the earth?

Further, they argue the scientific community has of late been engaging in a good deal of soul-searching about values and priorities in science. It is possible for an individual scientist to become an ardent advocate for a particular application, or nonapplication, of his scientific findings. Since his views will obviously command a certain respect, he may not, if his personal convictions are strong, be capable of presenting technically objective information.

I obviously do not adhere to the foregoing philosophies. I believe Congress is very much aware of its need for a better technology assessment capability. The leaders of the scientific community are not only capable of providing this assessment capability, but are even anxious to participate in this function.

The basic responsibilities and duties of this Office of Technology Assessment would be to provide an early warning of the probable impacts, positive and negative, of the applications of technology and to develop information which might assist the Congress in determining the relative priorities of programs before it.

In carrying out these functions the office would first, identify existing or probable impacts of technology or technological programs; second, where possible establish cause and effect relationships; third, determine alternative technological methods of implementing specific programs; fourth, determine alternative programs for achieving requisite goals; fifth, make estimates and comparisons of the impacts of alternative methods and programs; sixth, present findings of completed analyses to appropriate legislative authorities; seventh, identify areas where additional research or data collection is required to provide adequate support for the assessment of estimates derived, and eighth, undertake such additional associated tasks as the appropriate authorities may direct.

It should be emphasized that these are informational functions; not functions of control, or even recommendation. These functions are designed to supplement existing systems of acquiring information, such as the hearing system. Examples of matters with which the present Congress must deal and which will be benefited by this Office of Technology Assessment are the northeast corridor transportation experiment, weather modification, nuclear power development, the Alaskan pipeline, offshore drilling, alternatives to the internal combustion engine, new health services, and crime reduction.

Of particular significance is the assistance the Office of Technology Assessment

would be able to provide in the area of new technology to assure adequate, clean energy sources for the future.

If this new office is approved it would be the first such authorization toward the creation of a new mechanism to aid the Congress since the GAO was founded in 1921. It would also be the first action to create a new information aid for the Congress since the Legislative Reference Service was established in 1915.

An organization such as the Office of Technology Assessment has become crucial to the Congress because of the high technological content of so much legislation being considered today. This is the natural result of the technological society within which we live.

The Office of Technology Assessment as contemplated would also help the Committees in Congress to approach their respective hearings at a higher level of knowledge and with sufficient information to permit them to solicit more complete and pertinent testimony. I emphasize again that the Office of Technology Assessment is not intended to make recommendations as to what course the Congress should follow, nor to predetermine any issues.

Incidentally, the present version of the bill to create an Office of Technology Assessment has strong support from both of the two independent legislative agencies with which it will work, the General Accounting Office and the Library of Congress. In addition, the bill also has wide bipartisan support in the Senate, as well as in the House.

Finally, I would like to discuss an issue which has been receiving a great deal of attention: How is the Congress to receive counsel on the social sciences? The legislative branch should in fact have competent, professional advice in the social sciences. What is uncertain is what type of organization would best provide this counsel.

If it is determined that an advisory group similar to the Office of Technology Assessment would best provide this guidance to Congress, then it should be a group separate from the Office of Technology Assessment. The essential point is that the Congress has no illusions whatsoever as its qualification as a body of technical experts. Our collective strength is not in the high technology fields. But when one considers social problems, politicians tend to regard themselves as professionally qualified as any other social scientist.

Because of this tendency, the relationship which would be established between the Congress and a social sciences advisory group would, and should be, different than the relationship between the Congress and a scientific advisory group. Therefore, the two groups should be separate from each other to insure independent development of the best working relationships with the Congress.

In closing, the U.S. Congress is an integrating institution. It arrives at a collective decision only after considering the many aspects of an issue and after reconciling the oftentimes conflicting desires of society. Congressmen, through personal experience, training, and specialization, are generally confident in their evalution of the social, legal, and economic impacts of the issues which face them from day to day.

On the other hand, since very few Congressmen are scientists a very real need exists to develop and examine the technical facts, theories, and informed opinions dealing with the technological aspects of legislation so that this information may enter the legislative debates and records.

The establishment of the Office of Technology Assessment is an important and very necessary step forward in providing the legislative branch with the technical counsel required to properly pass on the ever-increasing number of technological issues which face the Congress today.

Mr. RHODES. Will the gentleman yield for a question?

Mr. ESCH. I yield to the gentleman from Arizona.

Mr. RHODES. Mr. Chairman, as I read the committee report on this bill, there is no intent to allow this office to develop an in-house scientific capability. In other words, it is not intended to be a scientific resource. It is to be a clearinghouse and a purveyor of knowledge which has been gathered by other governmental or nongovernmental bodies and which is made available to this office for that particular purpose.

Mr. ESCH. The gentleman from Arizona is correct. It is intended that it would be a filtering or channeling of information down to specific committees rather than conducting intensive research "in-house."

Mr. RHODES. If the gentleman will yield further, I am a little bothered by this. It states in the report—and the report is very well done—that this is an innovation, that this is the first such body which has been created since the Legislative Reference Service was created. I feel the House should know it is doing something quite a bit different, when and if we do create this office.

Does the gentleman have any figures to show the probable cost of this office in the first year or second year?

Mr. MOSHER. Mr. Chairman, will the gentleman yield?

Mr. ESCH. I yield to the gentleman from Ohio.

Mr. MOSHER. Mr. Chairman, in answer to the question of the gentleman from Arizona, this has been discussed already, and the authorization we are asking for is $5 million in the aggregate to be spent over the 2 fiscal years of 1973 and 1974. Whether or not this full amount would be used in those first 2 years is anyone's guess. It is going to be pretty difficult to control, because it is difficult to know how much use Congress will make of this body eventually.

Mr. DAVIS of Georgia. Mr. Chairman, will the gentleman yield?

Mr. ESCH. I yield to the gentleman from Georgia.

Mr. DAVIS of Georgia. Mr. Chairman, I would like to point out to the gentleman from Arizona that it was stated in the earlier discussion of this bill that the amount of money asked for in this bill is much less than was asked for when we created the General Accounting Office in 1921, which was perhaps $2.5 million at that time. In our judgment this is a much smaller request than that was at that time, and the staff will be smaller.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

(On request of Mr. GROSS, and by unanimous consent, Mr. ESCH was allowed to proceed for 1 additional minute.)

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ESCH. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I will say to the gentleman from Arizona that we had one member of the Committee say this afternoon that the cost after the first 2 years will probably be up to $7 million or $8 million annually. Now it develops that this is a clearinghouse for information. Why not go to the Library of Congress and give them a few additional employees, if it is a clearinghouse for information, rather than create a whole new body?

Mr. ESCH. I would say to the gentleman from Iowa, if it is to go up to $7 million or $8 million instead of $5 million over the next 2 years, it would be a small cost to pay considering the size of the budget and the decisions that this Congress has to make.

Mr. DAVIS of Georgia. Mr. Chairman, will the gentleman yield?

Mr. ESCH. I am happy to yield to the gentleman from Georgia.

Mr. DAVIS of Georgia. I should like to say, in response to the observation of the gentleman from Iowa (Mr. GROSS) this is far more than a library function. This office would generate information which is not now in existence. It would generate knowledge where that knowledge is needed, in addition to putting facts together in a way that can only be done by a task force which is designed to make sophisticated evaluations.

Mr. RHODES. Mr. Chairman, I move to strike the requisite number of words.

I take this time in order to further clarify some questions I have about this legislation.

In the first place, I am really at a loss to know, if his is indeed a clearinghouse, why the clearinghouse cannot be housed somewhere in the Library of Congress. I happen to serve on the Legislative Subcommittee of the Appropriations Committee. I assume that the Legislative Subcommittee will be called upon for funds for this office, if it is established. Therefore, it is of some importance, I believe, to get the legislative history correct on this.

Is it the idea of the Committee on Science and Astronautics to have this office be a repository or collector of information, fulfilling largely a library function, or is it the position of the committee that this should be an office to generate requests for information? If so, for what purpose?

I am asking a lot of questions, but I have a lot of questions.

Where is the plug in to the Congress? This calls for setting up an independent office. Apparently the Director is to be appointed by the board of directors of the office. Apparently he has no responsibility to the Speaker of the House directly, or indirectly through the Clerk of the House.

I am a little bit at a loss to know exactly what we are creating here; whether it is fish, fowl, or otherwise.

Mr. DAVIS of Georgia. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Georgia.

Mr. DAVIS of Georgia. This is in the nature of the General Accounting Office, which was formed in 1921, and the Library of Congress, which was formed early in the history of the country.

The point of this office is not only to gather information but also to generate and evaluate information. It would make studies in a way not comparable to the function of a librarian.

Mr. RHODES. At whose request would it generate information?

Mr. DAVIS of Georgia. That is in the bill.

Mr. RHODES. Give me an example. Say, for instance, the Committee on Agriculture wants some information. What does it do about it?

Mr. DAVIS of Georgia. The chairman of the Committee on Agriculture can initiate the request by simply asking that a certain study be made. If he does not do it, then the majority of the committee can. He must do it on the request of a majority of the committee. Or the ranking minority member can. An inquiry or a study could also be initiated by the Director of the Office of Technology Assessment himself, or by the Board. Those are the three ways.

We worried for fear there might be too much of a proliferation of requests. This is the reason why these restrictions were made about the way action may be initiated.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Iowa.

Mr. GROSS. There is no similarity whatever with the General Accounting Office, because any Member of Congress can go to the General Accounting Office and ask for assistance. This is a devious method the gentleman outlines here for getting information from this proposed technology assessment outfit.

Mr. DAVIS of Georgia. If the gentleman will yield further, I cannot agree that there is no similarity. We are trying to narrow down the number of requests that would be made. The nature of the requests would be quite similar. Both are arms of the Congress. They are there to serve the Congress, the GAO as well as the OTA.

Mr. RHODES. With regret, I have to say to my good friend from Georgia that I am not yet convinced of the necessity of setting up a special office to do this job. It does seem to me that we have facilities available in the executive departments to get this information, and it can be channeled, certainly, to any committee of the Congress, without the intrusion of this particular office.

I am at a loss to know why we need it.

Mr. DAVIS of Georgia. Let me see if I can help the gentleman. I will say that neither the General Accounting Office nor the Library of Congress normally has a function of evaluation—although the GAO does this in regard to auditing functions. As I view this Office of Technology Assessment, it will perform a function somewhat like the function performed by people who go out and mark a river channel by putting channel markers along a water course. It would not give the Office of Technology Assessment any power, but simply give them the functions of marking it to see where the channel was in a water course, if you want to look at that as a parallel.

Mr. RHODES. The gentleman from Georgia, I am sure, will recall that under the Reorganization Act last year, we set up a very expensive operation which is aimed at gathering information for the Congress. I am worried about the proliferation and the possible conflict of jurisdiction between that which was set up after great study and this, which I am sure was also set up after great study.

Mr. DAVIS of Georgia. It was.

Mr. RHODES. I know it was.

The CHAIRMAN. The time of the gentleman from Arizona has expired.

(By unanimous consent, Mr. RHODES was allowed to proceed for 1 additional minute.)

Mr. RHODES. I yield to the gentleman from Georgia.

Mr. DAVIS of Georgia. We did look at the Reorganization Act and did not feel it performed this function. We had studies made ourselves as to whether this sort of office is necessary. The studies—and, as a matter of fact, we had two studies made—were to the effect that we did need this and that it would fill a vacuum which now exists.

Mr. RHODES. Did the gentleman's study go to the point of trying to determine whether this could be done by amending the Reorganization Act to include in the duties of the new agency being set up, duties similar to these?

Mr. DAVIS of Georgia. Not only that, but we tried to amend the Reorganization Act and include this bill in it, but a point of order was sustained against our efforts as not being germane.

Mr. RHODES. Will the gentleman agree with me that the best possible procedure would be to go back and put it under the agency created under the Reorganization Act?

Mr. DAVIS of Georgia. It was not germane then, and I suppose it would not be now.

Mr. RHODES. There is always a legislative way to accomplish a desired result.

Mr. MOSHER. Will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Ohio.

Mr. MOSHER. I thank the gentleman for yielding.

The newly created or expanded Congressional Research Service, as I view it, under the Reorganization Act, in no way purports to do the type of assessments contemplated here. That point was made when we attempted to amend the Reorganization bill. It was ruled not germane then simply because the functions proposed in the bill before us today were considered not germane to those proposed for the research service as contemplated in the reorganization bill.

Mr. RHODES. Mr. Chairman, I yield back the balance of my time.

Mr. WYDLER. Mr. Chairman, I rise in support of this bill.

Mr. Chairman, I would like to add my endorsement to H.R. 10243, which would establish an Office of Technology Assessment for the legislative branch of our Government. Several trends in our society make it imperative that we improve our means of forecasting and evaluating the influence of new technology on our lives and on our world.

First, our society is growing increasingly complex both technologically and socially. Evidence of involved technology is apparent in almost everything we do or utilize in our everyday lives. Our social institutions are now extremely interrelated and interconnected with our technology base.

Second, man is achieving increasing power over nature. For most of recorded history man has waged war against nature, but nature, while challenged, was rarely beatable. Today, it is evident that man is slowly learning to control nature. The Congress has the responsibility to provide the for judicious application of our newly emerging control capability.

Third, and possibly most important, is the shift in values of our society due to the increasing prosperity of our Nation. Where we were once concerned with getting enough food and shelter, we now seek amenities, such as more beautiful and pleasant surroundings. Smoke belching from factory smokestacks and noisy jet aircraft shrieking overhead were once tolerated because they symbolized jobs and prosperity. Today, they mean air pollution and unacceptable noise intruding into our daily lives. The American people are now outraged by many of technology's less esthetic side effects.

The foregoing observations indicate that it is virtually mandatory that we, as the representatives of society, develop new early warning techniques, and better aids to planning and decisionmaking. The Office of Technology Assessment represents a means by which the Congress could anticipate and evaluate the impacts of new technology on all sectors of society It would assist us in the task of making technology our servant rather than our master.

Science and technology have very definite, major roles to play in our Nation and in the world. However, the results of our science and technology must be directed toward and fitted into our economic and social frameworks if they are to be effective and publically acceptable.

The Office of Technology Assessment will permit the Congress to establish a balanced concern for all aspects and ramifications of proposed technological legislation. I thank the gentleman for yielding.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Georgia (Mr. DAVIS).

The amendments were agreed to.

AMENDMENT OFFERED BY MR. HENDERSON

Mr. HENDERSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HENDERSON: On page 11, beginning in line 2, strike out: "; except that the Director may, in accordance with such policies as the Board shall pre-

scribe, employ such technical and professional personnel and fix their compensation without regard to such provisions as he may deem necessary for the discharge of the responsibilities of the Office under this Act".

Mr. HENDERSON. Mr. Chairman, I yield to the gentleman from Georgia, the chairman of the subcommittee.

Mr. DAVIS of Georgia. I thank the gentleman for yielding.

Mr. Chairman, I have examined this amendment, and the committee has no objection to it. The committee accepts it.

Mr. HENDERSON. Mr. Chairman, the purpose of my amendment is to strike out language in section 6(b) of the bill which authorizes the Director to fix the compensation and employ technical and professional personnel without regard to the usual controls placed by law on the employment of Federal employees and the fixing of their compensation.

Section 6(b) of the bill provides that the Director of the Office of Technology Assessment shall appoint and fix the compensation of necessary personnel in accordance with the provisions of title 5, United States Code, governing the competitive service, the classification of positions, and the General Schedule. However, section 6(b) further provides that the Director may employ and fix the compensation of certain technical and professional personnel without regard to such provisions of title 5.

The effect of this language would be to authorize the employment of an unlimited number of individuals without any limitation on the amount of compensation which could be paid to such individuals. The existing statutory controls over supergrade positions would not be applicable.

Our Committee on Post Office and Civil Service consistently has opposed legislative provisions which propose to exempt a new organization from the statutory provisions governing the competitive service, the classification of positions, and the General Schedule. There is considerable flexibility under existing law for agencies to appoint the necessary personnel and pay them a reasonable salary should exceptions to the general rules be necessary and justified before our committee.

The committee report on H.R. 10243 contains no specific justification for authorizing the appointment of technical and professional personnel without regard to the civil service laws and the General Schedule.

Mr. Chairman, this is another illustration of action being taken in several of our standing committees which will conflict with the standards and controls prescribed by law for employment in the Federal service.

The Post Office and Civil Service Committee has the primary and basic jurisdiction over all matters relating to the civil service, including the compensation, classification, and retirement of employees of the United States. The restrictions on the top salary that may be paid Federal employees is very specific.

In the case of employees under the General Schedule, the limitation prescribed by law is now $36,000.

The language on page 11 of the reported bill, which this amendment proposes to strike, would authorize the Director to fix compensation of technical and professional personnel without regard to any limitation.

The language also authorizes the employment of such personnel without regard to any of the statutory prohibitions or requirements, and would permit the Director to discharge his responsibilities in this respect in such manner "as he may deem necessary."

In the case of scientific and professional people who are employed to carry out research and development, the limitation under the law (5 U.S.C. 5361), is that the head of the agency shall fix the annual rate of basic pay at not less than the minimum rate for GS–16, nor more than the maximum rate for GS–18. Such rates today are $29,678 and $36,000, respectively.

Mr. Chairman, our Committee on Post Office and Civil Service intends to examine with a scrupulous eye all legislation that comes to the floor providing exemptions to the usual statutory controls relating to Federal employees. Unless the justification for any such exemption is adequate, we intend to exert every effort to have such exemptions eliminated from the legislation.

Mr. Chairman, in this case we have been furnished no justification for the exemption. I urge the adoption of the amendment.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HENDERSON. I shall be glad to yield to the ranking member of the House Post Office and Civil Service Committee.

Mr. GROSS. I commend my friend from North Carolina for offering this amendment, and I thank the gentleman from Georgia for accepting it on behalf of the committee.

To me, this language epitomizes what is being attempted in this bill. It is hard to conceive that a committee would put language of this kind into this legislation providing that they can hire as many professional and technical employees as they want and pay them whatever they want to pay. This, to me, pretty well describes the kind of a boondoggle this is.

I thank the gentleman for yielding.

Mr. HENDERSON. I should also point out that our committee did not attempt to make a judgment on the pay of the Director of the Office of Technology Assessment, since it had been determined by the committee handling the legislation. However, I would point out to the Members that the Director will receive a basic salary rate provided for level II of the Executive Schedule under section 5313 of title 5, United States Code, which is $42,500 per annum and which I am sure all the Members of Congress recognize is the equivalent to the salary of the Members.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina.

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BROOKS

Mr. BROOKS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROOKS: Page 4, strike out lines 18 through 25, and insert the following:

"(d) Activities undertaken by the Office may be initiated by—

"(1) the chairman of any standing, special, select, or joint committee of the Congress, acting for himself or at the request of the ranking minority member or a majority of the committee members; or

"(2) the Board."

Page 5, strike out lines 15 through 24; page 6, strike out lines 1 through 25; page 7, strike out lines 1 through 24; page 8, strike out lines 1 through 8; and insert the following:

"SEC. 4. (a) The Board shall consist of ten members as follows:

"(1) five Members of the Senate, appointed by the President pro tempore of the Senate, three from the majority party and two from the minority party; and

"(2) five Members of the House of Representatives appointed by the Speaker of the House of Representatives, three from the majority party and two from the minority party.

"(c) Vacancies in the membership of the Board shall not affect the power of the remaining members to execute the functions of the Board and shall be filled in the same manner as in the case of the original appointment.

"(d) The Board shall select a chairman and a vice chairman from among its members at the beginning of each Congress. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. The chairmanship and the vice chairmanship shall alternate between the Senate and the House of Representatives with each Congress. The chairman during each even-numbered Congress shall be selected by the Members of the House of Representatives on the Board from among their number. The vice chairman during each Congress shall be chosen in the same manner from that House of Congress other than the House of Congress of which the chairman is a Member."

Page 11, strike out lines 10 through 25; page 12, strike out lines 1 through 24; and page 13, strike out lines 1 through 15.

Mr. BROOKS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. HENDERSON. Mr. Chairman, reserving the right to object, I would like to ask the gentleman from Texas if his amendment has any effect on the previous amendment just agreed to?

Mr. BROOKS. I do not believe so.

Mr. HENDERSON. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BROOKS. Mr. Chairman, I look at this bill, and it says, "to establish an Office of Technology Assessment," and I agree with that point, but when it says, "for the Congress," I just cannot see why any executive should have us create an agency for him when he already has all of the authority that he needs. Kennedy had it, Johnson had it, and President Nixon has all the authority he needs to assess and evaluate, set up commissions, and to do this until the world looks absolutely level. I am saying that we do not need to do it again. That is all we are doing; we are giving another agency to the Executive under the guise of good intentions by my dis-

tinguished and able friends, but, nevertheless, we are giving another agency like that to the President, and he does not need it; the Executive already has it.

The difficulty is this: Senator JORDAN said on the 4th day of February:

> An Office of Technology Assessment would reduce the dependency of the Congress on the executive bureaucracy and other groups, many of whom have special, vested interest either for or against certain legislation. We need objective, unbiased information on the many complex issues facing us. We desperately require sound alternatives and options, carefully arrived at, which we can consider when legislation is before us. In this regard, we cannot, as legislators, be fully expected to deal specifically, and in detail, with the many complexities posed by rapid technical and scientific progress, unless we first have all the necessary information upon which sound judgments must be made.

It goes on to say:

> This bill does not call for the creation of another bureaucracy, but for establishment of a desperately needed system for providing timely information and sound alternatives concerning pending legislation for the Congress. I emphasize the term "alternatives."

Now, this bill—and I say this sadly, because I have the highest regard for the gentleman from Georgia, JOHN DAVIS, and I like this committee—does not do this. I think that the Committee on Science and Astronautics can perform this function and I will vote for the money, and I want you to know it, but I want it run by somebody that works for the Congress. I do not want to give it to somebody else.

This bill provides for the executive branch to run and control this office. Any Executive can do it, you can go back down the line from Roosevelt, from Truman and on, to Eisenhower—any of them could control this agency with this legislation.

The President appoints four. The House of Representatives appoints two—one Republican and one Democrat. Then the Senate does the same thing; they get two so you have four. Then you have the Comptroller General who the President appoints, then you have a director of congressional research. That is another two. So you have six out of the total appointed by the President or selected by a Presidential appointee. Then you have the director, who is going to run the whole thing—with the absolute authority to issue subpenas on his own right. So the President then in effect picks out this Director and that gives him 7 to 4.

Now, you do not have to be very good to run an agency of that kind when you have got 7 to 4.

My amendment is simple. It recommends that we have five board members appointed from the House, three from the majority side and two from the minority side, appointed by the Speaker; and five appointed by the President pro tempore of the Senate, three from the majority and two from the minority. You can then elect the director, and that agency will then be responsive to the U.S. Congress, not to the Executive.

We are trying to create an agency to give Congress technical information, so if we must create one let us create one that we control. And I am not critical of the need for additional information. But I say that this amendment should be passed. If no one else is able to perform this service and if we must create another agency, then let us do it. But let it be ours.

The executive branch really does not need another agency of this kind. They have enough money in the Department of Defense and other agencies for such research. Really, a very great deal of this expertise is available to them.

Now my amendment will provide for appointment of a Congressional Technology Assessment Board of 10 members.

The amendment will do two other things. It will take away from the director of the office the power to initiate assessments and run the whole business the way he pleases. This director now has subpena power and the right to call people and set hearings and initiate hearings and report findings.

Instead my amendment provides that the initiation of work will be by the congressional committees and the OTA Board.

My theory is simply that experts are to be employed by a committee and utilized by a committee to give their advice and to listen to it and appreciate it and make the decision yourself. It is just like a computer. Computers do not make you any smarter. They just give you the information upon which you base a valid decision. I say that we would be wise if we are going to spend enough money to have 50 or 60 or 70 experts that we, the Congress of the United States, are going to name them.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(Mr. BROOKS (at the request of Mr. RHODES) was granted permission to proceed for 2 additional minutes.)

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. BROOKS. I yield to the gentleman.

Mr. RHODES. If the gentleman will yield for a clarification of his amendment, it is my understanding that your amendment changes on page 4 the identity of persons who may initiate an inquiry so that the chairman of any standing special, select or joint committee of the Congress acting for himself or at the request of the ranking minority member may do so.

Then I understood you to say, "Or by a majority member of the committee." That would obviously, if my understanding is correct, mean that any majority member of the committee could initiate activities, but that any minority member could not.

Mr. BROOKS. No, no. The language is that—

> The chairman of any standing, special, select or joint committee of the Congress acting for himself or at the request of the ranking minority member or a majority of the committee members.

Mr. RHODES. I did not understand that.

Mr. BROOKS. That is the language.

Mr. RHODES. That is the language in the bill now, but my understanding is that the gentleman's amendment changes that so that it would read: "or a majority member of the committee" which, if I am correct, would certainly not meet with the approval of the minority.

Mr. BROOKS. I say to my friend, the gentleman from Arizona, that the amendment reads just as I read it to you and that is the amendment that has been submitted.

Or the board itself, of course, could initiate activities.

Mr. RHODES. If the gentleman will yield further, I think the gentleman's amendment as he proposes it makes a lot of sense. I still doubt I would vote for the bill, but I would come closer to voting for it with the amendment.

Mr. BROOKS. I thank my friend from Arizona.

So, if we are going to have an Office of Technology Assessment in the Congress, let us make it for the Congress, Mr. Chairman. I do not want to make it for the Executive—if they need it, they will ask for it.

Mr. WHITE. Mr. Chairman, will the gentleman yield?

Mr. BROOKS. I yield to the gentleman.

Mr. WHITE. I agree with your intention on your amendment and I will support your amendment. From what you say, could we not accomplish about the same thing this bill endeavors here to do if we provide by legislation that the Congress or any branch thereof or any chairman could obtain any information from any agency that was not classified so that no agency would restrict or refrain from furnishing whatever information is necessary. You would be using the collective information agencies of the executive department. Would not this accomplish the same thing without having a double expense?

Mr. BROOKS. I do not know if I follow the gentleman's point too well.

Mr. WHITE. At the present time if any agency declines to furnish a full disclosure of information that is gathered in this technological area.

Mr. BROOKS. We are not changing the power of this organization to acquire information. I am just changing the makeup of the Board, not the exercise of power.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(Mr. BROOKS (at the request of Mr. WHITE) was granted permission to proceed for 1 additional minute.)

Mr. WHITE. Do you feel the present powers of the Congress in gathering information from agencies then has some deficiency or is inadequate and that something further is needed by the Congress to gather information for legislative purposes?

Mr. BROOKS. Basically, there is a continuing need for more pertinent and usable information. Even so, I think the Science and Astronautics Committee has done a great job. The Joint Committee on Atomic Energy, the Armed Services Committee, and other legislative committees have also.

Mr. MOSHER. Mr. Chairman, will the gentleman yield?

Mr. BROOKS. I yield to the gentleman from Ohio.

Mr. MOSHER. May I comment on the question of the gentleman from Texas. The prime purpose of the proposed legislation is to relieve us of the necessity of relying on the executive agencies. You are suggesting that we can get adequate information from the executive agencies and, of course, I agree they are responsible. But we think that the Congress should not have to rely for its own information on the executive branch.

Mr. BROOKS. Yes, I would say this is exactly what Senator JORDAN stated when he said "That an Office of Technology Assessment could reduce the dependency of the Congress on the executive bureaucracy and other groups, many of whom have special, vested interests either for or against certain legislation." This is the thrust of the legislation, to give independent expertise to Congress, not to give it to the executive branch, and not to necessarily be "hat in hand" asking them for their evaluation.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. DAVIS of Georgia. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Georgia is recognized.

Mr. DAVIS of Georgia. Mr. Chairman, I would merely like to say that the committee did consider the course of action suggested by my friend from Texas (Mr. BROOKS). We considered this alternative at length, and we concluded that it would be an inadequate answer and that the Board needed a mixed and more balanced representation.

In the first place, I do not think that there are many Members of the Congress who could afford the time that ought to be given as a member of the Board. You will notice that among other things the Board would be required to submit an annual report, which I think will have a big impact on many Government agencies.

The purpose of the committee bill is to set up as good a board as we know how to set up. We decided that there ought to be two Members of the House of Representatives on the Board and two Members of the other body on the Board. We thought that the head of the Congressional Research Service of the Library of Congress ought to be on the Board, and we also thought that the Comptroller General ought to be a member.

We then determined that there shall be four very highly qualified public members. We talked about that matter at great length, and the only person that we could think of who would be appropriate to name those four public members was the President of the United States. The President did not ask to be named. So far as I know, the Executive has had a completely "hands off" attitude toward this whole bill, this whole piece of legislation, apparently viewing it as a matter for action by Congress, since it is an arm of Congress.

I share Mr. BROOKS' fear of executive encroachment upon the legislative branch of the Government, but I would like to point out that in this instance we are not dealing with an agency that has any power at all. This Office of Technology Assessment is not even empowered to make recommendations. That is beyond the scope of its power. The only thing it is empowered to do is to develop information, to evaluate the information that it develops. That is the intent of that. If we were placing some of our power in somebody else's hands, that would be a horse of another color. But we are not doing it, and I think in this instance my friend from Texas (Mr. BROOKS) has found he is on a witch hunt. He has found a danger that just does not exist. We think we have set up a Board that will be a good Board. We think the four public members will count it a very high honor to serve on the Board.

We have set it up so the Director of the Board will be a well-paid man. He will enjoy a status as high as that of the head of the National Science Foundation. If the Board is really a well operating Board, if it establishes for itself a high reputation, it will be a great force and Congress will look to it with confidence.

As has been said so often here this afternoon on the floor, I think it will save our taxpayers millions upon millions of dollars if the Office of Technology Assessment fulfills the function we hope to give it today. For these reasons, Mr. Chairman, I ask that the amendment be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. BROOKS).

The question was taken; and on a division (demanded by Mr. DAVIS of Georgia) there were—ayes 29, noes 19.

So the amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. DANIELS of New Jersey, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 10243) to establish an Office of Technology Assessment for the Congress as an aid in the identification and consideration of existing and probable impacts of technological application; to amend the National Science Foundation Act of 1950; and for other purposes, pursuant to House Resolution 791, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BOW. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members and the Clerk will call the roll.

The question was taken; and there were—yeas 256, nays 118, not voting 57, as follows:

[Roll No. 34]

YEAS—256

Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Annunzio
Ashley
Aspin
Badillo
Baker
Begich
Bergland
Bevill
Biester
Bingham
Blackburn
Boggs
Boland
Bolling
Brademas
Brasco
Brinkley
Brooks
Broomfield
Brotzman
Broyhill, N.C.
Broyhill, Va.
Burke, Mass.
Burton
Byrne, Pa.
Caffery
Camp
Carey, N.Y.
Carney
Carter
Celler
Chappell
Clark
Clausen, Don H.
Cleveland
Conte
Conyers
Cotter
Coughlin
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Delaney
Dellenback
Dent
Derwinski
Dingell
Donohue
Dorn
Dow
Drinan
Dulski
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Fascell
Fish
Fisher
Flood
Flowers
Foley
Ford, William D.
Fountain
Fraser
Frey
Fulton
Fuqua
Gallagher
Gaydos
Gettys
Goldwater
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gubser
Gude
Hagan
Halpern
Hamilton
Hammer-schmidt
Hanley
Hanna
Hansen, Idaho
Harrington
Harvey
Hastings
Hathaway
Hays
Hechler, W. Va.
Heckler, Mass.
Henderson
Hicks, Mass.
Holifield
Horton
Hosmer
Howard
Hungate
Ichord
Jacobs
Johnson, Calif.
Jones, Ala.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kluczynski
Koch
Kyros
Landrum
Latta
Leggett
Lent
Link
Lloyd
Long, La.
Long, Md.
McClory
McCloskey
McCormack
McCulloch
McDade
McDonald, Mich.
McFall
McKay
McKevitt
McKinney
McMillan
Madden
Mailliard
Mallary
Mann
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Metcalfe
Mikva
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Mitchell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nix
Obey
O'Hara
O'Neill
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pike
Podell
Poff
Preyer, N.C.
Price, Ill.
Price, Tex.
Railsback
Randall
Rangel
Rees
Reid
Riegle
Robison, N.Y.
Rodino
Roe
Rogers
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ryan
St Germain
Sarbanes
Satterfield
Scheuer
Schwengel
Seiberling
Shipley
Shoup
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Staggers
Stanton, James V.
Steele
Steiger, Wis.
Stephens
Stokes
Sullivan
Symington
Talcott
Taylor
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thone
Tiernan
Udall
Van Deerlin
Vander Jagt
Veysey
Waggonner
Waldie
Whalen
Whitehurst
Whitten
Widnall
Winn
Wolff
Wright
Wydler
Yatron
Young, Tex.
Zablocki

NAYS—118

Abbitt	Goodling	Rhodes
Abernethy	Gross	Roberts
Andrews	Grover	Robinson, Va.
Archer	Haley	Roncalio
Arends	Hall	Ruth
Aspinall	Harsha	Sandman
Belcher	Heinz	Saylor
Bennett	Hicks, Wash.	Scherle
Betts	Hogan	Schmitz
Bow	Hull	Schneebeli
Bray	Hunt	Scott
Buchanan	Hutchinson	Sebelius
Burke, Fla.	Jarman	Shriver
Burleson, Tex.	Johnson, Pa.	Sikes
Burlison, Mo.	Jonas	Skubitz
Byrnes, Wis.	Jones, N.C.	Smith, Calif.
Byron	King	Snyder
Casey, Tex.	Kyl	Spence
Cederberg	Lujan	Steed
Chamberlain	McClure	Steiger, Ariz.
Clancy	McCollister	Stratton
Collier	McEwen	Stuckey
Collins, Tex.	Mahon	Teague, Calif.
Colmer	Martin	Thomson, Wis.
Crane	Mayne	Vigorito
Curlin	Michel	Wampler
de la Garza	Mizell	Ware
Denholm	Myers	Whalley
Dennis	Natcher	White
Devine	Nelsen	Williams
Dowdy	Nichols	Wilson, Bob
Duncan	Passman	Wilson, Charles H.
Edmondson	Pickle	Wyatt
Edwards, Ala.	Pirnie	Wylie
Eshleman	Powell	Yates
Findley	Pucinski	Young, Fla.
Flynt	Purcell	Zion
Ford, Gerald R.	Quillen	Zwach
Frelinghuysen	Rarick	
Frenzel	Reuss	

NOT VOTING—57

Alexander	Diggs	Macdonald Mass.
Ashbrook	Downing	Melcher
Baring	Dwyer	Minshall
Barrett	Edwards, La.	O'Konski
Bell	Evins, Tenn.	Pelly
Biaggi	Forsythe	Poage
Blanton	Galifianakis	Pryor, Ark.
Blatnik	Garmatz	Quie
Brown, Mich.	Giaimo	Rooney, N.Y.
Brown, Ohio	Gibbons	Ruppe
Cabell	Griffin	Springer
Chisholm	Hansen, Wash.	Stanton, J. William
Clawson, Del	Hawkins	Stubblefield
Clay	Hébert	Ullman
Collins, Ill.	Helstoski	Vanik
Conable	Hillis	Wiggins
Corman	Kemp	Wyman
Davis, Wis.	Kuykendall	
Dellums	Landgrebe	
Dickinson	Lennon	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Garmatz with Mr. Springer.
Mr. Rooney of New York with Mrs. Dwyer.
Mr. Blanton with Mr. Ashbrook.
Mr. Barrett with Mr. Forsythe.
Mr. Stubblefield with Mr. Davis of Wisconsin.
Mr. Hébert with Mr. Kuykendall.
Mr. Blatnik with Mr. Minshall.
Mr. Cabell with Mr. Bell.
Mr. Macdonald of Massachusetts with Mr. Quie.
Mr. Evins of Tennessee with Mr. Brown of Michigan.
Mr. Melcher with Mr. Conable.
Mr. Corman with Mr. Clay.
Mr. Hawkins with Mrs. Hansen of Washington.
Mrs. Chisholm with Mr. Baring.
Mr. Lennon with Mr. Dickinson.
Mr. Alexander with Mr. Brown of Ohio.
Mr. Biaggi with Mr. Dellums.
Mr. Galifianakis with Mr. Kemp.
Mr. Griffin with Mr. Hillis.
Mr. Giaimo with Mr. Diggs.
Mr. Downing with Mr. Del Clawson.
Mr. Helstoski with Mr. Collins of Illinois.
Mr. Gibbons with Mr. Landgrebe.
Mr. Ullman with Mr. O'Konski.
Mr. Vanik with Mr. Pelly.
Mr. J. William Stanton with Mr. Ruppe.
Mr. Wyman with Mr. Wiggins.

Mr. EDMONDSON changed his vote from "yea" to "nay."

Mr. HAGAN changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate disagrees to the amendments of the House to the bill (S. 3122) entitled "An act to extend sections 5(n) and 7(a) of the Federal Water Pollution Control Act, as amended, until the end of fiscal year 1972," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. RANDOLPH, Mr. MUSKIE, Mr. EAGLETON, Mr. COOPER, and Mr. BOGGS to be the conferees on the part of the Senate.

GENERAL LEAVE

Mr. DAVIS of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed (H.R. 10243).

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

REQUEST FOR PERMISSION TO FILE CONFERENCE REPORT ON S. 748, U.S. CONTRIBUTIONS TO THE FUND FOR SPECIAL OPERATIONS OF THE INTER-AMERICAN DEVELOPMENT BANK

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that the managers have until midnight tonight to file a conference report on S. 748, to authorize payment and appropriation of the second and third installments of the U.S. contributions to the Fund for Special Operations of the Inter-American Development Bank.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Speaker, reserving the right to object, when would it be proposed to call up this legislation?

Mr. PATMAN. Whenever the House is willing. Tomorrow would be an acceptable day if it is all right with the membership.

Mr. GROSS. Does the gentleman mean to file it tonight and call it up tomorrow?

Mr. PATMAN. It will be printed in the RECORD tonight and available tomorrow.

Mr. GROSS. It will require unanimous consent to consider it tomorrow; will it not?

Mr. PATMAN. I do not know about that.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Illinois.

Mr. ARENDS. Mr. Speaker, I ask the gentleman from Texas if the matter has been cleared with the minority?

Mr. PATMAN. It the gentleman will yield, yes; it has been cleared with the minority staff and the ranking minority Member.

Mr. ARENDS. Yes; I have been so informed.

Mr. GROSS. Mr. Speaker, I am not satisfied with the gentleman's answer. Is the gentleman saying this would be called up tomorrow?

Mr. PATMAN. We had hoped to call it up tomorrow.

Mr. GROSS. Mr. Speaker, a parliamentary inquiry. It would require unanimous consent to call it up tomorrow; would it not?

The SPEAKER. It would.

Mr. GROSS. What is the haste in calling up this bill?

Mr. PATMAN. To make it available to Members for consideration, filing it tonight and having it printed tomorrow morning.

Mr. GROSS. Is this one of the three bills to beef up the overseas giveaway through so-called lending institutions?

Mr. PATMAN. It is for the Inter-American Development Bank. This is the one dealing with South America and is very important to our country.

Mr. GROSS. Is it the gentleman's intention to call up all three of those bills?

Mr. PATMAN. To call up either one of them or all of them that can be called up.

Mr. GROSS. Have the conferees reached agreement on all three bills?

Mr. PATMAN. On all three bills. It is a unanimous agreement.

Mr. GROSS. And it would be the gentleman's purpose to call them up tomorrow?

Mr. PATMAN. Yes, sir, because the recess commences pretty soon.

Mr. GROSS. I beg the gentleman's pardon.

Mr. PATMAN. The recess, I assume, commences Wednesday, does it not?

Mr. GROSS. We are not in that kind of bind again, are we, to have to scuttle the ship in order to have a recess? Are we in that kind of bind? We concluded several weeks of recesses just a short time ago.

Mr. PATMAN. My reply was by reason of the gentleman's question about whether we wanted to take it up. I am just calling to the gentleman's attention that if we do not take it up tomorrow, it will be after the recess before we can take it up.

Mr. GROSS. Mr. Speaker, would the foreigners be satisfied with that, or would they raise some kind of sand over it?

Mr. PATMAN. We are not legislating for the foreigners.

Mr. GROSS. If this is not legislation to benefit the foreigners, any one of the three pieces of legislation in the nature of foreign handouts, I do not know what the gentleman is talking about.

Mr. PATMAN. That is not the object of it. The object of it is to help our country and to help the world.

Mr. GROSS. If it is the gentleman's purpose to call these up tomorrow, I believe most Members would like to get a reasonable start on the recess. If it is the gentleman's purpose to call them up tomorrow, I will object.

Mr. PATMAN. Of course, the Speaker ruled awhile ago, I believe, it would take unanimous consent, did he not?

Mr. GROSS. I can make pretty certain of it by objecting tonight.

Mr. Speaker, I do object.

The SPEAKER. Objection is heard.

Mr. PATMAN. Mr. Speaker, I had two other requests, but in view of the objection by the gentleman I will not ask unanimous consent for those.

APPOINTMENT OF CONFEREES ON S. 3122, EXTENDING FEDERAL WATER POLUTION CONTROL ACT

Mr. JONES of Alabama. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3122) to extend sections 5(n) and 7(a) of the Federal Water Pollution Control Act, as amended, until the end of fiscal year 1972, with House amendments thereto, insist on the House amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Alabama? The Chair hears none, and appoints the following conferees: Messrs. JONES of Alabama, JOHNSON of California, DORN, HARSHA, and GROVER.

REPORT ON NEGOTIATIONS CONCERNING RECONSTRUCTION OF THE ALASKA HIGHWAY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Public Works:

The message and accompanying papers were referred to the Committee on Public Works.

To the Congress of the United States:

I hereby submit to the Congress a Report of the negotiations with the Government of Canada concerning the reconstruction of the Alaska Highway between Dawson Creek, Canada, and the Alaska border. Pursuant to Section 119 of Public Law 91-605, these negotiations were held in the summer and fall of 1971 between representatives of our Departments of State and Transportation and officials of the respective Canadian Ministries.

Based upon these discussions, the Secretaries of Transportation and State have concluded, and I have agreed, that a U.S. offer to Canada to undertake this project on a cost-sharing basis would not be justified at this time. Our negotiations closed with an understanding that this would be the United States position. The Canadian Government has also indicated that it does not wish to undertake such a project with its own resources.

Underlying these conclusions are the facts that alternative transportation routes are now being developed, especially in British Columbia, and that anticipated traffic volume on the Alaska Highway should not be sufficiently heavy to warrant reconstruction and paving. The enclosed Report, submitted in response to Section 119(b) of the Federal-Aid Highway Act of 1970 (P.L. 91-605), spells out these findings in greater detail.

As a result of these conclusions, no further action seems necessary at this time.

RICHARD NIXON.

THE WHITE HOUSE, *February 8, 1972.*

THE WEST COAST DOCK STRIKE

(Mr. THOMPSON of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of New Jersey. Mr. Speaker, earlier in the day I announced that the west coast dock strike had been settled. I have further details at the moment, but not entirely complete ones.

I can say that Mr. Harry Bridges, the ILWU president, said that the settlement is satisfactory to him. He will recommend its ratification, and on Saturday there will be a caucus, as is required in these circumstances, by his union for ratification.

The Pacific Maritime Association president, Mr. Edmund Flynn, said that the shippers are satisfied with the settlement, "or," to quote him, "we wouldn't have agreed to it."

There are several minor unresolved issues. The agreement to settle includes handing those issues to Mr. Sam Kagel, who has been a negotiator in the maritime industry and is highly respected by both parties, and he himself will have the authority to settle the unresolved issues.

Quoting Mr. Kagel:

> I am authorized to announce that the ILWU and the PMA Negotiating Committees have reached agreement on all economic issues. Certain specified non-economic issues will be mediated and if necessary arbitrated by myself, Sam Kagel.

Now, in the circumstances, Mr. Speaker, I feel action by this House, in the light of the settlement, and notwithstanding the action taken by the other body—action by this House tomorrow would impede further the inevitable settlement of this strike by next week. In other words, I express complete and total confidence that every major issue is out of the way and that the minor issues will be submitted to arbitration, binding arbitration, by Mr. Kagel.

I yield to the gentleman from Oregon.

Mr. DELLENBACK. I appreciate the gentleman yielding.

Is the gentleman able to inform the House when it is that the men will go back to work? As of the present moment is there any certainty of their going back to work?

Mr. THOMPSON of New Jersey. First there will be a caucus as required under the ILWU constitution, on Saturday. That caucus has the power to order the longshoremen back to work pending ratification.

Mr. DELLENBACK. Then, will the gentleman yield further?

Mr. THOMPSON of New Jersey. I do.

Mr. DELLENBACK. Do I interpret your statement, Mr. Chairman, as saying that as of the moment the men do not go back to work; in the event the ratification vote should be in the negative, there would be no understanding they would go back to work. Even if they do in the caucus on Saturday approve it, there would be no going back to work until there is a further ratification and in that series of events the earliest that they would go back to work sans legislation would be the end of next week. Is that correct?

Mr. THOMPSON of New Jersey. I would say no later than the end of next week, although I do not agree completely with your interpretation of what I said.

Mr. GERALD R. FORD. Would the gentleman from New Jersey yield to me so that I might ask the gentleman a question?

Mr. THOMPSON of New Jersey. I yield.

Mr. GERALD R. FORD. If the House should pass the bill that was reported out by the Committee on Rules and then there was an agreement between the Senate version and the House version and that became law, what harm is there in having that legislation on the statute books while this other process goes on?

Mr. THOMPSON of New Jersey. In answer to the gentleman, I respectfully say that action by the House on the bill reported by the Committee on Rules, which took the matter away from the Committee on Education and Labor, would constitute, in my judgment, a very serious impediment to final agreement and to the men getting back to work, which is the desire of all of us from the President on down.

Mr. GERALD R. FORD. Let me ask the gentleman this question: He says——

Mr. THOMPSON of New Jersey. It would exacerbate the difficulties, and it could serve no useful purpose.

Mr. GERALD R. FORD. Would the gentleman yield further?

Mr. THOMPSON of New Jersey. I do.

Mr. GERALD R. FORD. The gentleman says an agreement has been reached.

Mr. THOMPSON of New Jersey. Yes.

Mr. GERALD R. FORD. He tells us of this process that is necessary for ratification. He tells us that it will be a week or 10 days before——

Mr. THOMPSON of New Jersey. No. I did not say that.

Mr. GERALD R. FORD (continuing). The men get back to work. Just a minute. Let me ask this question. What harm is there in passing a bill and having it in a standby status on the statute books to be effective if all of these steps that the gentleman has described do not take place?

Mr. THOMPSON of New Jersey. I reiterate that it would, in my judgment, cause such distress as possibly to revive the dispute, because of the determination of the union not to accept compulsory arbitration. I think if we can get a clear and decisive statement from the President that if we were, for instance, to take the Senate bill and pass it, that he would wait at least 10 days before signing it in order to give the parties this opportunity to complete their collective bargaining process without interference by us, that would help.

Mr. GERALD R. FORD. Mr. Speaker, would the gentleman yield further?

Mr. THOMPSON of New Jersey. I shall yield further in just a moment.

That would give us the assurance, although I do not recommend it as the best course of action, but it would certainly give us and the President the assurance that if within a period of, say, 10 days, if here is not ratification and the men are not back to work, he could then sign the bill, but the House should certainly have that assurance.

Mr. GERALD R. FORD. If the gentleman will yield further, in effect what the gentleman has just said is what I was suggesting we do. In other words, we act and the legislation, in effect, would be held in abeyance pending the step-by-step process, but at the same time if there is no affirmative action on the schedule he has indicated, then the act would become effective. That seems to me to be the best insurance for the resolution of the problem.

Mr. THOMPSON of New Jersey. I would say to my distinguished friend from Michigan I understood everything except that I ask the President to give the parties at least 10 days, following the adoption, if we do, of any legislation before signing it so we can avoid that compulsory arbitration process. This does not mean that I will support the legislation in any case. It would simply be reassuring.

Mr. GERALD R. FORD. Mr. Speaker, would the gentleman yield further?

Mr. THOMPSON of New Jersey. Indeed.

Mr. GERALD R. FORD. I think we are in agreement in virtually every instance except on this; that is, at this time I am in no position to make that assurance, but for our own protection I believe we ought to take the step that he and I discussed in this latest colloquy in order that we have this insurance in case things do not go the way we want them to with the settlement.

Mr. THOMPSON of New Jersey. May I say to my distinguished friend that the president of the union and the four Cabinet members who testified and the distinguished author of the President's bill, the gentleman from Oregon (Mr. DELLENBACK) and I have worked very hard. Now, the ILWU caucus can on Saturday order the members back to work and if they tentatively accept it on Saturday they probably will order them back to work.

The gentleman is in a much better position than I, certainly, to communicate this good news to the President, who no doubt knows it, but also to bring back to us an assurance that in the event we do act—and, frankly, I hope we do not—but in the event we do act that he will wait the 10 days in order to give them the opportunity to go back to work without having to do so because of the signing of the compulsory arbitration piece of legislation.

Mr. GERALD R. FORD. If the gentleman will yield further, I will communicate with the White House and see whether this is feasible or not. But in the meantime, I think under the current circumstances, as I know the facts at the moment, it seems to me it would be wiser for us to plan on acting tomorrow, and I will get to the gentleman and other Members of the House whatever answer is forthcoming.

Mr. THOMPSON of New Jersey. I appreciate that, and I would hope you would do it at the earliest possible hour tomorrow. Nevertheless, I oppose the legislation.

May I point this out—the bill reported as I understand by the Committee on Rules is that of our colleague, the gentleman from Hawaii (Mr. MATSUNAGA). It differs considerably from the Senate-passed version and, obviously, that would require a conference, following which it would require action by both bodies to adopt the conference report.

Mr. MATSUNAGA. Mr. Speaker, will the gentleman yield for a correction of the RECORD?

Mr. THOMPSON of New Jersey. I yield to the gentleman from Hawaii.

Mr. MATSUNAGA. The bill which was reported out was the Dellenback bill, but the Matsunaga bill was made in order to be offered as a substitute.

Mr. THOMPSON of New Jersey. I did not understand that.

Thank you for explaining the situation.

Mr. MATSUNAGA. Mr. Speaker, if the gentleman will yield further, I might say that the committee bill as reported out by the gentleman's committee and approved by the whole committee was considered and rejected by the Rules Committee.

Mr. THOMPSON of New Jersey. I am aware of that unhappy fact.

Mr. MATSUNAGA. I supported the gentleman.

Mr. THOMPSON of New Jersey. I know that, and I appreciate it.

Mr. SMITH of Iowa. If the gentleman will yield, is it not true the reason that the officers of the union and the management cannot sign today is because the Congress' order in the Landrum-Griffin bill is that they must have a ratification meeting, and with due notification, and that that is the reason they cannot do it?

Mr. THOMPSON of New Jersey. I believe so, but I would have to check the act.

Mr. HALL. Mr. Speaker, if the gentleman will yield, is there not some fallout benefit to be had by legislation on the books for those Members of the House of Representatives who are tired at having to provide remedies for these crises in transportation that affect the national defense and health and safety?

Mr. THOMPSON of New Jersey. I believe the response to my friend, the gentleman from Missouri, is that it is only reasonable to say that the Congress must take some action so that we do not face these crises each and every day, but I might state that the President's so-called Crippling Strikes Prevention Act had it been on the books, would not have applied in this case because of the third-party dispute; namely, the Teamsters.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, I am perfectly willing to leave the colloquy as it is, and the tenuous arrangement that the gentleman has contrived here to be developed according to the will of the House. But I think it is important for the Members of the House to know, since we do not have advance copies of this information, whether or not it would be permanent legislation that would preclude in the future any such disabling or crippling, or whatever adjective you want to use, strike against the national safety, health and, indeed, the defense of this Nation?

Mr. THOMPSON of New Jersey. The answer to that, I would state to the gentleman from Missouri (Mr. HALL) is that the Dellenback bill and, indeed, the Matsunaga bill, if it is substituted, are both ad hoc, temporary solutions going no more than 24 months, and apply only to the west coast strike. They would not relate at all to the possibility of an east coast or Gulf coast strike. And the situation there is that the parties in dispute on the east and Gulf coasts are now operating under a Taft-Hartley 80-day injunction with an agreement to go 30 days beyond that. So, then if they cannot agree we would be faced with the same ad hoc solution again.

Mr. HALL. Then I submit that Congress had best get on with the job, whether it be the ILWU or the ILA, the Teamsters, or whatever, that is holding this Nation up.

Mr. THOMPSON of New Jersey. The best way to do it is to let them settle it themselves, to give them the opportunity, and if they do not do so, and I earnestly hope they will, then we should act.

Mr. GERALD R. FORD. Mr. Speaker, if the gentleman will yield further, I think it is important to know, did the rule provide that at the conclusion of the deliberations on the bill that was reported out and the substitute, that the Senate bill could be substituted in place of what we approve?

Mr. MATSUNAGA. There was some discussion, and although—the gentleman from California (Mr. SISK) has just stepped from the Chamber——

Mr. GERALD R. FORD. I know there was to be some discussion, and I hoped for action.

Mr. MATSUNAGA. The rule provides that after hearing the Democratic bill, or the Matsunaga bill, as passed, the rule provides this could be in order to take from the table the Senate-passed bill for immediate consideration.

Mr. DELLENBACK. Mr. Speaker, will the gentleman yield?
gentleman yield?

Mr. COLMER. Mr. Speaker, would the of the Committee on Rules could reply to the question I think it would be very helpful.

Mr. COLMER. I am a little apprehensive that my friend, the gentleman from Hawaii (Mr. MATSUNAGA) and I are confused. The resolution provides that at the conclusion of the consideration of the resolution making in order the so-called Dellenback bill and the Matsunaga bill as a substitute, after that is adopted, it will be in order to go into the House and consider the Senate bill. Is that correct?

Mr. SISK. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman.

Mr. SISK. Mr. Speaker, here is the amendment that was adopted to the resolution 796 which we reported as a closed rule, but making in order as a

substitute without intervening points of order the Matsunaga resolution.

Then it concludes after the passage of House Joint Resolution 1025, which would be the same number whether the substitute were adopted or not, then it shall be in order to take from the Speaker's table Senate joint resolution. whatever the number is—I believe it is 197 or maybe 187, and consider the same in the House.

Mr. THOMPSON of New Jersey. That makes the situation perfectly clear. That leaves us only with the hope that the distinguished minority leader will communicate with the President this evening and let us know what the President is thinking tomorrow morning.

Mr. DELLENBACK. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman.

Mr. DELLENBACK. If I may conclude, in response to the minority leader's question a minute ago and make a further comment with reference to some of the remarks that the chairman of the subcommittee alluded to, we have a difference of opinion as to the present status of negotiations having been aided or not aided by what this Congress has done in the last week.

It is my own belief and strong feeling that the reason things are the way they are now—and I am most hopeful that there will be an agreement—is that the Congress has moved forward as it has within the last week.

There are those of us who feel very strongly were we at this time and at this stage of the game to back away from further action, we would be indeed doing an injury to any settlement rather than moving forward with a settlement.

May I point out further to my distinguished friend, the gentleman from New Jersey, that if we were to act on this legislation tomorrow and if we end up acting in a form that means the Senate and the House have acted on identical legislation so that no conference would be in order, it is still in order for the parties involved to ratify this agreement on Saturday and not being moved to compulsory arbitration but moved on a voluntary settlement which is indeed what they had tentatively agreed upon at this stage of the game.

I would urge rather than to postpone while we should make inquiries that Mr. THOMPSON has asked of Mr. FORD, and that each will see what we can determine about these things—the situation on the west coast in my opinion is far too critical to let this rest on an ambiguous vote which we do not know the result of at this stage of the game.

If we leave here tomorrow without acting on this to go off on a congressional recess knowing what the situation is on the west coast in this country and knowing what the danger is in Hawaii, I think it would be making a grievous mistake.

Mr. THOMPSON of New Jersey. First of all, let me say that the gentleman from Oregon has been most helpful and most cooperative in this whole matter. I have not agreed with him on a lot of the details, but he has been most cooperative.

I think it can be said that both he and I as reasonable members of the committee have made nothing short of a prodigious and expeditious effort to settle this matter.

I happen not to agree that action tomorrow will be helpful. But, as it appears inevitable, we will have action, since it is highly privileged. If we do indeed end up with a bill identical to that of the Senate and, therefore do not have to go to conference, I simply would request the President to give these parties the 10 days from the time that he gets the bill and has to sign it or it becomes the law. This can still be an example of the collective bargaining process working out without compulsory arbitration, and we can avoid damaging our national policy relating to collective bargaining.

Mr. DELLENBACK. As the minority leader indicated earlier, we will attempt to obtain the answer to the question of the gentleman from New Jersey and have it available tomorrow.

PROGRAM FOR TOMORROW—DEBT CEILING INCREASE

(Mr. HOWARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOWARD. Mr. Speaker, we have had a great deal of discussion on legislation and what may come up in the way of rules, bills, and legislation from the other body.

In the notice we received from the leadership for tomorrow, we have scheduled legislation concerning an increase in the debt ceiling with, I believe, 4 hours of debate.

It was mentioned on the other side of the aisle a while ago that Members would object to some unanimous-consent requests so the people on the other side of the aisle can get a headstart in getting back home for their traditional dinners and fundraising affairs. I merely would like to request of the leadership whether or not we do intend at some time tomorrow afternoon to take up the bill from the Committee on Ways and Means relating to the debt ceiling, in view of the fact that it will have 4 hours of debate, if the bill relating to the dock strike takes several hours, as it seems it will.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. HOWARD. I yield to the gentleman from Massachusetts.

Mr. O'NEILL. In view of the fact that the gentleman from Louisiana (Mr. BOGGS) does not happen to be present, I will speak for the leadership. As you know, two pieces of legislation were reported out of the Rules Committee, the so-called dock strike bill and the bill that the gentleman from Arkansas (Mr. MILLS) has on the calendar with regard to the debt limit. Both of these items are in the hands of the Rules Committee. I do not know to whom the gentleman from Mississippi (Mr. COLMER) has assigned them.

On the dock strike matter, there will be the question of a member of the Rules Committee being recognized by the Speaker and saying, "I ask unanimous consent to report from the Rules Committee a privileged motion," and turn it over to the desk. It is my understanding from Mr. COLMER that he intends to bring the dock strike matter up first. I think that will take 1 hour, and it would be under a closed rule.

Then I presume immediately following that we would go into 4 hours of general debate. I understand that the gentleman from Arkansas (Mr. MILLS) does not expect that he would consume the whole 4 hours. We ought to be able to expedite both matters. Of course, there could always be a motion to table, a motion to adjourn, or the defeat of the dock strike bill. I should think we would be out at a reasonable hour.

Mr. HOWARD. I thank the gentleman. I would assume that with 1-minute speeches, quorum calls and votes, maybe one or two, even before we get to the debt ceiling, we might very well feel we should count on being here until 6 or 7 o'clock.

Mr. O'NEILL. I would say that you might be here that late. We cannot anticipate, but we can make great desires known among those who normally call for quorum calls, that they would normally pass such requests on a day like that.

CANCEL THE LINCOLN DAY RECESS IF NECESSARY TO ADEQUATELY DEBATE DOCK STRIKE LEGISLATION

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute.)

Mr. PUCINSKI. Mr. Speaker, it seems to me that all of the anxiety about disposing of the dock strike legislation tomorrow is predicated on the fact that we are going to take a Lincoln Day recess. But there is really nothing absolutely firm or irrevocable about that recess and, as far as I know, on something as important as this, where both sides in the dock strike apparently have reached an agreement and would be willing to ratify that agreement today except for the Landrum-Griffin bill, we ought to remain and finish our work in an orderly manner. May I remind the House that the Landrum-Griffin bill was passed in the same kind of haste in this House. There was no discussion, no debate, no legislative history—it was offered as a substitute bill in the heat of passion and passed by the Congress, and we have since then seen the many weaknesses in that bill. It is unconscionable to pass this important legislation in haste just because we have a Lincoln week recess. It seems to be that indeed there is a prospect of these two sides bringing the strike to an end and agreeing by Saturday. If it means that we have to work over the weekend or even come back on Monday, I would rather cancel the Lincoln Day recess and stay here and do our work, as we should do, rather than rush this legislation through even though no one has seen this proposal or has had an opportunity adequately to debate.

FARM PRICES ARE SOARING

(Mr. CONTE asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, I am both amazed and appalled by the comments made by Agriculture Secretary Earl L. Butz at the Fargo, N. Dak., Farm Forum last night. Before a somewhat less than objective audience, the Secretary gloated over the fact that farm prices are soaring.

The Secretary bragged:

> In some instances, such as beef cattle, prices are at twenty-year highs.

Adding insult to injury Mr. Butz continued:

> And they should be.

Apparently, Mr. Butz, in his euphoria over these spiraling prices, has forgotten the housewife at the meat counter in the supermarket. Apparently, our Secretary of Agriculture has lost interest in the lower- and middle-class American who is trying desperately to stretch his paycheck to feed his family.

These skyrocketing prices should be a cause for grief, not glee. A week ago, the Agriculture Department reported that prices farmers received for raw products rose 3 percent during January. This figure includes a record high for beef cattle, which shattered a mark set in 1951.

This information, when coupled with the exemption of raw farm products from phase 2 controls means that added costs of farm products will be passed on to consumers.

And American consumers cannot afford these added costs. Our senior citizens cannot afford to pay more dearly for the necessities of life. Workers with large families, who have been faced with wage limitations during phase 2, cannot afford ever higher grocery bills.

The Secretary of Agriculture seems to be fully aware of this. In last night's speech, he warned the farmers that

> Some of the newspapers back east have already started commenting on higher food prices.

Secretary Butz implied that he intends to fight any attempts to put brakes on these runaway farm prices.

Frankly, I find this hard to believe. It is astounding for me to hear this talk from a member of an administration which has pledged itself to stop inflation, not to foster it.

The Secretary of Agriculture's remarks were irresponsible, and definitely out of line with the tone of the President's state of the Union address.

President Nixon urged us to rise above partisan politics and work in the national interest. I believe, as do my constituents, and consumers across the Nation, that these rising farm prices are not in the national interest.

The Secretary of Agriculture should be helping to keep farm prices in line, not standing on the sidelines applauding their increase.

Thank you, Mr. Speaker.

HOME PORTS IN GREECE: U.S. POLITICAL MYOPIA

(Mr. EDWARDS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of California. Mr. Speaker, too often in the past the United States has made military decisions with damaging long-range political consequences without having given adequate regard to the political factors involved.

The latest such example is the U.S. Navy decision, with White House backing, to seek "home port" facilities in Greece to accommodate American sailors from the 6th Fleet and perhaps 6,000 dependents.

Adm. Elmo Zumwalt, Chief of Naval Operations, appears oblivious or indifferent to the politics of the situation in his gung-ho campaign to boost retention rates a 10th of a point here, a 10th of a point there. But one does not have to be a prophet to perceive that years from now, when Admiral Zumwalt is in comfortable retirement, the United States could be reaping the bitter consequences of this decision.

Even if Greece were a democracy, this kind of decision should give us pause. But to make such an arrangement now with a dictatorship will be taken by the Greek people as further evidence of American support, even sponsorship, of an oppressive regime. "Just give us these privileges and facilities," we seem to be saying to the dictatorship, "and you can do what you please with the Greek people."

It should be noted that this new arrangement is not for additional naval bases. All bases, by the way, had been negotiated with democratically elected Greek Governments.

It should also be noted that the 6th Fleet will not withdraw from the Mediterranean if the home port facilities in Greece are not obtained, although Admiral Zumwalt likes to drop that threatening implication.

What this decision means is that several thousand American sailors, and the dependents of some of them, will be unloaded on the Athens area as semi-permanent residents—the Navy does not plan to build special housing, according to Zumwalt. Prices will go up as Americans, with their greater financial resources, compete with Greeks on the open market for housing and services. Dependent and private schools will be swamped. Americans will be more visible, and since they are linked in the public mind with the oppressive Greek regime, will sooner or later incur hostility. Furthermore, the regrettable moral slackness of bars and bordellos which follow the fleet will intrude itself a little more on Greek life.

Retention of personnel is a problem, but is some small gain in retention rates worth the political price?

What is the State Department view? Why have not its views been heard? Is there a counteropinion within the U.S. policy structure? If so, should not the Congress know about it? Did some not warn that the anti-U.S. feelings aroused by too visible a presence in Turkey could be repeated in Greece?

What is the political judgment of our intelligence services? Do the analysts see things the same way as the operators, some of whom were intimately associated with Papadopoulos before the 1967 coup?

Can the administration ignore Congress in making agreements for foreign facilities? Should it ignore Congress? Is Congress to abdicate even further in the foreign policy field? Is there to be no accountability except once every 4 years during a presidential election?

Somewhere along the line the political and moral arguments must be asserted. Someday we will learn that military decisions which shrug off political and moral considerations are built on quicksand.

It is time for Congress to ask the hard questions.

WE MUST SAVE OUR BRANCH LINE RAILROADS

(Mr. ZWACH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ZWACH. Mr. Speaker, in the past week, some 90 farmers, bankers, businessmen, and legislators from Minnesota, mostly from the southern part of the State, were in Washington in a concerted effort to save Minnesota's branch line railroads which are vital to the rebuilding of the countryside.

Ever since I have been in Congress, I have been protesting the deteriorating service to the railroads themselves and to the Interstate Commerce Commission, which has allowed this widespread abandonment of railroad service. I was pleased and grateful to meet with and have this added support of this grassroots movement to save our branch line railroads.

We cannot hope to rebuild "countryside America" without an adequate rail transportation system. Under new regulations, the Interstate Commerce Commission is allowing railroads to abandon lines on short notice and with no plans for adequate freight service in the future. This will place an economic burden on our rural communities and small businesses at a time when our national policy is to reverse the decline of rural areas by helping present businesses to grow and new businesses to locate in our rural communities. Good efficient rail service is especially needed by our farmers to secure their fertilizer, petroleum products, feeds, lumber, and other bulk supplies, and to move their farm products to domestic and foreign markets.

Yesterday, I introduced legislation calling for a 5-year moratorium on railroad line abandonment and another bill to authorize the Committee on Interstate and Foreign Commerce to conduct an investigation and study of the needs of rural America for adequate railroad services. We need to find a solution to this problem but we cannot allow the present rate of abandonment to continue while finding a solution.

While the delegation from Minnesota was here in Washington, I received several letters expressing their individual concern; a petition from the mayor of Echo, Minn., with 206 signatures from this town of 356 population; and a petition signed by members of the delegation in Washington. I include these in the RECORD at this point:

> DEAR MR. ZWACH: We may not be a large user of the Railroad facilities here at the present time, mostly because of the poor service that we have. In the spring of the

year when we would most use the railroad, they have an embargo on so there is no service. If the service was improved we could use them more. However, we are deeply concerned about the rail service from the standpoint that with all the agricultural tonnage going in and out of a line like we have here, I'm sure that the railroad is not going in the red here. No matter what ever rail service a town has it seems like when the railroad goes it makes a town die that much faster. I'm sure we are all in agreement that we want to keep rural America strong and prospering. We are sure you will do everything in your power to help us and it will be much appreciated.

JEROME MARTHALER,
Manager, Great Plains Supply Co.
WABASSO, MINN.

DEAR SIR: In regard to railway service, this is a record of what has been done the last three years—

June 1, 1969 to February 26, 1970—179 cars, 44 trucks;

March 1, 1970 to February 28, 1971—209 cars, 21 trucks;

March 1, 1971 to December 29, 1971—128 cars, 86 trucks.

70 of the 86 trucks shipped in 1971 were because of no rail service. We have 210,000 bushels of grain on storage here now which will go by rail, plus all the farm stored grain which will be moved during the year.

BERNIE GOBLIRSCH,
Manager, Wabasso Farmers Elevator Co.
WABASSO, MINN.

DEAR CONGRESSMAN: In 1970, we had fifty rail cars come in with 3070 tons of fertilizer plus another 550 tons that had to be trucked in due to embargo on tracks.

In 1971, we had fifty-six rail cars come in with 3564 tons plus another 810 tons trucked in during embargo.

It costs us about $7 a ton more to have it trucked in than by rail, and if we should lose our rail service, I don't know how we could compete with plants that do have that service. I also believe that trucks could not keep us going during the rush season.

CLARENCE DRESON,
Manager, Kerr-McGee Chemical Corp.
WABASSO, MINN.

DEAR SIR: It is very important that you help us to keep our rail service operating here at Wabasso and all the other small communities.

Here at Wabasso the track and road bed is so bad that it takes the train about six hours to travel a distance of 35 to 40 miles one way. So you can see why it costs them more money to operate.

If we had better service here we would ship more grain by rail, but this way we have to go by truck and it takes two and one-half trucks to haul as much as one box car, and we do not need any more trucks on our highways.

HARLAN KRETSCH,
Manager, Wabasso Grain and Feed.
WABASSO, MINN.

DEAR CONGRESSMAN ZWACH: I am writing in regard to the railroad prospects for rural Minnesota. I was invited to join the group from this area who are coming to Washington next week regarding the proposed abandonment of several lines in our area. Due to prior commitments, I was unable to join them. However, I, too, would like to voice my concern along with theirs.

As you know, our highways in the outstate area are not built to handle the trucks which will be necessary to handle the farm products if the railroads are permitted to abandon the lines as they propose. I am also positive that the rail lines serving this area would be profit making, if the road bed were in condition so that the trains could travel at a speed over the present five miles per hour. At present—it is a two day run from Marshall to Wabasso, Vesta and return. How can they make money at that rate?

EDWARD ROBASSE,
President, Wabasso State Bank.
WABASSO, MINN.

DEAR MR. ZWACH: During the years of 1970 and 1971, we made a comparison of trucks and railroad cars shipped. Going through the records, we found that we had shipped a total of 280 railroad cars of grain and 725 truckloads of grain. The cars represented a bushel figure of over 560,000 bushels and the trucks represent a figure of 580,000 bushels. If we could have gotten railroad cars when we needed them we could have filled over 300 more than we did, instead we had to resort to trucks. 300 carloads of grain would have brought over $50,000 of income to the railroad company. Almost all of our liquid fertilizer is hauled by trucks because the railroad cannot be depended on. This would bring the railroad even more income, if they wanted more income.

The Elevator here in Revere and in Walnut Grove is not the only business that would give the railroad more busines if they wanted and could take care of more. We have a lumber yard and a Co-op Oil Company here in town that would like to depend on the railroad for service.

The section crew that is supposed to take care of the railroad yards is not seen too often. The crew consists of three men that are supposed to take care of 75 miles of track. The railroad company is in the chemical business and cannot afford to spray the weeds in the railroad yard. We have sprayed the railroad yards ourselves and have had to foot the bill for the chemical because the railroad company cannot afford to provide the chemical. This does not make a lot of sense.

We are businessmen and farmer directors of these businesses do not feel that the CNW Railroad Company has just cause to close the railroad.

REVERE-WALNUT GROVE FARMERS ELEVATOR.

PETITION

Whereas U.S. railroads have not maintained their branch lines and giving poorer and poorer service despite many rate increases granted them in recent years;

And whereas the railroads are now embarked on a major campaign to abandon most or all branch lines as fast as possible;

And whereas thousands of rural towns and cities and scores of thousands of businesses have heavy investments in properties on branch lines;

And whereas loss of rail service will place a further burden, leading to economic chaos, on these businesses and communities at a time when our national policy is to reverse the decline of rural areas by helping present businesses grow and new businesses to locate there;

And whereas good efficient rail service is especially needed by our farmers to secure their fertilizer, petroleum products, feeds, lumber and other bulk supplies, and to move their farm products to domestic and foreign markets;

And whereas the uncertain future of branch lines service makes any sizeable business investment on these lines a great risk;

And whereas loss of branch lines will place heavier burdens on our highway system to haul these bulk commodities, adding vast numbers of heavy trucks to the present congestion, at great additional expense for highways;

And whereas the ICC has of January 29, 1972 issued new regulations to allow railroads to abandon lines on short notice and with no plan for adequate freight service in the future;

Now, therefore we the undersigned rural businessmen, farm cooperative officers, and public officials do most respectfully petition Congress to:

1. Order an immediate embargo on any further abandonment of rail lines until Congress has had a chance to establish what in its wisdom should be our national policy regarding rail service for rural America; and

2. Order a full Congressional investigation of the railroad needs of rural America, with an appraisal of the several alternatives to elimination of branch lines, including maintenance by the public of the needed rail trackage, as we have long done publicly for highways, waterways, and airports.

LIST OF SIGNATURES

Russell G. Schwandt, President Minnesota Agri-growth Council.

Michael H. Roberts, Director, Minnesota Department of Public Service.

Jon Wefald, Commissioner, Minnesota Department of Agriculture.

Richard M. Nolan, State Representative, Little Falls, Minnesota.

Merle E. Miesen, Manager, Farmers Coop Elevator Company, Fairfax, Minnesota.

Mel Tauer, Dairy farmer, Morgan, Minnesota.

Raymond P. Thull, State Bank of Lucan, Lucan, Minnesota.

Lewis Anderson, Councilman, Morgan, Minnesota.

A. H. Engebretson, President, N.W. State Bank, Slayton, Minnesota.

Joe C. Givens, General Manager, Dawson Mills, Dawson, Minnesota.

M. P. Kuhn, Executive Vice President, State Bank of Morgan, Morgan, Minnesota.

James Mathiason, Board Member, Revere-Walnut Grove Elevator, Walnut Grove, Minn.

Michael C. Miller, Controller, Dawson Mills, Dawson, Minnesota.

Philip R. Nelson, Director, Farmers Coop Elevator, Tracy, Minnesota.

Sander Ludeman, Secretary, Farmers Coop Elevator, Tracy, Minnesota.

Julian Eggen, General Manager, Farmers Coop Elevator, Tracy, Minnesota.

Willard Bunting, Farmers Grain Elevator, Delhi, Minnesota.

Neal Madsen, President, Morgan Farmers Elevator, Morgan, Minnesota.

E. T. Cashman, Exec. Secretary, Northwest Agri-Dealers Associtaion, Mankato, Minn.

Orrin O. Fixsen, Director, Lamberton-Wabasso Elevator, Wabasso, Minnesota.

Willard Russe, Manager, LaSalle Farmers Grain Company, LaSalle, Minnesota.

Richard E. Eis, Director, Farmers Grain Company, Seaforth, Minnesota.

Edward Schmidt, President, Farmers Elevator Association, Milroy, Minnesota.

Lloyd Panitzke, Director, Farmers Elevator Company, Redwood Falls, Minnesota.

M. G. Erickson, Manager, Farmers Elevator Company, Redwood Falls, Minnesota.

Warren C. Hardy, Mayor, Echo, Minnesota.

Donald Hagberg, President, Farmer Cooperative of Lafayette, Lafayette, Minnesota.

Robert Webster, Director, Farmer Cooperative of Lafayette, Lafayette, Minnesota.

Bernard Hagett, Manager, Scenic City Coop Oil, Redwood Falls, Minnesota.

J. E. Tollefsen, President, Fieldcrest Fertilizer, Madison, Minnesota.

Pat Daly, Owner, P.D. Products, Ortonville, Minnesota.

Edwart Putte, Walnut Grove, Minnesota.

Walter C. Bakker, Manager, Vesta Farmers Elevator, Vesta, Minnesota.

Gerald L. Michaelson, Appleton Farm Chemical, Dawson, Minnesota.

Paul Maas, President, Revere-Walnut Grove Elevator, Walnut Grove, Minnesota.

Melvin Eichten, President, Vesta Farmers Elevator, Vesta, Minnesota.

F. Robert Stan, President, Redwood County Farmers Union, Redwood Falls, Minnesota.

Perry Roiger, Farmers Elevator Company, Springfield, Minnesota.

Ed Krueger, Secretary, Farmers Elevator, Springfield, Minnesota.

Russell E. Christensen, Vice President, Morgan Farmers Elevator, Morgan, Minnesota.
Donald E. Mahl, Benson Quinn Grain Commission Company, Minneapolis, Minnesota.
Jerry Altermatt, Manager, Farmers Elevator, Lamberton, Minnesota.
Gerald Domeier, Manager, Grain and Supply Coop, Fairfax, Minnesota.
Glen Kronback, Director, Farmers Elevator, Lamberton.
Melvin Bergman, Vesta Farmers Elevator, Milroy, Minnesota.
Richard Dummer, Farmers Elevator, Sanborn, Minnesota.
Kenneth Jensen, Manager, Sanborn Farm Chemicals, Sanborn, Minnesota.
Harold Larson, Chairman, Wanda Elevator, Springfield, Minnesota.
Bert Bellig, Vice Chairman, Wanda Coop Elevator, Sanborn, Minnesota.
Sidney Olson, Manager, Farmers Coop Oil Company, Echo, Minnesota.
Marlow Erickson, Manager, Cooperative Oil Company, Revere, Minnesota.
Omar Batalden, Director, Lamberton-Wabasso Farmers Elevator Company, Lamberton, Minn.
John Malmstrom, Morgan, Minnesota.
Robert Handschin, Research Director, Farmers Union Grain Terminal Association, St. Paul, Minnesota.
R. A. Potter, President, Morgan Grain and Feed Company, Morgan, Minnesota.
Ernest E. Schafer, Board Member, Federal Land Bank of Redwood Falls, Buffalo Lake, Minnesota.
M. W. Jensen, Manager, Lucan Grain and Fuel Company, Lucan, Minnesota.
Ray Haack, Manager, Westbrook Farmers Elevator, Westbrook, Minnesota.
Dennis J. Mayers, Assistant Sales Manager, Champion Home Builders, Slayton, Minnesota.
Vaughn O. Sinclair, General Manager, Watonwan Farm Service Company, St. James, Minn.
Elgin Schmidt, President, Farmers Coop Elevator, Tracy, Minnesota.
Gary Donner, Director, Farmers Coop Oil Company, Echo Minnesota.
Myron Wielborg, Manager, Morgan Farmers Elevator Company, Morgan, Minnesota.
George Daley, Secretary, Northern Region, AMPI, Lewiston, Minnesota.
David Alexander, President, Redwood County Farm Bureau, Belview, Minnesota.
Floyd E. Warner, Manager, Farmers Grain Company, Seaforth, Minnesota.
Warren Petersen, Secretary, Milroy Farmers Elevator, Milroy, Minnesota.
Bob Kenney, Manager, Redwood Farm Chemicals, Redwood Falls, Minnesota.
Leo Schumacher, Lamberton, Minnesota.
C. W. Brown, Manager, Farmers Warehouse Association, Echo, Minnesota.
Michael J. Stolte, Manager, Farmers Coop of Lafayette, Lafayette, Minnesota.
Duane Lokken, Manager, Revere-Walnut Grove Farmers Elevator, Revere, Minnesota.
Donald Fester, Director, Revere Coop Oil Company, Revere, Minnesota.
Russell C. Thompson, Distribution Manager, Farmers Union Central Exchange, St. Paul, Minnesota.
Myron K. Johnson, Manager, Farmers Elevator Company, Elmore, Minnesota.
Jerome Green, Vice President, Scenic City Coop, Morgan, Minnesota.
Loren Moore, Manager, Farmers Coop Elevator, Company, Jeffers, Minnesota.
Lowell T. Schultz, Manager, Farmers Grain Company, Storden, Minnesota.
John A. Littfin, owner, Littfin Lumber Company, Winsted, Minnesota.
Howard Warner, Director, Farmers Elevator, Revere, Minnesota.

FAILURE OF EMERGENCY EMPLOYMENT ACT

(Mr. THOMSON of Wisconsin asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. THOMSON of Wisconsin. Mr. Speaker, the Emergency Employment Act has failed, in my State of Wisconsin, to create public service jobs in areas suffering high rates of unemployment. Funds have been distributed principally to areas with fewer employment problems, denying the stated purpose of the act to stimulate locally depressed areas by creating public service jobs there.

A new formula is needed to distribute next year's $1¼ billion allotment under the act. The present formula needs complete reworking. A better distribution in Wisconsin could have been achieved by dividing the available funds among communities on the basis of the size of their total workforce than by using the formula to allow for unemployment.

Wisconsin's standard metropolitan statistical areas contain 52.6 percent of the workforce. Unemployment in these areas is 4.5 percent compared to 5.8 percent in the rest of the State. Because of the higher nonmetropolitan rate, SMSA's contain only 46.2 percent of the total unemployed; these same areas received 61.8 percent of the first year funding in Wisconsin.

If this pattern carries through in other States, as I suspect it probably does, it is clear proof that an entirely new formula for distributing next year's funds is needed.

I have written to Representative CARL PERKINS, chairman of the Committee on Education and Labor calling these facts to his attention. I include his letter at this point in the RECORD:

FEBRUARY 2, 1972.

Hon. CARL D. PERKINS,
Chairman, House Committee on Education and Labor, Rayburn House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: I have just completed a study of the distribution of funds under the Emergency Employment Act of 1971 in the State of Wisconsin. The results are deeply disturbing, and, if duplicated in other areas, certainly constitute the basis for a thorough reappraisal and revision of the formula under which the funds were apportioned.

The Emergency Employment Act was intended to direct federal assistance to areas of high unemployment by subsidizing public service jobs in those areas. It has not worked that way in Wisconsin.

Briefly summarizing: 52.6% of Wisconsin's workforce lives in Standard Metropolitan Statistical Areas. The unemployment rate there is 4.5% (compared to 5.8% in nonmetropolitan areas). Thus, SMSA's have only 46.2% of Wisconsin's unemployed workers. Of the funds disbursed under the Emergency Employment Act in Wisconsin through January 20, 1972, 61.8% went to these areas. The present formula is worse than a straight, per capita, distribution of the money.

One billion dollars has been allocated for fiscal 1972 under this counter-productive formula. Another $1¼ billion is authorized for next year. Certainly your Committee could devise a better formula for distributing these funds so that the second year's apportionment can be directed to areas of greater need. Such a formula revision should recognize that non-metropolitan areas are experiencing painful unemployment which is unremedied by the Emergency Employment Act at present.

I will be most pleased to provide your Committee with a copy of my study results if they can be of assistance to you.

With every good wish, I am

Sincerely yours,

VERNON W. THOMSON,
Member of Congress.

FURTHER HEARING ON NEW YORK-NEW JERSEY AIRPORT COMPACT

(Mr. KASTENMEIER asked and was given permission to address the House for 1 minute to revise and extend his remarks and include extraneous matter.)

Mr. KASTENMEIER. Mr. Speaker, Subcommittee No. 3 of the Committee on the Judiciary announces that an additional date of public hearing has been scheduled on House Joint Resolution 375, granting the consent of Congress to the States of New Jersey and New York for certain amendments to the waterfront commission compact and for entering into the airport commission compact, and for other purposes, for Thursday, February 24, at 10 a.m., in room 2226, Rayburn House Office Building. The witnesses will be prosecutors familiar with the cargo theft situation at the New York metropolitan area airports.

COURT-APPOINTED DEFENSE COUNSEL

(Mr. HUNGATE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HUNGATE. Mr. Speaker, I have introduced legislation which would alleviate what has become a serious problem for defense counsel, particularly court-appointed counsel, in many parts of the country.

I have received letters from several lawyers in Missouri I think state the nature of the problem quite well. Their comments include:

> The knowledge that prisoners can sue for civil damages under the Civil Rights Act is apparently becoming widespread in our penal institutions. [one attorney] . . . was recently sued for $100,000.00 and while I was laughing at him I got sued for $1,000,000.00. The suits allege conspiracy between the sheriff, prosecuting attorney, court appointed defense counsel and frequently the wives of those people to deprive the convicted prisoner of his civil rights. They are brought in forma pauperis, and consequently the public generally has to bear all of the court costs, marshal's fees, etc. I have it on good information that all it costs the prisoner to have a jail house lawyer prepare such a petition is $10.00. We have found it takes at least twenty chargeable hours to prepare the answer, motion for summary judgment, and all the supporting documents to obtain a dismissal of the complaint filed in federal court.
>
> I believe the [Civil Rights Act] could be amended so as to preserve the rights of the convicts, but discouraging baseless litigation.

My bill reads as follows:

H.R. —

A bill to amend section 1979 of the Revised Statutes to provide that certain civil actions for the deprivation of rights may not be brought by certain persons convicted of crime and to provide a time limitation with respect to such civil actions

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section

1979 of the Revised Statutes of the United States (42 U.S.C. 1983) is amended by striking out "Every person who" and inserting in lieu thereof "(a) Every person who" and by adding at the end thereof the following new subsection:

"(b)(1) No action may be brought under this section during any of the periods specified in paragraph (2) by any person convicted of an offense where the cause of action is that the arrest, arraignment, or trial of such convicted person (or any other transaction or event directly related to the conviction of such person) deprived him of any right, privilege, or immunity secured by the Constitution and laws of the United States.

"(2) The periods referred to in paragraph (1) are as follows:

"(A) any period during which such convicted person is serving a sentence of imprisonment;

"(B) in the case of any person who has served a sentence of imprisonment and has been released from such imprisonment (whether by reason of parole or otherwise), at any time more than 5 years after the date of such release;

"(C) in the case of any person whose conviction has been set aside or reversed, at any time more than 5 years after the date on which such conviction was set aside or reversed; or "(D) in the case of any other person, at any time more than 5 years after the date of such person's conviction."

SEC. 2. Nothing in this Act shall apply to any action in which the original complaint was filed at any time before the date of the enactment of this Act.

My distinguished colleagues, Mr. DANIELSON, Mr. FLOWERS, Mr. ICHORD, Mr. KEATING, Mr. MANN, and Mr. RANDALL have joined me in this legislation.

It is not intended in any way to take away any rights of the convict as he can still file suit up to 5 years after his release. It is intended, however, to correct an existing situation which deters and discourages competent public minded citizens from the performance of needed civic work.

FAUNTROY CALLS FOR HOME RULE

The SPEAKER pro tempore (Mr. MATSUNAGA). Under a previous order of the House, the gentleman from Illinois (Mr. MIKVA) is recognized for 30 minutes.

Mr. MIKVA. Mr. Speaker, this morning the District of Columbia Committee began hearings on several bills proposing increased self-government for the people of the District of Columbia. One of those bills was introduced by my distinguished colleague and friend from the District of Columbia, WALTER FAUNTROY.

At this morning's hearing, Congressman FAUNTROY spoke persuasively in support of full home rule for the District of Columbia. For those who were not able to be present, I am pleased to insert in the RECORD the text of Congressman FAUNTROY's statement.

REMARKS OF CONGRESSMAN WALTER E. FAUNTROY

Mr. Chairman and Members of the Committee, I want to begin my testimony by thanking the Chairman for scheduling these hearings on self-determination for the people of the District of Columbia. It is my hope that we may rapidly bring these hearings to a conclusion so that the Committee can begin considering the many bills we have before us and report out a home rule bill before this session closes. To that end, I have asked the hundreds of organizations and individuals who would normally have requested to testify before the Committee to coordinate their efforts, and, where possible, to submit written testimony for the hearing record.

I come before you today as the first elected Congressional representative from the District of Columbia in a hundred years. My mandate from the people of this city is to secure the strongest and most effective home rule legislation possible. My Republican opponent in the general election last March argued as strongly as I in favor of self-determination for the long oppressed people of the District of Columbia. So home rule is in no sense a partisan issue. It is a question that transcends partisan concerns and brings men and women of all political parties, races, and beliefs together. The right of the people of the District of Columbia to govern themselves and to determine their own destiny is a matter upon which the people of our city stand united.

HISTORICAL PERSPECTIVE

As these hearings begin, I think it may be useful to place the question of home rule in some historical perspective. Home rule is not a new or radical proposal. The precedents for allowing the people of this city to govern themselves begin early in our history as a Nation. Almost immediately after the city of Washington was incorporated in 1802, Congress established a local form of government composed of an elected 12 man council and a mayor appointed by the President. In 1812, the Congress moved in the direction of providing a greater measure of self rule by granting to the elected council the authority to appoint the mayor. Finally in 1820, Congress took the final step and granted to the people of the city the right to elect their mayor.

This elected mayor-city council form of government was retained for some 51 years until 1871. In that year, a territorial form of government was established, consisting of a Governor, an upper chamber appointed by the President, and a 22 member lower chamber elected by the people of the city. This form of government remained in effect until 1874, when the right of self government was tragically withdrawn from the District of Columbia, a right that has yet to be restored.

For over seventy years, then, the people of this city enjoyed some measure of self government consistent with the federal interest in the Nation's Capital. It is ironic that as the historical trend in this nation has been toward expanding the franchise, the people of this city enjoyed fuller voting rights 100 years ago than they do today.

The issue of home rule is not new. President Truman was a strong advocate of home rule for the District of Columbia. President Eisenhower on many occasions urged more self-determination. President Kennedy, both in his days sitting as a member of this Committee and as President, strongly backed an elected government for the District of Columbia. President Johnson's efforts are fresh in our minds. And President Nixon has called for ever increasing measures of local self-determination. As early as 1948, the platforms of both the Republican and Democratic Parties advocated home rule for the District of Columbia.

In 1948, Representative Auchincloss of New Jersey, then Chairman of the House District Committee, introduced a wide ranging self government proposal which was actually approved by the Committee but was laid aside in the press of business at the close of the session. In 1949, a bill passed the Senate but was killed by the House District Committee. That year, Representative John F. Kennedy initiated a discharge petition that fell 22 signatures short of the necessary 218. Throughout the 1950's and 1960's, home rule measures passed the Senate by large margins only to be buried in the House District Committee. I believe that a new day has arrived in 1972, when the legitimate demands by the people of this city for a voice in their local government will no longer be denied, and this Committee will restore to the people of the District what is rightfully theirs—the right to govern themselves.

CONSTITUTIONAL ARGUMENTS

Some have and will continue to argue that the Congress cannot grant self government to the people of the District of Columbia because the Constitution grants "exclusive" jurisdiction over the District to the Congress. I hope that we can put that argument to rest in these hearings and move on to consider home rule on its merits. Almost every legal scholar who has investigated the matter has concluded that the "exclusive" jurisdiction language in Article I, section 8 does not prevent Congress from delegating its legislative authority to a locally elected government, subject to the ultimate legislative power of the Congress. It is clear that this language was intended to prevent another state jurisdiction, such as Maryland or Virginia, from having control over the District. There is no indication that the Founding Fathers intended the people of the District to be disenfranchised or intended the Congress to carry on the day-to-day affairs of the municipal government. Indeed, the evidence is to the contrary. As I pointed out, only a few short years after the Constitution was ratified, Congress established an elected local government for Washington. At the time the Constitution was being considered by the States, James Madison wrote in Federalist No. 43, that the inhabitants of the new Federal City should "of course . . . have a voice in the election of the government which is to exercise authority over them." In addition, Congress over the years has repeatedly delegated small measures of legislative authority to the appointed local government. The power to establish local property taxes, and the authority to establish automobile installment loan standards are just two examples. Furthermore, the United States Supreme Court in *Thompson* v. *U.S.* clearly held that the Constitution provides no bar to home rule for the District.

REASONS FOR HOME RULE

I think that when we as a Committee begin the serious business of reporting a D.C. self government bill, we shall find every reason to support such a measure and no valid reason to oppose it. To begin with, home rule is right and just. It is a mockery of democracy for the people in the capital of the greatest democracy in the Western world to be relegated to colonial status.

The District of Columbia is the last colony. I know that some members of the Committee believe that I am exaggerating our claim of oppression. But I ask you to place yourselves in our position. Suppose that I, elected by the people of the District, had the final say in deciding how much money the people of Dallas could spend to educate their children, or in deciding whether the consumers of Florence could be protected from unscrupulous retailers, or whether a narcotics treatment program could be established in Evanston. You would not abide by it. You would say that it was unfair and unjust, and I would agree with you. But these are the very decisions you must make for the people of my city. We cannot truly proclaim the merits of our democracy to the world, until the people of this city, like the people in your home towns, are able to make local policy through an elected, responsive local government. That is all we are asking.

Beyond the basic justice of home rule, the present system of governing the District of Columbia is archaic and places an unreasonable burden on the Congress. It makes no sense to me to squander the time of 25 national legislators in the House who must serve as city councilmen for the District of

Columbia. I assume that if you wanted to be a city councilman, there was ample opportunity in your own home town without spending thousands of dollars to run for Congress.

In the last session, this Committee spent valuable time deciding whether D.C. police could establish a dog force that was already in operation. We decided whether a D.C. fireman could play in the Police Band. We sat as a Zoning Commission deciding zoning designations for properties on Massachusetts Avenue and Second Street, Southeast. We decided whether the District Government could charge dump truck fees. I can say without fear of contradiction that these are all matters that could have been handled by an elected local government without subverting the federal interest in the District of Columbia. It is a waste of your time and a waste of the time of our colleagues when we bring such matters to the floor of the House. There must be some better way for us to conduct our business. I think there is.

Home rule can promote further government efficiency. During our recent consideration of the District's revenue bill, there was much discussion over inefficiency. There is some inefficiency in the District Government, as there is all governments. But Congress has itself to blame for creating what is probably the most incredibly inefficient system of governing that I can find. I am speaking, of course, of the way we go about governing the Nation's Capital. Let me give you just one illustration that I think tells the whole story—the process by which the District's Budget is adopted. First, the Mayor formulates the budget and submits it to the city council, as provided for under law. The Council holds weeks of hearings, after which it modifies the Mayor's budget. From there, the budget is sent to the President and his Budget Office for review. At that point, it is forwarded to the House and Senate Appropriations Committees. Both Committees hold extensive hearings, calling in District officials on all aspects of the budget. During this time, no one really knows how much the District can spend because a revenue bill is being considered by the House and Senate District Committees who hold extensive hearings, calling in District officials on all aspects of the budget. The Appropriations Committees cannot act because they do not know how much revenue is available, and the District Committees delay action because they cannot determine how much the District needs to spend. Meanwhile, the fiscal year ends and a new one begins without a budget. Months pass without action and no long-term planning is possible. Finally, the logjam is broken as the bills are considered in the final whirlwind rush to adjourn at the close of the session. Such a system is senseless and must be changed. This Committee has some rule bills before it that will inject sanity into our manner of governing the District of Columbia, and that will create a more efficient system of government for the District.

H.R. 9499 AND S. 2652

Let me now focus on the two bills that I believe deserve strong consideration by this Committee. The first is H.R. 9499 which I have introduced. This and its companion measures, H.R. 10196, 10197, and 10198, have been co-sponsored by forty members of the House. I regard H.R. 9499 as the strongest expression of what the people of this city desire. Early in May of last year, I drafted a tentative home rule bill that I submitted to the people of this city in a series of eight public hearings that I held in every ward in the city. Hundreds of citizens attended the hearings and over a hundred testified. H.R. 9499 is the product of those hearings. Let me summarize the bill.

THE CITY COUNCIL AND MAYOR

The City Council would be composed of eleven members, three elected at large and eight elected from each of eight wards. Council members will serve three year terms, and the chairman and vice chairman will be elected from among the Council members. (Section 301). The chairman of the Council will receive an annual salary of $25,000, the vice chairman $24,000, and the remaining members $22,500. Section 303(b)). These levels are set in the bill so that those initially running for the Council may have some notion of what the salary is likely to be. Once elected, the Council is free to decrease or increase its compensation in line with whether its members view the job as full-time or part-time. Presumably, the level of compensation will be subject to change based on the experience of the Council over a period of time.

The District Government is given the legislative power with respect to "any subject as to which Congress could exercise its authority as the legislature for the District, including the imposition of appropriate taxes and fees." Section 325(a)). The Council is given the authority to pass acts with respect to the municipal courts. (Section 325(d)). Judicial appointments will be made by the Mayor with the advice and consent of the Council.

The office of the Mayor created under the bill possesses the chief executive functions of the District Government. The Mayor will serve a four year term, and will be elected in odd numbered years. (Section 401(a)). The Mayor will receive $40,000 annual salary, although this amount may be increased or decreased by the Council, but any decrease will only apply to future terms of the Mayor. (Section 401(c)). The Mayor possesses the full executive power and has the authority to appoint his department heads. (Section 402). The bill would also create the office of city administrator to assist the Mayor. The city administrator will be appointed and removed by the Mayor. The city administrator performs those duties that are assigned to him by the Mayor. (Section 403).

BUDGETARY FUNCTIONS

The District Government would be given complete authority to set its budget. (Title V). The Mayor and City Council would be limited with respect to the budget of the Board of Education, however. The District Government would only be free to set the maximum level of Board of Education expenditures, but it would have no authority to dictate line budget expenditures for the Board. (Section 707). Further, the District Government would have the authority to finance its capital program through the sale of municipal bonds, as do most other municipal governments. (Title VI). The bonds would not be tax exempt, but the Federal Government would subsidize the added interest rate cost to the District Government of issuing bonds with non-tax exempt status. In addition, the Federal Government would pick up the entire capital cost necessary to build adequate facilities for the District's institutions of higher education. (Section 611).

THE ANNUAL AUTOMATIC FEDERAL PAYMENT

The Federal Government would pay to the District Government an automatic annual federal payment "in recognition of the unique character of the District as the Nation's Capital City." The federal payment would be set at the following levels: For fiscal year 1972, an amount equal to 32% of District revenues; for FY 1973, 34%; for FY 1974, 36%; for FY 1975, 38%; for FY 1976, 40%. (Section 731). In addition, as a new feature, the District Government would be reimbursed by the Federal Government for expenses in connection with national demonstrations; as we have seen, the demonstrations directed at the Federal Government last year cost the people of this city almost $4 million. These are costs that should properly be shouldered by the Federal Government and not by District residents.

ELECTIONS

Unlike earlier home rule proposals, this bill provides for election of the Mayor and the City Council on a partisan basis. (Title VIII).

It seems clear that party elections set a much stronger framework for community political action. The creation of strong political parties heightens political awareness and thus creates greater and more broadly based citizen involvement. This occurred in connection with the Delegate race, and deserves to be further encouraged.

The election law sections of H.R. 9499 would have to be overhauled because of the extensive revisions in the election law enacted into law after the introduction of the bill.

DECENTRALIZATION COMMISSION

H.R. 9499 would establish a Commission to "conduct a full and complete study of, and recommend to the Council a plan for, the establishment in the District of Columbia of neighborhood councils which shall have delegated to them those functions . . . which can be administered on a neighborhood basis." (Section 1102). The Commission would be composed of twelve members, eight appointed by the Mayor and four by the chairmen of the Council. (Section 1103). Within one year, the Commission must submit its plan to the Council. The Council may approve the plan, approve it with revisions, or disapprove it. If the Council fails to take action within sixty days after the plan is submitted, the neighborhood councils will be established in accordance with the plan. (Section 1106).

YOUTH ADVISORY COUNCIL

It should be plain that youth are demanding and deserve a voice in determining the government policies affecting them. This was a major theme of much of the testimony at the neighborhood hearings. The Home Rule Bill responds by creating a highly innovative Youth Advisory Council. The Youth Council would have the duty of advising the City Council on legislation concerning youth, recommend legislation on matters affecting youth, and discuss, study and report to the Council generally on the problems affecting youth in the city. (Section 1122). The Youth Council would be composed of one member elected from each of the accredited public and parochial high schools in the District. The members would receive a stipend of $1,500 a year for service on the Youth Council. (Section 1123). The Youth Council will be provided administrative support and services by the City Council. (Section 1124).

CHARTER REFERENDUM

Upon passage of the Home Rule Bill by Congress, and approval by the President, the bill will be submitted to the people of the District for approval. (Section 1401). If the majority of the voters of the District accept the bill, it shall become law. (Section 1405).

S. 2652 was adopted by the Senate by the overwhelming margin of 64–8. In most important respects it parallels H.R. 9499. I would prefer H.R. 9499, but S. 2652 is a strong and sensible measure that would be acceptable with two revisions. S. 2652 specifically precludes the elected local government from imposing what has come to be known as a "commuter tax." I shall not rehearse the arguments for the imposition of such a tax. They are all too familiar to us on the District Committee having spent five months on the District revenue bill. I voted for such a measure in Committee, and I continue to believe that it is an equitable method of taxation, which most jurisdictions around the country are free to impose. I would urge deletion of the commuter tax limitation from S. 2652. Second, S. 2652 would allow either House of Congress to veto District legislation within a thirty day period. I believe the preferable method would be to rely simply on the ultimate legislative authority of the Congress over the District. If the District Government acts unwisely, a majority of Sen-

ators and Representatives should be required to override local action, as is true of most other actions taken by the Congress.

In summary, both H.R. 9499 and S. 2652, with some revisions, provide strong vehicles for this Committee's consideration of local self-government for the people of the District of Columbia. I urge the Committee to move swiftly to report out a strong and effective measure. I think the time has arrived when we should give our colleagues in the House the opportunity to vote a bill up or down. I am convinced that given the opportunity to vote on a strong home rule bill, the House will face up to the democratic contradiction it has created for the District of Columbia and will vote in favor of home rule. I urge you to give the House this opportunity.

THE MYLAI CASE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. STRATTON) is recognized for 30 minutes.

(Mr. STRATTON asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. STRATTON. Mr. Speaker, as one who has been as close to the Mylai incident over the past 2½ years as any Member of Congress, I feel compelled to say that I am profoundly dissatisfied with the way the Army has allowed this complex, tragic, and highly damaging case simply to peter out.

If the Army leaves this case unresolved, unexplained, unexamined, uncommented on—and worst of all, basically unremedied—which at this juncture it apparently intends to do—then its failure can only have the most damaging impact on the Army and the American Defense Establishment.

The case is very much like the highly damaging testimony of widespread corruption within the New York City Police Department presented before the Knapp Commission, which has done very grave damage to the New York City Police Department, regardless of which officers may have resigned from the force or whether any officer is ever convicted and sent to jail or not.

Thus far an examination of the details of the Mylai case by the Army hierarchy has been left to the ponderous workings of the Army's own system of justice. But this ponderous procedure has failed completely to do the job that needs to be done and has raised far more questions than it has answered.

Twenty-five officers and men were originally charged in connection with the killings at Mylai and their subsequent coverup within the Army. Charges against 19 of the 25 were dropped without trial. Five were acquitted. Only one, Lieutenant Calley, was convicted—for the killings, not for the coverup. The trials are over now, though the Calley sentence is still under review and on appeal.

Is this where the Army proposes to leave the whole matter?

An unprecedented top-level Army investigating commission, the Peers Board, created in late 1969, reported after an extensive investigation that "a tragedy of major proportions" had indeed occurred at Mylai 4 on March 16, 1968, and it filed charges against 14 persons—including two Army generals—for the coverup of the story of that major tragedy.

In addition a top-level congressional subcommittee—of which I was privileged to be a member—the Hébert subcommittee, also investigated the Mylai incident and reported on July 1970 its findings that—

> To keep the Mylai matter bottled up within the American Division and the District and Provincial Advisory Team, required the concerted action or inaction on the part of so many individuals that it would be unreasonable to conclude that this dereliction of duty was without plan or direction.

The subcommittee also observed that the extensive damage to the United States and its Armed Forces inflicted by the Mylai case "might have been avoided had the Mylai incident been promptly and adequately investigated and reported by the Army."

Yet today, after 2½ years of Army justice, just where do we stand on Mylai?

One man, Lieutenant Calley, has been convicted in connection with the killings. But not a single person has been convicted of the far more damaging coverup of these killings, which was the primary target of the Army's initial investigation. How come?

To be sure the two general officers involved, General Koster and General Young, though the coverup charges against them were dropped—incidentally under questionable circumstances by an officer previously unrelated to the case and himself on the verge of retirement—were mildly disciplined by the Army the day after a Member of Congress publicly rebuked the Army for having dropped charges against general officers while still continuing to press charges against lesser officers and enlisted men.

But if the generals were not guilty of participating in the "concerted action or inaction" of coverup referred to by the Hébert subcommittee, then why discipline them at all? On the other hand, if they were guilty, then why allow the charges against them to be dropped?

It is strange too that Captain Medina, who had already been acquitted in connection with the killings, should have later appeared as a defense witness for Colonel Henderson and based the main thrust of his testimony on an admission of having lied on an earlier occasion. If he admitted to lying in one case, what assurance was there that he had told the truth in other appearances?

And was it not strange that both Koster and Young, having already had the charges against them withdrawn, should also have come to the defense of Colonel Henderson, a man who might in other circumstances have reasonably been expected to be in a position to give damaging testimony against one or both of them.

Strange it is, too, that all but one of the official documents in connection with the Mylai case should have come up missing from the files of the Army, an organization that prides itself so highly on never losing anything.

Clearly, therefore, the Army system of justice has failed miserably to do justice to the American people in the Mylai case. After all, it is not Koster or Young or Henderson or Medina or even Calley who is basically on trial in the Mylai case. It is the Army system itself that is on trial. And Congress and the American people require a resolution, a verdict, in that trial.

As one Member of Congress I have, therefore, taken the following actions:

First. I have written to Secretary of the Army Froehlke insisting that he make public all those portions of the Peers report except those bearing directly on the appeals currently pending in the Calley case. At the very least this will open up the whole coverup aspect of Mylai, which is now so severely clouded.

Second. I have also requested Secretary Froehlke to furnish me—and to release to the public—a full account of the Army's own assessment, conclusions, and recommendations in the Mylai case.

For example, what failures in training and leadership made the killings possible in the first place?

What failures in leadership and especially in candor—in an officer cadre supposedly dedicated to duty, honor, country but obviously in this case far more concerned about protecting its own skirts—accounted not only for the coverup of the killings at Mylai but the shocking inability of the subsequent investigations to get any frank, forthright or precise testimony from top-ranking officers of an American combat division, including supposedly specially selected generals, as well as from district and provincial advisers?

And what, specifically, has the Army done or does it propose to do—if anything—to prevent both these occurrences from happening again?

In short, apart from the guilt or innocence of specific individuals, what lessons, if any, has the Army really learned from Mylai?

Third. I am drafting and plan shortly to introduce legislation to amend the Uniform Code of Military Justice to prevent any officer unconnected either with incidents of this magnitude or their detailed high-level investigation, from dropping charges against general officers, as General Seaman, a mere local headquarters commander, did in the case of both General Koster and General Young. In fact, incredible as it seems, 13 of the 14 original coverup charges preferred as a result of the detailed and conscientious investigations of the Peers Board, were dropped by local Army commanders totally unrelated to the initial matter. No system of justice could possibly survive with escape hatches like this.

Fourth. Finally, I am also preparing legislation in line with one of the major recommendations of the Hébert subcommittee, for "an amendment to title 10 of the United States Code to provide for trials of persons charged with having committed offenses while on active duty who are no longer subject to military jurisdiction as a result of having been discharged." From the outset the Army's ability to determine the truth of the Mylai case in its various courts-martial was undermined by its inability to bring to trial many of the original participants who had left the active service. The article referred to follows:

[From the New Yorker, Jan. 22, 1972]

A REPORTER AT LARGE—COVERUP I

(By Seymour M. Hersh)

Early on March 16, 1968, a company of soldiers in the United States Army's Americal Division were dropped in by helicopter for an assault against a hamlet known as My Lai 4, in the bitterly contested province of Quang Ngai, on the northeastern coast of South Vietnam. A hundred G.I.'s and officers stormed the hamlet in military-textbook style, advancing by platoons; the troops expected to engage the Vietcong Local Force 48th Battalion—one of the enemy's most successful units—but instead they found women, children, and old men, many of them still cooking their breakfast rice over outdoor fires. During the next few hours, the civilians were murdered. Many were rounded up in small groups and shot, others were flung into a drainage ditch at one edge of the hamlet and shot, and many more were shot at random in or near their homes. Some of the younger women and girls were raped and then murdered. After the shootings, the G.I.s systematically burned each home, destroyed the livestock and food, and fouled the area's drinking supplies. None of this was officially told by Charlie Company to its task-force headquarters; instead, a claim that a hundred and twenty-eight Vietcong were killed and three weapons were captured eventually emerged from the task force and worked its way up to the highest American headquarters, in Saigon. There it was reported to the world's press as a significant victory.

The G.I.s mainly kept to themselves what they had done, but there had been other witnesses to the atrocity—American helicopter pilots and Vietnamese civilians. The first investigations of the My Lai case, made by some of the officers involved, concluded (erroneously) that twenty civilians had inadvertently been killed by artillery and by heavy cross fire between American and Vietcong units during the battle. The investigation involved all the immediate elements of the chain of command: the company was attached to Task Force Barker, which, in turn, reported to the 11th Light Infantry Brigade, which was one of three brigades making up the Americal Division. Task Force Barker's victory remained just another statistic until late March, 1969, when an ex-G.I. named Ronald L. Ridenhour wrote letters to the Pentagon, to the State Department, to the White House, and to twenty-four congressmen describing the murders at My Lai 4. Ridenhour had not participated in the attack on My Lai 4, but he had discussed the operation with a few of the G.I.s who had been there. Within four months, many details of the atrocity had been uncovered by Army investigations, and in September, 1969, William L. Calley, Jr., a twenty-six-year-old first lieutenant who served as a platoon leader with Charlie Company, was charged with the murder of a hundred and nine Vietnamese civilians. No significant facts about the Calley investigation or about the massacre itself were made public at the time, but the facts did gradually emerge, and eleven days after the first newspaper accounts the Army announced that it had set up a panel to determine why the initial investigation had failed to disclose the atrocity. The panel was officially called the Department of the Army Review of the Preliminary Investigations into the My Lai Incident, and was unofficially known as the Peers Inquiry, after its director, Lieutenant General William R. Peers, who was Chief of the Office of Reserve Components at the time of his appointment. The three-star general, then fifty-five years old, had spent more than two years as a troop commander in Vietnam during the late nineteen-sixties, serving as commanding general of the 4th Infantry Division and later as commander of the I Field Force. As such, he was responsible for all military operations and pacification projects in a vast area beginning eight miles north of Saigon and extending north for two hundred and twenty miles.

Peers and his assistants, who eventually included two New York lawyers, began working in late November, 1969, and they soon determined that they could not adequately explore the coverup of the atrocity without learning more about what had actually happened on the day the troops were at My Lai 4. On December 2, 1969, the investigating team began interrogating officers and enlisted men in each of the units involved—Charlie Company, Task Force Barker, the 11th Brigade, and the Americal Division. In all, four hundred witnesses were interrogated—about fifty in South Vietnam and the rest in a special-operations room in the basement of the Pentagon—before Peers and a panel of military officers and civilians that varied in size from three to eight men. The interrogations inevitably produced much self-serving testimony. To get at the truth, the Peers commission recalled many witnesses for further interviews and confronted them with testimony that conflicted with theirs. Only six witnesses who appeared before the commission refused to testify, although all could legally have remained silent; perhaps one reason that Peers got such coöperation is that the majority of the witnesses were career military men, and few career military men can afford to seem to be hiding something before a three-star general.

By March 16, 1970, when the investigation ended the Peers commission had compiled enough evidence to recommend to Secretary of the Army Stanley R. Resor and Army Chief of Staff William C. Westmoreland that charges be filed against fifteen officers; a high-level review subsequently conducted by lawyers representing the office of the Judge Advocate General, the Army's legal adviser, concluded that fourteen of the fifteen should be charged, including Major General Samuel W. Koster, who was commanding general of the Americal Division at the time of My Lai 4. By then, Koster had become Superintendent of the United States Military Academy, at West Point, and the filing of charges against him stunned the Army. One other general was charged, as were three colonels, two lieutenant colonels, three majors, and four captains. Army officials revealed shortly after the charges were filed that the Peers commission had accumulated more than twenty thousand pages of testimony and more than five hundred documents during fifteen weeks of operation.

The testimony and other material alone, it was said, included thirty-two books of direct transcripts, six books of supplemental documents and affidavits, and volumes of maps, charts, exhibits, and internal documents. Defense Department spokesmen explained that, to avoid damaging pre-trial publicity, none of this material could be released to the public until the legal proceedings against the accused men were completed, and officials acknowledged that the process might take years. In addition, it was explained, when the materials were released they would have to be carefully censored, to insure that no material damaging to America's foreign policy or national security was made available to other countries. In May, 1971, fourteen months after the initial Peers report, officials were still saying that "it might be years" before the investigation was made public. By then, charges against thirteen of the fourteen initial defendants had been dismissed without a court-martial.

Over the past eighteeen months, I have been provided with a complete transcript of the testimony given to the Peers Inquiry, and also with volumes of other materials the Peers commission assembled, including its final summary report to Secretary Resor and General Westmoreland. What follows is based largely on those papers, although I have supplemented them with documents from various sources, including the Army's Criminal Investigation Division, which had the main responsibility for conducting the initial investigations into both the My Lai 4 massacre and its coverup. In addition, I interviewed scores of military and civilian officials, including some men who had been witnesses before the Peers commission and some who might have been called to testify but were not. I also discussed some of my findings with former members of the Army who had been directly connected with the Peers commission.

Unquestionably, a serious concern for the rights of possible court-martial defendants does exist at all levels of the Army. A careful examination of the testimony and documents accumulated by the Peers commission makes equally clear that military officials have deliberately withheld from the public important but embarrassing factual information about My Lai 4. For example, the Army has steadfastly refused to reveal how many civilians were killed by Charlie Company on March 16th—a decision that no longer has anything to do with pre-trial publicity, since the last court-martial (that of Colonel Oran K. Henderson, the commanding officer of the 11th Brigade) has been concluded. Army spokesmen have insisted that the information is not available. Yet in February, 1970, the Criminal Investigation Division, at the request of the Peers commission, secretly undertook a census of civilian casualties at My Lai 4 and concluded that Charlie Company had slain three hundred and forty-seven Vietnamese men, women, and children in My Lai 4 on March 16, 1968—a total twice as large as had been publicly acknowledged. In addition, the Peers commission subsequently concluded that Lieutenant Calley's first platoon, one of three that made the attack upon My Lai 4, was responsible for ninety to a hundred and thirty murders during the operation—roughly one-third of the total casualties, as determined by the C.I.D. The second platoon apparently murdered as many as a hundred civilians, with the rest of the deaths attributable to the third platoon and the helicopter gunships. Despite the vast amount of evidence indicating that the murders at My Lai 4 were widespread throughout the company, only Calley was found guilty of any crime in connection with the attack. Eleven other men and officers were eventually charged with murder, maiming, or assault with intent to commit murder, but the charges were dropped before trial in seven cases and four men were acquitted after military courts-martial. In addition, of the fourteen officers accused by the Peers commission in connection with the coverup only Colonel Henderson was brought to trial. Even more striking was evidence that the attack on My Lai 4 was not the only massacre carried out by American troops in Quang Ngai Province that morning.

The Army investigators learned that Task Force Barker had committed three infantry companies to the over-all operation in the My-Lai area. Alpha Company had moved into a blocking position above My Lai 4, where it would theoretically be able to trap Vietcong soldiers as they fled from the Charlie Company assault on the hamlet. Bravo Company, the third unit in the task force, was ordered to attack a possible Vietcong headquarters area at My Lai 1, a hamlet about a mile and a half northeast of My Lai 4. The men of Bravo Company were also told to prepare for a major battle with an experienced Vietcong unit. But, as the Peers commission later learned, there were no Vietcong at My Lai 1, either.

Bravo Company was told about the planned assault on My Lai 1 at a briefing on the night of March 15th. The men of Task Force Barker were called together by their officers that night and told (so one G.I. recalled), "This is what you've been waiting for—search and

destroy—and you got it." Captain Earl R. Michles, the company commander, outlined the mission and its objective to his artillery forward observer, the platoon leaders, and other selected members of his command group. The key target, he said, was My Lai 1, a small, often attacked hamlet that was thought to be the headquarters and hospital area of the Vietcong 48th Battalion. Army maps showed that My Lai 1 and the neighboring hamlets of My Lai 2, My Lai 3, and My Lai 4 were part of the village of Son My—a heavily populated area, embracing dozens of hamlets, that was known to the G.I.s as Pinkville, because Son My's high population density caused it to appear red on Army maps. To the Americans who operated in the area, Pinkville meant Vietcong guerrillas and booby traps. More than ninety per cent of the Americal Division's combat injuries and deaths in early 1968 resulted from Vietcong booby traps and land mines. Bravo Company was to be flown into the area by helicopter to engage the Vietcong at My Lai 1, and was then to move south into other supposed Vietcong hamlets along the South China Sea. Precisely what information Michles and his platoon leaders gave their men is impossible to determine, but their briefing—like a similar briefing by Captain Ernest L. Medina, the commander of Charlie Company, at another Task Force Barker fire base, a few miles away—left the soldiers with the impression that everyone they would see on March 16th was sure to be either a Vietcong soldier or a sympathizer.

Michles' radio operator, Specialist Fourth Class Lawrence L. Congleton, recalled that after the briefing "there was a general conception that we were going to destroy everything." Only a few of more than forty former Bravo Company G.I.s who were interviewed by members of the Peers commission or who talked with me recalled hearing a specific order to kill civilians. Larry G. Holmes, who was a private first class at the time of the operation, summed up the recollections of many G.I.s when he told the commission, "We had three hamlets that we had to search and destroy. They told us they . . . had dropped leaflets and stuff and everybody was supposed to be gone. Nobody was supposed to be there. If anybody is there, shoot them." No specific instructions were given about civilians and prisoners, the men told the commission. "We were to leave nothing standing, because we were pretty sure that this was a confirmed V.C. village." former Private First Class Homer C. Hall testified. One ex-G.I., Barry P Marshall, told the Peers commission that he had overheard a conversation between Lieutenant Colonel Frank A. Barker, Jr., the commander of the task force, and Michles (both of whom were killed in a helicopter crash three months after the operation). "I don't want to give the idea that Colonel Barker wanted us to kill every blankety-blank person in here," Marshall said. "They were just talking. . . . Colonel Barker was just saying that he wished he could get in here and get rid of the V.C. . . . I know Captain Michles' own personal feeling was that he wanted to take every civilian out of there and move them out of the area to a secure place, and then go in and fight the V.C. It's so hard, when you've got all these people milling around in there, to really conduct an operation of any significance."

On the morning of the assault, nine troop-transport helicopters, accompanied by two gunships, began ferrying the men of Charlie Company from their assembly point, at Landing Zone Dottie. From Dottie, which also was the site of the task-force headquarters area, the helicopters ferried the men about seven miles southeast to their target area, just outside My Lai 4. The helicopters completed that task by 7:47 A.M., according to the official task-force journal for the day, and then flew a few miles north to Bravo Company's assembly point to begin shuttling the men of Bravo Company to My Lai 1 for the second stage of the assault. It is not clear why Charlie Company's assault took place first. Large numbers of Vietcong were thought to be in both hamlets, and, according to the official rationale for the mission, surprise was a key factor. As it was, the first elements of Bravo Company did not reach their target area until 8:15 A.M., and it then took twelve minutes for the full company to assemble. The men were apprehensive, and nothing at their target area soothed them. As they jumped off the aircraft, their rifles at the ready, they heard gunfire in the distance.

The shots were coming from My Lai 4, a mile and a half to the southwest, where by this time Charlie Company was in the midst of massacre. Specialist Fourth Class Ronald J. Easterling, a former machine gunner in Bravo Company's third platoon, told the Peers commission, "When we had landed we had to take cover . . . because we thought we were getting shot at. We found out later, well, about fifteen minutes or so, it was Charlie Company from over in the other direction. Some of their bullets were coming our direction unintentionally . . ." Although the sounds were frightening, there was no immediate threat to Bravo Company; no enemy shots were fired at the G.I.s as they left the helicopters. The men milled around for a few moments and then began to move out.

The first platoon, headed by First Lieutenant Thomas K. Willingham, marched a few hundred yards east. Its mission was to cross a narrow bridge to a small peninsula—a spit of land on which the small hamlet of My Khe 4 was situated—in the South China Sea. The second platoon, headed by First Lieutenant Roy B. Cochran, was to systematically search My Lai 1 and destroy it. But My Lai 1 was screened by a thick hedge and heavily guarded by booby traps. Within minutes, a mine hidden in the hedgerow was tripped and the men of Bravo Company heard screams. In the explosion, Lieutenant Cochran was killed and four G.I.s were seriously injured. Helicopters were called in to evacuate the wounded men. The platoon was hastily reorganized, with a sergeant in command, and ordered to continue its mission. Another booby trap was tripped; once more there were screams and smoke. This time, three G.I.s were injured, and the unit was in disarray. The surviving G.I.s in the platoon insisted that they were not going to continue the mission, and said as much to Captain Michels. Colonel Barker flew in himself to see to the evacuation of the wounded, and then, rather than call on the first or the third platoon to complete the mission, he cancelled Bravo Company's order to search and destroy My Lai 1. "[He] told them not even try to go in there," Congleton, the radio operator, recalled to the Peers commission. "Just sort of forget about that part of the operation." Relieved at not having to enter My Lai 1, the second platoon began a rather aimless and half-hearted movement through huts and hamlets to the south, across the water from My Khe 4 and the first platoon.

My Khe 4 was a scraggly, much harassed collection of straw-and-mud house, inhabited by perhaps a hundred women, children and old men. After carefully crossing the bridge, some of the G.I.s in the first platoon could see the unsuspecting villagers through heavy brush and trees. Lieutenant Willingham, according to many witnesses, ordered two machine gunners in his platoon to set up their weapons outside the hamlet. And then inexplicably, one of the gun crews began to spray bullets into My Khe 4, shooting at the people and their homes. A few G.I.s later told the Peers commission that a hand grenade had been thrown at them; others said that some sniper shots had been fired. But no one was shot, and none of the G.I.s said they had ever actually seen the grenade explosion; they had only "heard about it."

By now, it was about nine-thirty, and the men in the rear of the first platoon were ordered to pass forward extra belts of machine-gun ammunition and hand grenades. When the gun crew stopped, the platoon, led by four point men, or advance scouts, walked into the hamlet and began firing directly at Vietnamese civilians and into Vietnamese homes. The gunfire was intense. Former Private Terry Reid, of Milwaukee, recalled that he was standing a few hundred feet below the hamlet when it began. He knew that civilians were being shot. "As soon as they started opening up, it hit me that it was insanity," he told me during an interview in May, 1971. "I walked to the rear. Pandemonium broke loose. It sounded insane—machine guns, grenades. One of the guys walked back, and I remember him saying, 'We got sixty women, kids, and some old men.' "

After the shootings in My Khe 4, a few of the G.I.s in the first platoon started systematically blowing up every bunker and tunnel. Some Vietnamese attempted to flee the bunkers before the explosives were thrown in. They were shot. "Try and shoot them as they are coming out," one member of the first platoon was instructed. Another ex-G.I. told me what happened to those who stayed in the bunkers: "You didn't know for sure there were people in them until you threw in the TNT, and then you'd hear scurrying around in there. There wasn't much place for them to go." A helicopter flew extra supplies of dynamite and other explosives to the men, apparently at Willingham's request. More than a hundred and fifty pounds of TNT was used, one ex-G.I. said, and between twenty and thirty homes were blown up. At some point that morning, according to several members of the platoon, word was passed along to stop the killing, and many of the surviving residents of the hamlet were allowed to flee to a nearby beach. They lived to tell Army investigators about the massacre. Others remained huddled in the family shelters inside their homes.

Precisely, how many residents of My Khe 4 were slain will never be known. The Army later charged Lieutenant Willingham with involvement in the death of twenty civilians, but the charges were dismissed by an Army general a few months later without a hearing. Some survivors told military investigators early in 1970 that from ninety to a hundred women, children, and old men were slain. One ex-G.I. who kept a count said he knew of a hundred and fifty-five deaths; other estimates ranged from sixty to ninety. The official log of Task Force Barker for March 16th shows that Bravo Company claimed an enemy kill of thirty-eight in three separate messages to the task force during the day. At 9:55 A.M., it reported killing twelve Vietcong; at 10:25 A.M., it claimed eighteen more; and it claimed eight more at 2:20 P.M., some two hours after the massacre. At 3:55 P.M., it reported that none of its victims were women or children.

Early in 1968, the 11th Infantry Brigade had established a standard procedure for making body counts, which required an on-site identification of a dead enemy soldier before the body could be reported. All the officers of Task Force Barker interviewed by the Peers commission indicated an awareness of this regulation, and claimed that the task force adhered to it. Yet an ex-G.I., one of the first men to enter My Khe 4, gave me this version of how the totals of twelve and eighteen were arrived at: "I had this little notebook that I used to mark down the kills of the point men in. This day—well, this was a red-letter day. Seems like for about fifteen or twenty minutes there all I was doing was recording kills. Willingham got on the radio asking how many kills we got. Old Jug [the nickname of one of the point men] said he got twelve, and we called in what we had. Willingham checked with us a couple times in the early part of the day." Another ex-G.I. testified before the Peers commission

that some of his fellow-soldiers had counted thirty-nine bodies and had then told Willingham that "the biggest part of them was women and children." Willingham's reports were relayed by Michles, without challenge, to the task-force headquarters, although Congleton, the radioman, later told me, "When the first platoon started turning in kill counts, I figured they were destroying everything over there. At the time, I didn't think that it was anything exceptional—maybe just a little more killing than usual."

The first platoon spent the night near My Khe 4, but the rest of Bravo Company joined Charlie Company to set up a defense near a cemetery along the South China Sea. In the morning, the first and second platoons of Bravo Company reunited and spent the next day marching south along the coast to the Tra Khuc River, burning every hamlet along the way. Again there was an element of revenge. A popular member of the first platoon had lost a foot early in the morning while he was probing for a mine along the bridge leading from the My Khe 4 peninsula to the mainland. The Peers commission subsequently determined that the platoon had failed to post guards on the bridge overnight, although the bridge provided the only access to the peninsula. A few men testified that the wounded G.I. was in fact attempting to defuse the mine with his bayonet when it went off, wounding him. But most of the G.I.s saw the mine as another example of treacherous enemy tactics, and this renewed their anger at anyone Vietnamese. That day, Task Force Barker provided a team of demolition experts, who blew up bunkers after the hamlets along the route were razed by fire. The techniques used in destroying the houses along the coast apparently amazed the Peers investigators. One G.I. testified that it was not his responsibility, as a demolition man, but that of the infantry to make sure no civilians were inside any of the bunkers he destroyed. He generally dropped two or three pounds of TNT into each bunker, he said, without checking for occupants. Another demolition man told of using as much as thirty pounds of dynamite to destroy each bunker, also without inspecting inside. Asked by a member of the Peers commission whether any effort was made to determine "if there were people inside," one G.I. responded, "Not that I know of."

Again, it is impossible to determine how many Vietnamese citizens were killed as they huddled inside their bunkers during Bravo Company's march to the south. The G.I.s burned and destroyed almost every home they came to. Terry Reid, the private who told me that the My Khe 4 shooting seemed "insane" to him, had been considered a malcontent by his fellow-G.I.s, because he often criticized Bravo Company's killing tactics. Of the march, he told me that he almost broke into tears as it continued. "We'd go through these village areas and just burn," he said. "You'd see a good Vietnamese home—made with bricks or hard mud, and filled with six or seven grandmothers, four or five old men, and little kids—just burned. You'd see these old people watching their homes." The Army's practice of destroying bunkers and tunnels after burning the homes had always baffled him anyway, Reid said. "They call them bunkers and tunnels, but you know what they are—basements. Just basements."

On March 18th, the third day of the operation, Bravo Company's mission suddenly changed. Task Force Barker called in medical units, and the men were ordered to round up the civilians for baths, examinations, and in some cases interrogation by intelligence officials. Between five hundred and a thousand civilians were treated for diseases or were given food and clothing by the G.I.'s. "It seemed like we just changed our policy altogether that day," Congleton later told the Peers commission. "We went from a search-and-destroy to a pacification, because we went to this village and we washed all the kids. Maybe somebody had a guilty feeling or something like that." Talking with me about this change a year after his testimony, Congleton said, "We reversed the whole plan just like we were going to redeem ourselves." Former Private First Class Morris G. Michener thought that "most of the people were a little ashamed of themselves, and I was very ashamed of even being part of the group."

On March 19th, Bravo Company was lifted by helicopter from the peninsula. A few of the Bravo Company soldiers later heard about the excesses committed by Charlie Company and about impending investigations there, but somehow there was little concern about the atrocities they themselves had committed. Only one G.I., Ronald Easterling, the machine gunner with the third platoon, considered reporting the My Khe 4 massacre to his superiors, but, as he later told the Peers commission, he quickly dropped the idea. "I guess I just let it go when I shouldn't have," Easterling explained. "I thought the company commander knew these things were going on . . . it was all general knowledge through the whole company, and I didn't see any sense in talking it over with the company. . . ."

By the time the Army's charges against Lieutenant Calley became known in the United States, most of the men of Bravo Company were back home and out of the Army. Only a few associated their activities in Bravo Company on March 16th with the operation that Calley was accused of participating in.

One who did was Reid. He walked into a newspaper office in Oshkosh, Wisconsin, in November, 1969, a few days after the Calley story broke, and gave an interview about the atrocities he had observed while he was serving with the 11th Brigade. He told of one operation in which, after some G.I.s had been wounded by a booby trap, his company responded by killing sixty women, children, and old men. Reid told me not long ago that he didn't realize until months later that what had happened in his outfit was directly connected with Task Force Barker's mission in Son My on March 16th. "Sometimes I thought it was just my platoon, my company, that was committing atrocious acts, and what bad luck it was to get in it," Reid said. "But what we were doing was being done all over."

The incident at My Khe 4 would perhaps be just another Vietnam atrocity story if it weren't for four facts: its vital connection with the My Lai 4 tragedy; the American public's ignorance of it; the total, detailed knowledge of it among the Peers investigators, the Department of the Army, and higher Pentagon officials; and the failure of any of these agencies to see that the men involved were prosecuted.

On March 16, 1968, Major General Koster, the commander of the Americal Division, was near the peak of a brilliant Army career. At the age of forty-eight, he was a two-star general whose next assignment would be as Superintendent of the United States Military Academy. After that would probably come a promotion to lieutenant general, and perhaps an assignment as a corps commander in Germany, or even in South Vietnam again. Another promotion, to the rank of full general, would quickly follow, along with an assignment, possibly, as commander of one of the overseas United States Armies. By the middle or late nineteen-seventies, then, he would be among a group of ambitious, competent generals seeking Presidential appointment as Army Chief of Staff. Like most future candidates for the job of Chief of Staff, Koster had been earmarked as a "comer" by his fellow-officers since his days at West Point. In 1949, he had served in the high-prestige post of tactical officer at the Point, assigned to a cadet company as the man responsible for their training. By 1960, he had served in the operations office—the sensitive planning and coordinating post known to the military as G-3—of the Far East Command, in Tokyo, and also as Secretary of Staff of the Supreme Headquarters of the Allied Powers, Europe, in Paris. His career was patterned after that of his chief patron and supporter, General Westmoreland, who in 1968 headed all military operations in South Vietnam. Westmoreland and Koster had served together in the Pentagon during the nineteen-fifties, both in key staff jobs, and Westmoreland had later become Superintendent of West Point.

Koster's assignment in the fall of 1967 as commanding general of the Americal Division could be under-estimated at first by outsiders: the Americal, a hastily assembled conglomeration of independent infantry units, was far from an élite outfit. But the job, as the Peers investigation learned, was extremely important to the young general; he had been handpicked by Westmoreland after a sharp debate inside military headquarters in Saigon over the future combat role of the division. As the Americal was initially set up, it was composed of three separate five-thousand-man combat infantry brigades, each with its own support units, such as artillery and cavalry. Within a year, the division was restructured to make it more conventional and to provide more centralized control. But when Koster took over, it was a new kind of fighting unit, highly endorsed by Westmoreland, and pressure on the new commander was inevitable. Adding to the pressure was the low calibre of some of the officers initially assigned to the Americal by headquarters units. Lieutenant Colonel Clinton E. Granger, Jr., who served briefly in the G-3 office of the new division late in 1967, told the Peers commission about his personnel problems. "In the G-3 section, the quality of the personnel was not what one would ask in a division, to be perfectly honest," he said. "Among the field-grade officers, there was only one major in the entire section who graduated from Leavenworth [the Army command-and-staff school, in Kansas], and of all of them there were only two who had been passed over for promotion to lieutenant colonel. That would indicate that in some cases not the highest calibre of people were being provided."

Koster responded to the staff problems by running a virtual one-man show. He trusted no one else to make decisions on the division's operations and maneuvers. Every military engagement or tactic, including such details as the allotment of helicopters for combat assaults, had to be personally approved by him. He filled the two most important positions in his headquarters, chief of staff and head of G-3 operations, with artillery officers—highly unusual assignments for such men in a combat infantry division.

Both men, however, were West Pointers—the only ones in key headquarters jobs. Colonel Nels A. Parson, Jr., the chief of staff of the Americal Division, was inhibited by his inexperience in infantry tactics; he spent much of his time, according to testimony other officers gave the Peers commission, seeing to it that fences were painted and grass was kept closely cropped. Lieutenant Colonel Jesmond D. Balmer, Jr., the operations officer, was bolder than Parsons, but he had no greater success. He told the Peers commission, "I was not a textbook G-3, either as taught at Leavenworth or throughout the Army or practiced at any other divisions. The commanding general was in fact his own G-3. . . . I was not operating that division. I was doing certain planning and trying to keep the T.O.C. [tactical-operations center] going. . . . I can't visualize that any staff officer there would visualize Balmer, even now, as being a key mover in that division. I was far from it." Balmer indicated that Colonel Parson had an even worse relationship with General Koster, explaining, "It was very evident to all con-

cerned that General Koster had no confidence or did not trust much responsibility, except answering the telephone in the headquarters and doing the normal headquarters chief-of-staff job, to Colonel Parson, and to a similar degree this went down to the staff. . . . It was the most unhappy group of staff officers and unhappy headquarters I have ever had any contact with and certainly ever heard tell of it."

Koster's relationship with his second-in-command, Brigadier General George H. Young, Jr., one of two assistant division commanders, was less frosty, but it was still far from warm. Young, who was about a year younger than his superior, had graduated from the Citadel military academy, in Charleston, South Carolina. He, too, could exercise only a limited degree of command authority, although he had been placed in administrative control of the division's maneuver battalions, including the aviation and artillery units. He could recommend decisions but not carry them out. Most of the other headquarters officers were either "non-ring knockers"—men who had begun their careers as enlisted men or as graduates of college reserve programs—or graduates of military schools, such as the Citadel, that many West Pointers consider second-rate.

For most of the officers and men, the commanding general was a cold figure who compelled respect—and a touch of fear. "General Koster was so smart he was too smart for the rest of us," retired Lieutenant Colonel Charles Anistranski told me during an interview several months ago. Anistranski, who served as the Americal Division's G-5 (in charge of pacification and civil affairs) early in 1968, told me that he particularly remembered the General's crisp method of barking orders. "Koster would say, 'I don't like that, and I want you to do this and that.'" The General wouldn't take part in after-dinner drinking bouts at the Officers' Club, the former colonel said, but chose to return to his quarters instead. James R. Ritchie III, who served as an administrative sergeant at Americal Division headquarters in 1967–68, remembered Koster as being very cold. "I worked near him in that office for over five months, and I was never introduced to him," he told me. "I passed notes to him but really I never knew the man." Ritchie said of the headquarters staff, "They were all afraid. They were all afraid of Koster."

The normal work schedule of General Koster and his aides seemed to have little relationship to the realities of the guerrilla war going on a few miles away. Koster lived in an air-conditioned four-room house on a hill at division headquarters, in Chu Lai; he was served by a full-time enlisted man and a young officer. A few yards away was a fortified bunker with full communications, in case of attack. He spent most of his workday in a helicopter, visiting the brigades and battalions under his command. Every morning, he would give a short speech to new soldiers arriving at the division replacement center. Usually, his aides told the Peers commission, he tried to be where the action was—to monitor his troops in combat. For, just like a young company commander, Koster was being judged largely on the basis of how many enemy soldiers his men claimed to have killed.

General Koster's arrival by helicopter at local units would cause as much of a flurry—and as much fear—as a visit from Westmoreland caused at division headquarters. And, these visits notwithstanding, Koster remained remote from the problems and fears of the "grunts"—ground soldiers—assigned to his command. When complaints arose, they were often deliberately withheld from the General by his aides. Sergeant Ritchie, as one of the chief administrative clerks in division headquarters, worked directly for Colonel Parson. He recalled that he was ordered to screen all the mail personally addressed to Koster. "Parson wanted to know anything that was on Koster's desk other than routine stuff," Ritchie said. "A lot of stuff I know never got to Koster." Instead, it was handled by Parson. Most of the senior staff officers at headquarters knew at the practice, but they did not complain, even when letters they had addressed to Koster brought replies from Colonel Parson, because Parson was their rating officer, and for an ambitious lieutenant colonel who had not attended West Point one bad rating could be the end of a career. This kind of reasoning went up the chain of command. In May, 1968, for example, a Special Forces camp in the Americal Division's area of operations was overrun by North Vietnamese troops, with heavy losses to an Americal battalion that attempted to relieve the camp. Koster ordered an investigation, but, as the Peers commission was told by Colonel Jack L. Treadwell, who became division chief of staff in late 1968, it was not filed with higher headquarters, "because it made the division look bad."

The ultimate effect of such practices was a form of self-imposed ignorance: few things were ever "officially" learned or reported. By March, 1968, murder, rape, and arson were common in many combat units of the Americal Division—particularly the 11th Brigade, in hostile Quang Ngai Province—but there were no official reports of them at higher levels. Most of the infantry companies had gone as far as to informally set up so-called Zippo squads—groups of men whose sole mission was to follow the combat troops through hamlets and set the hamlets on fire. Yet Koster, during one of his lengthy appearances before the Peers commission, calmly reported, "We had, I thought, a very strong policy against burning and pillaging in villages. Granted, during an action where the enemy was in there, there would be some destruction.

"But I had spoken to brigade commanders frequently, both as a group and personally, about the fact that this type of thing would not be tolerated. I'm sure that in our rules of engagement it [was] emphasized . . . very strongly." The rules of engagement, a seven-page formal codification of the division's "criteria for employment of firepower in support of combat operations," were formally published March 16, 1968—the day of the massacre. They imposed stringent restrictions on the use of firepower and called for clearance before any firing on civilian areas. The rules, unfortunately for the Vietnamese, had little to do with the way the war was being fought.

Ironically, the publication of the rules of engagement allowed commanders to treat brutalities such as murder, rape, and arson as mere violations of rules, and in any event such serious crimes were rarely reported officially. Lieutenant Colonel Warren J. Lucas, the Americal Division's provost marshal, or chief law-enforcement officer, told the Peers commission that most of the war-crimes investigations conducted by his unit involved the theft of goods or money from civilians or, occasionally, a charge that G.I.s had raped a prisoner of war at an interrogation center. The concept of murder during a combat operation simply wasn't raised. Sometimes, Lucas said, he or his men would hear rumors or reports of serious incidents in the field, but, he added, "if it was declared a combat action, I did not move into it at all with my investigators." Of course, the men who could report such incidents were the officers in charge; in effect, their choice was between a higher body count and a war-crimes investigation. Murder during combat and similarly serious violations of international law were never "reported through military-police channels," Colonel Lucas told the Peers commission. Even if they had been, he could not have begun an investigation of such incidents without the approval of Chief of Staff Parson or General Koster. During his one-year tour of duty with the Americal, Lucas apparently never conducted such an investigation. What happened was that after the publication of the rules the military honor system went into effect. Under that system, as it was applied in the Americal Division, violations of the rules of engagement simply did not take place.

Lieutenant Colonel Anistranski, the officer in charge of the Americal's civil-affairs and pacification program, explained in his interview with me how the system worked. "Every time a hamlet would burn, it was reported to me," he said. "If it was in a friendly area, we'd go back and rebuild it. Sometimes it would come up at the nightly briefing. General Koster would come up to me and say, 'Check it out.' I'd get the S-5 [the lower-ranking officer in charge of civil affairs of the unit in question] and say, 'You'd better get on it; the old man wants to know what happened out there.' They'd come back after a little while and say it was set on fire during the fire fight. I'd go and tell the old man that."

Some soldiers could, of course, have been court-martialed for committing war crimes. This might have limited the number of violations, but it would also have signalled to higher headquarters that violations did occur. Koster's efficacy as a commander would have been questioned, and the name of the division would have been sullied by the inevitable press reports. Thus, talk of war crimes simply wasn't heard at Americal Division headquarters. The men there took their jobs at face value. Father Carl E. Creswell served as an Episcopal chaplain at Chu Lai and resigned from the Army soon after his tour with the division. He later told the Peers commission, "I became absolutely convinced that as far as the United States Army was concerned there was no such thing as murder of a Vietnamese civilian. I'm sorry, maybe it's a little bit cynical. I'm sure it is, but that's the way the system works."

The freedom to kill with impunity inevitably led to the inadvertent murder of many civilians in violation of both the Geneva conventions and the division rules of engagement. The statistics tell the story: A consistent problem for the military throughout the war has been the great disparity between the number of Vietcong soldiers that have been reported killed and the number of weapons that have been captured. Although the obvious answer seemed to be that Vietcong were not the only victims of American gunfire, artillery, and gunship strikes, officers at the top headquarters commands simply could not—or would not—accept that answer. Thus, commanding officers in the Americal Division were always urging their troops to "close with the enemy" instead of relying on helicopter or artillery support, and thereby increase their chances of capturing enemy weapons.

Often, the rationale for the statistical imbalance was strained. Brigadier General Carl W. Hoffman, who served as chief operations officer of the III Marine Amphibious Force early in 1968, agreed with General Peers that Task Force Barker's March 16th report of a hundred and twenty-eight Vietcong deaths and three captured weapons represented "a ratio that we would not normally like to see," and went on, "However, we had experienced other reports in which we later found that the attacking troops had found a graveyard with fresh graves, and they determined then that these deaths had occurred on previous days because of artillery fire or gunship fire. Therefore the total on a given day could be quite high and the weapons invariably would be very low. . . . we did see other instances in which we had very few weapons captured and quite a number of enemy bodies counted."

"It's like a game," Colonel Anistranski, the division's pacification-and-civil-affairs officer,

remarked during my interview with him. "Everybody come on, we're going to have a bonfire. The way Koster used to look at me, he knew they [the brigades] were lying. He tried to stop it, but there's . . . so much going on." Anistranski remembered that on occasion Koster would storm out of the nightly briefing, obviously angered, after hearing reports of large numbers of Vietcong killed by his troops and no captured weapons. "He'd get mad," Anistranski said. "But me? I used to look at it and laugh. 'There's another battalion commander who's pushing the full-colonel list,' I'd say." He could laugh, Anistranski added, but the General was trapped by his position. "Koster had bird colonels working for him; he had to accept their word."

In early 1968, the Americal Division consisted of three combat infantry brigades. One of them, the 11th, was commanded by Colonel Oran K. Henderson. Henderson had at that time been in the Army twenty-five years, and like most colonels, he had made it clear that he wanted very much to become a general. A non-West Pointer, he had failed during a tour of duty in Vietnam in 1963 and 1964 to get the command assignments necessary for promotion; he spent nearly two of the next four years in subordinate roles with the 11th Brigade in Hawaii, moving with the unit to Vietnam in late 1967 as deputy commander. On March 15, 1968, the Army gave him a chance: on that day, he took command of the brigade's three infantry battalions and one artillery battalion. During formal ceremonies at the brigade's headquarters area, at Duc Pho, Henderson accepted the unit's colors from the outgoing commander, Brigadier General Andy A. Lipscomb, who was retiring from the service. Lipscomb had recommended Henderson for the job, and was delighted when General Koster approved the choice. Henderson "was completely loyal to me," Lipscomb later told the Peers commission. "When I left, and I made out an efficiency report on Colonel Henderson, I recommended him for promotion to brigadier general, which I didn't do to too many colonels along the way."

At the time of his appointment, Henderson had seen little combat in Vietnam. He told the Peers commission that Task Force Barker's attack on My Lai 4 "was the first combat action I had been involved in or observed," and explained, "As the brigade executive officer up to this point and time, I was pretty well limited to Duc Pho. Occasionally, I could get an H-23 [observation helicopter] and get out on the periphery or something. But as a general rule I was stuck at Duc Pho. I had not participated in a C.A. [combat assault], nor had I observed any combat action except that at the Duc Pho Province." He was referring to occasional Vietcong mortar attacks on the brigade headquarters area. Upon taking over the top job in the brigade, Henderson immediately began acting like every other commander in Vietnam. Each day, he would assemble a few personal aides and fly all over his area of responsibility, observing the infantry battalions in action. The new commander was formal and crisp with his staff; he had what military men call "command presence." In other officers he inspired nothing less than fear. Captain Donald J. Keshel, the brigade civil-affairs officer, told the Peers investigators, "I'm scared to death of Colonel Henderson. . . . He's just got to be the hardest man I've ever worked for." But Henderson himself feared at least one man—General Koster, whose rating of him as a brigade commander would make or break his chances of becoming a general. Koster had doubts about Henderson's intellectual ability, and these were known to the Colonel. He got along easily with General Young, Koster's assistant division commander, but his relations with the division commander himself seemed to be tense. "You could always distinguish rank when they were talking," Michael C. Adcock, a former sergeant who served as one of Colonel Henderson's radio operators, told me.

Henderson, and Lipscomb before him, also followed the usual commander's practice of emphasizing body counts, so competition for enemy kills was constant among the battalions and companies of the 11th Brigade. There were three-day passes for the men who achieved high body counts; sometimes whole units would be rewarded. At one point, Henderson personally ordered a program set up offering helicopter pilots three- to five-day passes for bringing in military-age Vietnamese males for questioning. The program, which was initiated because the brigade was unable to develop reliable intelligence information on the Vietcong, was known informally among 11th Brigade air units as Operation Body Snatch. Within weeks, the operation had degenerated to the point where the pilots, instead of "snatching" civilians, were deliberately killing them, sometimes by running them down with their helicopter skids. Other pilots devised even more macabre forms of murder, one of which involved the use of a lasso to stop a Vietnamese peasant who was attempting to flee. Helicopter crewmen would then jump out, strip the victim, and replace the rope around his neck, and the helicopter would begin to move at low speed, with the Vietnamese running along. When the victim could no longer keep up, he would fall, snapping his neck.

Many witnesses told the Peers commission of having received no meaningful instruction in the Geneva conventions or in the proper treatment of prisoners of war during training in Hawaii or in South Vietnam. "In Hawaii, the emphasis was on tactical combat operations throughout," Specialist Fifth Class James E. Ford, a public-information clerk for the brigade, told the Peers investigators. "I think perhaps during that time . . . they might have said something about pacification and about the S-5's function, civil affairs. But I don't think it was an active part of the tactical training, though."

Although Army manuals state that a brigade civil-affairs officer should hold the rank of major, the 11th Brigade's S-5, Keshel, was only a captain. The Army is loath to say so in public, but the job of division G-5 or brigade S-5 is considered a lowly one—a position for anyone who desire rapid promotion to avoid. Captain Keshel was in charge of making cash payments to Vietnamese victims of accidental American shootings.

He made about thirty such solatium payments, as they were called (at that time, they amounted to about thirty-three dollars for each adult and half as much for children fifteen years of age or under), over a period of eight or nine months, ending in the fall of 1968. The total seemed high to him, Keshel told the Peers commission, and he mentioned his concern to Colonel Henderson. Henderson, in turn, "mentioned it to the battalion commanders at one of his briefings," Keshel said, and he continued, "And all of the battalion commanders, boy, they really got down on me, now, they said, 'Well, you know we got lieutenants out there with the platoon, or rifle-company commanders out there with the companies, he'd get fire from a village, he's got to return fire to protect his command, and when this happens, perhaps a civilian will get shot.' "

The concept of a battlefield war crime just did not exist in the 11th Brigade. Major John L. Pittman, the provost marshal of the unit, testified before the Peers commission that he could not recall giving the military policemen under his command any instructions or training in their obligations to report war crimes. On two or three occasions, Pittman said, he did report instances of prisoner mistreatment to both Lipscomb and Henderson. At a staff meeting, Lipscomb or Henderson always responded the same way—not by ordering an investigation but by putting out instructions against such practices.

Even if Henderson and some of his staff officers remained largely uninformed about the war taking place a few miles from their headquarters, the Colonel did meet the other basic requirements of a Vietnam commander: he had a superior mess hall and a rebuilt officers' club, and there was considerable emphasis on being an officer and a gentleman. G.I.s who served in the 11th Brigade frequently talked to me with bitterness about the life style of the senior officers. "They had a fantastic mess hall," former Specialist Fifth Class Jay A. Roberts, who worked in the public-information office, near headquarters, recalled. "The officers would have cocktail hour for an hour every night before dinner." Other G.I.s talked about the ice cream, the shrimp, and the steak that were often on hand for the officers. Also frequently noted was the fact that the headquarters' allotment of air-conditioners was utilized for Henderson's mess hall and his personal quarters. Plans to blow up the mess hall—perhaps only half serious—were constantly being developed by the headquarters clerks. Some G.I.s boasted of having devised ways to appropriate bottles of whiskey and cold beer from the officers' walk-in cooler. Former Specialist Fourth Class Frank D. Beardslee served as driver for Colonel Barker, the commander of Task Force Barker, and often took him to the Duc Pho Officers' Club at five-thirty in time for the cocktail hour. "It was just like they were in Washington," Beardslee said of the officers. "They would talk about promotion and all that stuff—just like a cocktail party back in the world."

Shortly before Lipscomb, a West Pointer, retired, the brigade public-information office presented him with a scrapbook of photographs and news clippings highlighting his service with the 11th Brigade. Similar scrapbooks were made up for most senior officers who left the unit. Former Sergeant Ronald L. Haeberle, who served as a photographer for the brigade's public-information office, considered such work routine at the time, and later, when criticized by the Peers panel for not turning photographs he had made of the My Lai 4 massacre over to higher authorities, he said he had never considered such a step, explaining, "You know something . . .? If a general is smiling wrong in a photograph, I have learned to destroy it. . . . My experience as a G.I. over there is that if something doesn't look right, a general smiling the wrong way . . . I stopped and destroyed the negative."

For a non-West Pointer, Colonel Barker had everything going for him. In January, 1968, General Koster had pulled him out of his job as operations officer of the 11th Brigade and given him command of a three-company task force of four hundred men that had been put together to find and destroy the enemy in the Batangan Peninsula area, in the eastern part of Quang Ngai Province. The peninsula was "Indian country" as far as American and South Vietnamese soldiers were concerned. Few operations had ever been mounted against the village of Son My, which was widely considered to be the staging and headquarters area for the Vietcong 48th Battalion, one of the strongest units in Quang Ngai. The area was heavily booby-trapped, and the men of Task Force Barker—the Colonel followed a custom by naming the unit after himself—suffered as a result. By March 15th, about fifteen G.I.s in the three companies had been killed and more than eighty had been wounded—a high percentage of casualties but not one that necessarily reflected much direct confrontation with the enemy. For example, four men in Charlie Company were killed and thirty-eight were wounded in those ten weeks, but the Peers commission determined that only three of the casualties, including one death, had resulted from direct contact with the enemy. But "Barker's Bastards," as the men of the task force were quickly dubbed by the brigade public-information office, were seem-

ingly able to do what no other unit in the brigade could—find and destroy the enemy.

"We devoted quite a bit of coverage to Task Force Barker," Ford, the brigade public-information clerk, told the Peers commission. "Up until Task Force Barker deployed, we hadn't been seeing too much action. As a result, our public-information coverage was kind of slim. . . . They were getting contact, and we were getting good copy out of it." Barker's men had the highest body count by far of any unit in the 11th Brigade; other officers would speak admiringly of the commander's "luck" in getting solid contact. Specialist Fourth Class Donald R. Hooton, one of the Bravo Company infantrymen, had a different point of view. "Everybody said, 'He's got the most phenomenal luck,'" Hooton told me recently. "What they meant is that we'd go out and gun down a lot of people."

But the G.I.s—even Hooton—admired Barker. He wasn't afraid to land his helicopter in a battle area, and he would often join in the fray, firing his .45-calibre pistol at Vietnamese when his helicopter was flying low. He made sure that his troops received at least one hot meal a day in the field. There were other reasons for the widespread admiration of Barker. He was "lean and mean," in the military tradition; handsome, with neatly chiselled features; friendly to the "grunts," always accessible and always making it clear that he understood their problems. "Barker, in my estimation, seemed to have his finger in and was pretty well in tune with what was going on," General Koster told the Peers commission. Barker's responsibilities as a commander were total; he was in charge of the intelligence, the planning, and the initiation of all task-force operations—and always had the approval of his superiors.

Barker's promotion to head the task force left a crucial administrative gap in the brigade headquarters—one that Colonel Henderson, then acting as deputy brigade commander, tried to fill himself. Then, when Henderson assumed control of the brigade, on March 15th, he was still not assigned a new administrative aide, so he was forced to do his paperwork at night. Such treatment undoubtedly galled Henderson, and so did the relationship between Koster and Barker. There were fifteen thousand lieutenant colonels in the Army in 1968 and fewer than three hundred battalions to command. Without battalion-command experience in Vietnam, a young lieutenant colonel could not expect promotion. Because the pressure for the jobs was so intense, the Army limited battalion commanders' tours to six months.

Normally, Henderson could have expected to have a powerful hold over Barker, because Barker would have needed Henderson's approval before commanding a battalion; the bargaining and negotiating for such jobs goes on daily in the Pentagon and elsewhere. But by the time Henderson took over the brigade, General Koster had promised the next battalion command to Barker. In effect, Henderson's potential patronage—an important part of a commander's job—was diminished, and a protégé, if he had one, would have had to wait longer for a battalion commander's spot.

There was no fancy officers' club at the task force headquarters, at Landing Zone Dottie, a few miles from the city of Quang Ngai, the provincial capital. Barker, like all commanders, spent most of his working day in a helicopter, and he tried to catch up on his paperwork at night. The administration of the task force therefore fell to the operations officer, Major Charles C. Calhoun, who was serving his second tour of duty in Vietnam. The task force headquarters was severely underequipped and understaffed; it had only one typewriter assigned to it, and one clerk to do its typing. As a result, there was neither the staff nor the time to prepare the required task-force version of the rules of engagement or to instruct the troops about the Geneva conventions. The unofficial task-force rule seemed to be simply not to commit any illegal actions directly in front of the commanding officer. Speaking of Captain Michles, of Bravo Company, Congleton, the Captain's radio operator, told me, "If something wasn't done in front of him, nothing happened. But if he'd ever caught you smoking pot, he'd have gone wild." Michles was similarly offended if the killing of civilians was brought directly to his attention. Congleton, after recalling that the officer "wanted kills," said, "By the first time we actually killed anybody who was a Vietcong with a weapon, we had reported twenty or thirty confirmed kills, and I said, 'Hey, we just got our first kill.' He really got mad."

Both of Task Force Barker's February missions into Son My were officially described as unqualified successes, although the disparity between Vietcong killed and weapons captured—a hundred and fifty-five to six—was extreme. After the second mission, Colonel Barker gave his superiors a glowing report. It said, "This operation was well planned, well executed, and successful. Friendly casualties were light and the enemy suffered a hard blow. However, many enemy soldiers were able to escape with their weapons and the weapons of the enemy dead. This was caused by several factors . . . Although the air strikes were timely and effective . . . time was lost waiting for aircraft. . . . Air evacuation of wounded was a contributing factor in allowing the enemy time to escape, since supporting fire had to be stopped each time a medevac helicopter was brought in. The ground units were not as aggressive later in the battle as they were earlier. . . . Aggressiveness increased again at the insistence of the Task Force commander, but during the lull several V.C. had escaped with weapons."

It was probably inevitable that Barker would decide to conduct another operation in Son My. He talked about it sometime early in March with General Lipscomb and got the General's approval. "Barker said to me on one or two occasions that he was going back into Pinkville," Lipscomb told the Peers commission. "This 48th Battalion was a thorn in his side there, and he was going to go back in there. . . . It just was something that had to be done before the area would be under control." Cecil D. Hall, the task-force communications sergeant, recalled that Barker had unsuccessfully sought permission from brigade headquarters to use Rome plows, monstrous twenty-two-ton bulldozers capable of levelling hundreds of acres per day, to destroy the area. "I heard him mention many times," Hall told me during an interview in October, 1971, "that it'd sure be nice if we could get some bulldozers and clear that place once and for all."

General Koster acknowledged to the Peers commission that though he was assured that the forthcoming task-force assault would be even more successful than the two previous operations (Barker reported that he expected to find four hundred Vietcong in the area), he really knew very little about the plan for it. He was consulted about the mission, he said, simply because he was the only one who could authorize the use of helicopters, which Barker considered necessary. As Barker initially explained it to Koster, the main target was the village of My Lai 1, the center of the Pinkville area, where intelligence said the 48th Battalion had its headquarters. Although Koster approved the mission, he did not attempt to analyze it. He told the Peers commission, "I'm reasonably sure that he probably outlined the fact that there would be two blocking companies—one would get there overland, and the other two were air assaulted. . . . But I don't recall that I even focused as to exactly where it was on the map, one of these little villages as opposed to another one. The one that had been the primary target was the one on the coast [My Lai 1], and the only time I really heard 'Pinkville' used was for that one right on the coast as opposed to any of the others. . . . Of course, that place was nothing but a bunch of rubble anyway. I knew they had gone in there on many occasions and tried to blow the dugouts and tunnels, and I knew that this was a continuing thing. Every time we went through there we tried to blow a few more of them."

At no point was there any formal, written plan outlining the tactical aspects of the operation. Barker's plan for the mission was not seen in any form by any top-level American Division officers, such as Lieutenant Colonel Tommy P. Trexler, the division intelligence chief. In addition, Major Calhoun, the task-force operations officer, couldn't recall any specific concern about the the citizens of Son My before the March 16th operation, and he told the Peers commission that he thought there was only a hundred people living in My Lai 4, Charlie Company's main target. (The population was at least five hundred.) The Major did say, "On a continuous basis leaflets were dropped in the area advising the civilians to move into the refugee centers. . . . They [task-force personnel] had advised the civilians that it was an area they should move out of, and some of them, I understand, left." Although some officers at the division level were aware that the civilians, even if they wanted to leave, had no place to go, because the refugee camps were already overflowing, it is not clear whether anyone at Task Force Barker headquarters really understood that fact. It was a hopeless situation for the civilians in Son My, whatever their political affiliations, if any. Captain Charles K. Wyndham, who served until March 16th as the civil-affairs officer for Task Force Barker, told the Peers commission that he had never participated in any planning for the handling and safety of civilians before any operation with the task force. He added, "It's kind of useless to go out there [into the field, with an infantry company] and try to do civil affairs."

At one point in the planning for the operation, some unchallenged intelligence information about the civilians in My Lai 4 was received at the task-force headquarters; the residents would leave their hamlet about 7 A.M. on the day of the operation, a Saturday, to go to market. Since none of the planning details of the operation had been presented to higher headquarters, it was impossible for staff officers there to evaluate the intelligence information with any degree of sophistication. However, amid all the conflicting testimony before the Peers commission, a consensus did emerge that there was no basis for assuming that all the residents of My Lai 4 would leave the village about seven in the morning to go to market.

In fact, former First Lieutenant Clarence E. Dukes, an intelligence officer at Americal Division headquarters, testified later that precisely the opposite might have been expected. "I would say that normally by sunrise if there were V.C. soldiers in a populated area they'd be moved out before dawn," he told the Peers commission. "Your women and children would be around town. Most of your male population would have moved out to their daily work." Colonel Trexler had a similar opinion. He testified, "An occupied village with any reasonable number of people, I would expect some of them to be there at any time of the day or night unless there was some other reason that they had been alerted to get out." He was then asked, "There would always be left behind children, toddlers, old women, old men, pregnant women, and persons in these categories?" He said yes.

With concern for possible civilian casualties out of the way, the task force's attack plan was drawn up. As part of the planning for the attack, Colonel Barker ordered the task force's four support cannons to fire a three- to five-minute salvo of shells into the

hamlet beginning at 7:20 A.M. on March 16th—about ten minutes before the landing of the first helicopter-borne squad of men, led by Lieutenant Calley, of Charlie Company. The process is known in the military as "prepping the area." Lieutenant Colonel Robert B. Luper was serving then as commanding officer of all the artillery units attached to the 11th Brigade. He told Peers that Barker wanted preparation fire but not on his landing zone, and explained, "This is a little different than we would normally expect, because he felt that the area that he was going to make his combat assault into was open enough that he could see if there was going to be any problem. He wanted the preparation fire north of his landing zone, which would have put it on My Lai, the village of My Lai." Asked if the entire five-minute attack was to be made against the village, Luper replied, "It was." The use of artillery on a populated village was considered routine by the officers of Task Force Barker. One justification for such tactics—which are in violation of international law—was offered to the Peers commission by Major Calhoun: "Of course, the most vulnerable time is coming down with the first landing, you have nothing there, no troops on the ground, and the choppers are slow and they are sitting down like ducks on the water. Or he [Barker] could put the fire into the area and, I'm sure, realizing that some civilians might be hurt. There is a difference between the sacrifice of American troops and the sacrifice of some civilians in this area."

Another justification cited for the shelling of the village was that such action had been cleared by the South Vietnamese authorities responsible for the area of operations. The Vietnamese considered the whole area to be dominated by the Vietcong and had long since declared it a free-fire zone. Captain Wayne E. Johnson, who was a liaison officer for the Americal Division attached to Second ARVN's headquarters, in Quang Ngai, told the Peers commission that he believed the Americans and South Vietnamese serving in Quang Ngai Province "felt that whatever people were out there were enemy," and explained, "If there was a target worth shooting at, it shouldn't be cancelled because of the presence of civilians." Approval was invariably granted by the South Vietnamese. "The district people didn't hold too many civilians to be in the area," Johnson said. "It didn't hold a large population." This view was tragically wrong, as a subsequent resettlement program demonstrated. American and Vietnamese authorities in Saigon began an uprooting of the people of Son My and neighboring villages in February, 1969, expecting to relocate four thousand civilians; at its end, there were twelve thousand people shifted from the area.

On March 15th, the day before the mission, Colonel Barker, Major Calhoun, and Captain Eugene M. Kotouc, the task-force intelligence officer, scheduled a complete operational briefing on the mission in a small tent just outside task-force headquarters. The session was attended by all the men who were going to play key roles in the attack the next day: Captain Medina, of Charlie Company; Captain Michles, of Bravo Company; Captain Stephen J. Gamble, the commanding officer of the four-cannon artillery battery stationed at Landing Zone Uptight, above five miles north of My Lai 4; and Major Frederic W. Watke, the commanding officer of the aeroscout company of the 123rd Aviation Battalion, which was stationed in the Americal Division headquarters area, at Chu Lai, and which would fly support for the mission. (Alpha Company, the third unit in Task Force Barker, which was headed by Captain William C. Riggs, was assigned no significant role in the operation.) Also present at the briefing was Colonel Henderson, who had formally taken command of the 11th Brigade only hours before.

The briefing itself was professionally crisp. The headquarters staff of Task Force Barker listened inside the crowded briefing tent as Colonel Henderson gave what amounted to a pep talk. It was a short talk, and Captain Gamble was later able to recall much of it before the Peers commission. "He generally reviewed what was going to occur the next day, and he mentioned that it was a very important operation, and the Vietcong unit that was located in that area. They wanted to get rid of them once and for all and get them out of that area. He stressed this point, and he wanted to make sure that everybody and all the companies were up to snuff and everything went like clockwork during the operation."

Captain Medina later testified that Colonel Henderson wanted the companies to get more aggressive. Medina told the Peers commission, "Colonel Henderson . . . stated that in the past two operations the failure of the operations was that the soldier was not aggressive enough in closing with the enemy. Therefore, we were leaving too many weapons and that the other enemy soldiers in the area, as they retreated, the women and children in the area would pick up the weapons and run and therefore by the time the soldiers arrived to where they had killed a V.C. that the weapon would be gone." Captain Kotouc testified that Henderson had said that "when we get through with that 48th Battalion, they won't be giving us any more trouble."

After Henderson spoke, Kotouc gave a quick summary of the intelligence situation, including the special report that all civilians would have left My Lai 4 by seven in the morning. Major Calhoun next presented a map review. Then Barker's words vividly. "Colonel Barker said he wanted the area cleaned out, he wanted it neutralized, and he wanted the buildings knocked down," Kotouc told the Peers commission. "He wanted the hootches [huts] burned, and he wanted the tunnels filled in, and then he wanted the livestock and chickens run off, killed, or destroyed. Colonel Barker did not say anything about killing any civilians, sir, nor did I. He wanted to neutralize the area."

Captain Medina testified that Barker "instructed me to burn and destroy the village; to destroy any livestock, water buffalo, pigs, chickens; and to close any wells that we might find . . ."

Who told Task Force Barker that all the civilians of My Lai 4 would leave the hamlet and be on their way to market shortly after 7 a.m. on March 16th? From whom did the task force receive information that four hundred members of the Vietcong 48th Battalion would be in the village of Son My on March 16th? These two questions remained unanswered throughout the Army's lengthy hearings on the massacre at My Lai 4. Witnesses were consistently asked if they knew of any documents or people that had provided such information; the answers were invariably vague. "No, sir. I cannot cite any document," Captain Kotouc said in response to such a question from a member of the Peers commission. "But it was through interrogation of people, people I had talked to. This was always—this was the part we were trying to figure out, how they moved in the area. They all came and went about the same time. . . . If I recall, part of it [the intelligence] came from Colonel Barker. Information, I think, he received from his contacts or somewhere like that. It is very difficult for me to pin it down."

Undoubtedly, the men of the task force had some reasons of their own for believing that the 48th Battalion was in the Son My area; evidence of the unit's presence—old documents, for instance, and civilians who perhaps knew of some of the unit's recent movements—could be found at any time throughout the Batangan Peninsula, which was, after all, the base of operations for the 48th. Barker made no further attempt to confirm the enemy unit's location, because he felt that none was needed. If Barker or any of his aides had checked, they would have found that every intelligence desk at the provincial headquarters in Quang Ngai placed the 48th Battalion at least fifteen kilometres, or nine miles, west of the city. They would also have learned that the unit was considered to be in poor fighting condition, because it had suffered heavy losses while attacking Quang Ngai during the Tet offensive. "Whatever was left of them was out in the mountains," Gerald Stout, who was then an Army intelligence officer with the Americal Division and is now a law student at Syracuse University, told me in an interview. His information was based in part on highly classified reconnaissance flights over mountain areas.

There was no conspiracy to destroy the village of My Lai 4, or to kill the villagers; what took place there had happened before in Quang Ngai Province and would happen again—although with less drastic results. The desire of Colonel Barker to mount another successful operation in the area, with a high enemy body count; the belief shared by all the principals that everyone living in Son My was living there by choice, because of Communist sympathies; the assurance that no officials of the South Vietnamese government would protest any act of war in Son My; and the basic incompetence of many intelligence personnel in the Army—all these factors combined to enable a group of normally ambitious men to mount an unnecessary mission against a nonexistent enemy force and somehow find evidence to justify it.

The assault on My Lai 4 began, like most combat assaults in Vietnam, with artillery and helicopters. Colonel Barker arrived over My Lai 4 in his command-and-control helicopter just in time to see the first barrage of artillery shells fall into the hamlet. Colonel Henderson's helicopter—filled with high-ranking officers—flew over the hamlet a few minutes later; trouble with a helicopter had delayed the Colonel's takeoff from his headquarters, at Duc Pho. General Koster flew in and out of the area throughout the early morning, watching the men of Charlie Company conduct their assault. The task-force log for March 16th, which was submitted to the Peers commission in evidence, shows that Lieutenant Calley's first platoon landed precisely at 7.30 a.m. at the landing zone outside My Lai 4. There were nine troop-carrying helicopters, and they were accompanied by two gunships from the 174th Aviation Company, which, with their guns blazing, had crisscrossed the landing zone moments before the combat troops landed, firing thousands of bullets and rockets in a fusillade designed to keep enemy gunmen at bay. Of course, there were no enemy gunmen, but it didn't matter that day: within minutes the statistics began filling the task-force daily log. At seven-thirty-five, Charlie Company officially claimed its first Vietcong; the victim was an old man who had jumped out of a hole waving his arms in fear and pleading. Seven minutes later, the gunships—known as Sharks—claimed three Vietcong killed; the dead men were reportedly seen with weapons and field gear. By eight, seventeen more Vietcong were said to have killed. At three minutes past eight, Charlie Company said that it had found a radio and three boxes of medical supplies. At eight-forty, Charlie Company notified headquarters that it had counted a total of eighty-four dead Vietcong. By this time, My Lai 4 was in ruins. Lieutenant Calley and a number of the men in his platoon were already in the process of killing two large groups of civilians and filling a drainage ditch with the bodies. The second and third platoons were also committing wholesale murder, and some men had begun to set fire to anything in the hamlet that would burn. Wells were fouled, livestock was slaughtered, and food stocks were scattered.

The two Sharks from the 174th also com-

mitted murder that morning. After the artillery shells began falling, hundreds of civilians streamed from the hamlet, most of them traveling southwest toward the city of Quang Ngai. The two gunships flew overhead and began firing into the crowd. The time was about seven-forty-five. It was noted by Captain Brian W. Livingston, a pilot from the 123rd Aviation Battalion, who was also flying in support of the mission. Livingston later flew over and took a close look at the victims; they were women, children, and old men—between thirty and fifty of them. Scott A. Baker, a flight commander with the 123rd, also watched the civilians leaving the village. He told the Peers commission later that the Sharks made a pass over the group with their guns firing and that moments later he saw twenty-five bodies on the road to Quang Ngai. The troops from Charlie Company had yet to move that far south, Baker said.

The killing continued for at least ninety minutes after eight-forty, but no more enemy kills for Charlie Company appeared in the task-force log. Charlie Company's body count officially ended at eight-forty in the morning on March 16th, with a report that it had killed eighty-four Vietcong and had captured documents, a radio, ammunition, and some medical supplies. The Sharks had reported a total of six enemy kills. Later that day, Bravo Company concluded its operation with an official body count of thirty-eight. (The total number of dead Vietcong allegedly slain by both the ground and air units over My Lai 4—a hundred and twenty-eight—would make the front pages of American newspapers the next morning. It was the most significant operation of the war for the 11th Brigade.)

The smoke over My Lai 4 could be seen for miles. First Lieutenant James T. Cooney was flying Colonel Henderson's helicopter over My Lai 4; he told the Peers commission, "I did notice several hootches burning, several buildings burning, possibly rice stores. I do remember there being burning going on on the ground at that time." Chief Warrant Officer Robert W. Witham was flying General Koster's helicopter; he similarly recalled "smoke and things like this, artillery." Even Captain Johnson, the Americal Division's liaison officer at Quang Ngai, about five miles to the southwest, saw the smoke. "I remember seeing smoke in the area and knowing that Task Force Barker was in the area," he told the Peers commission. "I accepted this. I assumed that I knew what was happening." The pilots saw it, but the officers they were flying claimed they did not. General Koster, asked by the Peers commission if he recalled seeing the village "pretty much up in smoke at that time when you flew over," responded simply, "No, sir, I don't." Colonel Henderson was asked a similar question, and replied, "I did not see My Lai 4 in flames or having been burnt or burning."

Warrant Officers Jerry R. Culverhouse and Daniel R. Millians were piloting a helicopter that morning in support of Charlie Company. Culverhouse and Millians, who were attached to the 123rd Aviation Battalion, were part of a new concept in the Vietnam air war. B Company of the 123rd was known as an aero-scout company, and its mission that day was to cut off enemy troops attempting to flee Task Force Barker's trap in My Lai 4. The pilots usually teamed up with a second gunship, and both usually flew above a small observation helicopter. On the morning of March 16th, the observation helicopter was manned by Chief Warrant Officer Hugh C. Thompson, Jr., of Atlanta. Above the gunships, in turn, were two or three helicopters carrying infantrymen. The concept called for the observation craft to flush out the enemy, so the gunships could force them to halt. If the enemy avoided the gunships, the infantrymen would be landed (the 123rd pilots described this process as "inserting the animals") to engage the Vietcong. Culverhouse and Millians arrived at their duty station sometime after nine and joined up with Captain Livingston. The hamlet was still aflame. They began flying back and forth across My Lai 4 and the nearby paddy fields, on the prowl for Vietcong. Culverhouse later told the Peers commission, "It appeared to us there it was fairly secure. We heard no shooting and didn't receive any fire ourselves. . . . And we immediately noted the bodies surrounding the village . . . there were numerous bodies scattered both in the inner perimeters of the village and in the outer perimeters leaving the village. . . . I was especially . . . amazed at one group of bodies encountered . . . over on the east side of the village there was an irrigation ditch, which appeared to me to be about six or seven feet wide . . . [and] probably five or six feet deep . . . there were numerous bodies that appeared to be piled up. In some places, I dont' know, maybe four or five or I suppose as high as six deep. . . . For an area about—around thirty to thirty-five yards the ditch was almost completely filled with bodies."

Later, at Thompson's insistence, Culverhouse and Millians landed their helicopter and removed some civilians from a bunker. Thompson was in a rage: he had spent the morning watching Charlie Company commit murder. Finally, observing about ten women and children huddled in fear as Lieutenant Calley and his men approached them, Thompson landed his craft, ordered his two machine gunners to train their weapons on Calley, and announced that he was going to fly the civilians to safety. "The only way you'll get them out is with a hand grenade," Calley replied. Thompson radioed to Culverhouse and Millians and asked them to land their helicopter to begin evacuating the civilians. They descended. For combat helicopter pilots, the decision to land was heresy, because the aircraft are exceptionally vulnerable to enemy fire during the slow moments of descent and ascent. As the helicopter (landed, Thompson and his door gunner began coaxing the civilians into the craft.

Captain Livingston testified before the Peers commission that he had heard Thompson make three separate radio transmissions about unwarranted killings, beginning sometime after nine. Thompson complained twice about a captain who had shot and killed a Vietnamese woman, and his third complaint was about a black sergeant who had done the same thing.

General Koster habitually kept up with the swirl of action in his area of responsibility by monitoring three or four radio frequencies; he was constantly on the alert for the first signs of trouble or enemy contact anywhere. Such signs can always be heard over the airwaves—calls for reinforcements, medical helicopters, more ammunition, more firepower. The General's helicopter had an elaborate radio console, and, if he chose, he could tune in on communications between helicopters and ground forces, the task force and the companies, or the brigade and the task force. Despite the information available to him, Koster, in his testimony to the Peers commission, could not recall any details of the My Lai 4 operation. Asked if he had seen the hundreds of Vietnamese civilians fleeing the hamlet that morning, the General replied, "I can't tie it to this particular operation. I've flown over several of them, and this one doesn't distinguish itself from any other as far as this type of thing is concerned." Colonel Henderson, however, testified that he saw from six to eight bodies that might be civilians during his early-morning flight over My Lai 4. He recalled checking immediately with Colonel Barker and being told that the victims had been killed by artillery fire. Those were the only bodies he reported seeing, although he flew over My Lai 4 on at least three occasions that day. At least one other passenger aboard his aircraft, however, testified to having seen many more. Sergeant Adcock, Henderson's radio operator that day, told the Peers commission that he had observed from thirty-five to forty bodies in all during his trips over My Lai 5. The command-and-control helicopter, he said, usually flew at an altitude of fifteen hundred feet—out of the range of small-arms fire—but had travelled much lower during the morning trips over the hamlet, occasionally going "low enough to make the rice wave." The other passengers on the flight were Major Robert W. McKnight, the 11th Brigade operations officer, who testified that he had seen perhaps five dead bodies; Colonel Luper, the brigade's artillery commander, who said he had seen from fifteen to twenty bodies; and Air Force Lieutenant Colonel William I. MacLachlan, who was assigned to coordinate air strikes, if necessary, and who said he had seen only a few bodies. None of the passengers, including Adcock, specifically recalled hearing anything about Americans murdering Vietnamese.

The only known complaints made before nine that morning came from Thompson and other members of the 123rd Aviation Battalion. The helicopter unit, normally stationed at the Americal Division headquarters, at Chu Lai, had set up a special operations van and refueling station at Landing Zone Dottie, the headquarters area (named after Colonel Barker's wife) for Task Force Barker, to increase the support it could provide for the task force. Former Specialist Fifth Class Lawrence J. Kubert, who was serving as the operations sergeant for the aero-scout company of the battalion, told the Peers commission that he and others in the van had heard pilots' complaints early that morning about the excessive shooting of civilians by the Sharks from the 174th Aviation Company. The complaints were relayed to the task-force operations center at Dottie, only three hundred yards away, with a warning that most of the persons fleeing the village were women and children. Kubert recalled that Colonel Henderson, identifying himself by his radio code name, Rawhide Six, subsequently warned the combat units by radio, "I don't want any unnecessary killing." A similar statement from Henderson was heard by two areoscout pilots during the morning. Kubert said he assumed that the warning was directed at the gunships.

By 9 a.m., Colonel Henderson was back at the task-force operations center. He had spent more than an hour over My Lai 4, leaving for only a few moments shortly after eight to watch Bravo Company begin its assault on My Lai 1—a target it never reached. Within the next thirty minutes, the Colonel was joined by most of the senior officers of the task force and the 11th Brigade. Major Calhoun, the task-force operations officer, and Master Sergeant William I. Johnson were monitoring the radios in the operations center. Captain Charles R. Lewellen, the assistant operations officer, who ran the night shift at the task-force operations center, had stayed up to transcribe the reports of the operation with his tape recorder. A copy of that tape was later made available to the Peers commission, and it provided a minute-by-minute timetable for the first hours of action. The tape also helped prove to the satisfaction of the Peers investigators that a coverup—involving the manipulation of battlefield statistics—had taken place between eight-thirty and nine-thirty at Landing Zone Dottie.

At that time, Colonel Barker was still flying over the combat area; he had been out there for more than an hour. At eight-twenty-eight, according to the Lewellen tape, Barker had radioed Captain Medina, saying, "I'm heading back to refuel. Have you had any contact down there yet?" Lewellen's tape did not record Medina's response, but Barker, apparently informed that the company was

making a body count, said, "Dig deep. Take your time and get 'em [the Vietcong] out of those holes." Medina gave him the body count, and Barker asked, "Is that eight—ah, eight-four K.I.A.s?" Having been told that it was, Barker radioed Sergeant Johnson, "Returning to your location to refuel." A few minutes later, Barker landed at Dottie and rushed to the operations center, arriving just as a clerk was noting in the official task-force log, "Co. C has counted 69 V.C. K.I.A." The map coordinates for My Lai 4 were listed alongside the entry, which was filed at eight-forty. The log statistics were not cumulative, and the new report of sixty-nine kills, added to the earlier claims of fifteen, gave Charlie Company its total body count of eighty-four.

By this time, the operations center should have been in a state of jubilation, but most of the men there were aware that none of the normal sounds of combat were coming from the radios—just a steadily climbing total of enemy kills. The only American casualties reported by nine o'clock were a lieutenant and some enlisted men from Bravo Company who had triggered land mines. The Peers commission, during one of its interrogations of Colonel Henderson, suggested what really was going on: "They [Charlie Company] went through this place in less than an hour. By the time you were ready to come back [to Landing Zone Dottie], they had been practically through the village. . . . There were dead civilians all over the place. There wasn't any resistance. There wasn't a shot fired after that. . . . Hootches were burned by this time." About nine, Specialist Fifth Class Kubert relayed the reports from the pilots over My Lai 4 to the task force.

Just before nine, Colonel Barker flew from Dottie to the Bravo Company area, near My Lai 1, to evacuate the men wounded by mines and to approve the change in mission for Captain Michles's men. He returned about forty minutes later—well after the first of Warrant Officer Thompson's complaints had been received. Captain Kotouc, the task-force intelligence officer, who had spent the morning dashing in and out of the operations center, told the Peers commission that he had heard one of Thompson's protests over a task-force radio. "There was a report from . . .the helicopter pilot," he testified. "The report . . . was something about someone getting shot with a machine gun. 'Looks like they are shooting them with a machine gun. Someone is going across the road and is getting shot with a machine gun.' The helicopter pilot, whoever he was, said something like 'He doesn't have a weapon,' or words to that effect." The operations center was chaotic. By the time Thompson made his complaints, Bravo Company had been given permission to forget its main target, My Lai 1, the headquarters base of the V.C. 48th Battalion, and proceed instead to My Khe 4 and other hamlets to the south. Yet Major Calhoun did not know until the Peers commission told him that Bravo Company had not entered My Lai 1 on March 16th.

Under Army regulations, all the task force's significant actions had to be relayed immediately to the 11th Brigade for inclusion in that unit's reports to the American Division. The brigade daily log for March 16th noted that Task Force Barker had reported the following at nine-thirty: "Counted 69 V.C. K.I.A. as a result of Arty [artillery] fire." Suddenly and inexplicably, the sixty-nine kills reported by Charlie Company were attributed to artillery. The map coordinates for the engagement were also changed—to an area about six hundred metres north of My Lai 4. The altered information, which was filed with the brigade fifty minutes after the task force received it—an unheard-of delay for such "good" news—became a focal point of the Peers investigation, which was never able to learn who had filed it. The eight-forty entry was the last Charlie Company combat report logged by the task force for the day, although one witness told the Peers commission that he was with Captain Medina when the Captain radioed a body count of three hundred and ten, later that morning. (Medina and all the others involved denied any knowledge of such statistics.)

Peers and his staff closely questioned the artillery officers connected with the My Lai 4 operation in an attempt to determine how they had accepted credit, without question or investigation, for the killing of sixty-nine Vietcong as a result of a three-to-five-minute artillery barrage. Captain Dennis R. Vazquez, the liaison officer between the task force and its artillery support, spent that morning aboard Colonel Barker's helicopter, and later claimed that the report of sixty-nine Vietcong killed by artillery had been provided him by an artillery forward observer assigned to Charlie Company. He said he had accepted the statistic without question.

Captain Medina and former Lieutenant Roger L. Alaux, Jr., the artillery forward observer in Charlie Company, both testified that they knew nothing about large numbers of deaths caused by artillery and that they had no idea how the total of sixty-nine had originated. Alaux told the Peers commission that he had officially learned of the figure after the operation. "I accepted that number," he said. He added, however, that it did not impress him "as being a particularly valid number."

The figure similarly went without challenge from any of the senior artillery officers in either the battalion or the division. Colonel Luper, who flew over the area after learning of the sensational body count achieved by his men, did not check on the figure. Asked what he had done during the second ride with Henderson over My Lai 4, Luper responded, "I assume I rode in a helicopter, sir. I must have looked out some, but I'm telling you that I don't recall anything, sir."

At nine-thirty-five, General Koster landed at Dottie and was met by Colonel Henderson. According to Henderson, Koster "asked me how the operation was going, and I gave him the result as I knew it at that time." Henderson's testimony continued, "I did tell him, or he asked me, about any civilian casualties, and I do recall telling that, 'Yes, I had observed six to eight,' but I had no other report from Colonel Barker as to civilians killed, but I had observed these." In an earlier version of that statement, Henderson testified that he had told Koster that some of the civilians appeared to be victims of artillery fire, but he made no mention of gunfire. Koster's memory was consistently foggy throughout his interrogations by the Peers commission. He repeatedly denied any recollection of specific conversations. When Koster was told, for example, that Colonel Henderson had suggested that the General initiated the questions about civilian casualties, and was asked why, he said, "Nothing other than this was a populated area and I would have had concern, because, assuming I had been flying over the area of operations and had just seen a lot of civilians moving along the road." He could not recall if he was over the area that morning, he said, but "assumed" he had been. The two officers agreed that Koster had ordered Henderson to find out how many civilians were killed during the operation.

Henderson then took off for another tour of the My Lai 4 area, again accompanied by his staff. He told the Peers commission that he had radioed Barker and passed along Koster's demand that civilian casualties be tabulated. Henderson further testified that it was on this trip that he finally had noticed some burning buildings, and had again radioed Barker, "to ask him why those buildings were burning." Henderson continued, "To the best of my recollection, he told me that the ARVN [Army of the Republic of Vietnam] or—not the ARVN, the National Police or the company interpreter . . . that was with the companies were setting them afire. And I told him to stop it." At that point, there were no National Police—South Vietnamese paramilitary police units—on the mission.

Captain Medina testified, however, that he had never received any orders regarding the burning, which continued for some time after the shooting ended. Medina did acknowledge that Major Calhoun, as a result of Warrant Officer Thompson's complaints about the shooting of civilians, had radioed him, "Make sure that . . . innocent civilians were not being killed. I notified all the platoon leaders . . . to . . . put the word out to their people, that if there were any innocent civilians, or any women and children who were not armed, make sure they did not shoot them." (A similar warning was given to Captain Michles.) Calhoun's warning was broadcast on the frequency assigned to Charlie Company and not on the task-force frequency, thus eliminating its chances of being monitored at higher headquarters. At this point, Medina testified that he had seen "somewhere between twenty to twenty-eight" dead civilians in My Lai 4, but he claimed nonetheless that Thompson's complaints were based solely on his killing of a woman in a paddy field outside the hamlet. (Lieutenant Alaux, who was at Medina's side throughout the operation, told the Peers commission, however, that he had observed sixty to seventy bodies in the hamlet.) Medina said that he had shot the woman, with Thompson's helicopter overhead, after she made a threatening gesture.

Around eleven that morning, the men of Charlie Company were preparing to have lunch, and Specialist Fifth Class Roberts, of the brigade public-information office, who had landed with Charlie Company and had witnessed the murder of women and children, thought that it was time for him to check in with Bravo Company, near My Lai 1. "I guess I was looking for a story of American heroics in combat," Roberts told the Peers commission. "Maybe I could go somewhere else and see what was going on."

Warrant Officer Thompson returned to the improved helicopter base at Dottie before noon. He and his two crewmen were enraged and frustrated. Their last mission had been to fly a wounded Vietnamese boy to a civilian hospital in the city of Quang Ngai; they had spotted the youth—still alive—amid the bodies in the huge ditch at My Lai 4. Thompson had landed his helicopter near the ditch—the third time he had been on the ground that morning—and his crewmen had rescued the boy. His clothes bloody, Thompson walked into the operations van to describe the scene to Major Watke, the commander of the 123rd Aviation Battalion's aero-scout company. A few other pilots went with him. Specialist Fifth Class Kubert later told the Peers commission that he had listened closely. "They were white, their faces were drawn . . ." he testified. "They were very tense, very angry. . . . The whole feeling—it wasn't just one man, it was three or four saying the same thing, the look, the force that they put out—was one of seeing something terrible. And there are men that are used to seeing death."

Watke, according to his later testimony, did not share his pilots' rage. He was left with the impression that perhaps twenty or thirty civilians had been killed—"people that obviously could've been construed, I guess, as not having been hostile," he told the Peers commission. He also testified that he did not recall hearing details from Thompson about a ditch filled with bodies. The fact is that Watke was more immediately concerned with Thompson's having landed at My Lai 4—and having thus interfered with the prerogatives of a ground commander—than with Thompson's story of a massacre. "In my mind, after I had talked with

them, I was left with the impression that it was just in their minds," he testified. "Maybe there was a little shooting in the area that wasn't called for. That was the only impression that I went to Colonel Barker on." Watke spent fifteen minutes debating what would happen to him if he reported the massacre story. He finally decided to go to Barker.

Watke went to the nearby task-force operations center at Dottie and reported the incident to Barker, stressing not the murders but the confrontation between his helicopters pilots and the ground troops. By then, Barker had received the reports of indiscriminate shooting from the radios, and had flown over My Lai 4 to have a look. Recalling Barker's first reaction, Watke testified, "Colonel Barker didn't get indignant when I brought it to his attention. His first action was to call out and, as best as I can recall, Major Calhoun was airborne, and he told Major Calhoun, in effect, to look into this." Major Calhoun testified that after receiving Barker's request he had checked with Captain Medina and told him "to make sure that there was no unnecessary killing of civilians and no unnecessary burning." By that time, of course, the warning was far too late. The Major also said that he had flown over Bravo Company's operational area at roughly the same time to check with the company. Not long after, Lieutenant Thomas Willingham, the leader of the company's first platoon, ordered his men to cover the slaughtered civilians at My Khe 4 with straw.

By noon, it was clear to most of the men on duty at the 11th Brigade operations center—as it had been for some time at task-force headquarters—that something was seriously wrong at My Lai 4. "Nobody was proud of the body count," John Waldeck, a former intelligence clerk, told me in an interview. "The officers seemed to kind of restrain themselves." Waldeck clearly remembered hearing radio reports from Thompson on the morning of March 16th. "They came in for only a few moments," he said. "I remember him saying that civilians were running all over and they [the men of Charlie Company] were zapping them." Roy D. Kirkpatrick, the operations sergeant for the brigade, told the Peers commission he had heard Thompson say that Charlie Company was shooting civilians. The Sergeant, a career Army man, indicated that he wasn't much upset by the report. "We called back to Colonel Barker . . . and asked him what was going on," he said. "The indication that I took from my position in the T.O.C. [tactical-operations center] would have been to not give credit to this, because the people that we were combatting were dressed as civilians."

The brigade staff spent much of the day on the telephone to the task-force operations center, urging Major Calhoun and the other men on duty there to pursue the enemy and capture more weapons. Everyone was aware of what was happening in the field, Waldeck said. "We weren't taking any weapons and had no casualties," he told me. "And there were no calls for help, medevacs, or gunships—none of that." At one point, he said, Lieutenant Colonel Richard K. Blackledge, the brigade intelligence officer, had come into the operations center and expressed concern. Yet Blackledge, when he testified before the Peers commission, said, "The only thing I was really aware of was how many casualties we had taken that day. It was quite light and I just attributed this to the fact that we had caught them with their pants down . . . it appeared to be the case, because we never had this kind of figure in such a short time."

Colonel Henderson, in a written statement he gave to the Peers commission, said that he had discussed the operations at least twice with Colonel Barker during the early afternoon. He added, "I received a report from him that a total of some one hundred and twenty-eight enemy and twenty-four civilians had been killed in the operation. He was still attempting to secure additional information regarding the manner in which the civilians had been killed." Specialist Fifth Class Jay Roberts, of the brigade's public-information office, also saw Barker that afternoon. Roberts returned to Landing Zone Dottie disturbed about what he had seen and unsure about what to write. The truth, he knew, would probably never leave the brigade public-information office. Roberts told the Peers commission that he had interviewed Barker about the mission at the task-force operations center a few hours after returning from the mission. "I asked him for a statement, 'Give me a quote on your opinion of the operation,' things like that, and he said something to the effect that it had been highly successful, that we had two entire companies on the ground in less than an hour and they had moved swiftly with complete surprise to the V.C. in the area. . . . And I asked him, of course . . . about the high body count and the low number of weapons, and he just indicated to me that—you know—that I would do a good job writing the story, and said: 'Don't worry about it.' . . . He did . . . indicate to me that he didn't feel that it was necessary for him to comment on it. It wasn't part of my story, particularly, anyhow, and I would do a fine job with the information that I had." Roberts' story, which was rewritten by Army public-information offices along the chain of command, was the basis of that day's news about a "victory." In addition to starting a chain of events that led to the distortion in news reports of what happened that day, Colonel Barker had taken three other steps that, in effect, obscured the truth about My Lai 4: he had indicated to his artillery liaison officer, Captain Vazquez, that the report of sixty-nine Vietcong deaths resulting from artillery fire should be accepted without question; he had assured Major Watke that Warrant Officer Thompson's report of the killing of civilians was unfounded; and going over Colonel Henderson's head, he had urged General Koster to countermand an order from Henderson that would have sent Captain Medina and Charlie Company back into My Lai 4 to examine the destruction there.

That afternoon, when the pilots from the 123rd Aviation Battalion had completed their assignment at Landing Zone Dottie, they flew back to their home base, at Chu Lai. Captain Gerald S. Walker, a section leader with the aero-scout company, met the men at the flight line. Some of the pilots jumped off their aircraft and threw their helmets to the ground. "They all seemed quite upset," Walker told the Peers commission. "In fact, some of them seemed disgusted." Thompson was still complaining about what he had seen as he walked to the operations room to prepare his reports on the action. Major Watke, who had already been told by Barker that Thompson's story could not be substantiated, was also in the operations room. Walker recalled that Watke "tried to quiet some of the people down to try to keep it within our own group."

At three-fifty-five in the afternoon of March 16th, this entry was filed in the official Task Force Barker log: "Company B reports that none of V.C. body count reported by his unit were women and children. Company C reports that approximately 10 to 11 women and children were killed either by arty or gunships. These were not included in the body count." The log noted that the information had been forwarded to the 11th Brigade, but the information did not appear in either the brigade or the division log for the day. Neither Major Calhoun nor Colonel Henderson could explain the entry to the Peers commission. After a series of sharp questions about the entry, Major Calhoun, on the advice of his counsel, decided to exercise his legal right to stop testifying.

In the evening of March 16th, the briefing officers of the Americal Division at Chu Lai reported a total Vietcong body count of a hundred and thirty-eight for the division, all but ten of the deaths having occurred as a result of the Task Force Barker operation. Lieutenant Colonel Francis R. Lewis, the division chaplain, was one of about fifty officers who attended the briefing that night. "We were told a hundred and twenty-eight V.C. were killed in the incident," Chaplain Lewis told the Peers commission. "And I heard . . . the G-5 . . . say, 'Ha ha, they were all women and children.' . . . Somebody else said, 'Geez, there were only three weapons.' . . . I think there was a general feeling that this was a bad show, that something should be investigated." There was no official mention of civilian caualties.

General Koster and General Young, the assistant division commander, left the briefing together, and they discussed the disparity between the number of people killed and the number of weapons captured. Captain Daniel A. Roberts, Koster's aide, was walking a few feet behind the men. "General Koster made some—there must have been some comment made by General Koster about the disparity," Roberts told the Peers commission, "and General Young was very annoyed. General Young said he was going to find out, he was going to continue to research the problem and determine what caused this disparity. It was my impression at the time that the 11th Brigade had lied about their body count—that the weapons were correct but the body count was inflated." Roberts said that the incident had taken place "during the period in which there was a great deal of concern over inflated body counts," and added, "We'd had many people come down investigating this thing."

At least three attempts were made that evening to bring some of the truth about My Lai 4 to the attention of higher authorities. Former Captain Barry C. Lloyd, a section leader with the 123rd Aviation Battalion, underlined some of the words in Warrant Officer Thompson's report and wrote the word "NOTICE" in capital letters beneath a statement about civilians' being killed at My Lai 4. Such reports, Lloyd testified, were filed after every mission with the battalion intelligence office. He hoped that his small action would make some of the senior officers in the battalion begin asking questions. Kubert, the acting operations sergeant for the areo-scout company, also filed a report. "I wrote that there was approximately one hundred to one hundred and fifty women and children killed," Kubert told the Peers commission. "And that was about it as far as our action was concerned." Copies of his report were sent to the aviation headquarters of the Americal Division and also to the division intelligence office. The Peers investigators were unable to find either of the reports or any officer at division headquarters who had any knowledge of them.

Major Watke spent much of the evening in his office at Chu Lai brooding over the discrepancies between what he had learned from his men and what he had been told by Colonel Barker. Around ten, Watke decided to take his story to his immediate superior in the chain of command, Lieutenant Colonel John L. Holladay, the commander of the 123rd Battalion. Much of his worry was over his own future, Watke told the Peers commission. He said, "I still didn't at the time put all that much significance in the allegation . . . but I told him because I didn't want someone to come back and surprise him [by saying] that I was out charging people and creating incidents which weren't founded and he wouldn't be able to at least halfway come to my defense." Watke's greatest concern was over the possible ramifications of Thompson's interference with the commander on the ground at My Lai 4. He told Holladay about Thompson's reasons for making the unusual landings on the ground, but he apparently wasn't convinced himself that the pilot's actions had been justified. Holla-

day warned him, Watke recalled, that "my charge was quite something and if it proved to be false . . . that I would just basically be ruined." But Holladay was more concerned about the reports of indiscriminate killings than about the possible violations of procedure by Thompson. He had sat through the evening briefing at Division, and perhaps he, too, had been wondering about the high body count and the small number of captured weapons reported by Task Force Barker. "At the conclusion of my little story . . . he [Holladay] asked me if I realized what I was doing, and he told me I had better make sure if I was to stand on it," Watke testified. "I thought about it for a while and I said, 'Yes, I stand on what I said.' " There was no question in Holladay's mind after Watke's visit but that a great many civilians had been murdered—perhaps as many as a hundred and twenty. Holladay told the Peers commission that he had considered waking up his immediate superior, General Young, that night to relay Watke's account but decided to wait until the next morning. He ordered Watke to meet him sometime after seven o'clock.

Sometime during the evening of the sixteenth, Colonel Henderson telephoned General Koster at his headquarters to report that at least twenty civilians had been inadvertently killed at My Lai 4—something that Koster already knew from Captain Medina. Henderson's information, however, came from Barker, who had been told to prepare a three-by-five index card for him detailing how each of the twenty victims was killed. Barker's list would claim that the deaths were caused either by artillery or by helicopter-gunship fire. Henderson's report should not have surprised Koster, yet the Colonel recalled that the commanding general "evidenced considerable surprise and shock at the number." He continued, "General Koster was very unhappy, as was I, over this abnormally high number of civilians having been reportedly killed. But there were no further instructions from the General."

[From the New Yorker, Jan. 29, 1972]

A REPORTER AT LARGE—COVERUP II

Shortly before 8 a.m. on Sunday, March 17, 1968, two American military commanders walked into the headquarters of the Americal Division, at Chu Lai, South Vietnam, to report one of the most shocking events of the entire Vietnamese war—the massacre by American forces of scores of Vietnamese civilians the previous day at a hamlet known as My Lai 4. Both officers—Lieutenant Colonel John L. Holladay, the commander of the 123rd Aviation Battalion, and Major Frederic W. Watke, the commanding officer of Company B of the 123rd Aviation Battalion, which was attached to the Americal—were nervous, for in addition to reporting what appeared to be a major war crime they had to tell their superiors about a serious confrontation between two American officers at My Lai 4. The confrontation occurred when a chief warrant officer in the 123rd, Hugh C. Thompson, Jr., of Atlanta, who had been piloting a helicopter during the assault on My Lai 4, landed the craft in order to rescue some of the Vietnamese civilians who had become the focus of the American attack. Thompson was met by Lieutenant William L. Calley, Jr., who was a platoon leader in Charlie Company, one of three infantry companies that made up a unit called Task Force Barker. (The task force itself was part of the 11th Light Infantry Brigade, one of three brigades in the Americal Division.) Calley bitterly protested Thompson's interference, and Thompson, for his part, ordered the two machine gunners in his helicopter to train their weapons on the Lieutenant while the civilians were being taken on board. At about the time this confrontation was taking place, Bravo Company, another of the infantry companies in Task Force Barker, was carrying out an assault on the hamlet of My Khe 4, a mile and a half to the southeast. When the day's operation was over, the two hamlets had been virtually razed and an officially estimated total of nearly four hundred Vietnamese civilians had been killed, most of them in My Lai 4. By the time the news of the task-force operation reached the American public, the next day, what was actually a large-scale atrocity had been officially transformed into a significant American victory over hostile Vietcong.

The true version of what happened in the two hamlets that day began to emerge only a year afterward, when a former G.I. named Ronald L. Ridenhour, of Phoenix, Arizona, who had heard of the masacre while he was serving with the 11th Brigade in Vietnam, wrote a letter to President Nixon, to other top government officials, and to twenty-four members of Congress telling what he knew of the "dark and bloody" assault on My Lai 4. Gradually, as the facts about what had gone on that day came out, the Army realized that it was dealing not only with the matter of serious war crimes but also with that of widespread deceit on the part of American officers, who, for various reasons, presumably including the desire to protect their own careers, had covered up virtually all the details of the masacre. On November 24, 1969, eleven days after publication of the first press accounts of the massacre, the Army announced that it had appointed a commission, headed by Lieutenant General William R. Peers, then serving as Chief of the Office of Reserve Components, to investigate the charges of a coverup of the atrocity. Peers, fifty-seven, is now assigned as deputy commander of the Eighth United States Army, in South Korea. He had spent more than two years as a commander in Vietnam before his assignment to the My Lai 4 inquiry, serving both as commander of the 4th Infantry Division and as commander of the I Field Force in central and north-central Vietnam. Peers and his colleagues—the commission was officially known as the Department of the Army Review of the Preliminary Investigations into the My Lai Incident—began their work on November 26, 1969, and ended it nearly four months later; they recommended that charges ranging from false swearing to misprision (suppression) of a felony be placed against fourteen officers, including two generals, for their role in covering up the massacre. In all, the Peers commission interviewed four hundred witnesses, most of them at the Pentagon and about fifty of them in South Vietnam.

Two of the men who testified before General Peers were Colonel Holladay and Major Watke. One of the things that Holladay told the Peers commission concerned his meeting, the morning after My Lai 4, with Brigadier General George H. Young, Jr., one of the assistant commanders of the Americal Division, who received both Holladay and Watke when they arrived at the division headquarters to report on what had taken place at My Lai 4. "I went into General Young's office and told him . . . that something had occurred that I felt he should know about right away," Holladay testified. "And he invited us in, that is, Major Watke and me. I turned to Major Watke, as near as I can recollect. I said, 'Go ahead, you tell General Young the same story you told me last night.' . . . He told the same story to General Young on the seventeenth that he told to me on the night of the sixteenth. And here again, the points of that conversation that stick most clearly in my memory are the fact that there was some excessive killing down there that day, the sergeant standing on the ditch, firing an M–16 or M–60 machine gun into the ditch, into a number, a great number, many civilians, and Mr. Thompson threatening to fire upon the advancing Americans . . . Fred told the story with little or no variation . . . and General Young sat there and listened to it very attentively. . . . Again, when the portion of the story unfolded that Mr. Thompson threatened to fire on the Americans, he was visually taken aback by this and showed great concern. . . . He may have said, 'My God,' or some exclamation or revelation to that portion of the story. . . . The only specific words that I remember General Young stating that morning was 'We don't want Americans shooting Americans.' Those were his precise words."

General Young testified that he had come away from the meeting with no knowledge of any murders. "I gained the impression, General Peers, that the civilians were in a cross fire between the friendly forces and the enemy forces," Young said. "That, in an effort to save the civilians and to insure that they were not injured, the pilot landed. . . . I would say, to the best of my knowledge, there was no mention made of any noncombatant casualties. I cannot recall being informed of any noncombatant casualties." Young said that the only confrontation he was told about involved Thompson and the ground troops.

At lunchtime on March 17th, when Major General Samuel W. Koster, the Americal Division commander, returned to his headquarters at Chu Lai from a routine inspection flight, Young took him aside to relay the report from Holladay and Watke. Koster testified that Young had explained the helicopter incident in the following manner: "The pilot had wanted to bring in some ships for evacuation of personnel, and I guess the ground commander at the time hadn't thought this was the time or the use of gunships for that mission." He said he had not been told about the murders at My Lai 4, nor had he been told that Thompson had trained his machine guns on fellow-Americans in order to evacuate Vietnamese civilians. (Yet in an earlier statement, given to the Army's Criminal Investigation Division, Koster acknowledged that he had been told by Young during the meeting that there had been some "indiscriminate shooting of Vietnamese civilians.") After hearing Young's report, Koster said, he ordered him to "find out what went on down there; interrogate the people involved and the leaders concerned and let's have the facts." Shortly after his meeting with Young, General Koster either telephoned or personally visited Lieutenant Colonel Frank A. Barker, Jr., the commander of Task Force Barker, and asked him about the conduct of his troops. "I received no indication from him that there had been unusual firing or incidents," Koster testified.

The Peers commission posted this inevitable question to Young and—indirectly—to Koster: If the only reports presented to them concerned some civilians inadvertently killed by cross fire or by overzealous infantrymen and a pilot who became involved in a dispute while attempting—perhaps recklessly—to rescue some civilians, what had there been to investigate? What, in other words, were "the facts" that Koster wanted Young to get at? None of those incidents were specific violations of any Army regulations or of international law.

Early that Sunday morning, Chief Warrant Officer Thompson, still angry over the massacre and his confrontation with Calley, visited Father Carl E. Creswell, the Episcopal chaplain at Chu Lai, and told his story again. He came in and "sat down very upset," Father Creswell told the Peers commission. Creswell particularly recalled Thompson's angry denunciation of a "sawed-off runt of a lieutenant" who had challenged him on the ground at My Lai 4. "He . . . wanted to know what to do from that point on," Creswell said. "It was my suggestion that he lodge an official protest in command channels and I'd do the same thing through chaplain channels." Creswell immediately went to see Lieutenant Colonel Francis R. Lewis, the Americal Division chaplain, who was his immediate superior in the chain of command. "I told him about these allegations

that had been made," Creswell related. "And that I had an awful lot of confidence in Mr. Thompson and that I would—well, I'll be perfectly honest. I said that if there was not going to be an examination into these charges, I was going to resign my commission. . . ." Lewis planned to forward the complaint immediately to General Koster or his key assistants, through Lieutenant Colonel Jesmond D. Balmer, Jr., the operations officer for the Americal Division. Balmer was on leave at the time, however, so Lewis decided to wait until Balmer returned.

At Americal Division headquarters, Colonel Holladay decided to tell the division's chief of staff, Colonel Nels A. Parson, Jr., about the report he and Major Watke had made to General Young. Holladay testified that he went to Parson's office and "told him the story as Fred [Watke] had told it to me," and he continued, "I can recall Colonel Parson using the term 'That's murder,' and I can recall him saying, 'We're trying to win these people over and we do things like this.' . . . He was visibly and forcibly shaken up about this story."

That afternoon, General Young began the investigation that Koster had ordered by flying to Landing Zone Dottie, the headquarters for Task Force Barker. By the time General Young arrived there, much of the area to the east was shrouded in heavy smoke. Both Charlie Company and Bravo Company were continuing their search-and-destroy mission in Son My that day, burning at least six hamlets along the South China Sea coast near My Lai 1 and inland. The Peers commission investigated the weather conditions for March 17th and learned that, according to an official weather report, skies were fair, with some scattered clouds at four thousand feet: visibility was seven miles. Young acknowledged to the commission that he had probably flown over the operational area that afternoon, but he hedged when he was asked if he had seen the fires. "I possibly did see some, sir," he said. "As I said before, I don't recall it." General Young's aide at the time, Lieutenant Donald T. White, had a much clearer recollection of the area. "I remember one time there was a big operation along here, especially, because I remember there was a lot of smoke flying over the area," he told the Peers commission. "A lot of villages were burned." Specialist Fourth Class Henry E. Riddle was a door gunner aboard General Young's helicopter that day. He testified that at some point as they were flying along the South China Sea coast near Son My one of the pilots shouted, "My God, look at the fires!" Riddle continued, "I sat on the same side as the General. . . . There was a lot of smoke so I just took it . . . that it was hootches [huts] and so on burning."

At Landing Zone Dottie, Major Charles C. Calhoun, operations officer for Task Force Barker, gave Young an extensive briefing on the operation. The Major testified later that he had told the General "that sixty-nine were killed by artillery fire and that I thought that possibly some of those were civilians that had been killed by the artillery fire." Young asked him no direct questions, Calhoun testified, although the General "said something about that they were aware of some incident." The talk of artillery killings must have surprised the General; there had been no mention of artillery at the division briefing the night before.

Sometime after his briefing at the task-force headquarters, General Young ordered Colonel Oran K. Henderson, commanding officer of the 11th Brigade, Major Watke, Colonel Barker, and Colonel Holladay to attend a meeting with him there the next morning. Whatever he had heard or seen that afternoon apparently troubled him. Lieutenant Colonel Tommy P. Trexler, the Americal Division intelligence chief, recalled that sometime that day—or perhaps early the next day, the eighteenth—while he was flying in a helicopter with General Young, they began a private discussion on the intercom. Young was unhappy about the task force, Trexler told the Peers commission. "The main thing that stands out was [Young's] concern . . . that the people had gone beyond what he conceived was proper conduct," Trexler testified. "Units had indiscriminately burned villages and burned hootches."

In any case, by late evening of the seventeenth all the signs of a serious atrocity were present—one that might force an official investigation and, perhaps, widely publicized courts-martial, which could ruin the careers of many high officers. Over the next few weeks, the growing evidence that a massacre had taken place at My Lai 4 was either disregarded or covered up.

At nine on Monday morning, March 18th, Colonel Henderson, Colonel Barker, Colonel Holladay, and Major Watke arrived at Landing Zone Dottie for the meeting called by General Young. The five men moved, at Young's suggestion, into Barker's personal living quarters—a small house trailer a few dozen yards from the task force operations center. Young sat on Barker's bed; the junior officers stood. Colonel Holladay later told the Peers commission, "General Young opened up the meeting . . . by saying . . . 'We are the only five that know about this.'" Holladay asked Watke to retell his story for the third time. The only person in the room who hadn't yet heard Watke's account at first hand was Henderson. Holladay and Watke agreed, in their testimony before the Peers commission, that the Major gave the same account he had given previously of the My Lai 4 confrontation between Warrant Officer Thompson and the ground troops and of the wanton shooting of civilians. Holladay recalled that Henderson did not seem surprised or shocked by Watke's tale, and he testified that when Watke had finished Young said again, "We don't want Americans shooting Americans," and told Colonel Henderson. "I want you to investigate this and have it to me . . ." Holladay's impression was that Colonel Henderson had been given 72 hours to complete his inquiry, and, he said, he left the meeting convinced that Henderson had been ordered to investigate the confrontation between Thompson and Lieutenant Calley and the indiscriminate killings, although no specific directives had been given. Watke recalled that Henderson, after hearing the account, suggested that Barker be assigned to investigate it, but was told by Young, "No, I want you to look into this and render a report."

Colonel Henderson told the Peers commission, however, that he had left the meeting convinced that the Thompson confrontation was to be the crux of his investigation. "The primary point that we were talking about, or the initial point, at least, was the confrontation between United States troops, between Warrant Officer Thompson and the troops on the ground," Henderson said. He denied hearing any information at the meeting about American G.I.'s shooting indiscriminatory in My Lai 4, except for the alleged shooting of a woman by Captain Ernest L. Medina, the commander of Charlie Company He also insisted that he had not been ordered to compile a formal investigation but had been told by Young only to "look into this matter" and to report his findings.

General Young had yet a different recollection of the meeting. He testified that he had spent only a few moments in Barker's trailer, during which he had relayed a request from General Koster that the incident be investigated quickly. Young emphatically denied a statement—made only by Colonel Henderson—that he had criticized Thompson at length for his actions at My Lai 4. "I admired the Warrant Officer for the action he took, and the fact that he did what he did," Young told the Peers commission. He added that during the meeting he had asked Barker what he knew about Thompson's accusations regarding indiscriminate firing. The task-force commander "acted quite surprised and gave every assurance that there had not been any casualties resulting from his troops," Young said. "He had indicated that he had received this report, but he . . . did not actually believe what had been reported." Young maintained, despite the briefing by Major Calhoun at Landing Zone Dottie the day before, that he had not been told at any time that "there had been civilian casualties resulting from either ground troops' engagement or helicopter engagement." Still, he said he thought the investigation that Henderson had been ordered to undertake would deal basically with the charge that civilians had been inadvertently caught in the cross fire at My Lai 4.

The conflicts over who said what and when were inevitable, given the fact that men's careers and reputations were at stake. But if Young had not learned from Watke at either of his meetings with him that there had been needless killing of civilians, the question remains: What did he ask Colonel Henderson to investigate? Shooting civilians accidentally in the heat of battle is not a war crime. At any time, too, Young could still have ordered one of the units in the Americal Division to inspect the area, and thus find out for himself—instead of relying on comments from those who had the most to lose—what had happened. Ronald Ridenhour and his 11th Brigade helicopter crew did inadvertently fly over the hamlet while they were on patrol a few days after the massacre. Ridenhour was appalled by the complete desolation at My Lai 4. "Not even a bird was singing," he told me later. "There were no people around. No signs of life anywhere."

After the meeting in Barker's trailer, Colonel Henderson, beginning his inquiry, asked Watke to send some of the complaining pilots to him for interviews. The aviators had been pulled off flight duty the day before in anticipation of the Colonel's request. Watke walked to the 123rd's operations van, three hundred yards away, and ordered Warrant Officer Thompson, Warrant Officer Jerry R. Culverhouse, who had been piloting a helicopter in support of Charlie Company, and Specialist Fourth Class Lawrence M. Colburn, one of Thompson's door gunners, to report to Henderson, who was still in Barker's personal quarters. Thompson testified before the Peers commission that he spent from twenty to thirty minutes telling Henderson of the massacre at My Lai 4. "I told him that I had seen the captain [Medina] shoot the Vietnamese girl," Thompson recalled. "I told him about the ditches and the bodies in the ditch. . . . I told him about the sergeant saying the only way he could help them was to shoot them. . . . I told him about what I said to Lieutenant Calley. . . . I told him about how I had gotten the people out of the bunker . . ." Thompson said that he had estimated the number of bodies in the ditch at between seventy-five and a hundred. But Henderson denied being told anything about his troops' having wantonly killed large groups of civilians. He also denied being told of a confrontation between Thompson and Calley. What he did remember, Henderson said, was a report from Thompson that a black sergeant had murdered a civilian after Thompson had marked the position with a smoke signal to indicate that there were wounded civilians in the area. Thompson also repeated the accusation about Medina's shooting of the woman. "He . . . told me that he saw a lot of dead civilians in the area," Henderson related to the Peers commission. "I recall asking him if he knew what were the results of the infantry units he had supported in this operation. And I informed him what the results were, that twenty civilians had been killed and a hundred twenty-eight V.C. And he said no, he did not. I said. "Well, that is a hell of a lot of

bodies on the ground.' And he said, 'Well, yes' . . . but that the civilians that he saw on the ground were . . . not V.C. that they were old men, old women, and children."

At this point, Henderson's testimony became hard to credit. Thompson, he claimed, did not mention his dispute with Calley, and therefore, Henderson said, he did not connect the confrontation or the subsequent evacuation of civilians from the area with the reports of indiscriminate shooting. "Although it [the Calley confrontation] happened perhaps the same day or part of the same operation, I did not tie this in with the report I had from Warrant Officer Thompson," Henderson said. "I know I didn't have the full story of what went on up there. I know I didn't have a full story from Warrant Officer Thompson. I know that when he was talking to me he was in tears . . ." By this time, Henderson had made up his mind about Thompson, he told the Peers commission: "It appeared to me that a young warrant officer who was apparently new—I didn't know this, but he appeared to be new and inexperienced; and apparently what was a fierce fire fight going on down below appeared to the warrant officer that it was an act of savagery." (Thompson had actually been with the 123rd since it was formed, in February, and had been flying support missions in Vietnam for two months before that.) Henderson said he had already received the information from Colonel Barker about the "fierce fire fight," and he had been told that the only persons killed by Charlie Company that day were Vietcong and a few civilians.

On the other hand, Henderson was immediately provided with details of the extent of the massacre by Culverhouse and Colburn, who saw him after Thompson did. Warrant Officer Culverhouse, who had seen more than a hundred bodies at My Lai 4, testified that Henderson seemed most interested in determining whether a black sergeant had been firing into a ditch. "He asked me how I could say that it was a colored soldier and that he was an N.C.O.," Culverhouse said. "I told him that we were making very low passes over the village and not really all that fast. . . . I told him that there was no doubt in my mind that the individual was colored [and] . . . that I could definitely see chevrons above his rolled-up sleeves." Culverhouse said he had described the bloody ditches full of dead Vietnamese in some detail for Henderson. Specialist Fourth Class Colburn, Thompson's door gunner, similarly recalled telling the Colonel about the ditch, and said he had estimated the number of bodies at from sixty to seventy. He also described Thompson's landing and his evacuation of the civilians. Henderson, however, repeatedly denied any recollection of the two men and his talks with them, although the Peers commission established that the interviews had taken place, in Barker's trailer, shortly after the morning meeting on March 18th.

After lunch, Colonel Henderson flew out to see Captain Medina, taking along Lieutenant Colonel Richard K. Blackledge, the brigade's intelligence officer. Charlie Company had completed its mission by noon that day, and was waiting for helicopters to airlift the men back to their quarters, at Landing Zone Dottie. Henderson landed near a potato field, and moved a few dozen yards away with Medina and some staff members. The men talked while flattened on the ground as a precaution against enemy snipers. "I told him [Medina] I had a very serious report from a pilot who was flying over the operation on the sixteenth," Henderson told the Peers commission. "There had been possibly indiscriminate killing of civilians, and specifically a captain had been identified shooting a woman. And I remember saying, 'Dammit, Ernie, I want the truth from this, was that you?'" According to Henderson, Medina's initial response dealt with the killing of the woman seen by Thompson, and "it was almost step for step what the Warrant Officer [Thompson] had relayed to me, the only difference being the hand movement that Medina had seen out of the corner of his eye as he was moving away from the wounded woman, who he had earlier assumed [was] dead." Henderson continued, "I then asked him about any killing of civilians that his troops could be involved in that he couldn't have seen. He said he had had no such report from his platoon leaders, and he was certain he would have if it had happened. . . . I asked Captain Medina how he determined the number [of civilians] killed and he said they were reported by his platoon leaders as they came upon these bodies while moving through the area. And I asked him if all of them had been killed by artillery and by gunships and he said "yes." Any other answer to that question would have contradicted the reports that had already been forwarded to higher headquarters.

After his visit to Medina, Henderson returned to Landing Zone Dottie to wait for the return of Charlie Company. The Colonel told the Peers commission that when the first group of G.I.s climbed out of the helicopter, he continued his investigation. "I walked up to them and grabbed the first N.C.O., whom I do not know, but told him, 'Just hold these people here, I'd like to talk to them for a moment.' . . . I started talking to this group of individuals—thirty to forty individuals. . . . So I told them . . . they had done a damn fine job and that I was their new brigade commander and appreciated the fine job they had done for the brigade I also told them that I had heard a report that we had injured and killed some noncombatants; that this was an unsubstantiated report; that, if true, it would certainly discolor the fine record that they had. I spoke along this vein for a few moments . . . and then I asked them in a group, 'Does anybody here, does any individual, any of you observe any acts against noncombatants, any wild shooting? Did any of you, or do you have knowledge of anybody killing any civilians during this operation?' And I got silence. I then pointed to three or four individuals and I don't think they had name tags on, but I identified the man and I believe said, 'How about you?' . . . I got back from the first individual a loud response, 'No, sir.' And I pointed to three or four individuals and in each case I got back a loud and clear 'No, sir.' The men had their heads high. There was nobody trying to ignore my eyes. I looked at every individual there. They seemed to be in good spirits. They didn't appear to me to be a bunch of soldiers who had just gone out and shot up the countryside and killed a bunch of women and children."

Obviously, no G.I. would admit to mass murder under those conditions; in interviews with me in late 1969 and early 1970, many of the Charlie Company men belittled Colonel Henderson's efforts on March 18th. And, contrary to Henderson's recollection, many soldiers described the meeting as an occasion of foot-shuffling and head-averting. "Some colonel came up and asked me if there was anything unusual going on in the village," said Isaiah Cowen, a sergeant in Calley's platoon. "I said, 'No comment,' and he passed on." Jay A. Buchanon, a second-platoon sergeant, had a recollection of Henderson's remarks that was strikingly different from Henderson's own recollection. "Well, he [Henderson] said, 'You're back off this operation,'" he told the Peers commission. "'Do you think the V.C. will be happy with this operation?' And he said, 'Do you think it will leave the impression that when they see the American soldier they will say, "Here comes my buddy, he is here to help me."' And he looked at me and said, 'What do you think, Sergeant?' I said, 'I have no comment, sir.' . . . I didn't say anything else. . . . He said, 'We're here to protect the people from the evils of Communism,' and he said, 'I want that known,' or something like that. He didn't ask any further questions from me."

By late afternoon, Henderson's investigation had run from a battlefield captain down through a number of enlisted men, with a common denominator that the investigations would continue to have for the next two months: every denial was accepted at face value.

On Tuesday, March 19th, Colonel Henderson gave General Young an oral report of his investigation of what had happened at My Lai 4. The Colonel assured Young that Thompson's report of indiscriminate killing was incorrect. "I believe I told General Young that the only way that I could rationalize or understand what he [Thompson] had reported to have seen as opposed to what my troops and what other people had told me had occurred may have been as a result of his recent assignment," Henderson related to the Peers commission. "And I was under the impression that he had not been with the 123rd very long."

On the next day, Henderson told the Peers commission, he went to Chu Lai to pass along the results of his invstigation to General Koster. He began his presentation by showing Koster a three-by-five-inch filing card, prepared by Colonel Barker, that purported to list the circumstances surrounding each of the twenty alleged civilian casualties, together with the victim's sex and approximate age. Barker had given Henderson the card on the morning of the seventeenth, Henderson testified. (Medina had told Henderson two days earlier that twenty to twenty-eight civilians had been inadvertently slain at My Lai 4. Henderson told the Peers commission that he cleared up the discrepancy by asking Barker about it: ". . . when I questioned Colonel Barker [about] this, he informed me that they had added, that Medina had added, the six to eight that I had observed, [while overflying the hamlet] which were being counted twice and that in reality it was twenty.") Koster expressed annoyance. "I can't recall his exact words," Henderson told the Peers commission. He added that the General had said something like "Damn it! This is just thoroughly unacceptable, and we've got to provide in our plans so this doesn't happen anymore." Henderson continued, "I went into what Thompson reported to me . . . I did report to him that the machine-gun confrontation problem had apparently been whipped or put to bed, that the rapport between Major Watke and Colonel Barker was going well. . . . I told him that I had talked to Captain Medina. Captain Medina had been able to satisfy one aspect of this to my satisfaction . . . I told him [Koster] that I had observed personally only the six to eight bodies that I had reported to him previously in the area . . . Warrant Officer Thompson was the only individual that I placed as having observed [an atrocity] in that area." At this point, Henderson testified, Koster said that he had heard about the Thompson confrontation from General Young and "that he would discuss this with General Young further." Henderson continued, ". . . and he indicated to me, in sort of a disinterested way . . . that he didn't believe it was that important to find out how these twenty may have been killed. I did not open the issue that there might have been more than twenty within the area." That was the last word he heard about My Lai 4 for two weeks, he said.

Later, General Koster and General Young each claimed that the other had had the major responsibility for dealing with the results of Henderson's investigation. Young acknowledged that he had had many discussions with Henderson in late March and early April, but only to determine the status of the report he thought Henderson was preparing at the order of General Koster. His role, he indicated, was that of a liaison man between Henderson and Koster. "I never got

the impression that I was to supervise the conduct of the investigation," Young told the Peers commission, ". . . and I did not get the interpretation that I was involved as deeply as Colonel Henderson or General Koster was." He testified that he did not specifically recall receiving Henderson's oral report on March 19th, nor did he recall suggesting that Henderson bring his findings to the attention of Koster.

Koster's recollection diverged sharply from General Young's. In his eyes, Young was responsible for overseeing the investigation, and he, as commanding general, was totally reliant on his assistant's reports. Koster, though his testimony was vague, claimed that the first report on the My Lai 4 incident came not from Henderson on March 20th but from Young, who said that Colonel Henderson had found some discrepancies in Thompson's story. He said that he then told General Young to follow through with the investigation. At no time, Koster said, was there any hint that many more than twenty civilians had been killed. In any case, neither General Koster nor General Young made any attempt to investigate any aspect of the charges personally but, instead, permitted Colonel Henderson to conduct an inquiry within his own unit. Nor did either of them offer Henderson any staff help for the study, although the new brigade commander was known to be woefully short of headquarters personnel.

In testmony before the Peers commission, Colonel Henderson recalled that in early April Young asked him to put his oral report—the one presented March 20th—in writing. General Young, he said, approached him ten days or two weeks after receiving the oral report and "advised me that General Koster wanted my report in writing." He went on, "I recall very vividly asking General Young, 'Has there been some new development or is there something I do not know about?' He stated, 'No, there is nothing new developing. General Koster wants it for the record.' " Henderson then wrote his report and delivered it to General Koster's headquarters.

Henderson, Young, and Koster again disagreed about what happened at this point. Neither Koster nor Young recalled either seeing the written report or telling Henderson to prepare it. Young, however, did remember "seeing Colonel Henderson in General Koster's office several days after I had been told he had made his oral report and he had a paper with him . . ." Koster recalled receiving a report in writing, but not until May. The Peers commission spent many hours trying to establish the timing and the contents of the early-April report—not because of its intrinsic value but because the investigators were operating in the dark. The reports and documents dealing with My Lai 4 and its aftermath, including investigations and after-action summaries, and copies of such reports, should have been on file at brigade and division headquarters, but all but two of them had vanished.

In the weeks immediately after My Lai 4, Charlie Company virtually collapsed. "I think after a while everybody was pretty well ashamed of it, you know, because so many what they term 'innocent people' were killed," former Specialist Fourth Class Frank D. Beardslee, who served as a driver for Colonial Barker, told the Peers commission. By mid-April, Task Force Barker had been routinely disbanded, Lieutenant Calley had been relieved as leader of the first platoon of Charlie Company, and Captain Medina was getting ready to take over a brigade staff job. Major Harry P. Kissinger III, the assistant chaplain of the 11th Brigade, spent a few days near Charlie Company shortly after the Son My operation. Kissinger explained to the Peers commission that, knowing how highly company commanders value a large body count, "I said congratulations" to Medina for the hundred twenty-eight Vietcong that his men had helped kill. "I proceeded to ask about it, but I didn't get too much response," he said. "I can't remember any details of what he told me except a little nod, and, 'Yes, it was so,' or something like that. . . . I did not receive the impression that he was proud. . . . I proceeded to ask someone about it and didn't get too much of an answer. I just felt that he didn't want to talk about it and left it hang, didn't say any more." As an afterthought, the chaplain noted that he had stayed overnight in the field with the men, even going on a patrol. "Nothing was ever said to me by any of the men," Kissinger said. "I talked to a number of them there, and you'd think that someone would say something to the chaplain if there was anyone's conscience bothering them."

Yet within ten days one G.I. told Captain Maurice E. Vorhies, then serving in the provost marshal's office at Americal Division headquarters, about My Lai 4. Vorhies quickly learned that the story of My Lai 4 had already spread throughout the division; he also learned that no one intended to do anything about it. Captain Vorhies began asking questions at the 11th Brigade headquarters, in Duc Pho, and found that Charlie Company's high body count and low weapons report were "almost a joke." Later, he wrote in a private letter that was made available to me, he discussed the incident with an agent of the Army's Criminal Investigation Division. "He told me that he had heard rumors of the incident on 16 March and other incidents involving C Co . . . He informed me that he intended to investigate the matters. However, when I next spoke with him sometimes later, he told me that he had been told by someone to 'forget about it.' To the best of my knowledge he did not actually conduct an investigation." After that, Vorhies discussed the accusation with some officers around Chu Lai but the discussion gradually drifted into other matters. "Quite frankly, it was not that extraordinary," he wrote. "This was neither the first nor the last story I was to hear of alleged atrocities. It was unusual only by its magnitude."

Some details of the massacre at My Lai 4 quickly became known throughout the 11th Brigade and the Americal Division. Some of the G.Is who did not participate in or witness the massacre enjoyed gossiping about it. Lieutenant Colonel Charles Anistranski, the Americal Division's pacification-and-civil affairs officer, told the Peers commission, "There was a lot of talk . . . near the end of March. . . . G.Is were talking in the mess halls. . . . When we walked by the division headquarters, by the chapel . . . we could hear people talking about it. But it was all done very jokingly: "Hey, did ya hear about this? Hey, did ya hear about that?' " On a few occasions, the officer said, he also heard Lieutenant Calley and a sergeant mentioned around headquarters. "Surprisingly, none of the commissioned personnel talked about it, none of the general-staff members, at the mess or at any other place," Anistranski added.

The concern over loose talk and the obvious fear that existed of a career-ruining scandal among most of the senior officers were confirmed by the experiences of Colonel Lewis, the Americal Division chaplain, who attempted during the next few weeks to discuss Father Creswell's report of an atrocity with the top officers in the division. Lewis took up the matter first with Colonel Balmer, the operations officer for the division. "I told Balmer that I had heard some pretty bad things," Colonel Lewis told the Peers commission, ". . . and he said he had, too, and that this was going to be thoroughly investigated." After his first visit to Balmer, Lewis said, he brought up the subject of the investigation with Colonel Parson, the Americal's chief of staff. "I said, 'I wonder what's the situation on My Lai, and I'd like to talk to General Koster about it,' or words to this effect," Lewis testified. "He said, 'Well, it's being investigated and we're not to talk about it.' In other words, he put me off in seeing the General on this." The chaplain had then turned to Colonel Anistranski. Anistranski cautioned him not to talk about it, and so did other officials at headquarters.

For all the seeming lack of information within the Americal Division, details about the murders at My Lai 4 and My Khe 4 reached South Vietnamese government officials in Son Tinh District and Quang Ngai Province in less than three days. The first word came from survivors in both hamlets—sources who were never interrogated by the officers of the 11th Brigade or the Americal Division. Do Dinh Luyen, the government's village chief for Son My, told the Peers commission that he had first heard of the shootings from survivors of My Lai 4 who straggled into the city of Quang Ngai during the afternoon of March 16th. A few days later, he heard that hundreds of people had been killed in My Lai 4 and My Khe 4. "I heard they were killed by artillery, gunships, and small-arms fire during the battle to enter the village . . ." Luyen testified, through a translator. He relayed his information orally to Lieutenant Tran Ngoc Tan, the chief of Son Tinh District, who was his immediate superior.

Reporting American atrocities was no way to get ahead in the Vietnamese Army in 1968, but Tan was in the midst of a long-standing feud with his counterpart, Major David C. Gavin, the senior American adviser in Son Tinh, and he was offended because he had not been informed in advance of Task Force Barker's operation. On March 22nd, six days after the atrocity, the Lieutenant relayed the substance of the village chief's report to his Vietnamese superiors at Quang Ngai Province headquarters. The message claimed that four hundred and eighty civilians had been killed at My Lai 4 and ninety at My Khe 4. "Besides persons killed, animals, property, and houses were ninety per cent destroyed," the report said. It further listed Vietcong casualties at forty-eight killed and fifty-two wounded. This was the first time that any report on My Lai 4—American or Vietnamese—had indicated that Vietcong had been wounded.

On March 28th, Lieutenant Tan received more information in a letter from Do Dinh Luyen. Again Tan forwarded a report to provincial headquarters, and he sent copies to the intelligence and operations advisory staff of the 2nd Division of the Army of the Republic of Vietnam, which was stationed in the city. The document was entitled "Confirmation of Allied Troops' Shooting at the Residents of Tu Cung Hamlet." (Tu Cung is the name that the Vietcong use for the immediate area of My Lai 4.) The report claimed that Vietcong units had initiated the gunfire at My Lai 4. Lieutenant Tan said that he discussed the allegation, before forwarding it, with Major Gavin, the district adviser, and Captain Angel M. Rodriguez, Gavin's assistant. Rodriguez later testified that he had got the impression that "since it was V.C. and that was a V.C. chief, the one who reported it, well, it was taken as propaganda rather than any other thing." At that point, a member of the Peers commission reminded him that Luyen was a government official.

The Vietnamese investigation might have ended with Tan's second report, except that Do Dinh Luyen decided to forward to Tan a list of the known dead at the two hamlets. More than four hundred and forty names were on the list. A few days later, a committee of the National Liberation Front operating out of Quang Nagai Province began circulating three-page leaflets about the murders, filled with precise details—rare for such propaganda notices. The document did contain errors—the wrong Army division was accused of the assault on Son My—but over all it was amazingly accurate, and was

obviously based on interviews with survivors. A similarly well-detailed broadcast by the National Liberation Front was monitored and translated at a radio listening outpost in the city of Quang Ngai.

By early April, many Vietnamese officers in Quang Ngai Province knew of the two reports from the Son Tinh district chief, and also of the Vietcong propaganda broadcast and the leaflet, which confirmed what they had learned from their own sources. But only a few Americans shared that knowledge, largely because the Vietnamese kept what they knew to themselves. It is difficult to understand why such a specific allegation, involving an American unit and the slaughter of more than four hundred civilians, was not shared throughout the advisory system or why the Vietnamese did not demand an immediate investigation. One possible explanation lies in a flaw in the basic assumptions behind the advisory system itself—that American military men and civilians can work closely and harmoniously with Vietnamese on an equal basis. In Quang Ngai Province, at least, the system did not work. There were actually two advisory teams in the province in April, 1968. The first was a mixed group of military officers and civilians—most of them from the State Department—who served as overall advisers for civilian problems, including pacification and security. James A. May, a State Department foreign-service officer now stationed in Somalia, was the senior province adviser. The second team consisted of perhaps a dozen American officers who were separately assigned as direct advisers to the ARVN 2nd Division, which had its headquarters in the area. The efficacy of the system depended on the relationship between each senior adviser and his Vietnamese counterpart. May's counterpart, for example, was the province chief, Lieutenant Colonel Ton That Khien. Theoretically, the American and Vietnamese counterparts were to establish close personal and working relationships with each other, but Vietnamese military officers found themselves in a frustrating situation: their careers depended in some degree on how well they got along with their counterparts, yet they were aware that most of the Americans had a low opinion of them. Many Vietnamese officers, apparently, decided to solve the problem by hiding their feelings—and any disturbing information—from their counterparts. The American officers who were assigned either to the provincial advisory team or to the ARVN 2nd Division told the Peers commission that they had not heard of the atrocity allegations, and expressed amazement when they were told that their Vietnamese counterparts had written memorandums on the subject.

On April 11th, Lieutenant Tan sent a third written report to Colonel Khien, the province chief, and this came closer than his first two statements to describing what had actually happened at My Lai 4 and My Khe 4. The document, which was given a high Vietnamese classification, began, "On March 16, 1968, an American Army unit conducted a mopping-up operation at Tu Cung and Co Luy hamlets of Son My village, Son Tinh District. At about ten o'clock on the above day, the American unit encountered a V.C. mine and received fire from Tu Cung hamlet. One American soldier was killed and a number of others wounded.

"In response, the operational forces attacked the village, assembled the people, and shot and killed more than four hundred people at Tu Cung hamlet and ninety more people in Co Luy hamlet of Son My village. While the V.C. were withdrawing from the hamlet, forty-eight V.C. and more than fifty-two guerrillas and self-defense soldiers were wounded by helicopter gunships. Tu Cung and Co Luy are two areas of Son My village that have long been held by the V.C. The district forces lack the capability of entering the area. Therefore, Allied units frequently conduct mop-up operations and bombing attacks freely in the area. But the basic position of the report of the Son My village committee is that although the V.C. cannot be held blameless for their actions in the 16 March 1968 operation, the Americans in anger killed too many civilians. Only one American was killed by the V.C.; however, the Allies killed nearly five hundred civilians in retaliation." Lieutenant Tan added this comment: "Really an atrocious attitude if it cannot be called an act of insane violence. Request you intervene on behalf of the people."

Tan's outspoken accusation—an exceptionally harsh criticism for a Vietnamese to make of an American unit—was included in copies of the report he sent to the ARVN 2nd Division and to the office of Lieutenant Colonel William D. Guinn, the deputy adviser for military affairs in Quang Ngai Province. As for Colonel Khien, he took no immediate action beyond discussing the matter with Guinn, with whom he had developed some rapport. Colonel Nguyen Van Toan, the ARVN 2nd Division commander, was similarly reluctant to pursue an investigation, but he was confronted with a staff memorandum, and he was compelled to take some action. His response was to pass the buck back to Colonel Khien, who was eager to write off the allegations as Vietcong propaganda. Toan scrawled the following at the bottom of his copy of Tan's report: "If this is true, link up with the Americal Division to have this stopped." Predictably, the issue was simply left there.

Another reaction to Tan's third report involved the Americans. A day or two after the report was filed, Captain Rodriguez—temporarily in charge of the Son Tinh district headquarters because Major Gavin had taken a week's leave—was ordered to look into the complaint and file a report on it. Rodriguez began his inquiry by discussing the allegations with Tan, he told the commission, and asserted, "If I recall, he didn't pay much attention to this, because of the fact that he said this was just plain propaganda. . . . In my mind, I never actually figured that an American soldier, the way we are trained, would do something like this." He assumed, he said, that his subsequent report was received by Colonel Guinn. That report, dated April 14th, summarized Tan's third report and added this comment: "The letter was not given much importance by the district chief [Tan] but it was sent to the Quang Ngai province chief. . . . The district chief is not certain of the information received and he has to depend on the word of the village chief and other people living in the area."

Within the next seven days, Rodriguez's report and a copy of the Vietcong propaganda leaflet about the atrocities somehow ended up together in the hands of Colonel Henderson and General Koster instead of being forwarded to Charles T. Cross, the deputy ambassador for pacification in the I Corps region, which included Quang Ngai Province. The Peers commission was never able to determine how the documents got to the Americal Division offices, but it is possible that the key role may have been played by Colonel Guinn. One of the commission's attorneys hinted that Guinn's hopes of becoming a battalion commander might have affected his conduct in the My Lai 4 investigation.

The first official contact between a Vietnamese officer and the Americal Division in connection with the events at My Lai 4 was made by Colonel Toan, who eventually decided to talk with his counterpart about the allegations in Tan's third report. (He was one of the few Vietnamese to do so.) Toan told the Peers commission that he had telephoned General Koster shortly after receiving the third report, to "let him know about some rumor." Colonel Toan also testified that he told Koster about having ordered Khien to make an investigation. What Toan considered to be mere propaganda at best or, at worst, something to cover up was taken far more seriously by the Americal Division commander, who had perhaps thought that Henderson's oral report of March 20th had closed the incident. Koster flew almost immediately to the city of Quang Ngai to see Toan. Before going into Toan's office, Koster said, he had paid a visit to the province chief, Colonel Khien, and had been assured that Khien considered Lieutenant Tan's reports from Son Tinh District to be based on Vietcong propaganda.

Koster then walked over to Toan's office. "I really went there to see if he felt there was anything to this; if he was concerned about it; if he had a Vietnamese source that had been able to uncover anything that we hadn't or that U.S. investigators hadn't been able to check out," Koster told the Peers commission. General Koster testified that he at no time thought that he was investigating a war crime, despite the specific allegations accusing American troops of the slaughter of more than four hundred Vietnamese civilians. "I considered those [allegations to be] emanating from a Vietcong source and a propaganda type document," Koster explained the General's testimony to the Peers commission about his view of the new evidence contrasted sharply with his actions, according to one witness. Within a week after his visit to Toan, Koster sent directly to Colonel Henderson a private, "eyes only" letter demanding that he investigate the Vietnamese allegations. Enclosed was a copy of Lieutenant Tan's third report that had somehow come into his possession. The existence of the letter was revealed to the Peers commission by Robert K. Gerberding, the intelligence sergeant for the 11th Brigade. Gerberding said that the letter, which arrived about April 20th, was written on Americal Division stationery and specifically called on Henderson to complete a in-depth investigation. The Sergeant was shown a copy of Tan's report and identified it as the one that was enclosed with Koster's letter.

General Koster did not recall sending the letter. He initially told the Peers commission, "It seems to me that I directed him [Henderson] to do something about it [the Vietnamese report] . . . but I don't specifically remember it being in writing or how it went or the sequence of it." Later, he suggested, "I was not inclined to write personal notes like that." (A few days earlier, Colonel Parson had testified that he saw a Vietnamese letter or report about My Lai 4 in Koster's office.) The General went so far as to declare, after being confronted with Gerberding's testimony, that he had never seen Tan's third report—one of the few direct contradictions that emerged from the testimony. Koster further claimed, however, he did not recall obtaining any information from the Vietnamese "until, on my own investigation, I went around and talked to them." Koster, Toan, and Khien all agreed in their testimony before the Peers commission that no documents had been exchanged during their meetings—a statement that raised an obvious and important question. If, as Gerberding testified, Koster did send a letter to Henderson with a copy of Tan's report enclosed, where did he get it? One possible answer, based on my own research, was that Tan's report was transmitted to Koster by Colonel Amstranski, the pacification-and-civil-affairs officer for the division, who noted during an interview with me that he had been instructed by Colonel Guinn at this time to deliver an "eyes only" envelope to the General from Quang Ngai provincial headquarters. When Koster was asked specifically by General Peers if Guinn could have given him a copy of the Tan report, he did not think so. "I can't say how all this

first came to our attention, but I wouldn't have put myself in the channel of communication for Colonel Guinn to go through," he testified. The General added, however, "I think he would have kept us informed of what was going on in the province."

Colonel Henderson, for his part, denied any knowledge of Koster's letter ordering him to file a report. "I am positive that I received no letter from General Koster," he told the Peers commission. Despite Gerberding's testimony, Henderson also denied ever seeing Tan's third report. But he had begun asking questions about the Son My incidents again. Why? Henderson explained that he had done so not because of a letter from Koster but because he had received a mysterious and unsigned statement referring to an allegation that American troops had slaughtered more than four hundred civilians. Henderson said that the statement indicated that Lieutenant Tan, the Son Tinh district chief, did not give the allegation much importance. The Colonel attached the document, without comment or explanation, to his resulting report to Koster.

The origin of the statement became a major concern of the Peers commission; it was finally determined that the unsigned document attached to Henderson's report was nothing more than a copy of the refutation prepared earlier by Captain Rodriguez, of Son Tinh district headquarters. Henderson insisted, however, that he had never seen the Captain's initial document but had received his statement—the one eventually given to Koster—from his staff. Henderson said at one point that both the statement and a copy of the Vietcong propaganda leaflet about Son My were delivered to his intelligence officer, Colonel Blackledge. "I do not know how he got the paper," Henderson said. He added that his staff had sent copies of both documents to division headquarters for perusal.

Within two days of the mysterious receipt of the statement and the propaganda leaflet, the Colonel said, he decided—just as Koster had done earlier—to visit Colonel Toan at the ARVN 2nd Division headquarters. As Henderson recounted it, he showed Toan the leaflet and told the Vietnamese officer that "I was very much interested in this thing and that when he looked into this I would make available to him a battalion or any number of troops to go into this area. . . ." Toan assured him that the leaflet was simply propaganda.

Two or three days after his visit, Henderson said, "General Young came down and said General Koster wants you to—and it was not to make an investigation because I specifically asked: 'Does he want this open again and a formal investigation?' and General Young said, 'No. This paper you sent up, this VC propaganda message, has tripped his memory here a little bit, and he just wants some backup in the files here if anything further should develop on the matter. So provide him with a written report.' " At this point, Henderson said, he sat down and wrote a report, relying on notes taken during his interviews the month before—when only Warrant Officer Thompson's confrontation with ground troops and the allegation of wild shootings were being investigated.

Many witnesses contradicted one aspect or another of Henderson's testimony. General Young testified that he had no recollection of a conversation in late April with Henderson about a written report. Colonel Blackledge testified that his office had relayed to Colonel Henderson not the Rodriguez statement nor a Vietcong propaganda leaflet but only some preliminary and incomplete allegations of an atrocity that were being disseminated by the Vietcong. Blackledge added that he knew nothing about the origin of the Rodriguez statement. And Henderson himself finally acknowledged that he really did not know how or from where he received the information.

Henderson's subsequent report to General Koster, dated April 24th, included two enclosures: the Vietcong propaganda leaflet and the Rodriguez report, which was shorn of its signature but retained its date, April 14th. The Rodriguez document was attached to Henderson's report under the simple heading "Statement." Henderson's classified report, addressed to the commanding general, Americal Division, said, in part:

"1. An investigation has been conducted of allegations cited in inclosure 1 [the Rodriguez statement]. The following are the results of this investigation.

"2. On the day in question, 16 March 1968 . . . Task Force Barker, 11th Inf Bge, conducted a combat air assault in the vicinity of My Lai hamlet (Son My village) in eastern Son Tinh District. This area has long been an enemy stronghold and Task Force Barker had met heavy enemy opposition in this area on 12 and 23 February 1968. All persons living in this area are considered to be VC or VC sympathizers by the District Chief. Artillery and gunship preparatory fires were placed on the landing zones used by the two companies. Upon landing and during their advance on the enemy positions, the attacking forces were supported by gunships . . . By 1500 all enemy resistance had ceased and the remaining enemy forces had withdrawn. The results of this operation were 128 VC KIA. During preparatory fires and the ground action by the attacking companies 20 noncombatants caught in the battle area were killed. U.S. forces suffered 2 KHA (killed by hostile action) and 10 WHA (wounded by hostile action) by booby traps and 1 man slightly wounded in the foot by small arms fire. . . . Interviews [here Henderson listed only Colonel Barker, Major Calhoun, Captain Medina, and the commander of Bravo Company, Captain Earl R. Michles] revealed that at no time were any civilians gathered together and killed by U.S. soldiers. The civilian habitants in the area began withdrawing to the southwest as soon as the operation began and within the first hour and a half all visible civilians had cleared the area of operations.

"3. The Son Tinh district chief does not give the allegations any importance and he pointed out that the two hamlets where the incident is alleged to have happened are in an area controlled by the VC since 1964. Col. Toan . . . reported that the making of such allegations against U.S. forces is a common technique of the VC propaganda machine. Inclosure 2 is a translation of an actual VC propaganda message targeted at the ARVN soldier and urging him to shoot Americans. This message was given to this headquarters by the CO, 2nd ARVN Division (Toan), on about 17 April 1968. . . . It makes the same allegations as made by the Son My village chief in addition to other claims of atrocities by American soldiers.

"4. It is concluded that 20 non-combatants were inadvertently killed when caught in the area of preparatory fires and in the crossfires of the U.S. and VC forces on 16 March 1968. It is further concluded that no civilians were gathered together and shot by U.S. soldiers. The allegation that U.S. forces shot and killed 450–500 civilians is obviously a Vietcong propaganda move to discredit the United States in the eyes of the Vietnamese people in general and the ARVN soldier in particular."

The report, signed by Henderson, obviously relied heavily on Colonel Barker's report of the action. The original typed copy was placed in a double-sealed envelope marked "Eyes of the CG (commanding general) Only" and sent by courier to division headquarters, at Chu Lai. Only one copy was kept at brigade headquarters, according to Sergeant Gerberding, who was in charge of filing it, and that copy was handed on a "close hold" basis. "I kept this in what I called my personal or confidential file," the Sergeant testified. Gerberding's personal file was in his desk, where, he said, "I kept things I didn't want anybody else to see." The Army later found the carbon file copy in Gerberding's safe, where someone had moved it, it was the only existing record of any investigation in connection with My Lai 4. The file copy was initialled "RKB," for Richard K. Blackledge, and its existence enabled the Peers commission to confront Blackledge with documented evidence that contradicted his testimony. (The lack of records prevented the investigators from directly challenging the many witnesses who simply could not recall a fact or said they were not sure what had happened.) Blackledge, by then retired and living near Honolulu, was asked if he had ever seen the Henderson report prior to his testimony in 1970. "Negative, absolutely negative," the former intelligence officer replied. "I never saw this until I came here." After being shown his initialled file copy, Blackledge said, "I now retract what I said, because those are my initials and I recognize the way I write my initials. But I don't recall the document. . . . I had nothing to do with the preparation."

Although Henderson's report was sent as a high-priority, "eyes only" message to General Koster, the General testified that he did not recall seeing it until he returned from a brief vacation in Hawaii in early May. When he did see it, he decided that it was inadequate. "As best I recall, it was not my intent this [the report] should be limited to only some discussion of some V.C. propaganda," Koster testified. He said that he and his staff "discussed the adequacy of the report" and decided to ask Henderson to submit a full analysis, covering not only the new Vietnamese allegations but also Warrant Officer Thompson's claims of indiscriminate shooting. In May, General Young made another trip to the Duc Pho headquarters area and informed Henderson that Koster now wanted a formal investigation of the incident, to embrace all the allegations—from both the Vietnamese and the pilots. Henderson said, "I discussed with him who the logical individual was to perform the investigation and told him that if he had no objections I would assign Colonel Barker to it."

Barker completed his report the next week. Henderson testified that "to the best of my knowledge, the report included statements from certainly all of the company commanders, from various pilots . . . from enlisted personnel, both Charlie and Bravo Company, it included statements from personnel working in the battalion T.O. [tactical-operations central]." Barker's formal report concluded once again that twenty civilians had been killed by artillery and gunships, Henderson said. He added, ". . . there was no term of atrocity used, or massacre, or anything of this nature. There was no evidence to support that any soldiers had willfully or negligently wounded or killed civilians during this operation." Barker, Henderson said, had attached from fifteen to twenty single-page signed statements to a covering report of three pages. Henderson testified that he had submitted Barker's work to General Koster with a written endorsement, saying, "I had reviewed the investigation . . . that the facts and circumstances cited throughout the investigation agreed generally with my own personal inquiry into the matter . . . and I recommended that the report be accepted."

The Peers commission was unable to find any copies of Colonel Barker's formal report in the headquarters of either the Americal Division or the 11th Brigade. In addition, of the four hundred witnesses who appeared before the commission, only two—Colonel Henderson and General Koster—claimed to have any knowledge of it. The evidence is overwhelming that if such a report was prepared by Barker it was a complete fraud. None of the principals in the My Lai 4 inves-

tigation—including Captain Medina, the commanding officer of Charlie Company; Warrant Officer Thompson, the helicopter pilot; Major Watke, Thompson's commanding officer; and Colonel Holladay, the 123rd Battalion commander—had any knowledge of further inquiries. For them, the investigation had ended in March, a few days after it began.

By March, 1969, Task Force Barker's assault on the village of Son My was just another forgotten military victory. Two of the most important of the dramatis personae were dead. Lieutenant Colonel Barker, the task-force commander, had been killed the previous June when a helicopter he was flying in collided with an Air Force observation plane near My Lai 4. Captain Earl R. Michles, the commanding officer of Bravo Company, which had led the assault on My Khe 4, was also killed in the accident. Major General Koster was the Superintendent of West Point; Colonel Henderson and General Young were assigned to new duties, out of Vietnam; and most of the G.I.s from Bravo and Charlie Companies either were out of the service or were counting the days until they would be. Ronald L. Ridenhour, the Arizonian who served in the 11th Brigade in early 1968, was also out of the service, and at the end of March he mailed his letter describing the assault on My Lai 4 to the President, to Pentagon officials, and to two dozen members of Congress. "Quite frankly, my initial reaction to these charges was one of disbelief," General William C. Westmoreland, then serving as the Army's Chief of Staff, told a House armed-services subcommittee during closed briefings on My Lai 4 in the spring of 1970.

Ridenhour's letters posed an immediate public-relations threat to the military, which was then in the process of helping to sell President Nixon's "Vietnamization" program to the nation, and within days the American military command in Saigon was ordered to investigate the charges. The task fell to Colonel Howard K. Whitaker, who was a senior officer in the Inspector General's office in Saigon; he was dispatched north to the Americal Division headquarters. Whitaker's investigation was similar to the earlier investigations of My Lai 4. He spent less than two days with the Americal Division, and he seems to have accepted at face value every Army document he could find. Thus he was able to write, "A review of the Combat After-Action Report . . . revealed that an estimated enemy Local Force BN [battalion] was in the vicinity of the My Lai . . . area. . . . Enemy losses during this action were heavy . . . The civilian population supporting the V.C. in the area numbered approximately 200. This created a problem in population control and medical care of those civilians caught in fires of opposing forces." Whitaker did not mention that only three enemy weapons had been captured, nor did he express any concern over the fact that a check of the files in the Americal Division and the 11th Brigade produced no evidence of any earlier investigation. The message from Washington ordering Whitaker's investigation had suggested that one had taken place. Whitaker completed his confidential report on April 17, 1969, four days after he began. Within days, it was relayed to the Inspector General's office in the Pentagon for action because, as Whitaker noted, most of the alleged participants were back in the United States.

Colonel Whitaker's attempt to get at the truth apparently stopped with a series of discussions he had with the top-ranking officers of the Americal Division, including Major General Charles M. Gettys, who had replaced General Koster as the commanding general, and Colonel John W. Donaldson, who had replaced Colonel Parson as the chief of staff. Whitaker's report noted, "Both stated they knew of no investigation ever having been conducted concerning the alleged incident." The Colonel's final conclusion was skeptical. "An examination of all available documents concerning the alleged incident reveals that the complainant [Ridenhour] has grossly exaggerated the military action in question," he wrote. "No evidence could be uncovered which would substantiate the allegations." Whitaker did suggest, however, that interviews be conducted with some of the pertinent witnesses to "determine if the allegations have substance." None of the participants had been questioned about My Lai 4 since March, 1968.

In mid-April of 1969, the Inspector General's office in the Pentagon was ordered by General Westmoreland to conduct a full-scale inquiry; officials there, in turn, assigned Colonel William V. Wilson, a highly skilled investigator, to the case. With that assignment, made in late April, the Army set in motion an inevitable sequence of events. The basic sources that Ridenhour had mentioned were the men of Charlie Company, some of whom had done the shooting, and they became Wilson's sources, too. In the early stages of the Wilson investigation, there were no colonels or majors to contrive reports—just guilt-ridden ex-G.I.s anxious to tell what they knew and why they had done what they did. By late May, Wilson had personally tracked down at least six members of Charlie Company, and had accumulated enough solid evidence to order Lieutenant Calley brought back from Vietnam for questioning at the Inspector General's office in the Pentagon. Although no hint of the pending atrocity case reached the public, many of the officers at work in the Pentagon knew that something was up.

The word also reached the headquarters of the Americal Division. Subsequently, the Peers commission was unable to establish how all but two of the reports relating to the Henderson investigations had vanished. Files pertaining to March 16th and thereafter were missing from the Americal Division headquarters, the 11th Brigade headquarters (where one copy of Henderson's April 24th report was found, in Sergeant Gerberding's safe), Quang Ngai province headquarters, and Son Tinh district headquarters. All the records for March 16th were also missing from the headquarters of the battalion commanded by Lieutent Colonel Robert B. Luper, chief officer of artillery units attached to the 11th Brigade. Detailed interrogations by the Peers commission of dozens of division and brigade officers, sergeants, and clerks who were still serving in 1969 produced only two witnesses who could recall handling a file on the My Lai 4 investigations—Gerberding, the intelligence sergeant for the 11th Brigade, and Sergeant Kenneth E. Camell, who replaced him in late October, 1968. Camell told the Peers commission that he recalled seeing a number of reports on investigations specifically dealing with My Lai 4, including Henderson's report and Rodriguez's report.

Colonel Whitaker's early investigation had failed to uncover Gerberding's personal file; no one knew it existed. In late May, however, Colonel Wilson ordered Colonel Henderson to report to Washington for interrogation in connection with the massacre. (As Henderson initially described the battle during his testimony before Wilson, Charlie Company was in heavy contact with Vietcong troops entrenched in bunkers surrounding the hamlet.) Henderson, who was then on duty in Hawaii, promptly telephoned Donaldson, the new chief of staff at Americal Division headquarters, to tell him that a copy of his investigation had been filed either in the intelligence office or in the operations office of the 11th Brigade. In his testimony before the Peers commission, Henderson said, "I asked him if he would call down to the 11th Brigade and have somebody look in the S-2 [intelligence] or the S-3 [operations] safe to see if there was not an envelope in there with a report of investigation in it." Henderson later testified that he was asking Donaldson for "any and all reports concerning the My Lai incident." This would have included the formal investigation made by Colonel Barker in May, 1968, with its multitude of attached statements.

By that time, however, the files had disappeared. Donaldson sent Henderson a message saying, "A thorough search of division headquarters files and 11th Infantry Brigade files has failed to produce the informal investigation you requested." (It is not known why Donaldson's message referred to an informal report, one which usually is filed on an interim basis.) A few days later, Donaldson telephoned Henderson with the additional news that a continuing check of the files had produced only the two-page interim report of April 24th, which was subsequently mailed to Henderson, who turned it over to the Army investigators. The material in Gerberding's personal file, Camell told the Peers commission, disappeared in two separate stages. That spring, as the Inspector General's inquiry was getting under way, a senior officer of the 11th Brigade came to him for the complete file. "The indication was that he had to make a report to someone else on it," Camell said of the officer, whose identity was never determined. When the folder was returned to him a day or two later, he said, he noticed that some of the papers were missing. "As to what they were, I cannot tell you," Camell testified. In September, 1969, the Sergeant added, he was again asked for the file by a senior staff officer. He never saw the folder again. On September 5th, the Army announced that murder charges had been filed against Lieutenant Calley.

The Peers commission concluded its investigation in March, 1970, without being able to discover how the My Lai 4 files had disappeared. General Peers himself suspected that some of the key officers involved at the time were responsible. The truth was more damaging to the Army's system than Peers could imagine: that subsequent officers of the Americal Division, who had had no direct involvement with My Lai 4 and its investigations, had destroyed evidence to protect the officers who preceded them.

The first evidence that some reports on My Lai 4, including the report on Colonel Barker's formal investigation, were on file at the Americal Division headquarters as late as May, 1969—fourteen months after the massacre—became known to the Army in the spring of 1970. The evidence was supplied by Lieutenant Colonel Barney L. Brannen, Jr., who had served with the Americal Division in the spring of 1969 as staff judge advocate—the senior legal officer. In September, 1970, Brannen told an Army pre-trial hearing into coverup charges against General Koster—charges that had been recommended six months earlier by the Peers commission—that while he was in Vietnam he had seen the original copy of Barker's investigation report of May, 1968. "It was sometime in May of 1969," he explained at Koster's pretrial hearing. "I received a phone call from the division chief of staff, who at the time was Colonel John Donaldson, [who] asked me if I could come over to his office. So I did. . . . when I arrived at the headquarters . . . in Colonel Donaldson's office was the division G-1 [the officer in charge of administration and personnel] . . . a Lieutenant Colonel Henry Lowder. I don't recall anyone else being present at that time." Donaldson gave Brannen a copy of Ridenhour's letter to read and then ordered him to search his office files for any information on the alleged incident. It is not known who in the Pentagon had made a copy of Ridenhour's letter available to Donaldson. The only official link until that time between the letter and the Americal Division had been Colonel Whitaker, of the Inspector General's office, and he told the Peers commission that he was never given a

copy of it. Brannen found no trace of the report on Barker's investigation. He testified at the Army's hearing, "So I left my office and went down to the G-1's office, which was about one hundred yards away . . . and I entered Colonel Lowder's section—his own personal office and . . . he had a file in his hand at the time I walked in and he said, 'Well, we found this,' and he handed me this file . . . perhaps one-half inch thick." The file was Barker's report of May, 1968, complete with the letter of endorsement from Henderson. Brannen went on, "I said to Colonel Lowder, 'This appears to be the document we're looking for. Do you want me to go with you back to the chief of staff's office?' and he said, 'No, I'll take it over and talk to him about it.' . . . And then and there ended my connection with this investigative file."

Brannen left the Americal Division that summer and returned to the United States to take a year-long course at the Army's Command and General Staff College, at Fort Leavenworth, Kansas. He was in school that November, when the My Lai 4 story broke in the newspapers. Brannen read many of the newspaper and magazine stories about the atrocity, and was particularly offended by one account, in *Newsweek*. "They [the magazine] went through the My Lai incident and they pretty well concluded that the Army had a big coverup and that there had never been any sort of investigation and so forth," the lawyer complained at Koster's pre-trial hearing. "Well . . . during the [Christmas] holidays . . . we were out of school for two weeks. I had a cocktail party . . . and there were some other judge-advocate officers who attended it . . . the discussion of My Lai came up in the course of the evening because they knew I had been in the Americal. And one of them referred to the article. . . . And I told them in no uncertain terms that I didn't think the article was accurate but that was not unusual because I felt that a lot of news reporting was inaccurate anyway, and a lot of editorializing when they reported to be facts. [I told them] that I had seen . . . a formal investigative report that related to the My Lai incident. In fact, it did not appear to me that the Americal Division had in any way attempted to cover anything up but had in fact investigated it."

Brannen's story travelled through the Army's legal circles, and in March, 1970, he was asked by one of the attorneys for General Koster to make a formal statement about the file he had seen in Colonel Lowder's office. In June, Brannen gave another statement to agents for the Army's Criminal Investigation Division. A few days later, he passed a lie-detector test at the Pentagon. The test was urged upon Brannen because both Donaldson, who by then had been promoted to general and had been assigned to a key position on the Joint Chiefs of Staff, and Lowder were vigorously denying Brannen's account. By midsummer of 1970, both Donaldson and Lowder were under secret investigation themselves by the C.I.D. for their part in the My Lai 4 tragedy.

General Donaldson testified at the Koster hearing on September 14, 1970, five days after Brannen. He again denied any knowledge of an encounter with Brannen and also claimed that he had "no clear or positive recollection" of seeing Ridenhour's letter while he was in Vietnam. Within a year, nonetheless, General Donaldson's promising career received a serious setback. Late in 1970, an Army prosecutor, checking a tip that Colonel Henderson had engaged in "gook-hunting" in helicopters (looking for human targets) while serving as brigade commander in 1968, interviewed a number of helicopter pilots who had flown in Vietnam. The investigator discovered that his tipster had been mistaken in the identity of the "gook-hunter;" it was not Henderson. An investigation was initiated, and in June, 1971, Donaldson was formally charged with the murder of six Vietnamese civilians and the assault with intent to kill of two more. Pending further Army hearings, he was transferred from his position with the Joint Chiefs of Staff to a desk job at Fort Meade, Maryland. In December, 1971, after a four-month closed hearing, the Army exonerated Donaldson of all charges, permitting him to resume his career.

Secretary of Defense Melvin A. Laird and other high Pentagon officials monitored the Associated Press and United Press International newspaper wires on the evening of September 5, 1969. Earlier that day, the public-information office at Fort Benning, Georgia, had issued its first press release about the mass-murder charges filed against Lieutenant Calley. The official concern wasn't necessary; the military news release—an announcement of the type that is routinely issued in connection with a serious crime—gave no hint of the scope of the My Lai 4 massacre. Calley was charged with murder, it said, "for offenses allegedly committed against civilians while serving in Vietnam in March, 1968." There was no press outcry, and the military continued its investigation in secrecy. Ridenhour, who by then was making increasingly impatient telephone calls to the Pentagon demanding action on his letter, was informed by the Inspector General's office of the charges against Calley but was urged to "avoid any public discussion which could prejudice the continuing investigation or the rights of Lieutenant Calley." The chairmen of the Senate and House Armed Services Committees, Senator John C. Stennis, of Mississippi, and Representative L. Mendel Rivers, of South Carolina, were briefed by Army officers on the impending scandal and were also urged not to talk.

By then, the full scope of the My Lai 4 tragedy was becoming clear to the Army, and in the fall the investigation of Charlie Company G.I.s was transferred from the Inspector General to a newly organized office of the Criminal Investigation Division, headed by Colonel Henry H. Tufts, an experienced agent. At the same time, the Army broadened the scope of its inquiry, and assigned many agents to Tufts' office. Dozens of Charlie Company officers and men were now being interrogated. But in those months none of the senior officers of the 11th Brigade and the Americal Division were thought to be involved in a coverup. At last, as the furor over the Calley story grew, an atmosphere of crisis developed in the Pentagon. A series of meetings was held at which high officials discussed ways of abating the growing outcry from the press and the public over what seemed to be an obvious case of coverup. Incredibly, that possibility had not been formally discussed within the Pentagon until then. A working group that included Secretary of the Army Stanley R. Resor, Army General Counsel Robert E Jordan III, Vice Chief of Staff Bruce Palmer, Jr., who had formerly been deputy commander of all American forces in Vietnam, and Daniel Z. Henkin, Assistant Secretary of Defense for Public Affairs, determined that some kind of inquiry was needed.

Before any decision was reached, a number of officers attached to the Americal Division and to the Quang Ngai Province advisory team were brought in to the Pentagon for private discussions. Among those interviewed were Major Watke, Colonel Guinn, and Colonel Balmer, the former operations officer under Koster. "Our personal feeling was 'Yeah, something's rotten in Denmark,'" the military official said of the results of the interviews. It was decided not to entrust the inquiry to Tufts' newly set up C.I.D. office, because his investigators would be outranked by the men they were interrogating. Koster's high rank meant that a two- or three-star general would be needed to head the investigating panel. "We wanted a military man with experience in Vietnam, and someone who was senior to Koster," the official said. "General Peers met those criteria. Moreover, he was not West Point, and we were afraid of the W.P.P.A." The initials stand for West Point Protective Association; it is a nonexistent organization, but the belief that West Point graduates take care of their own is widely held, and many military men who are not graduates of the United States Military Academy are convinced that young West Point generals get the choice assignments. "W.P.P.A. is a two-edged sword," the official said. "The West Pointer who goes down is trampled on harder, but it usually takes a higher standard of proof." Another reason for appointing General Peers was that he was then Chief of the Office of Reserve Components, a three-star position that is not usually considered a stepping stone to more important positions in the Army. "Peers' job was one in which he could be missed," the official said. "Let's face it—you don't charge a member of the club and tear up the system the way he did and expect to get ahead," Peers, a gruff, cigar-smoking man, was given carte blanche in picking his staff, and he eventually amassed a group of intelligent young officers who had been battlefield commanders in Vietnam to serve on his interrogation teams. (By the end of the investigation, the Army had assigned thirty-four officers, forty-eight enlisted men, and eleven civilians to the commission.) On November 24, 2969, the Pentagon formally announced that Peers had been chosen to head an inquiry into the "nature and scope" of the initial investigations into My Lai 4.

By early December, Peers was beginning to understand that he had badly underestimated the scope of his inquiry. In a memorandum written to Resor and Chief of Staff Westmoreland on November 30th, before he began hearings, the General had outlined a six-week investigation involving a trip to Vietnam and the interrogation of thirty or forty witnesses in the Pentagon. As things worked out, he and his staff interrogated more than fifty witnesses before Christmas, some of them twice. Early in December, two prominent New York lawyers—Robert MacCrate, a Harvard Law School graduate who had once served as counsel to Governor Nelson A. Rockefeller of New York, and Jerome K. Walsh, Jr.—joined the investigating team. The civilian attorneys were added, one official told me, because at one stage of the game Robert Jordan, the Army general counsel, and Army Secretary Resor became aware of the credibility problem.

By taking these steps, the military blunted an earlier demand, made by liberals and conservatives alike, that an outside panel be established to investigate the coverup. This proposal had been made by such disparate men as Hubert H. Humphrey, the former Vice-President; Senator Stennis, the chairman of the Armed Services Committee; and Arthur J. Goldberg, the former Supreme Court Justice. Still, the Army's announcement of the Peers Inquiry triggered some Senate and House criticism. Two senators—Stephen M. Young, of Ohio, and Charles H. Percy, of Illinois—immediately called for a Senate investigation of My Lai 4. Young, perhaps anticipating a long military delay in making an uncensored version of the Peers report public, told the Senate that "Americans must know—and the sooner the better—the long-suppressed facts about what certainly has been one of our nation's most ignoble hours." In the House, Mendel Rivers, of the Armed Services Committee, announced that he had ordered his investigating subcommittee, headed by Representative F. Edward Hébert, of Louisiana, to investigate the massacre in closed hearings. That group's report, like the Army's, was released in heavily edited form eight months later.

The political furor over the coverup died as My Lai 4 receded from the front pages. No serious critic questioned the integrity of

General Peers, and, indeed, the Peers Inquiry was a model of integrity and industry; at one time the General had four separate interview teams at work, compiling volumes of testimony. One thing that complicated the group's work was a question of time; under military law, the statute of limitations for some criminal offenses—though not murder—was two years, and therefore all charges would have to be prepared by March 16, 1970.

Ultimately, however, the Peers Inquiry failed to explore the sources of the coverup fully, for the coverup was the product not just of the individual actions of a few generals, colonels, and lesser officers but of an institution that made it almost inevitable that the investigations of My Lai 4 would be covered up. The inquiry members, perhaps unconsciously, were convinced that My Lai 4 and Task Force Barker were both aberrations. The witnesses—particularly the field-grade officers of the task force and the 11th Brigade—were considered to be individuals who were somehow unlike all their counterparts in the Army. Major Watke, for example, was accused by Colonel J. Ross Franklin, one of the Peers investigators, of giving an impression, "whether intended or not," of "an officer greatly concerned over making waves in his own career, whose judgment, or information of a possible horrible war crime . . . has been filtered, or clouded, or even almost diverted by the negative impact it could have on his career." Watke responded by telling the officers an important truth about the military. "If it had been my career at stake, I wouldn't have done anything," he said. "I think the fact that I carried this to my commander and to Colonel Barker . . . if I had been worried about my career . . . I would have just let it just stop right there when it came to me." General Peers simply couldn't accept Watke's comment. "Major Watke, let's be reasonable," he said. "You couldn't, and even if you had been thinking about your career, the worst thing that could have ever happened to you—and look at it very realistically—was for [Thompson's complaints] to get up the line without having gone through you. You wouldn't have had to worry about a career." Yet the overall testimony taken by the Peers commission suggested that if Watke had said nothing there would have been no immediate investigation at all.

As the inquiry proceeded, it should have become clear to General Peers and his colleagues that many underlying problems were exemplified by the officers testifying before them, yet My Lai 4 was always discussed in terms of an officer's failing to fulfill his military duty by not reporting a war crime—never in terms of a system that prevented literally hundreds of men and officers from telling their superiors about My Lai 4. In response to a question, Ridenhour told Peers why he hadn't reported his information about the massacre to his military superiors in Vietnam instead of writing his letter. "I didn't have a whole lot of trust in the Army, especially after some of these things happened," he testified. "And I was told bluntly from time to time that if accidents occurred, don't worry about it, because we'll cover you. . . . I couldn't help feel that this was a policy that was all-pervading within the [Americal] Division."

Father Creswell, the Episcopal chaplain at Americal Division headquarters, was asked by MacCrate during his testimony why he did not report Warrant Officer Thompson's charges about the shooting of civilians at My Lai to the staff judge advocate, and he replied, "Well, sir, let me tell you something at this point. I'm not a complete stranger with the J.A.G. [Judge Advocate General's] office. I went over from time to time. . . . And I became absolutely convinced that as far as the United States Army was concerned, there was no such thing as murder of a Vietnamese civilian."

Colonel Franklin seemed to many witnesses to be the most moralistic military member of the Peers commission. Franklin, the former deputy commander of the 173rd Airborne Brigade, often criticized witnesses and suggested that they were lying. Sergeant Michael Bernhardt's appearance before the commission particularly upset Franklin. Bernhardt, who was one of the first men to talk to newsmen about My Lai 4, testified that he had witnessed or had been told about many rapes and murders committed by men in Charlie Company. On being asked by Franklin to give a specific example, he told of a woman carrying baskets who had been shot when she ignored a request to stop running . . . can you think of a better way to stop people that are running than that? I mean, are you comparing that woman carrying baskets that was shouted at to stop with the lining up and the gunning down of men, women, and children in My Lai 4? . . . The only point I want to make to you is if you are going to make damning accusations like this, and these very general statements, you had better have something to back it up. You're still wearing the uniform and you're portraying people that wear the uniform as really animals." Yet a year later Colonel Franklin was himself charged by a fellow-officer with seven counts of dereliction of duty and failure to comply with written directives in connection with the murder in 1969—before the Peers commission was convened—of at least five Vietnamese prisoners and the electric torture of a sixth. The charges were filed on March 15, 1971, by Lieutenant Colonel Anthony B. Herbert, the holder of four Silver Stars, who served in early 1969 as acting inspector general and as a battalion commander for the 173rd Airborne Brigade under Franklin and his superior, Major General John W. Barnes, who was himself charged by Herbert with three counts of dereliction of duty. Charges against both officers were eventualy dismissed by the Army.

There is some reason to believe that General Peers, who personally ordered the full commission inquiry into the Bravo Company massacre, apparently did not do all he could to insure that those men and officers who were involved in the killings at My Khe 4 were punished or reprimanded. The first hint of Bravo Company's actions was given by Mrs. Nguyen Dhi Bay, a resident of My Khe 4, who was raped and then was forced to serve as a human mine detector during the Bravo Company operation that took place between the sixteenth and eighteenth of March, 1968. Mrs. Bay was interviewed on December 17, 1969, at the Chu Lai hospital by André C. Feher, an agent of the C.I.D. Peers, MacCrate, and a few other members of the investigating team arrived at the Americal Division headquarters a few weeks later to begin interviewing witnesses and to survey My Lai 4. Almost immediately, Peers sent the following "eyes only" message to Army Secretary Resor and General Westmoreland:

"You will recall that you had asked me to include Co Lay in our investigation. Two of the female detainees taken in the operation of . . . the 1st Cav on 13 Dec 69 south of My Lai 1 were recently interrogated by the C.I.D. in the Quang Ngai civil hospital. Both of them indicated that on the day of the 16th, possibly the 17th, of Mar 68 approximately 90–100 women and children in [My Khe 4] were removed from bunkers and shot in the immediate locality. . . . A few instances of rapes were also reported. This would have been the operation of B Co. . . . in that general area.

"The two women have since been released from the hospital, but we will try to locate them and have them re-interrogated by members of this team. Additionally, we will continue pressing for information concerning any unusual activity in that area on the 16–17th of Mar 68. You should also know that Mr. West [Bland West, an attorney on the investigating team] and the other members . . . in Washington are developing a list of individuals from B Co. . . . to be interrogated in the CONUS [Continental United States] when we return."

The two Vietnamese women were not found, but by mid-January the Peers commission had set up a separate team of investigators to interrogate the former G.I.s of Bravo Company. On January 21st, Peers officially enlarged the scope of his inquiry when he informed Resor and Westmoreland in a memorandum, "There is evidence to show that other atrocities and/or violations of military regulations were committed in the other three hamlets of Son My village. . . . In light of the above, it is recommended that the geographic scope of the final report be extended to include the entire Son My village." This was the first time since the day of the tragedy that even an intimation of Bravo Company's misdeeds at My Khe 4 had come to official light. The approval came routinely. (Peers' final summary report to Secretary Resor and General Westmoreland analyzed Bravo Company's assault on My Khe 4 in great detail, however, stating that the number of civilians killed there "may have been as high as ninety.") By February 5th, more than thirty members of Bravo Company had been interrogated, and the Peers commission soon had at least four G.I.s and one officer—First Lieutenant Thomas K. Willingham, who headed Bravo Company's first platoon—under suspicion of murder. The heavy questioning of Bravo Company stimulated press interest at the Pentagon, but military spokesmen had a standing rule against discussing any details of the Peers Inquiry, though they did provide a daily list of witnesses and their units. A few newspaper stories in early February pointed out that the commission had broadened its investigation of My Lai 4 to embrace the activities of Bravo Company, but no reporter was able to learn what had happened at My Khe 4. Spokesmen simply told the reporters that the Peers commission was investigating the entire Son My area, and not limiting itself to My Lai 4. On February 12th, the Army formally charged Willingham, who had by then been promoted to captain, with the unpremeditated murder of about twenty Vietnamese civilians. Few details of the case against Willingham were made public, although Pentagon officials did link the Willingham incident to the My Lai 4 operation. Willingham later refused to testify during a brief appearance before Peers. On February 18th, a reporter for the National Broadcasting Company interviewed two Vietnamese survivors of the My Khe 4 assault, who told how almost a hundred villagers had been killed there during the Task Force Barker operation. By this time, however, the American press was focussed on My Lai 4, so it paid little attention to the story.

On February 21, 1970, General Peers sent Secretary Resor and General Westmoreland another memorandum, informing them that from twenty to twenty-five persons were suspected of offenses that "could be made the subject of court-martial charges." Some of those under suspicion had been members of Bravo Company. The Peers commission was not authorized by the Army to prefer charges on the coverup offenses, but had to submit its recommendations before the time for prosecuting such violations ran out on March 16, 1970, to a group of officers from the Judge Advocate General's Corps, who would determine whether there was sufficient evidence against each suspect to justify a court-martial. General Peers eventually presented a list of nineteen suspects who were still on active duty, only one of them in connection with the Bravo Company killings at My Khe 4. On March 17, 1970, then, General Peers announced that formal charges had been filed against fourteen officers:

Major General Koster, who was accused of failure to obey lawful regulations and of dereliction of duty.

Brigadier General Young, similarly accused of failure to obey regulations and of dereliction.

Colonel Henderson, accused of dereliction, of failure to obey regulations, of making a false official statement, and of false swearing.

Colonel (then Lieutenant Colonel) Luper, accused of failure to obey a lawful order.

Colonel Parson, accused of failure to obey regulations and of dereliction of duty.

Lieutenant Colonel Guinn, accused of failure to obey regulations, of dereliction, and of false swearing.

Lieutenant Colonel (then Major) Gavin, accused of failure to obey regulations, of dereliction, and of false swearing.

Major Calhoun, accused of dereliction and of failure to report possible misconduct. (An earlier suspicion that he helped plan a mismision "which had as some of its purposes the unlawful and systematic destruction of . . . property and the killing of civilians in violation of the laws of war" was dropped.)

Major McKnight, accused of false swearing.

Major Watke, accused of failure to obey regulations and of dereliction.

Captain (then First Lieutenant) Kenneth W. Boatman, who was attached to Bravo Company as an artillery forward observer, accused of failure to report possible misconduct.

Captain (then First Lieutenant) Dennis Johnson, an intelligence officer attached to Task Force Barker, accused of failure to obey lawful regulations.

Captain (then First Lieutenant) Thomas Willingham, already facing unpremeditated-murder charges, accused of making false official statements and of misprision of a felony.

Captain Medina, also previously charged with murder, accused of misprision of a felony.

The press, properly, focussed attention on the charges against Koster, who was by then the Superintendent of West Point. He and Young were the first Army generals in eighteen years to face a possible court-martial. At the news conference, reporters were told that much of the Peers material, including the transcripts of interviews, "cannot be made public at this time, because of the possible prejudice to the military justice against the fourteen officers who have been charged this past weekend." However, there seemed to be little legal justification for withholding information about the second massacre, at My Khe 4, from the public. Peers did announce to the press, "Our inquiry clearly established that a tragedy of major proportions occurred there [in Son My village] on that day." After the Peers commission disbanded, the Army never did complete its investigation of My Khe 4, although even a cursory examination of the Bravo Company testimony accumulated by Peers demonstrated that a significant atrocity had taken place. No further charges were filed in connection with My Khe 4.

At his news conference, Peers was asked, "Is there any evidence that the type of behavior that the charges are based on was more widespread than what happened at My Lai on March 16th? In other words, other days or other places?" The General's answer was unequivocal. "If there is, I have no knowledge of it," he said. "It was not brought out to me in the evidence and I, personally, from my roughly thirty months in South Vietnam, I had no knowledge of anything that would approximate this."

The next question dealt with Bravo Company: "What about in the Son My area in that day? You have charges placed against a member of Company B [Willingham] who was not in My Lai village." Peers replied, in part, "What really is involved, what you might say in My Lai 4, encompassed several of the sub-hamlets, of which My Lai 4 is one of them. . . . But the Bravo Company was not in that area, they were in another area further to the east. But it's all encompassed within the greater area of Son My village, and that is why we refer to it now as Son My village rather than try to delineate it to that one piece of terrain, My Lai 4."

No attempt was made in the final summary report of the Peers commission to deal with the continuing and more substantial issues raised by My Lai 4 and My Khe 4: the military attitudes; the calibre of officers; the training techniques; the promotion system—these and other factors basic to the Army itself. Instead, Volume I limited itself to three comments about the adequacy of the Army's policies, directives, and training revealed by the two massacres. First, it said that the existing policies "expressed a clear intent" regarding the proper treatment of noncombatants and prisoners. Second, it noted without comment that the regulations failed to provide procedures for the reporting of a war crime to superior officers when the officers participated in or sanctioned the crime in question. Third, "many soldiers" in the 11th Brigade were described as not being adequately trained in the provisions of the Geneva Convention, nor were they aware of their responsibilities for the reporting of war crimes. (Elsewhere in the final summary volume specifics were cited: "Evidence of scattered incidents involving the mistreatment, rape, and possibly the murder of Vietnamese by 11th Brigade soldiers prior to the Son My operation indicated that a permissive attitude existed and was not uncovered and corrected . . .") The sole recommendation provided by the final Peers Report, made after a two-hundred-and-fifty-page review of the atrocities at My Lai 4 and My Khe 4 and their coverup, was the following: "Consideration be given to the modification of applicable policies, directives, and training standards in order to correct the apparent deficiencies noted . . . above."

A few hours after Peers' news conference, the military began reacting predictably: Major General Winant Sidle, chief of Army public information, announced that measures to speed up the reporting of alleged war crimes were already under study by the Army. And nothing that happened in the next few months suggested that any of the recommendations of the Peers commission were being carried out; there was no sign that the system would change.

On April 1, 1970, two weeks after General Peers announced his findings, the coverup charges against Captain Medina were withdrawn by legal officers at Third Army headquarters, at Fort McPherson, Georgia, which was where Medina and some of the other Charlie Company defendants accused of murder at My Lai 4 had been assigned. An Army statement explained that the Peers Inquiry's accusation of misprision of a felony had been dropped "because it is not common practice to charge an individual with the commission of an offense and its concealment." Medina was instead accused of being responsible for all the My Lai 4 murders committed by the men under his command. (The charge in connection with the mass slaying was reduced to involuntary manslaughter during Medina's court-martial. In September, 1971, a court-martial panel at Fort McPherson found Medina not guilty of the manslaughter charge, and also acquitted him of a murder charge stemming from the death of a Vietnamese woman at My Lai 4. Medina, who resigned his commission shortly after the trial, was the last member of Charlie Company to face a court-martial in connection with the actual slaying of the civilians. Of the twelve men and officers eventually charged by the Army with murder or with assault with intent to commit murder, only one—Lieutenant Calley—was convicted, and Calley's sentence of life imprisonment was reduced five months later to twenty years' imprisonment after the first of a series of military reviews.) Under the circumstances as of April, 1970—before any of the legal proceedings had begun—dismissal of Medina's coverup charges was reasonable. But two months later the Third Army announced that it had dismissed both the murder and the coverup charges against Captain Willingham, of Bravo Company. A statement explained that commanding officers there had "determined that, based upon available evidence, no further action should be taken in the prosecution of these charges."

The other officers accused by Peers, including Generals Koster and Young, were administratively transferred to First Army headquarters, at Fort Meade, Maryland, pending a review of the charges against them. Under military law, the commanding general of the First Army, Lieutenant General Jonathan O. Seaman, had to review the charges to determine if they were sufficient to convene an Article 32 hearing—the Army's equivalent of a grand-jury, or pre-trial, proceeding. The investigating officer of an Article 32 hearing has the obligation, after taking testimony, to recommend whether the defendant should stand court-martial. Within a year, the charges against eleven of the twelve officers at Fort Meade who had been named by the Peers commission had been dismissed.

On June 23, 1970, Seaman, a West Point graduate and a former Vietnam division commander nearing mandatory-retirement age, dismissed all coverup charges against General Young, Colonel Parson, and Major McKnight. A statement issued at Fort Meade said that Seaman had acted following "his evaluation that the charges were unsupported by the evidence." In Young's case, Seaman acted shortly after he received a recommendation to dismiss the charges from Colonel John P. Stafford, Jr., the staff judge advocate of the First Army. Stafford's discussion of the case against Young took up two paragraphs—one devoted to what Young had been told and one to what his obligations to investigate were—of a two-and-a-half-page report:

"Although LTC [Lieutenant Colonel] Holladay says BG [Brigadier General] Young was informed of facts which would constitute a war crime, both Major Watke and BG Young corroborate the fact that BG Young was aware of only the confrontation [between ground and helicopter personnel] and the indiscriminate fire. This view is also corroborated by the fact that Col. Parson and Col. Henderson claim to have received only that limited information from the same source. The preponderance of the evidence further supports that BG Young reported the lesser amount of information to MG [Major General] Koster, which is apparently all the information he knew of.

"The evidence pertaining to BG Young's requirement to supervise Col. Henderson's investigation is tenuous at best, being based not on specific direction but only on implication. Assuming the duty existed, however, Col. Henderson's activity of reporting directly to MG Koster and the fact that MG Koster accepted this report, weakens the theory of BG Young's dereliction . . ."

Using the same set of facts a year later, Army Secretary Resor concluded that Young "did not meet the required standards" of a general. Resor's conclusion was included in a brief prepared in defense of a subsequently announced decision to administratively censure the General and to strip him of his Distinguished Service Medal. Resor's brief said, in part:

"General Young was informed by officers in the aviation unit the day following the incident at My Lai that a serious confronta-

tion had occurred between American ground and helicopter personnel. There has been some dispute as to whether General Young was also given information concerning the killing of civilians and the presence of a number of bodies in a ditch. General Young discussed the matter with General Koster and was instructed to have a subordinate commander [Henderson] initiate an investigation. Subsequently, General Young made inquiries of the commander concerning the progress of the investigation. . . .

"Despite the fact that he possessed this information, and that General Koster had utilized him as the officer responsible for seeing that the subordinate commander initiate an investigation, General Young appears to have disassociated himself from the substance of the subsequent investigation. He made no effort to review or discuss with General Koster either the verbal report which General Koster had received from the commander or a subsequent written report which General Koster instructed the commander to prepare. It is General Young's position that he was unaware that the allegations being investigated included the actual deaths of noncombatant civilians. Assuming that to be the case, it indicates the inadequate degree to which General Young involved himself in the investigation, for it is clear that General Koster and the subordinate commander, as well as various others involved in the investigation, understood that a central issue in the investigation was that of civilian casualties. General Young did not seek to assure himself that a satisfactory resolution had been made respecting the confrontation, a confrontation which had serious implications concerning cooperation between infantry and helicopter units in future operations. . . .

"I have concluded that General Young did not exercise the degree of initiative and assume the responsibility which is expected with respect to a general officer serving as an assistant division commander."

Young, after losing a legal battle to avoid censure (although he did fight an attempt to reduce him to colonel), retired from the Army on June 30, 1971.

On July 28, 1970, General Seaman announced that he had decided that seven of the twelve officers under his jurisdiction, including Koster, were to be held for Article 32 hearings. Besides Koster, the officers were Colonel Henderson, Lieutenant Colonels Guinn and Gavin, Majors Calhoun and Watke, and Captain Johnson. The coverup charges against two other officers—Colonel Luper, the artillery-battalion commander at My Lai 4, and Captain Boatman, who served as a forward artillery observer attached to Bravo Company—were dismissed. The Article 32 sessions began at Fort Meade in August and were closed to the public; they continued for six months.

On January 6, 1971, after the hearings, General Seaman dismissed charges against four officers "because of insufficient evidence." Those freed were Guinn, Gavin, Calhoun, and Watke. Twenty-three days later, General Seaman dismissed the charges against General Koster, "in the interest of justice." A Pentagon statement said that Seaman, though he had found "some evidence" that Koster had heard about the deaths of the twenty civilians, had determined that the General was not guilty of any "intentional abrogation of responsibilities." Seaman's action was based on a four-page memorandum that was submitted to him on October 27, 1970, by Major General B. F. Evans, Jr., the investigating officer for Koster's Article 32 hearing. It is not known why Seaman waited nearly three months before announcing the findings, which he accepted in full. Seaman did issue a statement acknowledging that there was some evidence that Koster had not properly reported the deaths of twenty civilians to higher headquarters, and also had not thoroughly investigated the matter, but he added that in consideration of "the long and honorable career of General Koster" and the fact that Koster had not intentionally lapsed he had decided to dismiss all the charges. General Evans' confidential memorandum—like Colonel Stafford's in General Young's case—conceded every point of dispute to Koster. After concluding that Koster's "testimony was completely truthful," he added, in summary, "It is also my belief that there was no attempt by General Koster to hinder the investigation of the My Lai incident. . . . he [testimonial] letters included with [the] Article 32 investigation attesting to General Koster's character coupled with his past record of outstanding service would render it highly unlikely that General Koster would be a party to any subterfuge or dishonest act."

The dismissal of the charges against Koster brought an immediate outcry from MacCrate, the former Peers investigator. In his first public comment on My Lai in ten months, he told the New York *Times*, "I am shocked by the action of the commanding general [Seaman] in dismissing at this time the charges against General Koster." MacCrate's criticisms, however, were directed not at the substance of Seaman's action but at its timing. "Charges are still pending against men who were within his [Koster's] command" at the time of the incident, the lawyer said, referring to the officers under investigation at Fort Meade.

Aside from MacCrate's protest, little indignation was expressed over the Army's decision to drop all charges against the senior officer involved in the My Lai 4 massacre; the newspapers' information was limited to what they had been told by the Army, and most of them treated the dismissal as a routine, one-day story. And only one member of Congress, Representative Samuel S. Stratton, a New York Democrat, who had served on Hébert's Son My investigating subcommittee, challenged the decision. On January 29th, Stratton, a former Navy officer, called the dismissal of charges against Koster "a grave miscarriage of military justice," and said, "To drop the charges against the top officer responsible in this situation raises once again the whole question of a military whitewash . . . If the Army system is either unwilling or unable to produce the facts and to punish the guilty in this case, then I am inclined to feel that we do need some independent tribunal which will be higher and separate from the ordinary military-controlled court-martial proceeding to make a final determination in this case." Within a day, an Army spokesman revealed that General Seaman—while throwing out the charges against Koster—had given a letter of censure to him for "his failure to report civilian casualties and to insure that the circumstances of these casualties were investigated promptly and thoroughly." None of this got much attention in the newspapers.

A few days later, Stratton gave his fellow House members a lengthy dossier on Koster's alleged derelictions, which he had culled from the censored subcommittee report on Son My, published the previous July. Once again, few newspapers paid attention to Stratton's charges. Stratton told the House, "I am afraid that this is a case where the ground rules of the mythical W.P.P.A., the West Point Protective Association, have taken precedence over the welfare of the nation and the fundamental right of the American people to know the facts: never mind what happens to the Army or to the country, just make sure we keep our paid-up members out of embarrassment and hot water." He also questioned the timing of the Pentagon's revelation that a letter of censure had been given to Koster. "One cannot help wondering why this censure action was not made public at the time the original announcement was made that charges were being dropped," Stratton said. "Why was the impression given that General Koster was being let off completely free and clear? Was the Army perhaps waiting to test the public reaction to their decision to sweep the Koster case under the rug?"

Koster was subsequently demoted by administrative fiat to brigadier general and stripped of his Distinguished Service Medal—actions he unsuccessfully fought. Secretary Resor's statement justifying the administrative action contrasted sharply—especially in its view of the responsibility of a commander—with General Evans' argument for dismissing the case. Resor wrote:

"A great deal of information suggesting that a possible tragedy of serious proportions had occurred at My Lai was either known directly to General Koster, or was readily available in the operational logs and other records of the Division. He did not utilize the investigative staff resources available in the Division either to conduct an investigation, or to review the investigations which were conducted. In so doing, he took upon himself a much greater personal burden than would otherwise have been the case.

"As the Division commander, General Koster clearly must be held responsible for ascertaining the accuracy of the information which he had about My Lai, as that information indicated that his troops might have been guilty of serious misconduct. Any other conclusion would render essentially meaningless the concept of command responsibility accompanying senior positions of authority."

On February 26, 1971, the First Army completed its review of the year-old charges by announcing that Colonel Henderson, the 11th Brigade commander, would be tried by a general court-martial for his part in the coverup of My Lai 4. At the same time, General Seaman dismissed all charges against Captain Johnson, the intelligence officer, on the ground of insufficient evidence. Thus, Henderson became the only officer of the fourteen initially charged to be required to face a court-martial in connection with the charges of a coverup.

In August, 1971, Army Secretary Robert F. Froehlke, who had replaced Resor on July 1st, initiated administrative punishment against a number of the fourteen officers accused by General Peers. Pending appeals, two colonels were to be stripped of their Legions of Merit and given letters of reprimand; one major's name was to be removed from the list of majors eligible for promotion to lieutenant colonel; one captain was to be given a letter of reprimand; and a similar censure (its detail still unknown) was to be meted out to a fifth officer. Four enlisted men who had served with Charlie Company and, like the officers, had been cleared of criminal charges were also proposed for administrative punishment by Froehlke, and were told that, pending final reviews, they would be honorably discharged from the Army for the convenience of the government. Details of Froehlke's actions were leaked to the Associated Press and were published on August 18, 1971. The A.P., however, was not told the identity of the punished officers, though the names and home towns of the enlisted men were provided and published.

Colonel Henderson's military attorneys, as might have been expected, depicted their client as a scapegoat, and claimed that he would not have been charged if Representative Stratton hadn't begun objecting to the dismissal of the charges against Koster. I was told that during Henderson's Article 32 hearing at Fort Meade, which lasted five months, more than seven thousand pages of testimony was taken. At the conclusion of the hearing—in January, just before Stratton made his speeches in the House—the investigating officer dismissed one of the five specifications against Henderson but had found some evidence to support the complaints of dereliction of duty and false

swearing. The officer did not recommend a court-martial, it was said, suggesting instead that Henderson be given a form of nonjudicial punishment under Article 15. General Seaman decided to proceed with the court-martial, however—a decision that was announced shortly after Army Secretary Resor began his administrative proceedings to censure Koster and Young. But Stratton, then the chief critic of the Army's handling of the coverup prosecutions, wasn't pacified either by the administrative action against the officers or by the filing of the Henderson charges. Still unable to attract wide press coverage, he wrote an article for the editorial section of the New York Times on March 8, 1971, caustically pointing out that a letter of censure "has one clear advantage over a court-martial; it keeps the general's (Koster's) case out of the papers."

Yet Stratton's public criticism of the Army's handling of the Koster charges, important though it was, still did not bear on the crucial issue of the Army as an institution that was capable of covering up a My Lai 4 and ignoring a My Khe 4. Neither did Colonel Henderson's subsequent court-martial, which began August 23, 1971, at Fort Meade, and quickly became mired in technical disputes over, among other things, the validity of the Colonel's testimony before the commission. Henderson's attorneys also spent weeks attempting to establish the existence of the May, 1968, report of the Barker investigation, although the evidence before Peers made it clear that the document was a fraud.

The trial, which dragged on through the fall, was marked by much self-serving and less than candid testimony. At least two key witnesses changed testimony. Chief Warrant Officer Hugh Thompson, a captain by late 1971, testified that he was no longer positive that he had made a statement about My Lai 4 to Colonel Henderson two days after the massacre. (Before the Peers commission, Henderson, among others, had identified the pilot as the man with whom he spoke.) Warrant Officer Jerry Culverhouse, who also had been promoted to captain, told the court-martial that he no longer could say whether Henderson "was or was not" the man to whom he reported on March 18, 1968. On December 17, 1971, Henderson was found not guilty of the coverup charges.

In the end, only legal technicalities and personalities were being debated. It is unlikely that any other atrocities of the magnitude and character of My Lai 4 have taken place in South Vietnam, but how many My Khe 4s have there been? By the fall of 1971, the massacre by Bravo Company was forgotten. That slaughter and its cover-up reveal an important truth about the American Army. Bravo Company killed between forty and a hundred innocent Vietnamese civilians on the morning of March 16, 1968. There was no Lieutenant Calley ordering other men to "waste them." There was no confrontation with a helicopter pilot, and no protesting over a radio network. My Lai 4 was out of the ordinary, but it was obviously not isolated. My Khe 4, however, was just another atrocity, and that atrocity was covered up—after its uncovering in the midst of the My Lai 4 investigation—by a lieutenant general and a Secretary of the Army unwilling or unable to face up to its meaning. There is a point, this suggests, at which even the generals and civilian officials of the Army, like the G.Is involved in the massacres and like the innocent Vietnamese at My Lai 4 and My Khe 4, become victims.

—SEYMOUR M. HERSH.

[From the New York Times, Feb. 2, 1972]

THE COURSE OF MILITARY JUSTICE

(By Telford Taylor)

As a signatory of the Geneva Convention of 1949, the United States is bound to "search for" and bring to trial all persons who have committed "grave breaches" of the laws of war, and to "enact any legislation necessary to provide effective penal sanctions for persons committing" grave breaches. As the nation which for over a century took the lead in codifying and applying the laws of war, the United States is bound to govern the conduct of its armed forces by the standards that have been applied to the soldiers of Germany, Japan and other nations.

Now that the last of the courts-martial relating to the Mylai killings has concluded, it is time to assess our Government's role and obligations.

Ten enlisted men, one platoon leader and the company commander were charged with criminal responsibility for the Mylai killings. No effort was made to bring to trial any officer at a higher level, or anyone who had left military service prior to public disclosure of the killings. Three of the enlisted men charged were brought to trial; all were acquitted, and thereafter the charges against the others were dropped.

Ably prosecuted, the platoon leader, Lieut. William Calley, was convicted of first-degree murder and sentenced to imprisonment for life, subsequently reduced to 20 years. Strongly defended, the company commander, Capt. Ernest Medina, was acquitted.

Since over a year passed between the Mylai killings and disclosure of the episode, the Army established a high-level board of review, headed by Lieut. Gen. William R. Peers, to inquire into the circumstances of the "cover-up." On the basis of the board's findings, charges of perjury and other derelictions connected with the cover-up were filed against 14 officers, including the divisional commander, a major general.

Thereafter the charges against 13 of the 14 were dismissed without trial. Col. Oran Henderson alone was tried, and aquitted. Captain Medina, who freely admitted that he had concealed the killings, was not charged with the cover-up.

While the several courts-martial were in process, the Peers report was rightly held confidential. The Army has announced that it will not be released, at least until the review of Calley's case is completed. But Pentagon Papers and Anderson papers have now been followed by "Peers papers," and much of the contents of the report have been disclosed in articles by Seymour Hersh in The New Yorker. According to the Hersh account, the Peers report shows that the killings at Mylai were not confined to the men of Calley's platoon, or even of Medina's company, though the Army has never brought charges in connection with these other units, or even acknowledged that they occurred.

Although many persons participated in or were otherwise responsible for the Mylai killings, only Lieutenant Calley has been found guilty. And, although the killings were unlawfully concealed and numerous officers were involved, no one has been found criminally responsible for the cover-up. It is apparent that the Army's procedures for the prevention, detection and punishment of war crimes have failed abysmally. It is equally apparent that the United States has seriously defaulted on its international obligations under the Geneva Conventions.

Calley's personal guilt is beyond question, but the idea that he alone should bear criminal responsibility is absurd. Certainly no deterrent purpose can be served by punishing only Calley, and so irrational an outcome tends to degrade rather than exalt the judicial process. Under the circumstances, commutation or suspension of Calley's sentence is appropriate, *but only if done for the right reasons*. Any clemency for Calley which implies that what he and the others did at Mylai was "really not so bad" would turn a disgraceful situation into an unspeakable one. The "greatest reason" is to do "the right deed for the wrong reason," T. S. Eliot had Thomas Becket say.

Clemency for Calley should be granted, if at all, on the basis that it is unfitting and unprincipled to punish one man for the crime of many. It should be accompanied by an avowal that the Army's procedures proved inadequate to cope with the problems of the Mylai killings.

Over the years, the United States Army has done as well as most and better than many others in requiring its men to comply with the laws of the war. This generally good record makes it doubly important to perceive the causes of failure in connection with Mylai.

The Government failed to take proper account of the Supreme Court's 1955 decision that ex-servicemen are not answerable to court-martial for accusations of crime committed while in service. That decision should have stimulated legislative action to confer on the Federal courts, or other suitable tribunals, jurisdiction over such offenses. The Government's failure was a plain breach of our obligation, under the Geneva Conventions, "to enact any legislation necessary to provide effective penal sanctions" for war crimes. The consequence of this failure was that those involved in Mylai who had left the service before the disclosures were immune.

Captain Medina did not personally participate in the mass killings at Mylai, and the charge against him in this respect was based on the well-established doctrine of "command responsibility"—the duty, as described in the Army field manual on the law of land warfare, "to take the necessary and reasonable steps to insure compliance with the laws of war" by his troops. The manual is explicit that this duty attaches when the commander "has actual knowledge, or should have knowledge" that his troops are committing or about to commit war crimes. A commander must not, whether deliberately or negligently, fail to acquire information about his troops' actions necessary for his responsibilities.

But the military judge before whom Medina was tried, in his charge to the jury, omitted the "should have" portion of the rule and instructed the jury that they could not find Medina guilty unless he had "actual knowledge." He also charged them not to find Medina guilty unless they were satisfied that unlawful killings of Mylai villagers took place after the time at which he acquired actual knowledge. Since no one was holding a stopwatch on the morning's doings in Mylai, it is hard to see how a conscientious jury could have made any such finding.

It is clear that the charge virtually dictated acquittal, and that it was squarely contrary to the laws of war as set forth in the Army's own field manual. It is likewise clear that Medina's acquittal effectively immunized all those above him in the chain of command, for if the company captain, within earshot of the killings and in radio communication with the guilty unit, could not be found liable, how could colonels and generals overhead in helicopters?

The fiasco with respect to the cover-up was largely due to the independent authority which the military judicial system gives to the commander of the headquarters to which an accused officer is assigned. In 13 of the 14 cases in which the Peers board recommended charges, the headquarters commanders in substance overruled the board and ordered the charges dismissed.

Apart from the failure of the Army's judicial machinery, there has been an even more serious deficiency in the Government's response to the Mylai disclosures. The several courts-martial have done little to inform the public on the broader questions raised by the episode. What were the antecedent circumstances of training and leadership which made Mylai possible? What are the legal and human consequences of Army operational standards and practices in Southeast Asia, such as "body count" reports, "free-fire" and

"free-strike" zones, mass removals of civilians from their homes, crop destruction and defoliation?

Now that the criminal process has run its sorry course, a number of other measures are urgently necessary. These should include:

(1) Review of Calley's sentence in the light of the failure to convict anyone else;

(2) Enactment of legislation authorizing appropriate tribunals to try ex-servicemen accused of crimes committed while in service outside the United States;

(3) Publication of the Peers report and the documents and testimony on which it was based;

(4) Creation of a national commission of inquiry, vested with power to compel testimony and grant immunity, in accordance with the recent recommendations of the Association of the Bar of the City of New York. The commission's range of investigation should include at a minimum the military operational directives in force in Southeast Asia, the standards of training and discipline with regard to observance of the laws of war, and the processes of military justice in dealing with war crimes.

Only by treating the end of the courts-martial as the beginning of serious efforts to confront the facts and learn from experience can the failure of the judicial process be redeemed, and the stain of Mylai lightened.

[From the New York Times, Jan. 2, 1972]

DEBACLE OF MILITARY JUSTICE

When the horror of the events at a South Vietnamese hamlet named Mylai 4 was first disclosed two years ago, the sickening story of women, babies and old men murdered by American soldiers jolted the nation's conscience. President Nixon called it a massacre. Lieut. Gen. William Peers, who conducted a careful inquiry into the Army's preliminary handling of the charges, described Mylai as "tragedy of major proportions."

The Army's announcement, following the Peers report, that it would try sixteen officers and nine enlisted men in connection with the massacre renewed the faith of those who wanted to believe that the American military still distinguished between war and criminality. The conviction of Lieut. William Calley briefly reinforced that faith—although President Nixon's unwarranted intervention promptly undermined it.

But the conclusion of the trials without the conviction of any officer or man allegedly involved, except Lieutenant Calley, shatters the hope that the military establishment is truly capable of policing and judging itself. The clearance of all defendants except Calley does not prove, as some now claim, that the lieutenant was framed to buy immunity for the higher ranks. Calley's personal guilt, proved to the satisfaction of a battle-tested jury, remains unquestioned.

But it is also clear that Calley did not commit a solitary crime. The military chain of command, far from being ignorant of criminal actions in which so many participated so publicly, obviously devoted much effort to covering up rather than to reporting, investigating and exposing the crime. This would be inexcusable even had the Mylai story been kept from public view. After its disclosure, a trial procedure which failed to come to grips with the nature of the high-level cover-up suggests the absence of a command policy to prevent such war crimes. The Pentagon's unwillingness to respond to those other charges of atrocities made more recently by Col. Anthony Herbert raises serious questions about the civilian as well as the military leadership in Washington.

The tribunal which brought down the curtain on the Mylai trials argued that Colonel Henderson had been kept in ignorance of the massacre by the lies of his own officers. It is difficult to believe that it was beyond the Army's investigative capacity to identify the liars and track down the conspiracy of silence.

Americans who refuse to surrender the nation's honor and ideals can only see this debacle of military justice as proof that the military apparatus has lost its sense of accountability. If the White House is unwilling or unable to act, as seems to be the case, it is up to Congress to re-establish civilian controls over the policies and practices of the military. The first step might well be to insist that the Peers report, which virtually forced the Army to bring some of its own personnel to trial, be made public. It never has been, nor has the report on the Herbert case. Both these reports would surely throw some light where light is sorely needed.

[From the New York Times, Feb. 4, 1972]

DUTY, HONOR (AND SELF)

(By Lucian K. Truscott 3d)

ALBUQUERQUE, N. MEX.—The real tragedy of Mylai remains obscure even after the Medina and Henderson trials dragged on in Calley's wake. The ultimate tragedy was not Calley: his killing was horrible enough. And it was not the cover-up which in its long-term effect on the Army will probably prove just as horrible. Rather, the real tragedy was Mylai as the culmination of several incidents which, taken together, indicate a disturbing degree of erosion of moral principle within the Army.

We forget quickly. Remember the Green Beret fiasco? And the bogus award of the Silver Star to the general in Vietnam? The Sergeant Major of the Army and his alleged implication in the club scandals? And the conviction of the Provost Marshal General—the top cop of the Army—for his illegal extracurricular activities? To name only a few. All involved senior individuals, and few, if any, of these scandals were brought to light by the Army.

The other services (Air Force, Navy) are fundamentally different from the Army. They exist for machines—machines which kill and destroy from twenty miles away or 30,000 feet up. Their killing is remote and impersonal. The Army, on the other hand—and most particularly, the infantry—exists for men to kill other men. Ordering, and especially leading men to hunt and kill men is infinitely more difficult. It requires a disparate form of discipline, the most nearly absolute form of power: that of a man directly over the life of another man. Not of man over man through machine, or of man over machine through man. The far more terrible risks taken by the man on foot in combat require this power, for on the ground, men die in the face of, and at the side of other men. Absolute power is necessary in order to bring this about.

If we believe Lord Acton's statement that all power tends to corrupt and that absolute power corrupts absolutely, then the Army is the most susceptible of all the services to absolute corruption by those who serve in it. This corruption is at the heart of the Army's problem.

To put it simply, this corruption results from individual lust for advancement, the never-ending search for that absolute power over other men—perhaps as must be the search for money in civil life. Unfortunately, the ambitious Army officer has frequently found that he cannot advance and remain honest at the same time. This has certainly been the case in Vietnam—the war that has been allowed to become a punch on a promotion card.

A West Point classmate and friend of mine, recently promoted to brigadier general, admitted to me that he found he had to be dishonest to "do well" as a battalion commander in Vietnam. He had to falsify reports simply because there were not enough hours in the day to get everything done or undone. He had to lie to pass inspections and training tests; to control AWOL rates and venereal disease rates and court-martial rates; to keep ahead of his peers on all of the numbered charts that today measure success. Besides, he reports, "Everyone else was doing it." He had to be corrupt, for if he had not been, would he have been promoted to colonel, and then to brigadier general—and on and on?

This is the corruption that gnaws at the guts of our Army:

Corruption is an infantry commander being in a helicopter 1,000 feet over his men on the battlefield, instead of being down there with them. Would Mylai have happened if Koster and Henderson and Barker—all of whom have claimed that they saw and heard nothing—had been down on the ground where the killing was going on? Corruption is placing a man in command of a battalion or brigade for six months so he can get credit for command in combat, then moving him back to a trailer in a base camp while his men remain in the field. Such rotation of commanders has been a practice in Vietnam right from the start, and it is corrupt because the men who fight there deserve better, and the country does.

Corruption is measuring the effectiveness of a commander (and a war) by the number of enemy his unit reports dead. Counting bodies is corrupt because it has led to inflated statistics, to lying, and because it is degrading to the commander, his men, and to the enemy, both living and dead.

And corruption is covering up a massive drug problem, or any mistake or tragedy.

The Army must be honest with itself and with its people. It has in the past. For years, the motto at West Point has been "Duty, Honor, Country," and in effect, this has been the motto of the Army. I was proud to serve under that motto. But I am not proud of what that motto has become. In Vietnam, it was very subtly changed by some very corrupt men to "Self, Duty, Honor, Country," and that is the erosion of moral principle within the Army.

DANGERS INVOLVED IN MEETING WITH THE SOVIET UNION AND HER ALLIES

The SPEAKER pro tempore (Mr. MATSUNAGA). Under a previous order of the House the gentleman from Maryland (Mr. HOGAN) is recognized for 60 minutes.

Mr. HOGAN. Mr. Speaker, I have asked for this special order so that I and several of our colleagues can discuss the recent memorandum of the American Hungarian Federation to the President on the proposed European Security Conference.

The memorandum analyzes in depth the dangers involved in meeting with the Soviet Union and her allies for such a conference. It points to the fact that the most obvious purpose of the Soviet Union and the so-called Warsaw pact remains the recognition of all existing frontiers and the permanent political status quo in Europe. "Such a declaration would effectively freeze the status quo and its legal significance, including Soviet Russian domination over East Central Europe and the partition of Germany," the memorandum states.

The memorandum also refers to the goal of the Soviets in proposing the European Security Conference as being:

For the reduction of American political, economic and military presence in Europe

and for effectively loosening the ties between European NATO allies and the United States.

Yet, despite these warnings, the memorandum does not reject the concept of a European Security Conference in toto. It believes that the Conference could be effectively utilized by the United States in loosening the artificial ties binding East and Central Europe to the Soviet Union. Such a conference could help to reweave the fabric of Europe, creating a viable European community, now prevented by Soviet Russian domination in East and Central Europe. In this connection, as the first point on the agenda, the American Hungarian Federation suggests that the Security Conference discuss ways to create a neutral, nonalined zone in the Danubian region based on the already existing neutral or nonalined States of Austria and Yugoslavia and adding to it Hungary, Czechoslovakia, and possibly Rumania. I believe that this position is well taken, even if its implementation would necessitate extensive negotiations and clarifications and would result in changes in the political, military, and economic power relations in Europe.

Mr. Speaker, we cannot abandon our interest in the national self-determination rights of the peoples of East Central Europe—peoples who, such as the Hungarians, have shown that they intensely desire a free and democratic system. I hope this memorandum will receive the attention it deserves.

Mr. DICKINSON. Mr. Speaker, yesterday the American Hungarian Federation brought to my attention a memorandum they are presenting to the President on problems connected with a planned European Security Conference. I agree with their analysis and ideas which are substantially similar to those of the administration except that the American Hungarian Federation adds a few proposals which would be of great importance if and when such a conference will take place.

The Soviet Union and their allies have long pushed for a European Security Conference as a means of promoting the disintegration or even dissolution of NATO and to extend Communist and Soviet influence into Western Europe. Another important consideration in their mind had been to get a solemn international, multilateral recognition of the present frontiers and political status quo in Europe, thereby recognizing Soviet hegemony over East Central Europe. In view of these aims, the United States and the NATO allies were not in favor of such a conference until the end of 1969 and still have important reservations about the convocation of such a conference.

However, in view of diplomatic and political developments, it looks like such a conference may be held next year provided the participants can agree on a meaningful agenda as the Soviet Union and its allies have made some procedural concessions and the Western Powers have increasingly accepted the concept of the conference. It will be one of the most important tasks of our President in Moscow this year to insure that if such a conference takes place it does not become a multilateral rubberstamp to approve the status quo and further a relaxation of the efforts of our European allies in NATO. The objections of Secretary of State William Rogers at the December 1969 NATO Ministers' meeting remain pertinent to a great extent even today. Then, he asked:

It (the Warsaw Pact) has proposed a European Security conference based on what appears to be a nebulous and imprecise agenda. What does the Soviet Union want to achieve by proposing such a Conference? Does it want to deal realistically with the issues which divide Europe, or does it seek to ratify the existing decision of Europe? Does it intend to draw a veil over its subjugation of Czechoslovakia? Does it wish to use the conference to strengthen its control over the trade policies of other members of the Warsaw Pact? Does it wish to seek to retain the right to intervene in Eastern Europe?

The memorandum also rightly points to the possible pitfalls of the conference like further disintegrative tendencies in NATO, and further expansion of Communist and Russian influences in Western Europe. But it also accepts the inevitability of the conference and proposes Western diplomatic initiatives in order to counterbalance Soviet moves in this regard.

It calls for discussions, within or outside of the MBFR talks or the European Security Conference, for a removal of troops from the southern tier countries of the Warsaw Pact and Southern Europe and a corresponding expansion of the neutral and/or nonalined zone in Central Europe now consisting only of Austria and Yugoslavia. Of course, this could not constitute a final solution, but it would be a significant step toward the restoration of a stable peace and for peoples of self-determination and sovereign equality in the States now still held captive by overwhelming Soviet supremacy and intervention into their internal affairs. For this purpose I believe that these suggestions could serve as valuable aids in our diplomacy.

I am sure that the administration which holds the problems and the fate of the freedom-loving and yet still oppressed peoples of East Central Europe and the cause of a stable and just peace in Europe to be a matter of highest importance in our foreign relations will pay the attention to these proposals which they deserve.

At this time, I would like to insert into the RECORD a memorandum from the American Hungarian Federation. The memorandum outlines the concepts which we have spoken of today:

MEMORANDUM

The convocation of a European Security Conference seems to be inevitable within the next eighteen months. This estimate is based upon the various statements made by leading statesmen of our NATO allies and the communique of the last NATO meeting of Foreign and Defense Ministers in Brussels of December 10, 1971.

The American Hungarian Federation looks toward the convocation of such a European Security Conference both with hope and anxiety. We are aware of the policy of our Government to end a policy of confrontation and to proceed to an era of negotiations with the Soviet Union and the People's Republic of China. We are aware that the creation of stable conditions of peace in Europe must occupy a high priority in United States foreign policies. We also believe that the forthcoming visit of our President to Moscow in May 1972 will provide a historical opportunity to demonstrate the paramount interest of the United States in creating conditions leading toward true peace and international cooperation in Europe.

A European Security Conference conceals the seed of much hope and risks alike. Hope springs eternal in our hearts that given good will on our side and a resolute Western diplomatic stand could help in erasing, or at least, diminishing, the existing cultural, economic and political barriers between the nations of Europe, barriers which still divide in physical and political sense the homeland of our fathers, Hungary, from Western Europe and the United States.

Hope that the European Security Conference will help to remove Soviet troops from Hungary, and restore the opportunity for Hungary as well as for other nations of East Central Europe to reintegrate themselves gradually into the Western European community of nations and culture to which they have belonged for over a millennium and from which they were torn by the post-1945 events. Hope that these peoples will be able to widen their minutely limited freedom of action and recover their right to self-determination and intra-regional solution of their outstanding domestic, international and nationality problems.

Yet, we experience anxiety about the announced goals of the Soviet Union and her Warsaw Pact allies in seeking the convocation of a European Security Conference. Their most obvious purpose remains the recognition of all existing frontiers and the political status quo in Europe in form of a conference of all European and North American powers, a recognition which would be binding in international law both bilaterally and multilaterally. Such a declaration would effectively freeze the legality of the status quo, including Soviet Russian domination over East Central Europe and the partition of Germany. Unfortunately, the yet unratified Bonn-Moscow Treaty provides a precedent in this regard as far as the Federal Republic of Germany is concerned.

We are heartened by the final communique of the NATO Ministers of December 10, 1971 stating that a European Security Conference cannot serve the purpose to render permanent the postwar partition of Europe and we earnestly hope that this position, with positive elaborations, will also be the position of the United States Government at any forthcoming European Security Conference. We refer in this regard to the Article of the U.N. Charter that its members base their policies on "the sovereign equality of all its Members" and "refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state."

We feel some anxiety that the European Security Conference may be used by the Soviet Union for the reduction of American political, economic and military presence in Europe and for effectively loosening the ties between the European NATO allies and the United States. Any further deterioration within NATO would have grave consequences for Western security. In this regard, we must praise highly the continuous efforts of the Administration to resist premature plans of unilateral withdrawal both at home and abroad, and its unwillingness to approve any such MBFR plans which would create Soviet military superiority in Europe.

We believe that if a European Security Conference takes place, the United States should propose positive plans for overcoming the situation in East Central Europe taking into consideration the security interests and political-military realities of the situation. In our Spring 1969 Memorandum we already called attention to the possibility of proposing an expansion of the already existing

neutral area between the NATO and Warsaw Pact nations from Austria and Yugoslavia to Hungary, Czechoslovakia, and perhaps also Rumania and other countries. Removal of foreign forces and the international guarantee of these areas should be made the subject of serious discussions.

Concentrating upon the Danubian region, where there exists no great concentration of either NATO or Soviet units, a fruitful start could be made in furthering MBFR talks. Any MBFR agreement in this region would also promote the emergence of a quasi-neutral bloc including the states between Austria and Rumania, thereby creating the opportunity for freer national and economic development in the region. If MBFR and a European Security Conference are going to be more than a slogan, a reweaving of the two parts of Europe without impairing basic security needs of the superpowers must form a priority item. The chances of creating the opportunity for freer national development without the presence of foreign military forces appears best in the Danubian region where already two states with such a structure or policy tendencies exist.

Historical, social and economic ties between the states of the Danubian region are still in existence and remain extensive even across alliance borders and the expansion of the zone free of foreign forces would promote closer cooperation which would, however, not be directed against any of the superpowers.

We trust that these proposals would be seriously considered by our Government and employed at the right time and place in order to promote both the interests of the United States and of Hungarians whether living in Hungary or in the territories controlled by the neighboring governments.

We trust that the President, who displayed his special regard for the peoples of Hungary and East Central Europe many times in the past, will employ the diplomatic and economic talents of the United States to bring peace, self-determination and free development opportunities to them through his sustained diplomatic offensive including his forthcoming talks with the Soviet Government.

Finally, it is our position, which is shared by the overwhelming majority of Americans of Hungarian descent, that we cannot accept any Soviet proposals that the ideological, political and military partition of Europe must be rendered permanent by a European Security Conference in the form of a multilateral declaration on frontiers and the political status quo as it has been done in the yet unratified Bonn-Moscow Treaty. A European Security Conference must be a first step toward the creation of stable and peaceful conditions in Europe based on the principles of sovereign equality and self-determination, or the causes of tensions will never be removed.

Mr. Speaker, the American Hungarian Federation recently sent me a memorandum discussing the problems of a European Security Conference. The fine work of the American Hungarian Federation is well known to me from the past and its committee on international relations consists of renowned professors such as Prof. Maurice Czikann-Zichy from the Department of Economics of Immaculata College and Prof. Z. Michael Szaz, from the Department of History and Social Sciences at Troy State University, Troy, Ala. Other experts include former members of the Hungarian Parliament.

The memorandum deals with the inherent dichotomy of a European Security Conference. On the one hand, the Soviet Union and the governments of East and Central Europe under her domination clamor for a European Security Conference in order to establish a security system which would recognize the permanency of their rule and frontiers, regardless of the opinion of their peoples, and would also provide for a weakening of the American presence and influence in Europe. The Soviet Union's intention is clearly to gain influence and power in Western Europe and to detach, in part or in toto, our European allies from NATO.

On the other hand, there is no question that unless a military and, eventually, a political detente with Eastern Europe occurs, no stable peace can return to Europe and the present partition, separating nations with Western culture from the western part of the continent, will remain in force.

Thus, neither an unqualified "yes" nor an unqualified "no" seems in order as far as the U.S. position is concerned. An unqualified "yes" would only encourage the Soviet Union to insist upon vague generalities for an agenda and to use such a conference as a platform for anti-American propaganda and for the detachment, as much as possible, of our allies from NATO.

On the other hand, an unqualified "no" does not appear possible given the support for the idea of the conference among our Western European allies and the necessity for attempting to overcome the negative status quo in a positive manner if the causes of peace and stability in Europe are to be promoted.

A particularly significant analysis of the interrelationship of the problem with the upcoming mutual balanced force reduction talks was completed some months ago by Prof. Z. Michael Szaz, secretary of international relations of the American Hungarian Federation, at a conference of the American Institute on Problems of European Unity, Inc., held at American University last spring. His suggestions in this regard are of special interest and I commend them to my colleagues along with the panel discussion on the same topic. Copies of both follow.

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD in connection with the special order I have today at the conclusion of legislative business.

MUTUAL BALANCED FORCE REDUCTION CONCEPTS AND THE DANUBIAN REGION

(By Z. Michael Szaz, Troy State University)

In his February 25, 1971 State of the World Message, President Nixon reemphasized the historic ties existing between the countries of East Central Europe and the United States and the NATO countries and added:[1]

"We would not pretend that the facts of history and geography do not create special circumstances in Eastern Europe. We recognize a divergence in social, political, and economic systems between East and West.

"But in our view, every nation in Europe has the sovereign right to conduct independent policies, and to be our friend without being anyone else' enemy or being treated as such."

In discussing the perspectives of a balanced reduction of forces, the prospects of a European Security Conference and their impact upon the states of the Danubian region, I would like to take this Presidential statement as the *leitfaden*. It delimits a firm, but limited, goal of United States policy toward East Central Europe recognizing the quest for a return to normalcy, sovereignty and security among the Soviet-controlled nations of the region.

This quest is now new. Ever since the Red Army occupied the area and the Soviet Government subsequently violated its pledges of free elections made at the Yalta Conference, politicians and academicians have been devising plans in order to restore the cultural, political and economic ties with the Soviet-dominated nations of Europe.

The quest and the concommitant hope of ultimate success continues to survive in view of the dramatic proofs of popular will manifesting itself in the area in the 1956 and 1970 events in Poland, the temporarily successful struggle of Hungary against the Soviet Union in 1956, the Prague spring of 1968 and the foreign policies of the Rumanian dictator, Nicolae Ceaucescu, grudgingly accepted by the U.S.S.R. in the new Soviet-Rumanian Treaty. No detached observer can deny that the intellectual elite and the working classes of East Central Europe remain acutely conscious of their Western heritage and desire reintegration into the European community.

Until now, both the Soviet Union and the United States preferred the existing status quo in Europe, despite inherent instabilities, to any long term solution which could ensure a stable order based on the independence of the East Central European nations. Any alternative options would have interfered with the degree of influence the super-powers hold over their alliance partners and would have refocused attention upon the almost insoluble question of a divided Germany. Tacit Western acceptance of the status quo, therefore, has been as much a part of the twenty-two year old *remis* between Western and Soviet power in Europe as the apparent unwillingness of the Soviet Union after 1949 to engage in warlike acts in order to expand its control in Europe.

As a result, the local centrifugal forces, surfacing temporarily in Poland Czechoslovakia, Hungary and Rumania, have been unable to effect:

1. Escape from the Warsaw Pact Organization (Hungary);
2. Rearrangement of their politico-economic system in order to harmonize them with national interests and popular demands (Poland, Czechoslovakia and Hungary); or
3. Independence in their foreign affairs and economic relations (Rumania).

Exploiting both implicit Western acceptance of the status quo and Western weakness in conventional armaments, the Soviet Union had not only cracked down militarily three times on dissident and potentially dissident elements but evolved the "Brezhnev Doctrine" of legally justified Soviet or WTO intervention against recalcitrant alliance members. On the surface, therefore, it appears that Soviet domination of East Central Europe cannot be upset, or even effectively diminished, within the framework of the existing balance forces and a passive Western policy.

U.S. POLICY TOWARD FORCE LEVELS AND EAST CENTRAL EUROPE

Yet, at the same time, a certain erosion of superpower control cannot be denied in either Western or East Central Europe. There is growing impatience on the American Left and even among ideologically uncommitted Senators in the Mid-West and West about the present extent of American troop commitment in Europe and about the sharpening competition between American and Western European goods on the world market now that the Common Market had built its own customs wall. The Washington columnist Crosby S. Noyes somewhat pessimistically expressed the American malaise as follows:[2]

They (The Communist leaders) can see

Footnotes at end of article.

that pressure in this country is growing for a similar retreat from Western Europe . . . They understand that administration, by mustering all its power, is able to win the political skirmishes—or at least some of them. But they are banking on the hope that the trend in the United States is irreversible and that in time the marbles will fall into their hands.

Many of the Senators who voted against the Mansfield Amendment on May 19, 1971 were still in favor of some American withdrawal, although not of weakening the underlying defense commitment of the United States.

The President is, however, fighting the neo-isolationist urge with the help of many old-line Democrats. His concept of evolving American-European relations were clearly spelled out in his 1970 and 1971 messages. In the former he spoke of the need of a genuine partnership (that) must increasingly characterize our alliance . . . A more balanced association and a more genuine partnership are in America's interest. As this process advances the balance of burdens and responsibilities must be gradually adjusted, to reflect the economic and political realities of European progress . . .

It can be summarized that the Administration is increasingly aiming for a balance of its commitments financially and militarily toward Europe and insists upon greater participation by our Allies and is trying to accomplish this objective at a lesser cost in manpower and material resources. But the Administration is not conducting a withdrawal policy from Europe. Its policy is still best described by the statement of the President at the twentieth anniversary of NATO that "the depth of our relationship is a fact of life. We can no more disengage from Europe than from Alaska."

The reasons for this policy consists of the continued military weakness, in conventional and nuclear armament alike, of the powers of Western Europe *vis-a-vis* the Soviet Union and its Warsaw Pact allies. The forces opposing the NATO armies in Europe were aptly described by the then Supreme Commander of NATO, General Lyman L. Lemnitzer, at the October 1968 Lisbon meeting of the Atlantic Assembly as follows: [4]

The facts are that the Warsaw Pact powers comprise the most formidable conventional armed forces in the world today, that they are backed by plentiful tactical support and nuclear power, that beyond there exists a powerful strategic, nuclear capability which can inflict catastrophic damage on the West. These capabilities are constantly being improved upon year after year by the introduction of new and modern weapons and equipment. In short, they possess a tremendous military capability and potential far beyond that required to defend against the military capabilities of NATO.

As to available statistics, the 1969 survey by the London Institute of Strategic Studies listed the NATO forces as having only two-thirds of the manpower, forty per cent of the armored forces and about fifty percent of the tactical air force in the category of the "more-or-less-ready" forces. It is true, however, that in most categories the firepower of the Western units is higher. While it is also correct that given a few weeks time for mobilization and deployment NATO forces could attain parity, but it is doubtful whether this period would be available in case of war.

Despite the weak military posture the NATO armies buttressed by the 285,000 American troops in Europe form a formidable barrier against possible Russian aggression and provide a psychological climate for security and progress in Western Europe and hope for the nations of East Central Europe.

Footnotes at end of article.

Economically and politically, the states of Western Europe are becoming an important subject in world politics. Now that the accession of Britain to the Common Market seems to be most likely, the economic potential of an enlarged Common Market will approximate that of the United States and surpass that of Russia. Politically, despite some differences, Western Europe is developing a common approach to major international problems, including *Ostpolitik*. The search for detente with the Soviet Union while maintaining NATO was basically a European initiative now embraced too vehemently by West Germany's Socialist-Free Democratic government. At the same time, military expenditures, inflated labor costs create increasing balance of payments difficulties for the United States and strengthen protectionist tendencies. It was not an accident that Senator Mansfield mounted his challenge to Presidential policy on European troop withdrawals at the moment of the Eurodollar crisis that had led to a floating devaluation of the dollar against the D-Mark, a move that was followed by the Netherlands, Switzerland and Austria as well.

The Mansfield challenge, though beaten on May 19, 1971,[5] strengthened the tendencies of civilian planners and Bureau of Budget experts toward a retrenchment of American troop levels in Europe. The vague, but intensive, offer by Soviet Party Secretary Brezhnev in Tiflis two days before the vote raised the prospects of a MBFR negotiations from the level of academic exercises into the diplomatic scene. Our next investigation will, therefore, concern the MBFR Concepts and its possible impact upon American policy toward East Central Europe and the extension of the MBFR Concepts to the Soviet-occupied countries of the region, particularly Hungary and Czechoslovakia.

MUTUAL BALANCED REDUCTION OF FORCES CONCEPTS

The Brezhnev remarks were by no means the opening shot in the MBFR negotiations. NATO had come out as early as 1968 at its Reykjavik meeting with the concept, only temporarily abandoned in the wake of the Soviet invasion of Czechoslovakia. In May 1970 the Rome meeting of the NATO Defense and Foreign Ministers expressed considerable interest in a mutual balanced reduction of forces of the two alliances in order to lessen tensions and restore more leverage to Central European governments without any sudden demobilization or changes in the existing military balance.

Bilateral probes were conducted, according to American sources in twenty instances after the June 1970 Declaration of the Warsaw Pact Foreign and Defense Ministers in Budapest which expressed willingness to discuss the withdrawal or reduction of "foreign military forces" in Europe within a European Security Conference. The declaration left, however, the term "foreign" purposely vague as to whether it would include Soviet troops in Eastern Europe as well.

The declaration still tied the MBFR talks to a European Security Conference, the favorite topic of Russian diplomacy. In turn, the NATO Declaration emphasized the need for exploratory talks and the American State Department seemed to have established a quasi-tie between MBFR talks and the convocation of a European Security Conference in addition to a Berlin solution. The technical aspects of the MBFR concept were mostly investigated by United States experts, both within and without the government as a result of the Administration's soul-searching about future American troop levels in Europe. Despite the National Security vote and the Presidential decision to maintain the present level of American troops subject to the implementation of some concrete steps by the European NATO allies[6] the MBFR issue was now regarded as a serious diplomatic issue despite the complex technical and political problems involved.

During 1970 several proposals were submitted to DOD and State Department on this issue and the National Security Council also conducted its own study.

The most widely known non-classified plans were composed by Professor Timothy W. Stanley in his *Detente Diplomacy*,[7] and his concept will be discussed later.

American and NATO positions were dovetailed during the December 1970 Brussels Conference of NATO Foreign and Defense Ministers. Secretary of State Rogers repeated there the President's pledge not to reduce U.S. forces "unless there is reciprocal action from our adversaries" and called for Soviet agreement for exploratory talks on MBFR before the convocation of an ESC.[8] In addition, the President listed in his State of the World Message certain priorities and a tentative framework for these negotiations. The United States considers the creation of "a more stable military balance at a lower level of forces and costs" as the basic requirement in MBFR talks. Therefore, reductions should "diminish the incentives for attacking forces." Here, the problem is that "reductions would favor offensive capabilities," since attacking forces could concentrate while reduced defensive forces would "be compelled to spread along a given line." [9]

Only an equivalency in reductions between the forces of the two alliances could solve this dilemma. Yet equivalency raises complicated technical problems even in addition to ideological and political power considerations existing between the two alliances. As the President's message to Congress correctly states "there are marked differences in the equipment, organization and strength both within and between the opposing NATO and Warsaw Pact forces." Some of the problems involve the differing organization of armored and anti-armor elements and artillery and supply troops on the divisional and corps levels; the differences in mobility and firepower within the divisions and finally the effect of geographical distances for supply and deployment in case of hostilities between NATO and WTO forces. The latter particularly applies to United States troops in Europe which are relying on sealane and Big Lift air supplies for reenforcement while the Soviet forces in WTO territories enjoy the inner line of mobile deployment and reenforcement because of contiguous territory and smaller distances. In the words of the President: [10]

Thus—we must consider not only the balance of standing forces but what either side could do following various periods of mobilization and reinforcement.

The crux of the MBFR problem consists, however, of the question: "How can NATO afford symmetrical reductions which would magnify the effects of already existing imbalances?" The President proposes a qualified asymmetrical approach "in which reductions by the two sides would be made in differing amounts in different categories."

Yet what categories of asymmetrically larger reductions can NATO offer except perhaps in the number of tactical nuclear warheads and delivery systems in return for proportionately larger conventional manpower and armaments reductions on the Soviet side?

The President, aware of the difficulties, proposed a building bloc approach, first exploring the substantive issues and their relation to specific problems and then solving issues one by one.

It was during the debate on the Mansfield Resolution which was defeated on May 19 including its amended versions that the next development occurred. On May 14, 1971, indirectly responding to the inquiry of United States Ambassador Beam to Foreign Minister Gromyko on April 30, Soviet Party Chairman Leonid Brezhnev called for im-

mediate talks on reducing foreign forces in Central Europe.[11] Four days later, Soviet Premier Kosygin assured visiting Canadian Prime Minister Trudeau[12] that the Soviet Union would do everything possible to reach agreement on reducing forces in Europe if the Western powers "display real readiness to take practical steps in this direction."

American response was originally very favorable, but enthusiasm was replaced by cautious consideration of substantive details by the date of the Conference of NATO Foreign and Defense Ministers at Lisbon, June 3–4, 1971. Preliminary exploration of the Soviet position had shown namely that the Soviet Union was not ready yet for technical discussions in the absence of substantive military studies of their own. Furthermore, the Lisbon Conference proved that more time would be needed to coordinate views among the various NATO powers. The Lisbon communique reflects this spirit of caution and compromise and the need to gain time both to achieve unity of approach within NATO and to see whether the Soviets are willing to agree to an acceptable Berlin settlement. The latter motive is especially strong in the case of the West German Government whose future depends on a satisfactory solution of the Berlin question.

Therefore, a tentative modus operandi was established as follows: (1) Bilateral explorations with the Soviet Union during the summer of 1971 and the completion of individual MBFR studies by alliance members; (2) Meeting of NATO Deputy Foreign Ministers in September or October in order "to review the results of exploratory contacts and to consult on substantial and procedural approaches to mutual and balanced force reductions."[12]

A preliminary analysis by staff members of the North Atlantic Council just preceding the Lisbon Conference stressed three elements in the Russian offer of interest to NATO:[13]

(a) for the first time, the Soviet Union failed to insist upon a tie between MBFR talks and the European Security Conference and accepted a forum outside of ESC for MBFR talks;

(b) The offer was not limited to foreign forces, it would include indigenous forces as well;

(c) The geographic zone of MBFR limitations was defined as Central Europe, although no further precise terms were given. The zone would by definition exclude the American Sixth Fleet and the Mediterranean from the talks.

On the NATO side, the following principles were stressed for future MBFR talks:

1. Mutual reduction should not interfere with NATO security. Thus, Soviet forces reduced must be withdrawn to Soviet territory and dissolved, if American forces, in return, must be returned to the United States.

2. Reductions must be phased and balanced (and not necessarily symmetrical) as to their scope or timing.

3. Reductions must include both troops from outside the country and local defense forces and weapons systems. United States speakers would also like to see delivery systems included without a commitment of talks about reducing nuclear warheads. In this regard, retiring NATO Secretary General Manko Brosio slated to be the chief NATO negotiator if MBFR talks commence, was asking whether the Soviet Union would be willing to reduce nuclear as well as conventional arms and if so, what kind of nuclear systems?[14]

4. There must be adequate verification and arms controls to insure the observance of agreement on MBFR. Here again NATO's Brosio remarked that "the Soviet leaders said nothing in their comments on the key issue of verification control."[16] Finally, Brosio also raised the issue: what territory would be covered by the proposed reduction of forces?

MUTUAL BALANCED REDUCTION OF FORCES AND THE DANUBIAN REGION

His question leads to the core of our discussion. Is, or should the Danubian region, which is certainly a part of Central Europe, be included in the MBFR zone? And what political and economic consequences, if any would result from the successful conclusion of such talks for the states of that region?

Both for the NATO and Warsaw Pact Supreme Command, the central front sector consists of their respective parts of the inner German demarcation line and its rear areas. It is this sector which houses the bulk of "foreign military forces" in Europe. Nonclassified estimates (ISS) list 31–32 armored, motorized and airborne divisions in the area totalling 265,000 men. Of these divisions, twenty are stationed in the German Democratic Republic, five in Czechoslovakia, four in Hungary and three in Poland. The immediate supply line for the Soviet armies runs through Poland while the troops in Czechoslovakia and Hungary basically fulfill police and deterrence functions against these nations rather than anti-NATO functions.

The forces in Hungary also secure potential routes to Yugoslavia in case of a potential disintegration of that state following the death of President Tito.

It is certain that in the coming MBFR talks both sides will concentrate upon ferreting out the forces of their adversaries from their respective parts of Germany. However, both technically and politically, a MBFR in Germany poses the most involved and delicate questions both for NATO and WTO.

There is considerable interest on the part of NATO also to have Soviet troops, perhaps also indigenous forces, reduced in the Danubian region because of the Yugoslav trends. Such a successful reduction of forces, or Soviet withdrawal would render a Soviet thrust into Yugoslavia in case of internal crisis less likely. It is well known to NATO planners that the Soviet Union is seriously interested in acquiring port facilities on the Adriatic Sea as these facilities would then be connected on land with the armed forces of the Soviet Union. However, this can be implemented only if Yugoslavia, or a successor Croatian state, would fall into the Soviet sphere of interest.

Besides its preventive value, the reduction and/or removal of Soviet troops from the Danubian region would also ensure the gradual emergence of a quasi-neutral bloc including the states between Austria and Rumania thereby creating the opportunity for freer national and economic development for the peoples of the region. Yet as long as the present WTO membership remains in force in the case of the three present WTO members, Soviet security would not be impaired either. If a MBFR should be more than a slogan, the reweaving of the two parts of Europe without impairing basic security needs of the superpowers must form a priority item. The chances for creating a zone of states without the presence of foreign military forces appears to be nowhere better in Europe than in the Danubian region (although even there the chances remain tangential). We already have a neutral, an independent Communist and an increasingly nationalist Communist government coexisting with two Soviet-occupied nations who themselves would prefer any of the three models above.

In addition, historical, economic and social ties between these states are still in existence and remain extensive even across alliance borders and would create an incentive for closer cooperation which would, however, not be directed against any of the superpowers.

In practical terms, the Western approach of building blocs could well be adapted to exploratory MBFR talks on the Danubian region as outside of Berlin Yugoslavia offers the most likely point of possible NATO-WTO confrontation in Europe and as the clash of interests here is not as acute as in Berlin and Germany.

Reductions would have be to be phased and balanced, involving a substantial reducion of Soviet, and some reduction of indigenous Czechoslovak, Hungarian and Rumanian forces, in return for some Western reduction of forces in South Germany and Greece. While it is correct that such negotiations might introduce a new element: the area of the southern flank of NATO into MBFR, the territorial extension would be greatly counterbalanced by the advantages in the political and military balance once Soviet power is effectively restricted or removed from the Danubian region.

In this regard, American policy toward Rumania and Yugoslavia must be analyzed. The visits of the President to Bucharest, Belgrade and Zagreb in 1969 and 1970 formed serious overtures on the American side to establish closer relationships with the independent and quasi-independent Communist countries. The relative weight of United States economic and political involvement in the area varies and remains more limited in the case of the Soviet-occupied countries of Hungary and Czechoslovakia, where, however, the underlying Western sympathy for the gallant Hungarians and Czechs trying to wrest their self-determination in 1956 and 1968 would permit substantial improvement in relations should the latter governments be permitted to move closer to the West. For the unsatisfactory conditions of American-Czechoslovak and Hungarian-American relations reflect the general pro-Soviet tenor of the foreign policies of these countries and their lack of elbow freedom in international politics.

The present governments in the region with the possible (but not probable) exception of the Husak Government of Prague would support MBFR talks provided they were assured in advance that they would not be threatened with major internal upheavals. The difficulty in reaching agreement would lie more with the Soviet Union. Soviet reaction to Western proposals for MBFR talks on the Danubian region would also provide essential clues to Soviet Mediterranean and Middle Eastern policy in the near future.

An important corollary of MBFR talks on the Danubian region (Austria, Czechoslovakia, Hungary, Yugoslavia and Rumania) must be an inter-bloc discussion with the Soviet Union on the practical annulment of legalized Soviet and WTO intervention against their own allies accused of not pursuing the line of Socialist Commonwealth states, or as it is better known, the Brezhnev Doctrine.

The December 1970 NATO meeting of foreign and defense ministers aptly described the principles to be observed in the relations between European countries as follows:

1. "Respect for their sovereign equality (no two layers of international law, one for Socialist countries and another for all other states);

2. Political independence and respect of the territorial integrity of each European state;

3. Non-interference and non-intervention in the internal affairs of any European state regardless of its political and social system; and

4. The right of the people of each European state to shape its own destinies free of external constraint."

Thus, American policy and NATO policy in general still aim at the realization of the principle of national self-determination in Europe and hope for a peaceful evolution of these states toward a pluralist democracy. In addition, unless the above principles were

Footnotes at end of article.

to be substantially accepted by the Soviet Union, any MBFR agreement or convocation of a European Security Conference would only represent to quote the words of Under Secretary of State for Political Affairs, U. Alexis Johnson only a [16] Western acquiescence in the present division of Europe proscribing any acts weakening the hegemony of the Soviet Union in East Central Europe while preserving Soviet freedom to work for the destruction of Western European governments through the various Communist parties in these states.

THE MBFR CONCEPT AND THE CENTRAL FRONT: THE STANLEY PLAN

While the evolution of the MBFR probes does not necessarily coincide with the proposals advanced by Professor Stanley, they still form the most detailed suggestions published in non-classified sources on responsible American thinking on the issue and should be analyzed in this context.

Professor Stanley foresees four phases of a mutual balanced reduction of forces program in Europe. His first step would be a ten per cent thinning out of American forces in Europe as the American equivalent of reductions in the first phase, a view that earned him the immediate opposition of the former NATO Commander-in-Chief, General Lyman L. Lemnitzer.

His first phase proposal is based on the assumption that a small American reduction in troops is inevitable and it should, therefore, be offered as a proof of good intentions, using the remaining strength both as a ceiling vis-a-vis the Warsaw Pact and as a floor towards the European allies. This latter condition is vital, as Professor Stanley also realizes that unless the new manpower level is maintained there would be no incentive for mutual reductions on the part of WTO.

The first phase of the Stanley Plan has been substantially implemented since the publication of his plan in April 1970. The force level guaranteed by President Nixon was 285,000 men, and not the 305,000 men as reported by the Secretary of State to the House Foreign Affairs Committee in February 1970. Thus, it can be said that in the meantime the two postulates of Professor Stanley, small reduction and final ceiling on troop levels except for an agreement of MBFR have been fulfilled by the Administration.

The second phase of the plan would involve only European forces in view of the prior American troop reduction in Europe. He calls for a ten per cent across the board reduction by NATO and WTO powers in Central Europe. In his view, such a reduction would not yet interfere with Soviet internal security considerations in East Central Europe and/or with the deterrence values of NATO forces despite the basic military asymmetry of equal percentage reductions for NATO forces.

In this connection an alternative option proposed for such a phase should be mentioned. Also in 1970, Professor Franz A. M. Alting von Geusau proposed that the first reduction of forces should only involve Soviet and American forces in Europe with the simultaneous permission by the alliances for the stationing of observers at each other's maneuvers.[17] Furthermore, Professor von Geusau regards any MBFR as inevitably interconnected with progress toward a denuclearization of Europe and toward agreements on the SALT level. He also ties the first reduction phase to the removal of armed forces with nuclear equipment from Central Europe and a moratorium on ABMs and MIRVs and to a full nuclear test stop anywhere.

While these two phases could be considered preliminary, Stages Three and Four would affect substantive issues in regard to manpower and European security. Verification and control would become major issues once reductions or secret introduction of new forces could definitely upset the military balance. "Certification" of cuts by respective commanders and sources of national intelligence would no longer suffice. Furthermore, the cuts could no longer be restricted to the central front alone.

Stage Three calls for a fifteen percent reduction of all NATO and WTO forces. Verification of existing force levels involves the problem of sending observers into the region of the other alliance. Even if the terms are scrupulously observed NATO would suffer because of innate disadvantages in regard to distances involved for redeployment and the element of surprise more available to WTO forces. NATO, in this case, would have to readjust its strategic and tactical force and doctrinal postures. According to Professor Stanley such risks may be justified in view of the fact that such a reduction would reduce Russian strength in WTO more than twice as much as American strength in Western Europe (82,000 to 38,000).

Stage Four would establish the "final ceiling." In his opinion, "The ultimate level of manpower might be as much as one-third or more below reached at the end of stage three."

An implementation of the Stanley plan, even within the period of five years would be so drastic as to impair the internal security considerations of the Soviet Union in East Central Europe, including the position of the German Democratic Republic. In turn, if implemented on a parity basis, they would seriously impede the deterrence and defense functions of NATO. Thus, in order to allow a realization of the last two stages Professor Stanley calls after the end of the second stage for "a rethinking of the entire basis of European defense, the role of nuclear weapons and the requirements of deterrence in the light of the then existing strategic arms situation and the state of genuine détente" in Europe.

While the last two stages remain visionary at the present time, he is the first academic writer with concrete military and diplomatic experience in NATO, who has thought out the implications of a MBFR for the two blocs and his proposals, even if not accepted in full, will have an impact upon Western thinking in this area.

CONCLUSIONS

Having scanned the general field of coming MBFR negotiations and its importance for NATO and the Danubian area, certain conclusions present themselves of the analysis below:

(1) MBFR, despite the avowal of the United States and the Soviet Union, is still in an experimental diplomatic stage. The forces counseling caution and no substantive negotiations are about as strong as those who would prefer a MBFR for economic or political reasons.

(2) In view of the complexity of the issue and the delicate balance of power, the best overture for a MBFR presents itself in the southern sector of the central front, in the Danubian area. It would, however, not deal with the basic problem of MBFR: the removal of American and Soviet forces from the territory of Germany.

(3) The psychological impact of any troop reductions by the United States upon West Germany and Western Europe will be great under any conditions, whether MBFR or unilateral withdrawal. Therefore, the impression that reductions form the first stage for ultimate complete withdrawal must be avoided at any cost and the reductions should not be combined with any restructuring of the alliance until much later stages of MBFR, if ever.

(4) NATO bargaining must keep in mind the 'gray zone' and the independence-minded countries of East Central Europe as well. Providing a greater degree of political freedom and national self-determination for them must remain one of the priorities of MBFR as well.

(5) Finally, MBFR talks cannot be regarded as an end in themselves. Without a shift in the military balance and economic strength in favor of the European states instead of the Soviet Union they will either fail, or at best cement the present status quo at an economically more bearable cost. Over and beyond a MBFR the Western Powers must also promote the reforging of economic and cultural ties with the countries of East Central Europe. Only in this case can reintegration of the non-Soviet nations of Europe become an ultimate reality should Asian problems cause the Soviet Union to concentrate her efforts toward the Far East at a later date.

FOOTNOTES

[1] *United States Foreign Policy for the 1970's. Building for Peace. A Report To the Congress by Richard Nixon, President of the United States*, February 25, 1971 (Washington: G.P.O., 1971), p. 43.

[2] Washington *Evening Star*, May 21, 1971.

[3] *State of the World Message. A Report To The Congress by Richard Nixon, President of the United States* (Washington: G.P.O., 1970).

[4] Statement reprinted in *Atlantic Community Quarterly* (Winter) 1968–1969.

[5] For the Mansfield challenge cf. articles in New York *Times* and New York *Herald Tribune* (European edition), May 8–20, 1971.

[6] New York *Times*, December 7, 1970.

[7] Timothy W. Stanley, *Detente Diplomacy* New York: Dunnellen, 1970), *passim*.

[8] New York *Times*, December 4, 1970.

[9] *U.S. Foreign Policy for the 1970's, op. cit.*, pp. 195–96.

[10] *Ibid.*, pp. 196–97.

[11] New York *Times*, May 15, 1971.

[12] For text of NATO Communique, cf. New York *Times*, June 5, 1971.

[13] *Ibid.*, May 19, 1971.

[14] German *Press Relay from Bonn*, June 3, 1971 on Brosio's statement.

[15] New York *Times*, June 3, 1971 also on Brosio's statement.

[16] *Address by U. Alexis Johnson, Under Secretary of State for Political Affairs at Closing Dinner Session of the Seventeenth Annual Conference of the Cincinnati World Affairs Council, February 19, 1971* (mimeographed).

[17] Han Peter Schwarz and Helga Haftendorn, *Europaische Sicherheitskonferenz*. Opladen: Leske Verlag, 1970. Pp. 110–19, chapter by Professor Franz A.M. Alting von Geusau.

Footnotes at end of article.

THE MBFR AND THE DANUBIAN REGION: A SUMMARY OF THE DISCUSSION IN PANEL I

(By Prof. Z. Michael Szaz, Rapporteur)

List of Panel Participants: Professor A. Berger-Vosendorf, emeritus, University of Vienna; Professor Herbert Dinerstein, Johns Hopkins University, School of Advanced International Studies; Mr. Laszlo Hadik, Stanford Research Institute; Dr. Wolfgang Klaribert, Stanford Research Institute, Mr. Eugene Padanyi-Gulyas, former member of the Hungarian Parliament; Professor Maurice Czikann-Zichy, Immaculata College, Chairman of the panel, Professor Franz B. Gross, Dean of Graduate School, Duquesne University. Rapporteur: Professor Z. Michael Szaz, Troy State University.

In discussing the rapporteur's paper, one paneliest considered it too optimistic and pointed out the relative slowness of any major decision-making in the Soviet Government since 1964 as most decisions reached were based on a one vote or at best two votes margin. He also referred to the relative disinterest of the United States in East Central Europe as another factor lessening Soviet interest in MBFR in the area.

Another panelist warned against too close a comparison of United States and Soviet role in controlling or influencing their allies, as there is a great deal of difference between peaceful influence and military and political

domination. He also added that the 1970 troop level guarantee of President Nixon was based on the expectation that a similar approach would be taken by our allies in regard to Western NATO defense.

The chairman and several panelists discerned four conglomerations of divergent interests in the coming MBFR talks:

1. United States interests in putting MBFR on the agenda of East-West negotiations mostly in order to placate increasing Congressional opposition to present troop levels in Europe.

2. United States European allies' interest in MBFR as a political process and evolution in order to further the reintegration of the two halves of the Continent rather than as a strictly military force reduction undertaking It was stressed that the governments of Western Europe realize the impossibility of balanced reductions and know that militarily they will have to pay the higher price. Yet they consider the implementation of MBFR as creating a different kind of political balance rendering it increasingly difficult for the Soviet Union to invoke the Brezhnev Doctrine in the future. In order to get East Central European support in opposition to the Brezhnev Doctrine, the Western European states are ready to guarantee that they will make no efforts to liberalize the regimes of the region.

There was considerable agreement that the Soviet Union did not make up its mind yet about the type of Europe it prefers. If American withdrawal is given highest priority in Moscow, then a larger Europe including Britain must be accepted despite its increasing politico-economic strength. A reduction of West German armed forces may also be attained by an agreement with the Social Democratic West German Government, but the price would involve a substantial Soviet withdrawal from the German Democratic Republic. Some Soviet leaders may be willing to pay this price, others would not. However, even if a decision should be made in this sense, opposition to it would remain within the Politburo and attempts would be made to sabotage the same.

Reference was also made to the Eugene Varga-Stalin controversy in 1946 on whether the U.S.S.R. should insist upon Communist dictatorships in East Central Europe or just keep a loose control over the region by coalition governments and large, but not all-powerful communist parties. Decision in 1947 was made in view of American inaction in East Central Europe. Can MBFR negotiations help to effect a Soviet return to something similar to the Varga model of 1946?

Another panelist considered the merit of MBFR concept to lie in its character as a positive Western proposal enabling the Soviet Union to lessen its hold on East Central Europe without abandoning its justified defense interests and/or losing undue face. It was stressed, however, that other building blocs must also belong to a stable detente, especially an agreement on Berlin.

No definitive conclusion was reached on the question why the Soviet Union is now interested in speedy talks on MBFR. It was recalled that Khrushchev's first attempt to reduce Soviet ground forces in 1960 was defeated in the Politburo and ever since their budgetary allocation has been about 50 percent for long-range strategic forces and another 50 percent for field forces. The general consensus was that a combination of budgetary pressures and the need to bolster a detente policy with West Germany where the Moscow Treaty might be in political trouble form at least some of the reasons for the timing of the Soviet MBFR demarche.

Lively discussion followed on the question whether Soviet threat perception in Europe was really changing. Some discerned a very limited compromise in the freedom of action given some of the East Central European governments and the economic reforms in Hungary, the foreign economic policies of the Rumanian Government and the recent economic measures of the Polish Government were singled out as examples. The restraints existing within the present framework were, however, also stressed by the same panelists.

One panelist argued that United States views of security and threat perception might also be changing. He quoted the 1970 State of the World Statement of President Nixon calling for "a stable and viable order in Europe" rather than in Western Europe. Perhaps Washington, too, considers now the reconstruction of Europe as the basic object. Perhaps the striving for a situation like it existed in Czechoslovakia in May rather than in August 1968 might be desirable for United States policy in the region.

A dissenting view was expressed stating that neither the Western European governments nor the United States could guarantee tranquility in East Central Europe and, therefore, their actual or eventual guarantees cannot fully satisfy Soviet interests in the region. Also the leverage of Western Europe in the Soviet-occupied countries might be overstated as private Western capital would not extend largescale long-term loans to the region even if the Soviets were permitting the free entry of Western capital into East Central Europe.

Others disputed this view and remarked that because of prestige, cultural and political reasons at least both France and West Germany, are making investments and would expand these in case of further detente and MBFR. One panelist pointed to the overt invitation of the Rumanian Minister of Economics to Western companies offering Rumania as an area with cheap labor resources for the production of Western-funded industrial products.

Discussion now focused on the possible inclusion of the Danubian region into the MBFR talks. One panelist stated that except for Czechoslovakia the region did not form the object of former MBFR plans. In the Rapacki Plan and in Soviet and East European plans ever since West Germany equalled East Germany, Poland and Czechoslovakia. There is also some question how far the Czechoslovak Government would react to its inclusion in another area. Of course, for the first time, Brezhnev mentioned the "are Central Europe for MBFR" talks without closely specifying what countries he would understand under the geographic term.

It was emphasized that Rumania should be included into any such zone and that perhaps all of the countries of East Central Europe might form the proper subjects of MBFR. It was stressed by some that Rumania particularly displayed and will display a genuine interest in MBFR and a European Security Conference. It was mentioned that Rumanian diplomats were actively contacting even Portuguese and Spanish diplomats in order to persuade them to promote a European Security Conference. Rumania, in view of some of the panelists is looking for a guarantee of its sovereignty and considers that an ESC would help at least a diplomatic defense of the independence of the East Central European countries. There seems to be a natural alliance between Rumanian policy and Western European desire to change the security perception of the Soviet Union.

There was general agreement that MBFR would mostly benefit the countries of East Central Europe and that Soviet-sponsored initiatives about an ESC have already expanded the freedom of action of these countries diplomatically with Soviet permission. It was also stated that the two aims of these governments are to achieve : (a) a guarantee of their survival from the West and (b) the removal of Soviet troops from their soil, from Moscow.

Under these circumstances the question was raised: why is the Soviet Union so interested to negotiate about MBFR and a European Security conference? It was argued that the U.S.S.R. must see the payoff high enough as it would involve both a guarantee of Communist regimes in East Central Europe and a definite weakening of Western European-American military ties and presence.

Mr. MINSHALL. Mr. Speaker, the recent memorandum of the American-Hungarian Federation regarding a proposed European Security Conference is very similar to their spring 1969 memorandum to the Secretary of State which I inserted in the RECORD in April 1969.

Of course, the idea of a European Security Conference has undergone some metamorphosis since that date. Some of the issues have been resolved, among them participation of the United States and Canada from the very begining, and the position of some of our NATO allies, particularly West Germany, changed in favor of such a conference.

However, the major dichotomies remain and chances for a successful conference are in doubt. The new memorandum correctly refers to the difficulties which are largely a result of the announced goals of the Soviet Union to have the conference sanctify existing frontiers and political systems in Europe, including the Soviet Russian predominance in eastern and central Europe. As the memorandum points out the 1971 NATO ministers' statement, and several statements by Secretary of State Rogers, remain opposed to a freezing of the status quo. They are willing to recognize the status quo rebus sic stantibus but want to work for its ultimate replacement by more stable and equitable conditions of peace, taking care of the major sources of tensions in Europe. These are the presence of Soviet military forces in east central Europe and the continued partition of Europe in general and Germany in particular, into ideologically and often politically and economically hostile blocs.

I agree with the memorandum that it has been and should continue to be our policy to promote trends and conditions leading to restoration of self-determination and political freedom to all European nations, a policy which has been often and eloquently expressed by President Nixon and members of his administration. We hope that the well-balanced and thoughtful study of the American-Hungarian Federation now submitted to the President will receive the careful attention it deserves and that it may become the catalyst for new and imaginative American approaches in regard to a European Security Conference and talks on mutual balanced reduction of forces in Europe.

I would like to congratulate the experts on the committee on international relations of the American-Hungarian Federation, particularly Profs. Maurice Czikann-Zichy of Immaculata College and Z. Michael Szaz of Troy State University for the scholarly competence and political sophistication they are displaying in this memorandum which was consented to by the board of directors of the American-Hungarian Federation.

Mr. PATTEN. Mr. Speaker, recently the American-Hungarian Federation has brought to my attention a memorandum

which it is sending to the President in connection with his Moscow trip and the possible convocation of a European Security Conference. I believe that the issue raised and the analysis contained in the memorandum are of special interest to Members of Congress.

The concept of a European Security Conference is an old one and was originally sponsored by the Soviet Union and her Warsaw Pact allies. Its aims were to stir discontent among the NATO allies, bring about a Western recognition of the status quo in Europe, including the partition of Germany and Soviet Russian hegemony in eastern and central Europe and to expand Soviet influence in western Europe, particularly West Germany and France. Thus, little enthusiasm was displayed by our Government and indeed by most NATO governments for such a conference in the beginning.

During the past 2 years, the outlines of such a conference have been solidified. The Warsaw Pact allies themselves are not of one mind what the aims and agenda of the conference should be. Some of them consider it as a vehicle to gain more elbow freedom from the tight control Moscow continues to exert over them, while the Soviet Union, too, has abandoned some of the negative proposals like the exclusion of the United States and Canada from the talks and its insistence that military detente be negotiated separately. By the unfortunate recognition of the status quo of all European frontiers and implicitly of the present political order in east central Europe by the Federal Republic of Germany in the yet unratified Moscow Treaty of August 1970, the Soviet Union is also less urgently interested in a speedy recognition of the status quo, as West Germany had been the only power with claims against the status quo in Europe.

However, we believe that concrete negotiations are still necessary on the agenda before we can participate. I believe also that the December 1969 NATO ministers' declaration, outlining the principles upon which European security must be based, are still to be maintained in their entirety in presenting our proposals for any European Security Conference. These were:

> Peace and security in Europe must rest upon universal respect for the principles of sovereign equality, political independence and the territorial integrity of each European state; the right of its peoples to shape their own destinies; the peaceful settlement of disputes; nonintervention in the internal affairs of any state by any other states, whatever their political or social system; and the renunciation of the use of the threat of force against any state.

Therefore, I call your attention and that of our Government to the concrete proposals of the American-Hungarian Federation, which call for inserting into the agenda of any such conference the possibility of withdrawing forces and neutralizing the southerntier states of the Warsaw Pact by expanding the neutral-nonalined zone now consisting of Austria and Yugoslavia in Europe. Hopefully, such proposals may be present in connection with MBFR proposals as well bilaterally and multilaterally to the Soviet Union and could constitute a meaningful first step in discussing seriously the existing problems of European security.

GENERAL LEAVE

Mr. HOGAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

H.R. 10600—HOBBY BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, I wish to call to the attention of the Congress a most important bill presently pending action in the House Interstate and Foreign Commerce Committee. I refer to my own H.R. 10600, the Hobby Protection Act. Introduced this past summer, the bill offers specific and detailed protection for the millions of hobbyists in America.

The collector, whether of antique guns, stamps, or historic documents, faces a constant threat of imitation or reproduced collectors items—faked hobby items are presently being sold as originals, and many a hobbyist is being defrauded. The Hobby Protection Act is a positive step in the direction of instituting Federal protection against what actually amounts to fraudulent advertising. I have emphasized, Mr. Speaker, the point that this Nation's hobby collectors are consumers, and that they do, indeed, have a right to some sort of consumer protection.

That millions of young and old in the country can be made unsuspecting victims in the course of their own honest enthusiasm for collecting is disgraceful. One engages in a hobby to pass the hours away in enjoyment, and to retain originals which may have value in the future. The reproduction or manufacture, however, of imitation collector items and the deceitful sale of these items at high prices is an unscrupulous practice which must be stopped.

The Hobby Protection Act provides that the manufacture of any reproduced collector's item which is not plainly marked with the calendar year in which the reproduction was made is unlawful under the Federal Trade Commission Act. In addition the act includes a provision that such an item must be plainly marked "Reproduction." This act would also protect the hobbyist against the unsolicited receipt of "blocks of four," first-day covers," or other stamps on consignment in the mail. It should be pointed out that any citizen would be entitled to bring charges of violations to the Federal Trade Commission.

Since the original Hobby Protection Act was introduced last session, well over 8 months ago, nationwide constituent support for its enactment has been increasing steadily each month. Petitions have been coming in from coin and stamp collecting organizations across the Nation in support of this bill. Individual collectors are expressing their concern, and, indeed, impatience with the inability of Congress to offer them needed protection from fraud.

Organizations such as the American Numismatic Association, the German Philatelic Society, Society of Paper Money Collectors, American Political Items Collectors, Antiquest Inc., Global Coin Traders Association, Professional Numismatists Guild, and others, have indicated their strong support for the concept of a Hobby Protection Act. Such major hobby publications as Coin World, Collectors Weekly, and National Stamp News have endorsed the Hobby Protection Act both in articles and editorials.

Mr. Speaker, the hobbyists of America deserve protection against fraud, and we must rise to the occasion to meet the challenge. I am most hopeful that the House Interstate and Foreign Commerce Committee will respond in the near future to the nationwide appeals on the part of individual collectors, hobby associations and trade journals, for protection against the fraudulent sale of reproduced hobby articles as originals.

MARSHMALLOW DIPLOMACY

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Pennsylvania (Mr. GAYDOS) is recognized for 30 minutes.

Mr. GAYDOS. Mr. Speaker, for months now the State Department has been negotiating with foreign steel producers in an effort to secure a new, meaningful, voluntary limitation on the amount and type of steel shipped into the United States.

This new arrangement with Japan and European steelmakers would replace the 1968 Voluntary Restraint Arrangement—a worthless example of marshmallow diplomacy—which died an unmourned death on December 31, 1970.

And while these high level talks have been going on, the American steel industry, hundreds of thousands of steelworkers and many of us here in the Congress have been anxiously awaiting the outcome of negotiations we are not privileged to attend or to hear about. We sit; we wait.

We waited through 1969, when the tonnage limitation was ignored. We waited in 1970, when the promise to maintain product mix was ignored. We waited through 1971, when everything was ignored and our Nation suffered a $2 billion trade deficit, the first in 83 years. And we are still waiting.

We are waiting for some word from our State Department that the American steel industry, particularly the specialty steel segments, and the American steelworker will not again have their heads placed on the block of survival in the interest of so-called international "free" trade. We are waiting for word from our State Department that this industry and these workers will at least be given a competitive chance in a world of "fair" international trade. Up until now, we have been thrown bits and pieces of vague information which tells us little and assures us nothing.

Certainly the State Department is aware of the need for the steel industry and its workers to be assured they are not to be led again to the sacrificial altar. I have contacted the Department myself. I will insert into the RECORD copies of letters and news articles which reflect the urgent need by the industry and its workers for official assurance. I wish I could insert the assurance itself.

Unquestionably, the State Department knows that any extension of the 1968 VRA in its former form would be unacceptable. Unquestionably, they know that meaningful limitations must be agreed to, particularly in specialty steels, or severe damage will continue to be inflicted on an industry vital to the Nation's economy and national security. Evidence of this is given in correspondence from Roger S. Ahlbrandt, president of Allegheny Ludlum Industries Inc., one of the Nation's foremost producers of specialty steel products, and Martin N. Ornitz, president of the Stainless Steel Division of Colt Industries.

These men know what another 1968 mistake would mean to the industry. Anyone who is the slightest bit familiar with the contents of the 1968 arrangement made with Japan and certain European producers knows it was not a government-to-government agreement. It was merely a letter of intent from major steel manufacturers abroad with the U.S. State Department. The provisions of those letters were nothing more than paper promises which the signatories shredded to pieces in the 3 years of its existence. They could—and did—break those promises in full knowledge they had nothing to fear in the way of reprisal from the U.S. Government.

Certainly, if any doubt existed in the minds of any Members of this House as to the strength of that 1968 arrangement, that doubt must be dispelled in the face of the statistics of 1971, the final year of that gross mistake on the part of our Nation's negotiators.

What happened in 1971? Let me tell you. Every steel producing nation, I suppose, in the world, including those signatory to the 1968 arrangement and those which were not, took advantage of our Nation's steel industry negotiations with its workers and poured everything they could into America.

The year 1971 now stands on the threshold of being a record one for steel imports. It will, according to projected figures, exceed by an estimated 500 million tons the previous record year of 1968—the year when Congress became aware that foreign steel producers, grown into maturity from World War II, were threatening the American domestic steel market. There were howls of outrage and demands for legislated quotas. Congress asked for muscle in dealing with foreign steelmakers; they got marshmallows.

The wheel has turned full cycle now. Based on the correspondence I will include at the close of my remarks, the United States no longer is in the cat bird seat. There are foreboding signs that again our negotiators will not press for what is needed because the other side does not like it.

On December 17, Mr. Ahlbrandt of Ludlum, expressed the fears of the American steel industry in a letter to Nathaniel Samuels, Deputy Under Secretary for Economic Affairs in the State Department. He pointedly told Mr. Samuels that:

> Unless any new arrangement with foreign producers contained strong, unbreakable conditions—especially in the specialty steel area—we fear that, like their predecessor documents (the 1968 arrangements), they will prove increasingly injurious to the specialty steel companies of America and their employes.

Furthermore, Mr. Ahlbrandt refuted claims of foreign producers that their shipments of steel to this country were being "quantitively controlled" since the enactment of the 10-percent surcharge last summer. The figures quoted in letters to Mr. Samuels on December 17, 1970, and January 5, 1971, bear out his arguments. In his letter of December 17, Mr. Ahlbrandt cited figures for a 10-month period of 1971. In his reply to a response from Mr. Samuels, Mr. Ahlbrandt, on January 5, updated his figures to cover 11 months of 1971. The result was the same.

However, I believe it noteworthy to point out that Mr. Ahlbrandt, on December 17, informed Mr. Samuels that:

> Unless there is a specific product-by-product restraint in the specialty steel area of an extension of the VRA, we fear for the future of our industry.

Failure to limit stainless, tool and alloy steels, he said:

> Will produce a document no more viable * * * than the late and unlamented arrangement which expires in a few more days.

Mr. Ahlbrandt also indicated that anything less than a workable limitation would further gravely damage the specialty steel industry:

> For we can have little faith that those who stand in such flagrant violation of the 3-year instrument now expiring will not repeat their 1969–70–71 performance in specialty steels under extension of the new pact.

On December 30, Mr. Ahlbrandt received his reply from Mr. Samuels, in which Mr. Samuels indicated the Japanese, at least, were adamant in rejecting as "non-negotiable a product-by-product limitation of exports in a voluntary undertaking."

Furthermore, Mr. Samuels also wrote that the Japanese as well as the European community steel industries "insist they have gone as far as they can" and it appears they no longer were interested in extending the voluntary undertaking. Europe, in particular, Mr. Samuels noted, had indicated it felt currency realinements had substantially altered the competitive positions to the benefit of the United States.

Consequently, Mr. Speaker, Mr. Ahlbrandt felt obliged to write Mr. Samuels again on January 5. In this second letter, Mr. Ahlbrandt referred to an article in the New York Times which said the impact of steel imports on domestic revenues, as well as on the national trade balance, was brought out by statistics of the Department of Commerce as of November 1971—a full month before the 1968 arrangement expired.

What were those statistics? According to the Commerce Department, the 11-month total of steel imports in 1971 was 16.9 million tons, up 41 percent from the same period in 1970, and up 3 percent from 1968, when the final total of nearly 18 million tons was an all-time high. The Commerce Department stated at the current rate of entry, imports in 1971 could total 18.5 million tons.

The Department admitted the 11-month total in 1971 exceeded the implied limitation under VRA by 1,551 tons or 10 percent. A 12-month projection indicated the implied ceiling of 15,435,000 tons would be topped by nearly 3 million tons.

Mr. Ahlbrandt pointed out the dollar value of steel imports in 11 months last year was more than $2.4 billion, up approximately $650 million from 1970. At the same time, our steel exports were valued at $508 million, down $450 million from the 1970 figure in the same period.

Allegheny Ludlum, however, was not the only domestic steel producer interested in the negotiations between the State Department and foreign competitors. Martin Ornitz of Crucible, a subsidiary of Colt Industries, had written a western Pennsylvania labor official about the problem. He noted in a letter to Mr. Kay Kluz, director of District 20, USWA, that alloy steel imports were up 57 percent over the VRA in 1971, stainless steel was up 36 percent, and tool steel 25 percent, based on 10-month figures.

Mr. Ornitz wrote:

> Obviously there has been a complete failure of the voluntary agreement . . . and there is no indication that should a new . . . agreement be made by the end of this year that it will be followed, nor is there any indication that our foreign friends won't continue to ship in those areas of higher dollar value.

Mr. Speaker, early in January my office contacted the State Department in an attempt to find out what was happening. I learned little; I was promised more. I did learn Japan had agreed to a reduction in the annual growth of her exports. She would accept 2.5 percent growth, as compared to the 5 percent allowed under the 1968 arrangement. I also was told Japan was closer to full agreement on other points than the European steelmakers, who, according to some attached news reports, feel the talks on a voluntary arrangement have lost value since the United States shifted its stand on the American dollar.

My office, however, was assured that a general report on the status of the Japanese negotiations would be forthcoming and a detailed report on the overall negotiations would be furnished after scheduled talks with European representatives. To date, Mr. Speaker, I have not received either report.

At this point, Mr. Speaker, I would like to insert the aforementioned letters and news articles into the RECORD. I urge my colleagues to read them in chronological order so that anyone not familiar with the problem of the American steel industry will be made aware that an en-

tire industry and hundreds of thousands of steelworkers are depending on the U.S. State Department to use muscle, not marshmallows, in attaining new controls over foreign steel imports.

CUTLERY WORKERS WHO LOST JOBS THROUGH IMPORTS WIN AID THROUGH USWA

UTICA, N.Y.—Because of a petition filed in their behalf with the U.S. Tariff Commission by the United Steelworkers, employes of the Utica Cutlery Co., who have suffered layoffs because of foreign imports, are eligible to apply for adjusted assistance under the Trade Expansion Act of 1962.

In a mid-December report to President Nixon and following an investigation touched off by the USWA appeal on behalf of members of USWA Local 1750, the Commission found that "as a result of major part of concessions granted under trade agreements, articles like or directly competitive with the stainless steel flatware produced by Utica Cutlery Co., are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of that firm."

Early last summer, according to USWA International Affairs Director Meyer Bernstein, the company itself had filed a petition for assistance under the Act, charging that the imports threatened to cause serious injury to the firm. But the petition, Bernstein said, was filed by the company alone—not for the employes. Last August, the Commission found in favor of the firm and the exact form of assistance has yet to be worked out.

Mr. Bernstein, noting the company petition on Washington Commission reports, alerted USWA Director Mitchel F. Mazuca who arranged a meeting with Staff Rep. Anthony Nasby and a Local 1750 committee. In addition to Local Pres. Nicholas Ponzo, other committeemen included Vice Pres. Albert Majka, Rec. Sec. Adelaide Zebrowski, Fin. Sec. Edward Lipinski and Treasurer John Zablocka. As Steel Labor went to press, representatives of the Labor Department were meeting with local union officers to work out details of providing benefits to which laid-off employes are entitled.

It was a rare decision favoring workers for, as Mr. Bernstein pointed out, in recent months the Commission has taken a strong negative position on workers' petitions. The Commission majority, he noted, are Nixon appointees but, in this case, the Commission had no choice since it already had found in favor of the company.

The adjustment assistance, Mr. Bernstein explained, is a substitute for extension of unemployment compensation. The assistance normally is higher than state unemployment compensation and runs for a longer period—amounting to 65 per cent of wages with a top limit equal to that of the national average earnings in the manufacturing industry.

ALLEGHENY LUDLUM INDUSTRIES, INC.,
Pittsburgh, Pa., December 7, 1971.

Hon. NATHANIEL SAMUELS,
Deputy Under Secretary for Economic Affairs, Department of State, Washington, D.C.

DEAR MR. SECRETARY: As negotiations for a possible extension and improvement of the Voluntary Limitation Arrangement in steel reach a critical, last-minute stage, we are gravely concerned that the instrument under discussion, like its predecessor document, will fail to attain the restrictions agreed upon and that signatories and non-signatories alike will continue to push through a flood of steel imports into the United States.

The record of 1971, Mr. Secretary, would presage such a dire outlook for American steel.

Further, unless the new documents contain strong, unbreakable conditions—especially in the specialty steel area—we fear that, like their predecessor documents, they will prove increasingly injurious to the specialty steel companies of America and their employees.

Since the announcement of President Nixon's new economic program on August 15, Japanese and European steel producers have been stating that imports of steel into the United States "are being quantitatively controlled" (by virtue of the Voluntary Limitation Arrangement) and that the 10% surcharge should be lifted.

The record completely refutes those allegations.

As the following statistics, prepared by the American Iron and Steel Institute from Commerce Department official figures, clearly show, the Voluntary Limitation Arrangement has been broadly breached and there has not been, in fact, "qualitative control," as the Japanese and the Europeans state.

In carbon steel, for the first ten months of 1971, there is almost 20% violation of the limitation arrangement. In alloy steels, imports are 57% over VLA; in stainless steels, 36.6%; and in tool steels, 24.7%.

Is that "qualitative control"?

France (with 54.5%), Italy, (with 88.0%) and the Netherlands (with 53.2%) lead the European importers in being "over quota." Canda (with 41.1%), the United Kingdom (with 39.0%) and Sweden (with 30.7%) lead the non-signatories. "All others" are 117.1% over the limitation!

In the specialty steel area, those nations stating that imports are being "quantitatively controlled" are the very nations which are seriously in violation of the compact. It was stated that total stainless steel imports for ten months of 1971 were 36% over VLA. The Japanese are 64.7% over VLA in stainless steels and the Europeans are 38.6% over!

Similarly, in tool steel (a product category in which imports are 24.7% over VLA), the Japanese are 84.8% over VLA. In "other alloys" (a product category in which imports are 57% over VLA), the Japanese are 80.7% over VLA. And the Europeans, in that category, are 38.6% over; with all other nations 36.8% over.

When the Chairman of the American Iron and Steel Institute in June 1970 asked the American Government to start immediate negotiations for extension and improvement of the Voluntary Limitation Arrangement, he predicted all of the things that have come to pass since that day. We in specialty steel are at a complete loss to understand how we could have failed to impress upon our government representatives the deeply serious nature of this problem—not only on the profitability and employment in specialty steel, but on very survival itself.

Nevertheless—we seem to have failed; and that is why I am putting these thoughts before you now.

Unless there is a specific product-by-product restraint in the specialty steel area of an extension of the Voluntary Limitation Arrangement, we fear for the future of our industry. Failure to limit stainless, tool steels, and other alloy steels by product will produce a document no more viable for specialty steel in America than the late and unlamented Arrangement which expires in a few more days.

Our people have been working with State Department personnel in attempting to work out an unofficial concordance (or method) of comparing U.S. tariff classifications with the Japanese categories—so that a product-by-product understanding and limitation could be agreed upon and enforced. While there are difficulties in seeking agreement between TSUSA classifications and the Japanese modified SITC, the task is not impossible, and we believe that a solution can be found.

A lot of work has been done, in deep good faith, by all parties concerned with the specialty steel problem; government, industry, importers, etc. It seems to me that this work should not be allowed to go to waste and that an improved, workable, limitation arrangement be worked out, one that can be properly monitored and enforced.

Anything less will further gravely damage the specialty steel industry of the United States—for we can have little faith that those who stand in such flagrant violation of the three-year instrument now expiring will not repeat their 1969–70–71 performance in specialty steels under extension of the new pact.

We urge you to personally direct the negotiators in the State Department to consider seriously and weigh deeply the work done by the specialty steel representatives and to accept their recommendations.

Only thus will a workable document be forthcoming and only thus can we look ahead with any reassurance that imports of specialty steels will, in fact, be reduced in accordance with America's desires.

Sincerely,

ROGER S. AHLBRANDT.

[From the American Metal Market, Dec. 21, 1971]

SPECIALTY STEELMAKERS FEAR QUOTA "SELLOUT"

(By Hi Howard)

PITTSBURGH.—Now that the United States has reached a new international monetary accord at the cost of devaluing the dollar and lifting the ten percent import surcharge, the reaction in certain steel industry circles isn't all roses and sweet agreement.

Top executives at several specialty steel companies are frankly afraid that their business is going to be swamped by a continuing flood of imports.

Presumably the administration will move quickly now to negotiate a new so-called "voluntary" restraint agreement limiting future steel imports.

Lifting of the surcharge makes this likely because the Common Market countries, led by France, have been demanding the death of the surcharge as their price for any kind of restraint on their exports of steel to the United States after 1971.

Japan made no such demand, but has been holding out for an agreement which would allow bigger imports next year and only moderate cutbacks in stainless and other specialty steels.

The record shows that the present "voluntary" restraint agreement has been a complete failure, in the opinion of most steel analysts. Imports have exceeded the specified over-all limit by millions of tons.

Imports of foreign-made steel, through October, topped 15.5 million tons, and almost certainly will top 17.5 million tons for all of 1971. Further, imports of stainless and alloy steels have reached new highs.

So there is little confidence in steel circles generally that a new voluntary and "toothless" agreement will be any more effective than the one now expiring, and even less confidence among specialty steel executives that their foreign competitors will exercise sufficient restraint to allow American producers to recover their lost markets.

They are exerting as much pressure as they can on the State Department to get the U.S. negotiators to hold out for an agreement which would specify "product by product" quantitative limits on imports. Without such limits, one top official commented here:

"I fear for our industry's future."

He and other American steelmen charge that foreign producers have grossly violated the existing agreement, and that another loosely-worded "letter of intent" will be worse than the old because it will create the illusion of control to no effect.

CRUCIBLE, INC.,
Midland, Pa., December 22, 1971.

Mr. KAY KLUZ,
District Director, District 20, United Steelworkers of America, Baden, Pa.

DEAR KAY: Confirming our earlier conversations regarding the import problem and new trade legislation, I wish to bring to your attention several factors involved.

As we are all well aware, the voluntary quotas set up by the Japanese and European Steel Community are being violated and are not enforceable. The degree of violation has been extremely severe, especially in the steel industry. The imports of carbon steel for the first ten months of 1971 exceeded the allowed voluntary limit by 20.6%. In the overall picture, alloy steel imports are 57% over the VLA, all classifications of stainless steels 36.3%, and tool steel 24.7%. Included in these figures, of course, are items in the specialty steel industry, in particular, ingots, slabs, blooms, and billets, which in most cases are converted to a semi-finished product and returned to Canada. Taking this type of tonnage from the ten month figures, we find total stainless and tool steels exceeded the VLA by 59%; and in looking at specific items, we see such things as hot rolled and cold rolled sheets exceeding the quota by 73%, stainless steel bars by 55%, and wire by 84%. Further evaluation of the specialty steel area shows that the Japanese are 64.7% over VLA for the ten month period and the Europeans are 38.6%. Similarly, in tool steels, we find that the Japanese for the ten month period are 84.8% over the VLA. In other alloys, the Japanese are 80.7% over VLA and Europeans are 38.6%.

Obviously there has been a complete failure of the voluntary agreement program, and there is no indication that should a new voluntary limitation agreement be made by the end of this year that it will be followed, nor is there any indication that our foreign friends won't continue to ship in those areas of higher dollar value.

It is my opinion that unless a specific product by product restraint is negotiated by our State Department, such a voluntary agreement will be meaningless to the specialty steel industry. As a result, I urge you to bring to Mr. Abel's attention the need for legislation such as presented by Senator Hartke and Congressman Burke in the Import Restraint Bill (S-2592 in the Senate). Unfortunately, this bill has one major fault—under Title III, Section 301 (D) (d) (1) commodities covered by voluntary agreements are exempted from the quota mechanism. As a result, this bill would mean absolutely nothing to the specialty steel or basic steel industries. It is urgent that the United Steelworkers do everything possible to have this paragraph deleted from this bill and a legislative bill such as this one passed.

It is our understanding that there is a very good probability that the trade legislation bills will be considered by the Ways and Means Committee and the Finance Committee early in 1972. We would appreciate anything that you and our fellow workers can do to help correct the discrepancies in this bill and see that it gets passed.

Thank you for your effort and time on this problem which is critical to all of us.

Best personal regards.

Sincerely,

MARTIN N. ORNITZ.

[From the American Metal Market, Dec. 22, 1971]

"FORCEFUL" STEEL IMPORT MOVES URGED

(By Hi Howard)

PITTSBURGH.—If our State Department is "forceful" enough, it still may be possible to hammer out a voluntary agreement that could effectively curb specialty steel imports over the next three years.

This was the view expressed here yesterday by Roger A. Ahlbrandt, chairman, Allegheny Ludlum Industries, and the man who has led the specialty steel industry's fight against unfair competition by foreign mills.

In an interview with "American Metal Market," Mr. Ahlbrandt charged flatly that the Japanese and West European steelmakers have been grossly violating the existing "voluntary" arrangements to restrain imports.

Backing up this charge, he cited the official government figures on imports for the first ten months of 1971. These show that all steel imports during this period topped the limit allowed by 20.6 percent, that stainless steel imports exceeded the limit by 36.3 percent, and that tool and die steel imports were 24.7 percent greater than the voluntary quota.

SHOULD MOVE QUICKLY

But even so, the Allegheny Ludlum head declared, the State Department should move as quickly as possible to negotiate a new agreement—but with certain differences.

Specifically, he asserted, the new restraint arrangement should spell out import quotas "product by product," and should be written in such definite language that honorable men will be bound by it.

Despite the many past violations of the existing voluntary program to limit imports, Mr. Ahlbrandt contended that a new program is the only near-term hope that the import flood can be controlled, and might be of real help to the domestic industry if it is effectively monitored.

STRESS MONITORING

He particularly stressed the need for such monitoring, noting that the State Department, so far as he can discover, has not made a single official protest against past violations.

"The people in the State Department," he commented, "are almost all free traders, and they are not forceful. If you look at the history of this thing, you'll see that we called their attention repeatedly to the basic problem, and also to the shortcomings of the voluntary arrangements to limit imports.

"We tried to head off what happened in 1971, before and after labor contract negotiations. And we pointed out, back in 1969 and early in 1970, that upgrading—the shipment of higher priced products with emphasis on the specialty steels—was being used to circumvent the intent of the restraints program."

CRITICAL OF SHICK

Mr. Ahlbrandt was especially critical of the remarks made by Victor Shick, president, American Institute of Imported Steel, as reported in the American Metal Market on Dec. 13, 1971.

Mr. Shick, Mr. Ahlbrandt noted, is quoted as asserting that the voluntary steel quota arrangements have been "basically observed."

The fact is, he declared, that imports have greatly exceeded the quotas not only in carbon steel and in total steel, but also in stainless and specialty steels.

PRICE CHAOS

Further, Mr. Ahlbrandt asserted, Mr. Shick and his colleagues do not seem to understand that unrestricted imports have caused both widespread steel unemployment and price chaos, and that the eventual result could be new and more severe restrictions.

Even if a new and better voluntary arrangement can be negotiated to hold down imports, the Allegheny Ludlum head feels that an official and formal government agreements should be negotiated to limit steel imports as part of a new world-wide trade agreement.

He advocates a complete restructuring of our international trade relations to take into account that American companies, privately owned, must compete with foreign companies which are part and parcel of "managed economies," exporting their surplus production to maintain employment and to obtain foreign exchange.

DOLLAR DEVALUED

As part of the new international money accord, he pointed out, the ten percent import surcharge has been cancelled and the dollar has been devalued about eight percent.

These measures, he said, may be enough in themselves to allow American producers of tonnage steels to compete on more equal terms with Japanese and European mills.

But Mr. Ahlbrandt was emphatic that domestic producers of specialty steels will remain at a serious cost disadvantage. He noted that the discount of list price on stainless sheet, forced by imports, is as high as 35 percent in some markets.

LITTLE STABILITY

At the same time, however, he said he could foresee a little more price stability evolving in the marketplace.

The dollar's devaluation, he opined, probably will stimulate the export of Allegheny Ludlum's consumer products, especially those made by its True Temper division (garden tools, sporting goods) but will tend to make imported raw materials—needed for steelmaking—more costly.

DEPUTY UNDER SECRETARY OF STATE
FOR ECONOMIC AFFAIRS,
Washington, D.C., December 30, 1971.

Mr. ROGER S. AHLBRANDT,
President, Allegheny Ludlum Industries, Inc., Pittsburgh, Pa.

DEAR ROGER: I am frankly surprised by your letter of December 17. Your view of our efforts, as set out in *American Metal Market* has also been noted by us.

As you are fully aware, the task of persuading the Japanese voluntarily to roll back the export levels of the three groups of specialty steels, as set out in the draft letter of undertaking, has been a particularly difficult one, and I was distinctly of the impression that you regarded it as the best that could be accomplished at this time in a voluntary context. Moreover, I thought it was entirely clear that the Japanese in their discussions with us over the past year were adamant in rejecting as non-negotiable a product-by-product limitation of exports in a voluntary undertaking.

I should also point out that there is an apparent misunderstanding in your letter on the purpose of the attempt to work out with the Japanese a concordance of United States and Japanese tariff classifications. The objective of this effort is to permit better monitoring of the export restraints and not to arrive at product-by-product limitations. Indeed, if the Japanese understood that we were seeking by this means to introduce product-by-product limitations, they would certainly not wish to proceed.

Despite the above, we again made an effort a few days ago, in order to try to satisfy you, to persuade the Japanese to accept language in their voluntary undertaking which would be quite explicit with respect to adhering to an historical product mix pattern for specialty steels.

Every effort has been made to wear down the Japanese and the Europeans into accepting limitations desired by the US specialty steel producers, for whom import competition has clearly been a very serious problem, and for producers of fabricated structural steels who have pressed very hard to include limitations on these imports. This effort on behalf of both groups has prolonged the negotiations considerably.

The Japanese as well as the European Community steel industries insist that they have gone as far as they can and it now appears that their interest in extension of the voluntary undertaking has diminished. The Europeans indicate that the currency realignments have substantially altered the competitive positions to the benefit of U.S. industry. I have been in touch with Ed Gott this week to apprise him of the present critical situation. We are endeavoring to do ev-

erything possible to persuade the Japanese and the Europeans to conclude the discussions on a satisfactory basis at the earliest possible date, and hope that they will still be willing to do so.

Sincerely,

NATHANIEL SAMUELS.

ALLEGHENY LUDLUM INDUSTRIES, INC.,
Pittsburgh, Pa., January 5, 1972.

Hon. NATHANIEL SAMUELS,
Deputy Under Secretary for Economic Affairs, Department of State, Washington, D.C.

DEAR MR. SECRETARY: I have reviewed your letter of December 30, 1971, and am disturbed that there appears to be a misinterpretation of the purpose and content of my December 17th letter to you.

My purpose in that letter was to point out the continuing violation (through the ten months of 1971 for which we then had statistical information of the then-existing Voluntary Limitation Arrangement); to warn that, in the lateness of the hour, a simple extension of that document would fail to attain the restrictions needed by the American Specialty Steel Industry; and to recommend again that a product-by-product limitation along the recently-worked-out conformed TSUSA–SITC classifications would be the approach considered the most effective by the specialty steel producers.

As principal damaged parties, the specialty steel companies of the United States nevertheless have held firm in the ranks with our carbon steel colleagues in the American Iron and Steel Institute. Working with several committees of that association engaged in contacts with you and your associates, we have tried to be helpful to the American negotiators in their admittedly difficult task of obtaining an extension and improvement of the Voluntary Limitation Arrangement. Because of the damage done in the American market-place for steel . . . with record tonnages imported during 1971 . . . the word "improvement" has been a key word in our efforts from the very beginning. We always have said that a single extension, or even a modest change, such as in the "growth rate," would not be helpful.

The magnitude of the violations was cited in the New York Times of Monday, January 3, which liberally quoted State Department sources. An important paragraph in that story says: "The impact of steel imports on domestic revenues as well as on the national trade balance was brought out by the November statistics. Through eleven months, the dollar value of steel imports was more than $2.4 billion. That was up by about $650 million from 1970. Eleven-month exports were worth $508 million, down $450 million from 1970. Netting out imports and exports, the steel intake of the country rose by $1.1 billion. This was about one-fourth of the total swing in merchandise trade for the eleven months."

And may we suggest again that those dollar figures doubtless mirror the fact that foreign steel producers have switched to higher-dollar-value specialty steel products.

I have had the privilege of meeting with you and others in State and with Federal executives in other Departments of the Executive Branch and on the Hill as part of one of those committees of the AISI which I mentioned earlier, a group which has included Ed Martin of Bethlehem, George Stinson of National Steel, and Ed Gott of United States Steel, along with officers of the AISI.

You and your colleagues, during those meetings, have demonstrated an understanding of the problem and you have shown a sympathetic willingness to seek an acceptable extension and improvement of the Voluntary Limitation Arrangement. A lot of work has been done over the past eighteen months.

But as we went past the middle of December, and with the ten-month statistics newly at hand, I felt that the continuing dialogue between us would be well-served by another letter . . . this time my letter to you of December 17th. On re-reading a copy of it, I find that it was indeed what I had intended: a friendly, informative, positive, and reasonable exposition of our situation in specialty steel and our views on the subject as the year raced to a close.

This activity on my part has been required by my responsibilities to our stockholders, employees, and all others having a stake in Allegheny Ludlum. No disrespect has ever been meant, especially not in the article in the American Metal Market to which you referred early in your letter of December 30th. That article, by the way, was in direct response to a long dissertation by Victor Schick, spokesman for European steel importers, in the Metal Market of December 13th. And, of course, we have no control over how an independent publication like the American Metal Market, or other news media, will interpret our comments.

Nevertheless, we were greatly concerned on December 17th when I wrote my most recent letter to you, and we remain greatly concerned that an extended Voluntary Limitation Arrangement will not include a strengthened product-by-product protection in the specialty steel area. And I frankly did not understand, as you state in your letter of December 30 that "it was entirely clear that the Japanese in their discussions with us over the past year were adamant in rejecting as non-negotiable a product-by-product limitation of exports in a voluntary undertaking."

We had great hopes on August 15, 1971, that the Administration had come to recognize the great damage that was being done to the American economy and the American workman by unrestricted imports, not only of steel but many other products. We saw the possibility that the actions of August 15 would strengthen the hand of American negotiators in trade matters in obtaining realistic understanding on the part of foreign producers of the need . . . for their benefit as well as ours . . . for restrictions. We had hoped, in fact, that this would put the euphemism, "voluntary", in its proper perspective as it applied to instruments like the steel document, upon which you have been so hard at work.

Realistically, it seems to me that a repetition of the performance of foreign steel producers in the American Market as we saw it under the three years of the expired Voluntary Limitation Arrangement, particularly in the specialty steel area, can bring on another "August 15" some time in the future. For I am certain the American government will not be able to stand by and see key industries severely impacted by imports, American workmen put out of work, and injury being done to now-viable industrial elements of America's security backbone.

I value your friendship, your efforts, and your interest in the Specialty Steel Industry and the steel industry of America as a whole. Economic necessity could require the U.S. producers and employees, and their representatives in Government, to seek other courses of action, should relief not be forthcoming voluntarily from the Japanese, the European Community, and other foreign steel producing countries.

Sincerely,

ROGER S. AHLBRANDT,
Chairman of the Board.

[From the American Metal Market, Jan. 7, 1972]

LIMITATION HOPES ON STEEL IMPORTS DASHED BY FERRY

PARIS.—Jacques Ferry, spokesman for European steelmakers, has dashed hopes for an early agreement on renewal of the voluntary accord limiting European steel shipments to the U.S.

In an interview with the newspaper Le Figaro, to be published today, M. Ferry says the reasons invoked by the U.S. during his talks in Washington last October "have lost much of their value" since the monetary agreement.

He said the removal of the U.S. 10 percent surcharge sought by Europeans has been "more than compensated" by the currency realignments, which resulted in an average appreciation of 12 percent in the currencies of the Common Market countries in relation to the dollar. The surcharge was also dropped.

M. Ferry said last month's Washington agreement goes far beyond the monetary field "and should provoke a vigorous revival of the U.S. economy" in which the American steel industry will have a large share.

M. Ferry, who is to fly to Washington next Thursday for talks with U.S. officials, said he would be ready to sign an agreement similar to that concluded last month for the limitation of Japanese steel shipments to the Common Market and Britain.

The Japanese agreement is "much more flexible" than the one U.S. officials want to impose on Europe, he said.

[From the American Metal Market, Jan. 11, 1972]

IMPORTS GAINING: NO QUOTA AGREEMENTS MATERIALIZE FOR STEEL

(By Freeman Bishop)

WASHINGTON.—The steel industry and members of Congress are beginning to ask sharp questions at the White House and on Capitol Hill over the continued absence of a trade agreement between the U.S. and Japan and the U.S. and the European Common Market nations.

Lackluster statements attributable to White House "aides" continue to predict imminent settlement of a new three-year voluntary quota system with Japan, but the Japanese do not confirm this.

SHIPMENTS GAIN

In fact, what the Japanese steelmakers continue to do is to hike their shipments of steel and steel products to American domestic markets at an ever-rising rate.

European producers display no interest in new quotas and as recently as last week once again made it clear voluntary quotas were not on EEC's agenda at this time.

What seems to be going on here, as one topflight foreign affairs spokesman told American Metal Market, is a game of words with the United States steel industry holding the bag.

The State Department and the Japanese steel producers have been discussing terms of a new voluntary agreement now for one year.

Result of these negotiations is a steadily rising rate of steel imports from Japan.

New steel import records were established in 1971. In the first 11 months of last year, more foreign-made steel was imported than in any comparable period in U.S. history.

Using government-supplied data, American Iron and Steel Institute reports that 16,986,000 tons of foreign steel came into this country from January 1 through the end of November of last year.

With a month left to be accounted for, 1971 steel imports were less than a million tons below the one-year record of 17,960,000 tons set in 1968. And in none of the first 11 months of last year did less than 1,230,000 tons of foreign steel enter the U.S. During November, 1,472,000 tons arrived at U.S. ports of entry.

MORE THAN TARGET

The 16,986,000 tons of steel imports through November also was 1,551,000 tons more than the target limit of 15,435,000 tons

for the full 12 months of 1971 set under the voluntary arrangement by which European Common Market and Japanese steel producers pledged to limit their exports to the U.S.

The declared value of January-November, 1971 steel imports was $2,434,000. During the same U.S. mills exported only $510 million worth of steel. This left a steel trade gap of $1,924,000,000—or roughly $200 million more than the $1.7 billion overall trade deficit for the U.S. reported by the Commerce Department for the first 11 months of the year.

November's imports included 716,000 tons of sheet and strip, 167,000 tons of pipe and tubing, and 140,000 tons of plates. The month's 11,000 tons of stainless imports pushed their 11 month total to nearly 175,000 tons, while the nearly 38,000 tons of other specialty steel imported during the month raised their 11 month total to more than 375,000 tons.

VIEWS SUMMED UP

The steel industry's views—and those of an increasing number of members of congress—can be summed up in this way:

After almost 12 months of desultory negotiation, the Japanese refuse to accept the kind of agreement proposed by the U.S.

The Japanese balk at limiting fabrication steel shipments and so far will not accept definition by categories, such as limitations on specialty and carbon steels.

The Japanese so far nave indicated the only agreement they will sign would not restrict the opportunity to concentrate imports in high-value specialty steels, emphasizing cold-rolled stainless sheet, etc.

The 1969–71 agreement switched from bulk steel to these specialty steels, thereby creating broad unemployment in many small steel communities.

A new steel agreement, no matter what it says, will not be an effective safeguard against this kind of trade raid since terms of the original three-year agreement were not honored.

At best, what's in prospect here is an unenforceable agreement with Japan and a strong possibility there will be no agreement with any nation presently raiding U.S. domestic markets.

LIMITS SUGGESTED

"Unilateral setting of enforceable limits of imports by the U.S. Government is the one practical means of accomplishing what the voluntary approach has failed to do." Blair Bolles, vice president for government relations of Colt Industries, told American Metal Market. Crucible Steel is part of Colt Industries.

White House officials attending the recent Japanese-U.S. trade conference in San Clemente indicate they expect a new voluntary agreement will be signed this month with Japan.

The old five percent per year growth rate of the 1969–70–71 steel agreement is believed to have been reduced, but not all the way to the 2½ percent decrease demanded by U.S. domestic producers.

It is more likely to be three percent—or even 3½ from what could be gleaned late yesterday as the Washington White House settled down following the President's visits in California and Mrs. Nixon's eight-day tour of African nations.

DOLLAR UNCERTAIN

Revaluation of the Japanese yen, along with many currencies among members of the EEC, continued to work its way through money markets in many areas, with the dollar still uncertain in open markets.

The only trading weapon now held by the economic spokesmen for the White House, Treasury Secretary John B. Connally, is Congress's action raising the price of gold from $35 to $38 an ounce at the U.S. Treasury.

Japan is believed only to have made a solid commitment to establish "an orderly market" in its exports to American markets.

Observers say it appears to be no accident that the Japanese have adopted this phrasing which is the title of most of the bills pending in Congress to establish "an orderly market" for steel by imposing mandatory steel quotas.

There are few indications the Japanese are aware their trade policy toward the U.S. must be administered with the understanding that the U.S. will adopt mandatory quotas—or some other tariff restriction—to halt deterioration in its balance of payments deficits and steel production.

[From the Wall Street Journal, Jan. 14, 1972]

SPECIALTY STEEL FIRMS FEAR THEY'RE LOSING IMPORT WAR, MAY BLAME ADMINISTRATION

(By Jack H. Morris)

PITTSBURGH.—Specialty steelmakers the flag bearers in the steel industry's 18-month-old lobbying battle against foreign imports, are afraid they are losing the war and will be forced to surrender a large share of their markets to Japanese and European producers.

And if this occurs, executives of the beleagured specialty companies, who are to meet here Monday to analyze the situation, are almost certain to blame the Nixon administration instead of their wily competitors abroad for the defeat.

It isn't yet certain, of course, that the import battle—or even the specialty steel scrimmage—will be lost. Common Market steelmakers, the major holdouts in reaching an accord on new voluntary import quotas, are scheduled to renew their negotiations with the State Department in Washington today. Japanese producers, who also were signatories to a similar three-year voluntary quota agreement that expired Dec. 31, are said to be ready to sign a new pact as soon as their European counterparts come to terms.

There is widespread belief here, however, that the longer it takes to work out the new agreement, the less likely it is that the eventual terms will satisfy the needs of hard-pressed domestic mills. Specialty steel producers, in particular, are becoming increasingly doubtful that any new pact will plug the loopholes in the old agreement through which they contend foreign companies have poured thousands of tons of high-priced stainless, tool and alloy steels into the U.S. marketplace.

"It looks like we're going to take it on the chin again," sighs Howard O. Beaver Jr., president of Carpenter Technology Corp., Reading, Pa., which has seen its markets and profits steadily eroded by the flood of imports. The company's earnings of $4 million, or 94 cents a share, for the year ended last June 30 were 74% below the $15.8 million, or $3.63 a share, earned in fiscal 1967. Sales and profits have continued to decline in fiscal 1972 and much of Carpenter's production capability remains idle, or is operating at reduced lines.

SLASHED DIVIDEND TWICE

Carpenter Technology isn't alone in its woes. Allegheny Ludlum Industries Inc., the nation's largest specialty steelmaker with sales in excess of $500 million annually, had earnings of only $2.7 million in the nine months ended last September 30 and analysts say they won't be surprised if the company ended up the year in the red. Allegheny Ludlum, which slashed its dividend twice last year, earned $14.8 million, or $1.85 a share, in 1970; and the year before that enjoyed profit of $22.4 million, or $3.63 a share.

Easco Corp. of Baltimore also pared its dividend last year as earning fell; Latrobe Steel Co. hasn't reported a profit in two years, and even such healthy companies as Cyclops Corp. are operating at levels below those of prior years. Continental Copper & Steel Industries Inc. closed its Braeburn Alloy Steel division, a maker of tool steels, in November.

Such problems can't be blamed entirely on imports, of course. Last year was a disaster for all steel companies, and the continuing business slump has hit the specialty steel concerns especially hard. Domestic shipments of stainless steel, for instance, have been in the neighborhood of only 700,000 tons for the past two years, down from 900,000 tons in 1969.

"The real problem in the stainless steel industry is the lack of demand," says James Bird, metals analyst with Dean Witter & Co., a New York brokerage firm. But with imports increasing as demand fell, "all of the shrinkage of the market came from the hides of the domestic producer," he adds.

Even worse, steelmakers say imports have had a depressing effect on the price of the products they can sell. "Stainless is selling 28% under book and tool steels are going for at least a 10% discount," Mr. Beaver of Carpenter Technology notes.

It's a matter of record that foreign producers have far exceeded the quotas called for in the expired agreement. While the voluntary quotas would have permitted 15.4 million tons of foreign steel to enter the U.S. in 1971, Japanese and European mills had shipped 17 million tons through November and the full-year figure is expected to approach a record 18.5 million tons.

PROVIDED NO BREAKDOWN

Furthermore, the old agreement provided no product-by-product breakdown, allowing foreign mills to concentrate their shipments in the higher-priced specialty products. (Stainless and alloy steels, which together account for only 8% of domestic steel consumption, command prices seven to 10 times that of carbon steel.) Had the 1968 agreement provided product quotas, the 175,000 tons of stainless steel imported in the first 11 months of 1971 would have exceeded the limit of 32% and the 375,000 tons of alloy and tool steel shipped into this country would have surpassed their limit by 57%. By contrast, total imports through November were only 20% over quota.

Another problem is that much of the specialty imports come from countries such as Canada, Great Britain, Sweden and even Poland that didn't sign the 1968 accord. While these accounted for only about 24% of last year's total steel imports, they shipped 35% of the specialty products.

According to statistics gathered by the United Steelworkers union, which contends that imports cost the steel industry more than 93,000 jobs last year, imports have grabbed 65% of the market for stainless wire rods and 33% of the bigger market for cold rolled stainless sheets. In 1965 imports held only 37% of the wire rod business and 12% of the total stainless market.

The steelworkers and the industry launched a massive "Buy America" lobbying effort in the summer of 1970 aimed at obtaining a stronger quota agreement. Product-by-product quotas were demanded, the rate of growth had to be cut and countries other than Japan and the Common Market had to be brought into the accord, they said.

Since then the union and the industry's association, the American Iron and Steel Institute, have poured out reams of statistics backing their cause; seminars have been held in Washington and in steel towns across the country and corporate presidents have confronted shareholders and Rotary clubs with table-thumping speeches.

LITTLE HOPE OF PASSAGE

Their efforts apparently have produced few results. Although several bills have been introduced in Congress to impose mandatory quotas on steel imports, steelmen concede they have little hope of passage. And now

even an extension of the voluntary limits is in doubt.

"We're at a complete loss to understand how we could have failed to impress upon our government the deeply serious nature of this problem," frets Roger S. Ahlbrandt, president of Allegheny Ludlum and chief spokesman for the specialty producers.

One reason Washington may have turned a less than attentive ear is that the steelmen may have sought more than was possible. Asked how much of a rollback in imports would be necessary to return the domestic industry to a profitable footing, Marshall Shober, president of Latrobe Steel, says, "100%."

Another reason, according to Pierre Rinfret, the outspoken Boston economist and sometimes consultant to the steel industry, is that steelmen used "phony statistics." Instead of presenting their case honestly, they inflated the extent of the problem, he maintains. "They just did a bad PR job; they didn't know how to carry their own flag," he says. Industry leaders, of course, deny this.

According to Mr. Ahlbrandt the administration pulled the props from under their drive last month by agreeing to devalue the dollar and remove the 10% surcharge on imports. This eliminated the incentive for the foreign mills to come to terms, he contends. Lending credence to this view, Jacques Ferry, spokesman for the European steelmakers who will head their talks with the State Department today, has been quoted as saying that the monetary realignment "more than compensated" for the need for quotas.

In his talks today, Mr. Ferry is expected to offer to sign only a mild one-year extension of the import agreement, contending that the economic outlook is too uncertain for long-term limits. While Japanese industry sources have indicated a willingness to sign a three-year agreement if the Europeans go along, neither party has firmly committed itself to product-by-product quotas demanded by the specialty producers.

LIMIT GROWTH OF IMPORTS

One plus for the domestic industry: if an agreement is signed, it's almost certain to limit the growth of imports in 1972, 1973 and 1974 to 2.5% instead of 5% in the old agreement. And the growth factor will be based on the quota level of 1971, not the actual tonnage shipped last year. There has been some indication, sources close to the negotiations contend, that the Japanese would be willing to slowly roll back specialty imports over a three-year period so that by the end of 1974, they would be in line with the quota limits.

Even with this "half-loaf," analysts believe the domestic producers will be able to show some earnings improvement this year if the demand for specialty products increases 7% to 10% as most currently forecast. "I think we can show a substantial improvement in earnings if the Japanese don't come in and take the growth away from us," says Mr. Beaver of Carpenter Technology.

Indeed, the biggest fear the specialty steelmakers have according to Allegheny Ludlum's Mr. Ahlbrandt is that the new agreement will contain no teeth. "We haven't once wrapped the knuckles of any of those people who signed the previous agreement and then didn't abide by it," he says. "If our State Department can't impose some sanctions, then the agreement won't be worth the paper it's written on."

CRUCIBLE, INC.,
Midland, Pa., January 14, 1972.

Hon. JOSEPH M. GAYDOS,
Congressman of the United States,
McKeesport, Pa.

DEAR JOE: Confirming our discussion on imports, I am sure that by this time Mr. Roger Ahlbrandt, Chairman of the Board of Allegheny-Ludlum has forwarded to you copies of his recent correspondence with the State Department. In addition, I thought you would be interested in the attached letter that I sent to Mr. Kay Kluz, District Director—District 20 of the United Steelworkers of America. I am also enclosing several other articles which might be of interest: one by Jacques Ferry, spokesman for the European steelmakers, which appeared in the January 7 issue of American Metal Market, and another which appeared in the January 11 issue of American Metal Market on the imports situation.

As you can readily see from all this correspondence, apparently there is no intention on the part of the Japanese or the Europeans to live up to the past voluntary agreement, nor to do anything in the immediate future to prevent further deterioration of the specialty steel industry, or basic steel for that matter. Obviously, it is becoming more evident that the only remedy to this very distressing problem is to have legislation passed setting up enforceable limits.

I know we will have your cooperation in this matter, and I trust that pressure can be brought in both the House and the Senate to take action immediately since after a year's negotiation the State Department has been completely inept in accomplishing any results.

Sincerely yours,

MARTIN N. ORNITZ,
President, Stainless Steel Division.

[From the McKeesport (Pa.) Daily News, Jan. 18, 1972]

UNITED STATES NOT TRADE PATSY, CONGRESSMEN TELL EUROPEANS

WASHINGTON.—A congressional mission to Europe delivered the message that the United States is no longer the easy-going trading partner of postwar years—and the Europeans listened, a leader of the legislative party says.

"I think we got the idea across to people in decision-making posts of the European community that we simply can't afford to be patsies any longer," Rep. John W. Byrnes of Wisconsin said in an interview.

Byrnes is senior Republican member of the House Ways and Means Committee, which broke a long no-travel tradition to send a majority of its members to Paris and Brussels where they discussed trade issues with spokesmen for the Common Market and other European groups.

Byrnes said he came back with the conviction that the United States is now dealing with "a peer, and maybe a little more than a peer" in the expanding Common Market, and that international trade rules written when this country dominated export markets now have to be revised to provide competitive equity.

Particularly troublesome, Byrnes said, are reciprocal trade preferences worked out bilaterally between members of the Common Market and outside countries, in many cases former colonies or dependencies.

The problem will be aggravated, he said, by the entry into the European community of Britain, trailing its own network of special trading arrangements.

"We were repeatedly told that these preferences are perfectly permissible under the General Agreement on Tariffs and Trade," Byrnes said.

"We didn't always get exactly the same impression in talking with GATT people."

But he said "we have been relaxed in the past, not inclined to push for compensation under GATT.

"We just can't afford that kind of 'oh, what the hell,' attitude any longer."

Byrnes said "GATT is just outdated" and that the United States should seek a thorough revision of its rules. This might include, he said, not only changes in the trading regulations, but revision of the voting system to remove what he called disadvantages against the United States, and possibly a reworking of tax provisions.

[From the (McKeesport, Pa.) Daily News, Jan. 25, 1972]

THE 1971 TRADE DEFICIT RECORD: IMPORTS TOP EXPORTS BY $2 BILLION

WASHINGTON.—The nation recorded its largest trade deficit in history in 1971, when the value of imports exceeded exports by more than $2 billion, the Commerce Department said today.

It was the first balance of trade deficit since 1888, when the nation's trade figures were $33 million in the red.

The department said the deficit was caused by a 14 per cent increase in imports and a 2 per cent expansion in exports.

Originally, the government said the trade deficit for 1971 would be the first since 1893. However, in rechecking, the department found that that deficit was compiled on a fiscal year, or July to June basis. It had to look back another five years before it found a calendar-year deficit.

The actual deficit for 1971 was $2.047 billion. For the month of December, the nation turned in a third straight monthly deficit of $273.7 million.

During 1971, trade figures were in the red for eight months.

The department's Bureau of Economic Analysis said the trade balance sharpened worsely the last three months of the year to a record quarterly deficit of $1.535 billion, mainly because of dock strikes.

"Trade movements were severely distorted in the last two quarters of 1971" the bureau said. "Shipments in the third quarter, notably September were heavy in anticipation of the dock workers' strike at East and Gulf Coast ports on Oct. 1.

"Subsequently, there was a sharp slowdown in trade during the fourth quarter when work stoppages crippled port operations for nearly two months," the bureau said.

The department said exports reached $43.555 billion while imports totaled $45,602.

The Commerce Department prepared the final figures on the differences between what the nation's businesses sell overseas and what foreign enterprises ship into the country.

The deficit through the first 11 months of 1971 was $1.875 billion, a massive $4.7-billion turnaround in the balance-of-trade figures from the same period in 1970.

But the Nixon administration says the picture should get better as 1972 wears on, with a chance that the traditional surplus in foreign trade will be restored before this year is over.

One reason is the new monetary agreement in which the dollar is worth less and foreign currencies worth more in exchange markets, a situation that makes imports more expensive and U.S. exports cheaper in foreign markets.

At first, the monetary agreement may actually hurt the nation's trade statistics, a high Treasury official said. Imports having a higher dollar cost are continuing to enter the country on the basis of business commitments and plans made before the currency realignment of last December.

[From the Pittsburgh Post-Gazette, Feb. 1, 1972]

BUSINESS TODAY: BANNER YEAR FOR STEEL (THEIRS)

(By Jack Markowitz)

Nobody can say steelmen watched the waters rising without sounding plenty of alarms about it. Steel imports in 1971 flooded to a new high watermark of 18,322,000 tons, the American Iron and Steel Institute reports they nearly equalled the full 12-month output of U.S. Steel Corp.

This, in a year when many American steelmakers ran at a loss for three to five months.

When steel employment sank to Depression levels.

When U.S. merchandise trade with foreign countries tumbled into deficit the first time this century.

And when unemployment in the nation as well as in these many-milled valleys topped 6 per cent.

Just take that trade deficit. In 1971 America bought $2.047 billion more of goods overseas than she sold.

Well, the deficit in steel surplus of imports over exports—hit $2.060 billion, or more than the shortfall in all categories combined.

In addition, a record 192,000 tons of stainless steel crossed the water—and of all other steel alloys, 415,000 tons, another topper.

American steelmen aren't fatuous in judging that this nation wants more and more of their metal of myriad uses. The growth's just going to the foreign steel makers, that's all.

And the sad part is, it's only big volume which enables the monstrous furnaces and rolling mills of modern steel plants to unleash the big cost efficiencies and, hence, profits.

Since the 1971 imports exceeded by 3 million tons the volume that should have come in under the Japanese-European quota, it's small wonder American steelmen don't pant with fervor for a new "voluntary" extension like the one that has been black-and-bluing them.

Still, they'd prefer a voluntary quota to none at all. And since Jan. 1 there's been none at all, though Japan has come to quota terms with the Common Market.

What American steel firms really would like for Valentine's Day, or Flag Day, or even next Thanksgiving or Christmas is a legislated quota socked down in black and white by Congress. Chances of that are regarded as still dim.

The Aug. 15 import surcharge, since removed, didn't keep '71 imports from topping by over 360,000 tons the old record of 1968.

Dollar devaluation hasn't noticeably abated the tide either. Imports now have nearly a quarter of the American stainless steel market.

And December's 1.3 million tons of imported basic steel included heavy amounts of sheet and strip, plates, wire rods, pipe, tubing and structurals.

[From the Pittsburgh Post-Gazette, Feb. 2, 1972]

BUSINESS TODAY: LUDLUM: "A MOST DIFFICULT YEAR"

(By Jack Markowitz)

If 1971 mauled the basic steel industry, the punishment was even more bruising for some of the stainless and other specialty steels producers. The biggest, Allegheny Ludlum Industries, yesterday reported on what Chairman Roger S. Ahlbrandt called a "most difficult year."

Allegheny Ludlum's net profit—a slender $1.4 million on $484 million sales—amounted to a net loss of 96 cents per common share, after requirements to pay preferred stock dividends.

And that's the first time there were no earnings per common share in the history of the company formed by merger between Allegheny Steel and Ludlum Steel in 1938.

Ahlbrandt indicated the road ahead looks a bit brighter than that just traveled.

"There has been a marked recent improvement in the volume of orders and in operating levels," he said, "not only in steel but also in consumer and industrial product areas."

He said an improved and extended voluntary import quota "is expected momentarily." That could provide "some relief" to specialty producers who have been seen their relatively low-tonnage-high-price markets gobbled up by foreign-made product.

Allegheny Ludlum also is cutting costs—and people—"and greater economies will be evident in the coming year," said Ahlbrandt. With a rising national economy, all these factors could generate "improved results as 1972 goes along."

In 1971 the firm's net profit from operations plunged to $6,464,000, or 8 cents a share, from last year's $14,820,000, or $1.85 a share—both figures after preferred dividend requirements.

However, the Pittsburgh-based firm had to take account of half the $10 million loss suffered by its 50 per cent owned affiliate, Titanium Metals Corp. of Timet.

That reduced Allegheny Ludlum's net to $1,482,000 versus $11,919,000, or $1.24 per share a year ago.

Titanium is much used in aircraft building. But cutbacks in both military and defense plane orders—plus a 3½ month strike at an Ohio plant and another long shutdown at a Nevada facility—added up to no way to make money in the wonder metal.

Both plants have resumed limited operations, but the near-term outlook for titanium remains "clouded."

Meanwhile, last year's steel labor negotiations hit the company with "great fluctuations in customer demand" and depressed operating levels from August through November. There also were the usual higher costs. But the stepped up level of imports also caused a "chaotic marketing situation," including poor prices for products the American firm could sell.

Through 1970 Allegheny Ludlum had been paying a 60-cent quarterly dividend on its common stock for some years. It cut this to 35 cents in first quarter '71, then to 25 cents in the fourth quarter.

Market value of the firm's shares has moved inversely with the rise in imports.

Back in 1967 when basic steel had caught the foreign virus but the specialty steels had not yet, Allegheny Ludlum's stock soared to a record $79 a share. More recently it has been the low 20s.

The firm diversified in timely style a few years ago. It is now more than a steel company, with substantial subsidiaries in gardening equipment and sporting goods.

But the woes of the specialty steel business loom large. The import problem isn't going away.

FOREIGN STRUCTURAL STEEL ACTIVITY, YEAR 1971
SUMMARY

	Net tons bid	Net tons awarded	Net tons pending award
Number of projects bid by foreign fabricators (27)	100,365	75,136	15,200
Type of project:			
Bridges (5)	24,274	24,274	
Buildings (10)	37,533	16,412	15,200
Towers (12)	38,558	34,450	
Products: Shapes, plates, rebars			

NORTH ATLANTIC REGION, YEAR 1971

Project	Owner and locations	Bid, net tons	Product	Foreign bidder	Award
Building	Circle Towers Association, Falls Church, Va.	3,190	Shapes	Unknown Great Britain source	Great Britain.
Do	City of Newport, Newport, Vt.	400	do	McKinnon Steel, Canada	McKinnon.
Do	New Jersey Steel & Structural Corp., Sayresville, N.J.	1,500	Shapes, plates	Braidesi Steel Co. of Italy	Pending.
Do	General Electric Co., Merrimac, N.H.	3,121	do	Dominion Bridge, Canada	Domestic.
Do	Metropolitan Jewish Geriatric Nursing Home Corp., Brooklyn, N.Y	2,100	do	Standard Structural Steel Co., Montreal, Quebec, Canada.	Standard Structural of Canada.
Total		10,311			

GREAT LAKES REGION YEAR 1971

Building	New York State Urban Development Corp., Niagara Falls, N.Y.	6,250	Shapes, Plates	Canron, Ltd., Canada	Canron.
Bridge	New York State Department of Transportation, Rochester, N.Y.	5,249	do	Standard Structural Steel, Montreal, Canada	Standard Structural of Canada.
Towers	Commonwealth Edison Co., Bedford Park, Ill.	200	Shapes	Unknown Japanese Source	Japan.
Do	Basin Electric Co-op., North Dakota and South Dakota.	17,000	do	SAE, Italy; NGK, Japan; Dominion Bridge, Canada.	SAE.
Do	Commonwealth Edison Co., Cherry Valley, Chicago Heights, Barrington, and Elmhurst, Ill.	3,230	do	SAE, Italy	SAE.
Do	Consumers Power Co., Plainwell and Ludington, Mich.	1,900	do	SAE, Milan, Italy	SAE.
Do	American Electric Power Co., South Point, Ohio.	500	do	SAE, Italy	SAE.
Bridge	San Ore-Gardner Engineering Corp., Little Rock, Ark.	13,000	Shapes, Plates	Mitsui Trading Co., Japan	Mitsui.
Total		47,329			

SOUTH ATLANTIC & GULF REGION YEAR 1971

Towers	TVA, Chattanooga, Tenn	1,097	Shapes	Nichimen Co., Japan; SAE, Italy; Painter Bros., England; OVC, Italy.	Domestic.
Do	TVA, Nashville, Tenn	1,811	do	do	Do.
Bridge	Regional Airport, Dallas, Tex	5,064	Shapes, plates	Ishikawajima-Marima Heavy Industries Co., Ltd., Japan.	Ishikawajima-Marima.
Towers	Arkansas P. & L. Various in Arkansas	2,000	Shapes	Komani, India	Komani.
Total		9,972			

PACIFIC COAST REGION YEAR 1971

Building	City of Los Angeles, Custiac, Calif	1,172	Plates, shapes	Kawasaki Heavy Industries, Kahagawa, Japan	Kawasaki.
Do	Fein Bros., Los Angeles, Calif	4,800	do	Matsuo Bridge Co., Japan	Matsuo Bridge Co. (2,000 of 4,800 tons in job are foreign; balance domestic).
Do	Cedars-Sinai Medical Center, Los Angeles, Calif.	13,700	do	Unknown Japanese source	Pending (50 percent of 13,700-ton total may be foreign fabricated).
Towers (Refinery).	Arco, Bellingham, Wash	1,700	do	do	Japan (500 tons); balance domestic.
Towers	USDI-BPA., Washougal, Wash	4,020	Shapes	SAE, Milan, Italy	SAE.
Do	do	2,700	do	Marubini-IIDA, Japan	Marubini-IIDA.
Bridge	Spokane, Wash	737	Plates, shapes	Canron, Ltd., Vancouver, Canada	Canron.
Do	City of Redmond, Wash	224	do	Dominion Bridge, Canada	Dominion Bridge.
Towers	USDI-BPA, Washougal, Wash	2,400	Shapes	Nichimen Co., Japan	Nichimen Co.
Building	Port of Seattle, New Seattle, Wash	1,300	Shapes, plates	Unknown Japanese source	Japan.
Total		32,753			

FULTON SALUTES WATAUGA ASSOCIATION'S 200TH ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Tennessee (Mr. FULTON) is recognized for 5 minutes.

Mr. FULTON. Mr. Speaker, as the year 1976 approaches, this Nation is planning the celebration of its 200th birthday—marking the passage of two centuries since the signing of the Declaration of Independence in 1776. I look forward to that celebration, and I think it appropriate that the attention of my distinguished colleagues be directed to a related anniversary, less far reaching but worthy of note, in 1972.

Two hundred years ago this May, a group of enterprising settlers founded, in what then was western North Carolina, the first free and independent government established in America by men of American birth. Theirs was, moreover, the first written constitution adopted by such a group.

The government to which I refer was called the Watauga Association. Thought to be the first active government in what later became the State of Tennessee, it was established on the Watauga River just south of the Holston River, near the present site of Elizabethton, Tenn.

The Watauga settlers shared the courageous and innovative spirit of the Americans who established our Nation. They saw the need for a government—one founded on liberty and the people's will—and met that need.

The pioneers who moved into the Watauga area in 1771 were miles remote from civilized Virginia, and mountains cut them off from North Carolina's principal settlements. So, out of necessity, they established their own government, the Watauga Association, and wrote for it a constitution, the "Articles of the Watauga Association." The new government was founded on the principles of manhood suffrage and religious liberty.

Among other things, the government included a five-man court to settle private disputes and govern "the common good in other respects." Questions of debt were settled, wills were made and recorded, land deeds were drawn up and filed, marriage licenses were issued, and horse thieves were tried and hanged.

On July 5, 1776—the day after the Declaration of Independence was adopted—the Watauga settlers asked to be brought under the government of North Carolina. They pledged in their petition "that nothing will be lacking or anything neglected that may add weight to the glorious cause in which we are now struggling." That cause, of course, was the American Revolution.

The Wataugans' contribution to the Revolution was great. They helped keep in check the Cherokee Indians, who were incited by the British on numerous occasions to attack and threaten North Carolina. In the spring of 1776, a platoon of Wataugans helped save Charleston, S.C., from a British siege. But the Wataugans' greatest contribution to the Revolution probably came in 1780 at the battle of King's Mountain.

There, on the border between North and South Carolina, the Wataugans fought beside troops from Sullivan County, N.C.—now in Tennessee—and from southwest Virginia. They surprised British troops at King's Mountain and killed or captured every British soldier.

This great victory may have been a turning point in the Revolution. Certainly it was a turning point in the war in the South, and it did much to reassure the Americans that they could win the war. Approximately 1 year after the battle of King's Mountain, the British commander, Lord Cornwallis, surrendered to Gen. George Washington at Yorktown.

Meanwhile, the Watauga settlement—along with the rest of what was to become Tennessee—was incorporated as part of North Carolina. North Carolina gave the entire area to the U.S. Government in 1790; and 6 years later, it was admitted to the Union as the State of Tennessee.

I understand that the Watauga Historical Association, the Tennessee Historical Commission, and the Tennessee Bar Association plan to observe the anniversary of the Watauga Association with ceremonies next fall at the community of Sycamore Shoals, Tenn. In the same spirit, I offer this tribute.

The establishment of the Watauga Association 200 years ago was in the finest tradition—an expression of American self-government and liberty. By their support of the American Revolution, the Watauga settlers helped expand that tradition to insure self-government and liberty for all the people of the United States. I take pride in the fact that the Wataugans were part of the heritage of my State, Tennessee.

CENTENNIAL OF THE TOWN OF HOLBROOK, MASS.

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Massachusetts (Mr. BURKE) is recognized for 5 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, I rise to call the attention of my colleagues in the House to an important anniversary in Massachusetts this year. The town of Holbrook, which I have the distinguished honor of representing in Congress, is celebrating its 100th anniversary. To commemorate this event, the town is featured this month in the Massachusetts Selectmen magazine. I would like to include at this time an article whch appeared in that publication in the month of January by Wesley C. Cote, town historian. It only remains for me to add that I hope the town continues to thrive and prosper and I know my colleagues join me in wishing Holbrook and its citizens every success in the future.

The article follows:

HOLBROOK CENTENNIAL ANNIVERSARY

(By Wesley C. Cote)

The Town of Holbrook is located 15 miles south of Boston, its center being located at the junction of Routes 37 and 139, and is today essentially a residential town containing a population estimated to be about 12,000. It is divided into two voting precincts: Precinct No. 1, Holbrook, proper; and Precinct No. 2, known as Brookville. The watershed between Massachusetts Bay and Narragansett Bay is located here, that is, streams flow in both directions, north and south, from here. The altitude is between 200 and 280 feet above sea level, thus making Holbrook one of the most healthful towns in the area.

Historically, the Town was incorporated on February 29, 1872, the only town, to our knowledge, to have been so incorporated on Leap Year Day. "Holbrook" was chosen as the name of the new town in honor of Elisha Niles Holbrook, a great public benefactor, whose ancestor, Thomas Holbrook, came

from Broadway, Somersetshire, England. Previous to our incorporation as a town, our village was a part of the nearby Town of Randolph, which in turn, before 1793, had been a part of the old Town of Braintree.

The first white settlement took place here in the year 1712, when one John French built a house on what is now Center Street. Previous to this, no human settlement is known to have existed here, after an archaic form of American Indian disappeared from the westerly part of the town some three thousand years before. During the first century of white settlement the area which now comprises our Town was peopled almost completely by descendants of the first arrivals from Old England to New England. The following are the family names of our original settlers: Adams, Bagley, Bass, Beals, Belcher, Blanchard, Burrell, Cheesman, Clark, Copeland, Eames, Faxon, Fenton, French, Hobard (originally Hubbard), Holbrook, Hollis, Howard, Hunt, Jones, Kingman, Linfield, Ludden, Madan, Newcomb, Paine, Porter, Pratt, Randall, Reed, Spear, Thayer, Wales, West, Whitcomb, White, Wilde, and Wood. Members of these families represented what is now Holbrook in the French and Indian Wars and the Revolution. Captain Elihu Adams, brother of President John Adams, commanded a company of Minute-Men from here, and died during the siege of Boston. He lived on what is now South Franklin Street, and was the grandfather of John Adams who was elected to Holbrook's first Board of Selectmen in 1872.

Until about 1800 the principal occupation of our residents was farming, and some stone cutting. However, gradually the industry of boot and shoe making began to take hold, so that in time Holbrook was leading the country in the per capita production of boots In 1861, during the Civil War, four establishments here were making government shoes. By 1878 there were at least 18 concerns engaged in business. The total boot and shoe shipments from Holbrook in 1883 amounted to 75,826 acres. As time went on, the City of Brockton gradually cornered the trade in the shoe industry, however its start must be credited to one Micah Faxon, a native of the Brookville section of Holbrook, who was the first man in Brockton to set up a shop for the purpose of manufacturing. By 1910 Holbrook's great industrial activity had almost ceased to exist, and the Town gradually settled down to being a residential community.

Holbrook's outstanding military hero was Lieutenant George Mason Lovering, of North Franklin Street, who was born on January 10, 1832, and died on April 2, 1919. On June 14, 1863, during a fierce attack on the Confederate works at Port Hudson, Louisiana, Lieutenant (then Sergeant) Lovering displayed bravery and courage for which he was awarded our Nation's highest honor, the Congressional Medal of Honor. As stated in the official record, "During a momentary confusion in the ranks caused by other troops rushing upon the regiment, this soldier, with coolness and determination, rendered efficient aid in preventing a panic among the troops." This act of Lieutenant Lovering meant the difference between success and disaster to the Union cause at Port Hudson. On July 8, 1863, Port Hudson surrendered—which meant the opening up of the Mississippi River to the Union. On May 12, 1962, forty-three years after the death of Lieutenant Lovering, appropriate headstone was dedicated at his grave in Union Cemetery, Holbrook.

The following are some historical firsts that must be credited to Holbrook:

About the year 1800, Jesse Reed (1778–1857), who at the time resided on South Franklin Street, erected the first known shop in America devoted to the manufacture of machine-made nails (his invention). The machine turned out 62 fourpenny nails per minute. The shop was located on the Cochato River, near the present Holbrook-Randolph town line.

Captain Ezra Thayer (1786–1856), the first man in the United States to manufacture leather shoe strings, established this enterprise in 1838 in a small shop, next to his house, that stood on the spot now occupied by the Winthrop Congressional Church on North Franklin Street.

It was in Holbrook that boots were first machine-stitched commercially (the first known in the country), by adapting the newly invented sewing machine for such work. This was done by John F. Porter (1827–1906), in a building on Union Street that was later moved, and became a dwelling now located at 243 Center Street.

During 1972, the Holbrook Centennial Committee, Miss Charlotte Stanley, Chairman, is planning a series of events to celebrate the Town's 100th Birthday.

The first major event will be a banquet at Holbrook High School on February 29, 1972, the 100th anniversary of the Town's incorporation, with Congressman James A. Burke as the main speaker. On the weekend of June 17–18, a series of events is planned including a rededication of the Town Hall cornerstone, a Firemen's Muster, a pageant, to be followed on Sunday afternoon, the 18th, with the largest parade held within the Town, starting at one o'clock.

The Fourth of July Field Day Committee will conduct all-day youth activities, contests and parades, to be concluded that evening with a gala exhibition of fireworks.

The Centennial Committee is also planning many other activities throughout 1972.

LEGISLATION INTRODUCED BY REPRESENTATIVE ROONEY OF PENNSYLVANIA TO DEAL WITH THE PROBLEM OF BROADCAST LICENSE RENEWAL

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Pennsylvania (Mr. ROONEY) is recognized for 5 minutes.

Mr. ROONEY of Pennsylvania. Mr. Speaker, I am today introducing legislation to deal with the problem of broadcast license renewal.

The amendments to the Communications Act of 1934 contained in this legislation have two major purposes: First, to extend the term of a license of a radio broadcaster to 5 years in place of the current 3 year period; and, second, to set forth criteria which the Federal Communications Commission is to consider when it has before it a renewal application from any broadcaster.

The question of the number of years a broadcaster's license should extend is a complex one. It must be long enough to enable a licensee to establish a pattern of performance upon which to be judged when he seeks a renewal, and it must be short enough to insure a reasonably regular examination of that pattern of performance by the FCC. By and large, Mr. Speaker, radio broadcasters have proven themselves to be highly responsible citizens aware of the necessity of serving their communities and responsive to that requirement. When the industry was younger, when the public interest was not so clearly defined or identified as it is today, it was undoubtedly wise to grant and renew radio broadcast licenses for only 3 years. Now, the industry has matured, and with its coming of age the need for a searching examination every 3 years of every radio station in the Nation has diminished. For these reasons, Mr. Speaker, I have proposed that grants and renewals of radio broadcast licenses be for a period of 5 years.

There is a further reason, relating to the Federal Communications Commission itself which indicates that a review of the current procedures is advisable. The FCC has many statutory responsibilities in addition to those it exercises over the broadcast industry which require a good deal of time and manpower. Existing personnel can be much better utilized than in reviewing the license renewal applications of about one-third of all the radio stations in the Nation every year.

For these reasons, Mr. Speaker, I believe that the term of a license for radio broadcasting should be extended to 5 years, and my bill so provides.

The second major purpose of the legislation is aimed at insuring stability and responsibility within the broadcasting industry. A word of background may be useful here: recently WHDH–TV in Boston, Mass., lost its license; effective in March it will cease to broadcast and another licensee will begin to broadcast on that assigned channel. The FCC's ruling in this matter has been sustained by the courts.

This decision was not based upon findings of poor performance during the preceding license period; nor was any finding made that the "public interest, convenience and necessity" was not being ascertained and served. Other factors which had little if any direct bearing on the quality of performance by the licensee—the basis of examination at the time of a renewal application for many years—were introduced into the hearing and became controlling.

Obviously, Mr. Speaker, such a departure from long established practices without warning has given rise to serious problems for many broadcasters. The only fair way to evaluate a licensee's application for a renewal of his license is to examine his past performance in comparison with the performance criteria established by the FCC. A decision based upon discernible facts—past performance—insures that the conscientious licensee who has continually tried to provide excellent broadcast service to his community will not be deprived of his license for extraneous reasons. Such a test also has this result indirectly: it helps to insure that licensees are responsible and conscientious persons, not fly-by-night, quick-buck promoters who can promise their way into a license, milk a community during the term of the license, and move on.

Chaotic situations can arise under present renewal procedures. Yet the public interest requires that the broadcast industry be a stable one in which licensees whose past record of performance meets or exceeds broadcast criteria established by the FCC have a reasonable degree of assurance that their applications for license renewals will be determined upon such criteria, and not some extraneous issues not directly related to the quality of service extended to their broadcast area. My bill does this, Mr. Speaker, without in any way elimi-

nating any existing rights enjoyed by those who desire to contest a license application or otherwise bring to the attention of the FCC any alleged failures of a licensee.

Because this legislation will create the stability so necessary to insure that broadcast licenses are held by responsible persons, while at the same time not terminating any existing rights, I believe it can resolve much of the uncertainty which exists today in the industry. I urge all of my colleagues to study its provisions.

The text of the bill follows:

H.R. 13061

A bill to amend the Communication Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 307(d) shall be amended by striking the first two sentences and inserting the following: "No license, or renewal thereof, granted for the operation of a broadcasting station or any other class of station shall be for a longer term than five years, except that licenses, or renewals thereof, for broadcasting stations engaged in the transmitting of pictures shall not be for a longer term than three years, and any license granted may be revoked as hereinafter provided. Upon the expiration of any license, upon application therefor, a renewal of such license may be granted from time to time if the Commision finds that public interest, convenience, and necessity would be served thereby: *Provided, however,* That in any hearing for the renewal of a broadcast license an applicant for renewal who is legally, financially, and technically qualified shall be awarded the grant if such applicant shows that its broadcast service during the preceding license period has reflected a good-faith effort to serve the needs and interests of its area as represented in its immediately preceding and pending license renewal applications and if it has not demonstrated a callous disregard for law or the Commission's regulations, such failure or demonstration shall be weighed against the renewal applicant."

PROBLEMS THAT ARISE IN THE NEW YORK CHINATOWN COMMUNITY

The SPEAKER pro tempore. Under a previous order of the House the gentleman from California (Mr. DANIELSON) is recognized for 5 minutes.

Mr. DANIELSON. Mr. Speaker, I refer to a recent article in the New York Times that describes some of the problems that are arising in the New York Chinatown community. The difficulties experienced by Asian Americans are similar to those encountered by other minority groups—lack of adequate housing, difficulty in obtaining employment, lack of access to adequate health services, need for educational opportunities including bilingual education, and insufficient community services. And New York's Chinatown is not the only area that deserves our attention. The problems are found wherever groups of people are isolated from the mainstream of American life.

As the author of H.R. 11587 and cosponsor of H.R. 12208, to create a Cabinet Committee on Oriental American Affairs, I have been concerned that we provide at a Federal level an opportunity for cohesive action for a better quality of life for our Oriental American citizens.

I am including the New York Times article of Monday, January 31 as a demonstration of the need for this proposed legislation, and I commend it as "required reading":

UNREST VEXES YOUTH IN A TORN CHINATOWN

(By Robert Hanley)

Back from the cemetery only two hours, three friends of the late David Chin were brooding. They reflected on his murder, on the old apartments in which they lived with as many as 10 relatives in four rooms, on their long fruitless searches for work outside Chinatown, and on their grappling in school with only skimpy English.

But they offered only wooden stares to the mention of the recent hostilities among teenagers and violence in Chinatown. The latest manifestation of the violence was the fatal stabbing of David, 15, and his 12-year-old friend John Cheung 10 days ago. There have been shootings and knifings of several other youths since the mid-nineteen-sixties.

The violence has perplexed the community elders, the police, the clergy, youth workers and schools. At the same time it has eroded the stereotype of a quaint, tranquil Chinatown and of united families there.

It has split a relative handful of the neighborhood's 5,000 youths into factions that have harassed the community.

LONG-STANDING JEALOUSIES

Detectives who are investigating the murders of young Chin and Cheung point to jealousies harbored by Hong Kong-born youths about the quick educational achievements of the American-born Chinese. A youth worker friendly with the factions insists that the rivalries linger from the early nineteen-sixties, when, he said, rival tongs and family associations hired youths to protect gambling operations.

An exact reading of the social disruptions and petty crime that the factions are increasingly engaging in is impossible, the police at the Elizabeth Street station said, because, more often than not, the victims refuse to report the incidents. The police have repeatedly appealed for cooperation at meetings of church and civic groups, but without much success.

Testimony to the fears in Chinatown was the refusal of David's three friends to be identified, photographed or associated publicly with any of the street factions, whose members stand idly in doorways or swagger through the narrow streets rich with aromas and music.

A VARIETY OF FACTIONS

For reasons that the three kept private, they preferred the shields of aliases—John Wong, Peter Sang and Frank Gee. The teenagers emphatically denied belonging to any of the street groups, but others said later that they were close to—if not actual members of—a faction known as Kwon Ying, or the Free Spirits.

Although the leaders of the American-Chinese community shy away from such identifying labels, they drop easily into conversations about Chinatown's youths with policemen, teachers, clergymen and others close to the street.

In addition to the Free Spirits, the gang names they know of or have heard rumors about, include the White Eagles, the Black Eagles, the Flying Dragons, the Flying Red and the Wah Ching.

But beyond names like these, the community leaders' knowledge of the groups blurs into speculation. The White Eagles are reported to consist of youths in their late teens and early 20's, with the Black Eagles something of a secretive, underground youth arm of 12-to-16-year-olds.

The Flying Dragons are thought to be of the same age and sympathetic to the two Eagles actions. The Free Spirits are said to be their opponents.

The Flying Red group, according to rumors circulating at Chinatown's Junior High School 65 on Forsyth Street, is still in its formative stage. The Wah Ching is believed to be newly formed, and somewhat openly so. Former White Eagles are said to make up much of its membership.

NARCOTICS PROBLEM ALLEGED

Alfred Hong, a 23-year-old Chinese who was born in Trinidad, has identified himself as president of Wah Ching. He insists that seamen who jump ship carry large quantities of heroin and opiates into Chinatown and make drugs the neighborhood's No. 1 problem.

A sergeant at the Elizabeth Street station, however, says that narcotics is not a "major problem" in Chinatown.

Mr. Hong also asserts that organized gambling in Chinatown is costing poor Chinese their meager earnings. But the sergeant says that while "gambling seems to be a way of life for some Chinese, we don't know of anyone from the outside organizing it."

To label Chinatown's youth factions as "gangs," in the tradition of Irish and Puerto Rican street gangs in New York City, is a misnomer.

* * * Except for meeting they have no strict organizational structures or formal meeting places. Membership is fluid, with fringe elements in a constant state of flux around small hard-cores. The estimated numbers of the most belligerents youths at the centers range from 50 to 250.

No particular uniforms, patches or flags exist. Different from the gang fights on Manhattan's West Side in the nineteen-fifties, turf—or the self-adopted neighborhood domains—is apparently not an issue with the Chinese youths.

However, the police note, in 1971 six Chinese youths were stabbed and four were shot by other Chinese teenagers.

"But without the gangs," the sergeant said, "Chinatown is pretty much crime-free. The number of muggings and assults against outsiders is "very, very minute."

Amid all the mysteries, all sides firmly agree on three things: The youth factions are largely apolitical. The vast majority of youths in Chinatown vigorously pursue their high school and college educations. And the friction and belligerence stem from the wave of immigrants from Hong Kong, a wave that started around 1965 after immigration quotas were relaxed.

Chinatown's population has bulged to some 60,000 after a yearly influx of about 8,000 immigrants of all ages since the mid-nineteen-sixties, according to Irving S. K. Chin, a member of the New York City Human Rights Commission.

PROBLEMS FOR IMMIGRANTS

Problems for the immigrants have been myriad—severe housing shortages, language barriers, long hours of hard work at low pay in restaurants and factories, and a weakening of the traditionally strong family bonds.

John Wong, Peter Sang and Frank Gee recalled their job problems—and those of their parents—in an interview in the freshly painted basement game room of a Federally-financed, city-supervised drug prevention center on Oliver Street, off Chatham Square.

All have mastered a workable English, and their families have secured bigger and more comfortable living quarters. But they and their parents are bitter over their work.

John Wong's father and mother, once teachers in Hong Kong, now work in a restaurant and a garment factory an average of nine to 10 hours a day.

Like scores of other Hong Kong * * *

youths, John Wong wants to break away from that employment bond.

"There's no vacations, no fringe benefits, no pensions, they just work and work and work all their lives," he said. "We're willing to work, but can't find jobs."

The youth who wants money for college in the fall is unemployed now and living on what is left of his savings from part-time jobs as a cashier and a sandwich delivery boy and messenger in garment factories. Since Christmas he has been combing major department stores and supermarkets for a job as a stock boy.

But John Wong said that he had been turned down repeatedly for work. Frank Gee and Peter Sang reported similar frustrations in their searches for work.

INSTRUCTION IN ENGLISH

Extensive job training and job referrals to help them and hundreds of other immigrant youths have not yet materialized, because the community social agencies in Chinatown say they have had to devote most of their energies and funds to instructions in English.

With the immigrant crush, community leaders have abandoned the traditional Chinese aversion to outside appeals for assistance and have secured some Federal help for language laboratories.

Irving Chin, as education chairman of the Chinatown Advisory Council, pursued a dream of such a laboratory for two years before the Department of Health, Education and Welfare granted $150,000 to get it started late last year at 62 Mott Street. Mr. Chin called the opening a "minor miracle."

It has 23 bilingual teachers for a program of basic "survival" English for 650 Chinese. The enrollment is limited to that figure because of space and financial shortages. About 500 people are on the waiting list.

The majority of the street youths, however, apparently have to rely primarily on their schools and scattered street academies for their special English training.

"Now," Mr. Chin said, "we're going to start aiming at the immigrant youths and high school dropouts. They've got to get back into the mainstream, but it will take special planning and time."

What Mr. Chin is dreaming of now are a $4-million-to-$5-million cultural and recreation center in Chinatown and a major "multi-service center" where residents could go for answers to problems of health, housing, language, jobs, nutrition and family assistance.

RESETTLEMENT AID FOR SOVIET REFUGEES IN ISRAEL

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, I am today introducing, with my colleague from New York, Mr. HALPERN, and 41 cosponsors from both parties in the House, the Soviet Jewish Refugee Assistance Act of 1972.

In December of last year we received the very welcome news that the Soviet Union had released in that month alone more than three times as many Jewish emigrants as it had released in all of 1970. Since December, the release by the Soviet Union of Jewish emigrants has continued at an unprecedented rate.

Mr. Speaker, many of us in the House have decried the discriminatory and repressive treatment of Soviet Jews by the Soviet Government, and have urged the Soviet Union to open the Iron Curtain to allow these citizens to leave for Israel. We have urged our own State Department to make this demand a part of our foreign policy with regard to the Soviet Union. As long ago as April 1967, I initiated a statement condemning the suppression of Jewish spiritual and cultural life in the U.S.S.R., and calling for action by the Soviet Government to free Soviet Jews to join their relatives and fellow Jews outside the Soviet Union. That statement was signed by 300 Members of the House, from every State in the Union. Apparently our efforts have been at least partly successful, and for that we are thankful.

But this development is a mixed blessing for Israel. If the current trend holds, as it is expected to, Israel will receive 40,000 to 60,000 new refugees this year from the Soviet Union alone. The financial and social costs of absorbing and resettling these refugees are enormous and constitute a crushing burden, particularly in view of the many other demands on the Israeli budget growing out of the difficult political situation in the Middle East. Most of these refugees arrive in Israel with few financial resources of their own since the Soviet Government taxes them heavily for the privilege of emigrating.

Our Nation has a long tradition of help for refugees. We are, ourselves, a Nation of refugees. We have contributed more than $2.8 billion to ease the difficult lives of refugees since World War II. We have provided, for example, close to $600 million to help refugees from Cuba, and $85 million for Korean refugees. Arab refugees have received more than $500 million over the years in aid from the United States. We can take great pride in the generosity and comfort we have accorded these and many other groups who have suffered hardships growing out of war and political upheaval.

This long humanitarian tradition of American aid to refugees demands that we now offer our help to Soviet Jewish refugees for whose freedom to emigrate we have appealed. But it is also in our own interest to provide this assistance. We have long recognized that the well-being of Israel contributes to the security of free nations everywhere. We cannot and must not now ignore an economic burden on Israel which could be as damaging to its well-being as any military threat.

The best way to assure that adequate financial assistance is available to Israel to meet this economic burden and to quickly and humanely resettle these refugees from the Soviet Union is to earmark funds for that purpose now. That is the purpose of the legislation we are introducing today. It would authorize $85,000,000 for fiscal year 1973 to be furnished by the Secretary of State to Israel to be used to house, clothe, feed, educate, train, and otherwise assist Jewish refugees from the Soviet Union who take up residence in Israel.

I am hoping that the Foreign Affairs Committee in the House, of which Mr. HALPERN and I are members, and the Senate Foreign Relations Committee, will take prompt action on this legislation so that the full amount authorized can be included in the State Department Appropriations bill for fiscal year 1973. We will certainly be working toward that end, with the support of the following Members who have cosponsored this important legislation:

COSPONSORS OF SOVIET JEWISH REFUGEE ACT OF 1972

Mr. Bingham, Mr. Badillo, Mrs. Hicks of Massachusetts, Mr. Helstoski, Mr. Annunzio, Mr. Eilberg, Mr. Biaggi, Mr. Edwards of California, Mr. Rees, Mrs. Grasso, Mr. Hicks of Washington, Mr. Fish, Mr. Mikva, Mr. Collins of Illinois, Mr. Roybal, Mrs. Abzug, Mr. Metcalfe, Mr. Anderson of California, Mr. Steele, Mr. Kyros, Mr. Podell, Mr. Kemp, Mr. Halpern, Mr. Drinan, Mr. Koch, Mr. Danielson, Mr. Scheuer, Mr. Clark, Mr. Gude, Mr. Boland, Mr. Fraser, Mr. Leggett, Mr. Celler, Mr. Hechler, Mr. Brasco, Mr. Rosenthal, Mr. Dellums, Mr. Mitchell, Mr. Moorhead, Mr. Addabbo, Mr. Pepper, Mr. Reid, and Mr. Ryan.

Mr. Speaker, a text of the "Soviet Jewish Refugee Assistance Act of 1972" follows:

H.R. 13022

A bill to authorize the Secretary of State to furnish assistance for the resettlement of Soviet Jewish refugees in Israel.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of State is authorized to furnish, on terms and conditions he considers appropriate, assistance to Israel, including assistance for housing, food, medical care, education and training, for the resettlement in Israel of Jewish refugees from the Union of Soviet Socialist Republics. There are authorized to be appropriated to the Secretary not to exceed $85,000,000 to carry out the provisions of this Act.

CHILDHOOD LEAD POISONING

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, sometimes it is called the silent epidemic; sometimes it is called ghetto malaria. But no matter what it is called, the fact remains that childhood lead poisoning is a devastating disease plaguing the children of this Nation.

Each year thousands of young children between the ages of 1 and 6 are afflicted by this dread disease. The exact number of children poisoned is unknown, for there are still far too few programs to screen youngsters for lead poisoning. Even so, the Department of Health, Education, and Welfare has estimated that each year some 400,000 children are subjected to chilhood lead poisoning.

As a result, some 16,000 youngsters require treatment. An additional 3,200 suffer moderate to severe brain damage. Another 800 are so severely afflicted that they require institutionalization for the remainder of their lives. And for another 200 young children there is no future at all, for they will die.

In the words of HEW's Bureau of Community Environmental Management, childhood lead poisoning is "more prevalent than the polio problem before the advent of the Salk vaccine." But the real tragedy is that lead poisoning is a totally man-made and totally prevent-

able disease. It exists only because we let it exist.

Three years ago I introduced legislation to begin a Federal program to come to grips with this crippler and killer of young children. Subsequently, Senator EDWARD KENNEDY introduced companion legislation in the other body. Finally, after 2 years of intensive efforts, our Lead-Based Paint Poisoning Prevention Act was signed into law on January 13, 1971. In enacting this law, President Nixon committed this Nation to a massive assault to eradicate the blight of childhood lead poisoning, that commitment remains unfulfilled.

Much of the reason for this is that neither the administration nor the Congress has been willing to provide sufficient funding to meet the menace of childhood lead poisoning. Despite the fact that the Lead-Based Paint Poisoning Prevention Act authorized $30 million for fiscal years 1971 and 1972; the Nixon administration steadfastly refused to request any money to fund this act for fiscal year 1971 and only after great pressure from myself and other concerned citizens belatedly submitted an amended budget request for $2 million to fund the act for fiscal year 1972. Although the Congress recognized the total insufficiency of this request, it provided only $7.5 in appropriations for fiscal year 1972—still woefully inadequate to meet the need.

Now is the time for the Congress to insure that a higher and more adequate level of funding be provided in the future. Therefore on the first day of the second session of this Congress—January 18—I introduced legislation (H.R. 12466) to increase the authorized level of funding to $50 million for fiscal year 1973 and each fiscal year thereafter and to enlarge the scope of the Federal anti-lead-poisoning program.

Sixty-one Members of Congress have joined me in sponsoring this legislation in the House and similar legislation has been introduced in the Senate by Senator KENNEDY on behalf of himself and 27 other Senators.

Specifically, this legislation—H.R. 12466 and companion bills with cosponsors—does five things:

First, for fiscal year 1973, and for each succeeding fiscal year, it authorizes $20 million for grants to units of local government to assist in developing and carrying out local detection and treatment programs for victims of childhood lead poisoning; $25 million for grants to develop and carry out programs to identify high-risk areas, and then to develop and carry out lead-based paint elimination programs; and $5 million for the Department of Housing and Urban Development to carry out a demonstration and research program to determine the nature and extent of the problem and the methods by which lead-based paint can most effectively be removed.

Any amounts authorized for 1 fiscal year but not appropriated may be appropriated for the succeeding fiscal year.

Second, it broadens the provisions relating to grants for detection and treatment of childhood lead poisoning to allow the Secretary of Health, Education, and Welfare to make grants to State agencies for the purpose of establishing centralized laboratory facilities for analyzing biological and environmental lead specimens obtained from local lead-based paint poisoning detection programs. The amount of any such grant cannot exceed 75 percent of the cost of such a facility—a matching requirement identical to that under the other sections of title I of the Lead-Based Paint Poisoning Prevention Act.

Third, my bill broadens the definition of those eligible to receive grants to include a comprehensive health services program within the meaning of section 222(a)(4) of the Economic Opportunity Act of 1964, thus facilitating the flow of funds to the community level at which they are most needed.

Fourth, it includes a provision which authorizes grants to be made to State agencies in any case where units of general local government within a State are prevented by State law from receiving such grants or from expending such grants in accordance with their intended purpose. I understand such is the case in both Delaware and Rhode Island.

And fifth, the definition of lead-based paint is changed from paint containing more than 1 percent lead by weight—calculated as lead metal—in the total nonvolatile content of liquid paints or in the dried surface coating to 0.06 percent lead by weight.

The matter of a safe level of lead in paint has been of deep concern to me for quite some time. On August 9, 1971, five child health advocates joined me in filing a formal petition with the Food and Drug Administration requesting that agency to ban paint with more than minute traces—0.06 percent—of lead from household use under the authority of the Federal Hazardous Substances Act. On November 2, 1971, the FDA published our petition in the Federal Register in order to allow interested parties to make their comments known. At the same time, however, the FDA published another proposal—one which it itself had initiated. This proposal would merely require that paints with a lead content in excess of 0.5 percent bear a warning label.

The overwhelming preponderance of medical and scientific evidence and opinion submitted to the FDA in regard to these proposals support my petition to ban paint with a lead content in excess of 0.06 percent from all household uses.

It is essential that the Congress speedily act to combat the menace of lead poisoning. As long as this Government fails to spend the necessary funds and take the necessary action to mount a meaningful effort to eradicate the plague of childhood lead poisoning, we will continue to spend far more resources patching up the sins which have been committed against our children by allowing them to fall victim to this man-made and preventable disease.

I include in the RECORD the list of Members of Congress sponsoring my legislation to amend the Lead-Based Paint Poisoning Prevention Act:

I also include in the RECORD the transcript of the National Broadcasting Co.'s Chronolog program shown on national television on January 28, 1972. This program presented a most extensive and compelling examination of the peril of childhood lead poisoning. I commend to the attention of my colleagues "Lead Poisoning," produced by David Schmerler and reported by Garrick Utley:

LEAD-BASED PAINT POISONING PREVENTION ACT AMENDMENTS SPONSORS

William F. Ryan (N.Y.), Bella Abzug (N.Y.), Herman Badillo (N.Y.), Mario Biaggi (N.Y.), Jonathan Bingham (N.Y.), Edward Boland (Mass.), John Brademas (Ind.), Frank Brasco (N.Y.), James Burke (Mass.), Phillip Burton (Calif.), Hugh Carey (N.Y.), Shirley Chisholm (N.Y.), William Clay (Mo.), James Cleveland (N.H.), George Collins (Ill.), Silvio Conte (Mass.), John Conyers (Mich.), George Danielson (Calif.), Ronald Dellums (Calif.), John Dent (Pa.), Charles Diggs (Mich.), John Dow (N.Y.), Robert Drinan (Mass.), Don Edwards (Calif.), Joshua Eilberg (Pa.), Walter Fauntroy (D.C.), Donald Fraser (Minn.), Ella Grasso (Conn.), Seymour Halpern (N.Y.), Michael Harrington (Mass.), William Hathaway (Maine), Augustus Hawkins (Calif.), Ken Hechler (W. Va.), Henry Helstoski (N.J.), Louise Day Hicks (Mass.), Frank Horton (N.Y.), Andy Jacobs (Ind.), Edward Koch (N.Y.), Romano Mazzoli (Ky.), Abner Mikva (Ill.), Parren Mitchell (Md.), F. Bradford Morse (Mass.), Claude Pepper (Fla.), Otis Pike (N.Y.), Bertram Podell (N.Y.), Melvin Price (Ill.), Charles Rangel (N.Y.), Thomas Rees (Calif.), Ogden Reid (N.Y.), Henry Reuss (Wisc.), Peter Rodino (N.J.), Benjamin Rosenthal (N.Y.), Dan Rostenkowski (Ill.), Fernand St Germain (R.I.), Paul Sarbanes (Md.), James Scheuer (N.Y.), John Seiberling (Ohio), Louis Stokes (Ohio), James Symington (Mo.), Robert Tiernan (R.I.), Lester Wolff (N.Y.), and Sidney Yates (Ill.).

LEAD POISONING

GARRICK UTLEY. Last year some of the animals in New York's Staten Island Zoo were poisoned. A few died. Others, including this black leopard, became paralyzed. The poisoning was a mystery. The zoo asked doctors at New York Medical College to solve it. Whatever the poison was, it came from the environment, and it was strong enough to do permanent damage to the black leopard's nervous system. Blood tests showed that the poison was lead.

DOCTOR. The blood levels of the great cats were very high in lead content, in the toxic range.

UTLEY. This news was so startling that the doctors expanded their study to other animals living in outdoor cages in other city zoos.

DOCTOR. We found also at the Bronx Zoo that the great cats, eleven out of fourteen as I remember, were very high in terms of their blood lead.

MAN. According to Dr. Chow, who we've sent samples to, the levels are so high he didn't believe the animals were alive.

DOCTOR. The same is true of very limited work that we did at the Central Park Zoo. There's one monkey that came in here with a lung condition, but upon autopsy after the animal died, we found that animal had very high lead levels in the vital organs.

EMIL DOLENSKI. Recently we thought it was related to lead in paint, and we did have analyses done on paint, and we found that some of the paints were indeed higher than acceptable levels for New York City. We are more concerned, though, in the case of animals like the lions, which we have here, because there is no contact at all with paint materials. Yet they're still running at levels which would indicate a chronic toxicity problem.

Dr. RALPH STEHER. We have reason to believe that it certainly comes from the envi-

ronment, from the air. Because otherwise the soil around the zoo would not be accumulating as much lead as they presently have. The normal amount of lead in the earth's crust is only about ten to fifteen parts per million. And when you consider that the soil at the Central Park Zoo had over five hundred parts per million, that answers your question.

UTLEY. The lead poisoning the zoo animals comes from leaded gasoline. Automobiles put two hundred thousand tons of toxic lead into our urban environment every year. It's too much for the animals to take.

DOLENSKI. I don't see where we can honestly continue to show large cats outdoors any more. As far as any new enclosures that we make, I think we're going to have to build indoor enclosures with filtered air systems.

Dr. DENNIS CRASTIN. These are dangerous conditions, not only for the animals who are living in the confinement of the zoo, but for the people who are also living in the close neighborhood or who come there just as visitors.

MAN. It seems that all young living things are most suscepitble to lead. And that babies being born today have high lead levels. And this is an ominous sign, because they're starting out with a high lead level. And we know that lead accumulates over a lifetime, and therefore by the time they reach an adult age they may very well be in trouble.

WILLIAM F. RYAN. Four hundred thousand children in this country are afflicted with lead poisoning. That is a tremendous number of children. That's a serious problem. There are more cases of lead poisoning among children today than there were cases of polio in this country before the Salk vaccine.

Senator EDWARD KENNEDY. There are scores, I believe it's even in the hundreds of children that are dying of lead poisoning, but haven't been diagnosed as such. So it's widespread in the urban centers, in the older centers of our country. And we know very well that something can be done to prevent it.

UTLEY. The air inner city children breathe is heavily contaminated with lead. But the major source of lead poisoning in the slums is peeling paint from dilapidated buildings. When these buildings were constructed, it was common to use lead based paints on inside walls. Now that paint is flaking off. Children like to eat the paint chips. The result is illness, brain damage, and even death.

WOMAN. The baby, he had it bad enough where he had to go in the hospital this year for it. Every time I look around there's one getting lead poisoning. And I'm afraid that one time one of them might get it, and it might be a little bit too late.

UTLEY. Norman Britt suffered severe brain damage eight years ago from lead paint. He will never be normal.

Mr. BRITT. And Norman was eating it. And all of a sudden, you know, he got kind of sick. So the doctor said he had lead poisoning. He like this the rest of his life; he'll never, you know, never grow out of it.

JACK NEWFIELD. What is most frustrating about this is that a few months ago I spoke to the lead poisoning clinic at Kings County Hospital in Brooklyn, to parents whose children had been lead poisoned. When I was there I looked at the admissions record for Kings County Hospital. There had been thirty admissions for lead poisoning in one month; and of the thirty, fifteen were repoisonings, which is a guarantee of permanent brain damage.

Dr. MICHAEL KLEIN. You don't replace brain cells. Once a brain cell has been destroyed, has swollen, and bust, and been destroyed it is never replaced again.

Mr. BRITT. He told me he had lead poisoning. I hadn't ever heard of lead poisoning, so I didn't know what it was, until, you know, he started having these seizures.

UTLEY. What are these seizures like?

BRITT. Well, some kind of change. Like one time he had, like, he'd just go round and round. And the next he changed like he wanted to climb the wall. When something was close to him, he'd grab. And boy, I had a time trying to pry him loose from it.

UTLEY. This is where Norman Britt was poisoned, the slums of Rochester, New York. But Rochester did something about it. A neighborhood group called SPAN, and the University of Rochester Medical School joined forces to find out how bad the lead problem is. The first thing they did was test slum houses for lead paint.

Two SPAN workers showed me how they did the survey. They also told me that part of the problem is that young children like the taste of lead paint.

MAN. It tastes very sweet. And that's the trouble, the kids under six, after they taste it, they keep up, and keep eating, and that's it, they get poisoned.

UTLEY. How many houses do you try to see a day?

WOMAN. About ten to fifteen houses.

UTLEY. Now in this house there has been lead poisoning, is that correct?

WOMAN. Yes, the Walters' child got lead poisoning in this house, right upstairs.

UTLEY. How long ago did that happen?

WOMAN. Well, they just found out about it a few weeks ago.

UTLEY. How serious was the lead poisoning in a house like this? How strong was the lead content?

WOMAN. The lead content was strong enough to kill.

UTLEY. The SPAN people took paint samples from places young children could reach. Then we tried a simple chemical test. Now this is some of the paint from inside this house.

WOMAN. Yes.

UTLEY. And you give it the test . . .

WOMAN. Pour a little bit of the solution on it, if it turns black . . .

UTLEY. It turned dark. And a child that lived in this house has gotten lead poisoning from this lead content paint.

WOMAN. Right.

MAN. That's corect.

UTLEY. The slum children themselves were tested for lead in their blood. The results were shocking.

Dr. BARRY PLESS. Over a third of the children in the random sample in Rochester, which is a good, valid random sample, are in danger of being lead poisoned, because they do have levels above fifty. There are people who believe that it may be the cause of some of the specific learning disabilities that we're now seeing. There are people who believe that it may be related to behavioral problems. There are many people who believe that the very high proportion of children who are retarded, who we never have a reason or diagnosis to explain their retardation, may in fact be attributable to lead poisoning.

UTLEY. Slum children can eat lead paint and show no outward signs of damage. Scientists disagree over how much lead it takes to hurt a child. Some feel it takes very little.

NAOMI CHAMBERLAIN. The fact that we cannot prove that low levels of lead are dangerous does not mean that it isn't true. We can also not prove that it is not dangerous. And just as for years and years and years, nobody has really cared that children were being maimed, retarded and crippled, and dying, or maybe behavior problems, or reading problems—and it happens to people who can least afford to have it happen. Predominantly the kind we're talking about happens to poor kids, who already have two thousand strikes against them.

And so you say that because I cannot prove, then let us wait, and objectively let somebody else's child become a statistic. That infuriates me. It's the worst kind of mass mutilation.

UTLEY. No one knows how many children over the years have been poisoned by lead, have been crippled mentally for life. Because those children are mostly poor, black, and ignored. But now even white middle class kids are suffering from lead poisoning, and we know what it can do.

And even though we know what it can do, lead is still present in dangerous amounts in too much of the paint we use in our homes, and in too much of the ceramic dishware we eat from. We'll look at those two areas in a moment.

UTLEY. Paint which is applied to interiors where children can get at it is not supposed to contain more than one percent lead. But there is a good deal of paint on the market available today in this country, which has more than that one percent lead content. It's been discovered here at the New York City Health Department Laboratory. And the man in charge of the program is Dr. Vincent Guinee, the head of the Bureau of Lead Poison Control.

Dr. Guinee, what put you on to this problem?

Dr. VINCENT GUINEE. The sanitarians from the Health Department have been checking paints for interior use periodically. And over the last several months we found that rather large numbers of paints labelled as for use in interior surface, and therefore presumably without much lead, were turning up. And in some of our surveys we found that from ten to twenty percent of cans labelled "for interior use," and sometimes even labelled "for use on children's toys, and playpens, and children's rooms" were found to have lead contents five, ten percent.

The paint companies have been working under a voluntary standard since 1955. They, of course, have supposedly been operating under our current health code, which was in 1959. But many of the paint companies have slipped up, especially in certain colors of oranges, yellows and greens.

UTLEY. What is the consumer going to do now?

GUINEE. A doctor friend of mine asked me this question about two weeks ago. He said, "Look, I've seen the press releases about the fact that paint can have lead in it, although the label doesn't say anything about it. I want to paint my child's room, I'd like to use bright colors. Which paint should I use?

And I had to say frankly I could not guarantee any particular brand or color of paint. The only thing I could say was that, if you take colors that are not red, or yellow, orange or green, you take the most recently made can of paint from the biggest company in the country, it's less likely that you'll have lead in it. But there's no guarantees on any can of paint right now.

UTLEY. The paint industry says it stopped using lead in paints for inside use thirty years ago. Here is the way a spokesman for the major paint makers put it, in testimony before a Congressional committee.

"There is no longer any purpose in using white lead pigments in paints intended for interior use, since better white lead-free pigments for this purpose now are available at lower cost." The industry told Congress that it voluntarily stopped making leaded paints for household use. Modern interior paint is not a major cause of lead poisoning in properly maintained homes, according to the industry.

Writer Jack Newfield and Congressman Ryan, who have been crusading against leaded paints for years, have petitioned the FDA—the Food and Drug Administration—to outlaw lead in household paints. To outlaw it, simply and totally. So far though, the FDA's approach has been to require only warning labels on paint with more than a small trace of lead.

But labels on cans aren't of any help years later, when the paint starts to flake on the walls. We used to think that lead poisoning was exclusively a ghetto problem, something that middle class people just didn't have to worry about. After all, how many of us have paint flaking on our walls.

But now we're discovering there are a lot of other ways to get lead poisoning. Pencils, the kind children chew on when doing schoolwork, often were painted with leaded paint. Now the pencil markers say they've stopped making them that way. But a lot of these old pencils are still around.

And just this week the FDA told people across this country to get rid of two hundred thousand ceramic bowls given away in a soup company promotion. It turns out the glaze on the bowls contains dangerous amounts of lead.

This is Mrs. David Augustine and her son Philip, who live in a comfortable suburb near Rochester. They found out about lead poisoning the hard way.

Mrs. DAVID AUGUSTINE. About two years ago Philip began to show symptoms of vomiting, he began falling down for no apparent reason, he could not stand to be at any height without saying he was going to fall down, "Hold on to me." And over a period of time stopping eating everything. He had had brain tests scheduled, and the pediatrician told me that they were looking for the possibility of a brain tumor. And, of course, I rather lost control at that time.

They took some more blood tests, and when the report came back it was stated that there was a large amount of lead in his blood.

Dr. JAMES SAYRE. We tested his toys, we tested the paint, we looked what we thought were conventional sources. It turned out that Philip had been drinking his orange juice every day from a ceramic lined vessel, made in a local ceramic class, which had, by actual test, a very significantly high lead release. And he had actually been drinking his lead with his orange juice, practically every day, for a period of about three months.

Mrs. AUGUSTINE. I'm just thankful, thank God, that everything worked out, because it could have been much worse. We're supposed to be intelligent people, and yet here was a case of something that I had never been close to, I had never known anything about lead poisoning. So consequently I didn't have any idea what the symptoms were.

UTLEY. A Canadian child who drank from this pitcher was not as lucky as Philip. He died from lead poisoning. Hand crafted ceramic ware often is dangerously high in lead. But even some mass produced pieces can be potentially dangerous.

It is possible to test ceramics for lead. In Rochester the county health department tests dishes for local citizens. And we bought some pieces in New York gift shops to be tested there. Most of them were Mexican imports, which often have a very high lead content.

They should be safe to eat and drink out of, shouldn't they?

Dr. MARGARET RATHBURN. Well, if the glaze isn't fired sufficiently high, at a sufficiently high temperature, they may very well leak lead when acid is added. And that's what we're doing here.

UTLEY. In other words, if it hasn't been baked hot enough.

RATHBURN. Right.

UTLEY. Are most of these problems with American produced ceramic ware, or that which is imported?

RATHBURN. Well, there's problems with both, actually. We have in our own testing here, most of the problem has been from the imported. But we do have a positive piece made right here in Rochester; we have another positive from California; and one from Maine.

UTLEY. Mr. Gordon, what kind of a test are you running, what are you looking for?

GORDON. This is essentially a presumptive test for lead. It is one which was devised and developed by the FDA. If lead is present in this solution, we get an immediate transformation of color to red. If it is negative, it retains somewhat of its green color and nature.

UTLEY. Let's run the experiment now on one of these—say this one, for example.

GORDON. All right, we have already added acidic acid to this particular sample here. Now we take a few cc's of the acidic acid. Presumbly it leaks the lead out. Next we add the dithyozone solution, which you notice is green in color. Then we shake it, and immediately get a cherry red color, which indicates that lead is present in this piece of ware.

UTLEY. Can you tell how much lead is present? Does that mean it's at a danger level, if it turns red?

GORDON. Yes, the dithyozone solution is so standardized that it gives the lower limits that are recommended by the FDA.

UTLEY. Is it possibly to tell which type of ceramic ware is likely to have a high lead content?

RATHBURN. No.

UTLEY. There's no way a person at home can judge it.

RATHBURN. No. The only way you can judge it is to test it.

UTLEY. We just ran a test on this, Mr. Gordon, and how did it turn out?

GORDON. This is a negative test, on this piece of pottery here.

UTLEY. Now we're going to test on this mug. This is the kind of a mug, or a jug, from which you would drink orange juice, or soft drinks.

RATHBURN. Coffee or tea.

UTLEY. Coffee or tea. I have one in my own house. Let's see how it turns out. What does that mean?

GORDON. Now this is a borderline case.

UTLEY. It's neither red, nor . . .

GORDON. It's neither red, nor is it green. But this is one which we consider a borderline.

UTLEY. Is there any regulation in this country which oversees and controls the minimum standards of glazing for ceramic ware and pottery?

RATHBURN. The FDA has guidelines. However, there are at present no actual laws. Canada has recently passed a statute regulating up to seven parts per million, bleaching out lead.

UTLEY. And it has to pass this test.

WOMAN. Yeah.

UTLEY. But we don't have that in this country.

WOMAN. We don't have it yet in this country.

UTLEY. That's another sort of bowl . . .

GORDON. No, I would consider this one to be negative.

UTLEY. This is the kind of bowl you'd use for everything from storing vegetables, or fruit, orange juice . . .

RATHBURN. Salads.

UTLEY. Salads. Again, this is an imported bowl, the kind many tourists bring back from Mexico. But I imagine a similar type of ceramic ware is also hand-crafted in many parts of the United States. That has turned red right away.

GORDON. That's definitely positive.

UTLEY. It's definitely positive with a lead content.

GORDON. With a high lead content, extremely high lead content.

UTLEY. These pieces of dishware, which we picked up in a gift store in New York, the results are that this one is okay. These two are borderline. Wouldn't want to be too sure that what you're drinking or eating off them wouldn't harm you. And these three are all positive, they all contain lead, and they can poison you if you drink or eat too much out of it which has been kept too long in it, if what it was was acidic.

There are the kinds of things which we all have at home. I know I do, and perhaps many people watching this program do, too. So, doctor, what does it mean in practical terms for a person at home who uses this for storing food? Is it a danger?

RATHBURN. Yes, don't!

UTLEY. Don't. The problem with lead simply is that it's so useful for industry for so many products: as an additive to paint to make colors brighter, to glaze to make pottery ware shine. And to gasoline to raise the octane level cheaply.

Lead becomes a danger in paint only when it chips and a child eats it, and in pottery which has not been glazed hot enough. But gasoline? Gasoline is something different. Because lead is put into gasoline deliberately, with the full knowledge it'll run through the internal combustion engine, out the exhaust pipe, and into the air you and I breathe. We'll look at that in a moment.

UTLEY. Lead gets into the air from leaded gasoline burned by cars and trucks. Since Southern California has so many cars, it also has the nation's worst lead problem. The amount of lead in the air in Los Angeles is increasing by seven percent a year. San Diego is almost as bad.

Even more alarming, one study showed a steady rise in the amount of lead in the blood of Pasadena housewives.

Air pollution authorities in California have concentrated mostly on other forms of contamination from automobiles. You can't see lead in the air, and it doesn't make your eyes water.

KENNEDY. Lead poisoning can be found in the air, and has just as severe an effect in terms of life in these areas where there is a heavy concentration. This is something which I've been unaware of until relatively recently. And it again shows what has to be done.

HEALTH OFFICIAL. Lead as an agent in the air is absorbed and retained in the tissues of the population here to a much larger extent than elsewhere, because the levels of lead are higher here. And there is a biochemical effect, even though it may not make people sick. But there is a measured alteration in body chemistry, which we think is undesirable.

UTLEY. There is so much lead spewing into the California air that it is even affecting the Pacific Ocean. Scientists at the Scripps Oceanographic Institute at La Jolla discovered that their precise analyses of the chemistry of sea water were changed by lead settling into the ocean.

That caused Dr. T. J. Chow of Scripps to start measuring lead throughout the environment. He's still doing it. And his work is often cited by those who want to ban leaded gasoline. Dr. Chow discovered there is even lead in rain water, bringing it very close to the federal danger level for lead content in drinking water.

He has been measuring the lead content of the air around San Diego for five years. The levels are often dangerously above California state standards.

Dr. Chow says airborne lead is the most dangerous of all. Half of the lead you breathe is absorbed by the lungs. The body has better defenses against lead contamination coming from food and drink.

These filters show there is less lead in the air where there are not many automobiles. The worst areas are downtown districts and suburban areas near freeways. The dust from these two places contains as much lead as the ore from a lead mine.

Dr. CLARE PATTERSON. I am convinced—I wouldn't be here if I weren't—that really millions of youngsters each year are being, their minds and their nervous systems are being irretrievably damaged, forever, for their whole lives, by the lead that they're breathing.

UTLEY. Dr. Clare Patterson of Cal Tech traveled to the Arctic and Antarctic ice caps to prove how much the worldwide levels of lead have gone up. A thousand years of snow have been preserved here. Dr. Patterson said the increase in lead since 1940 has been enormous, and he thinks it's essential to ban leaded gasoline at once.

PATTERSON. The most significant source of lead, of course, is from leaded gasoline. It contributes about ninety-nine percent of the lead in the air. And I might say that the lead in cities like New York, or Los Angeles, or Washington, D.C., any city, large city, the lead in that air is about ten thousand times above natural levels.

NEWFIELD. Congressman Ryan and Senator Kennedy introduced legislation; after hearings, after struggle, after lobbying the legislation was finally passed. Thirty million dollars to prevent and treat lead poisoning was finally authorized by Congress. And then the Nixon Administration wouldn't spend the money, even though Congress authorized it.

KENNEDY. One of the most overworked words, of course, of our time is changing priorities. But this is where they ought to be changed. Here you can actually have a direct impact in stopping retardation, for example, and also in saving children's lives. And ultimately saving the taxpayers from paying for institutionalizing children and others that are affected by it.

NEWFIELD. There are certain problems in this culture which me, and most, don't know the answer to. I don't know what you do about heroin; I don't know how you get garbage out of the slums; I don't know what the policy should be for the Middle East.

Lead poisoning is one of the few problems in this culture which is man-made, and we know what causes it, we know what the remedy is, and we just won't do it.

PATTERSON. We're so close to classical lead poisoning that I, and other people like me, believe that we're being affected right now by the lead that we're already absorbing. We're more irritable, we're less rational. It's affecting our central nervous system.

Dr. HEINRICH SCHLEMERHORN. We are attempting to reproduce in the laboratory the experiments that man has unwittingly performed on himself since the beginning of the Industrial Revolution, which was when he began to dig up metals from the earth and spread them around through his environment.

What happens is that the rats have a high mortality rate when they're young. You get a shortened longevity. And the older animals look—they just sort of loll around without any energy. They have runts, dead litters, and dead offspring, and they don't breed, they fail to breed. And the mothers eat the young. There are all kinds of things that happen.

I think that this is certainly a warning. And if we don't pay attention to it, we're stupid.

UTLEY. We have had many warnings about the danger of lead in the atmosphere. A main source of it is lead-based gasoline. What are we going to do about it? And what is the government going to do about it? A man who can answer this question is William Ruckelshaus, the head of the Environmental Protection Agency.

Mr. Ruckelshaus, how long have you been conducting studies on this problem?

WILLIAM RUCKELSHAUS. Well, we've been conducting studies—not our agency, but the agencies that we inherited from the National Air Pollution Control Administration—for years on the impact of lead, not only in the atmosphere, but also from lead-based paint, and lead that you generally ingest in foods, for many years. We still have huge gaps in our knowledge, as to the precise health impact, at what level, of the ingestion of lead, and where the total body burden of lead comes from.

UTLEY. But in terms of gasoline, you are at least satisfied that there is enough of a health problem to go ahead with this program.

RUCKELSHAUS. Yes, we are. Our information shows that the health effects of lead in the atmosphere, above certain levels, can be serious. There is considerable dispute over just what the impact on health is of lead in the atmosphere. But we believe there is sufficient evidence of a deleterious impact on human health of lead above certain levels in the atmosphere, that it ought to be regulated.

And the way we think it can be regulated best is through regulating its existence in gasoline, and thereby reducing it from the emissions from the automobile.

UTLEY. What is the status of the program now? It starts in your agency, where you draw guidelines, or concrete proposals?

RUCKELSHAUS. We will issue regulations which will regulate the additives that are put in fuel, under Section 211 of the Clean Air Act. We have two authorities to regulate additives in gasoline, not only lead, but any other kind of additives.

One is, if that additive creates a health hazard, we can regulate it. And in this case we think it does. Or if the additive, the regulation of the additive is necessary in order for the automotive companies to meet the 1975 standards. And both of these apply under Section 211, and it's under this authority that we will issue regulations, generally regulating it in the fuel itself.

UTLEY. Does this mean that you are in favor of limiting lead-based gasoline, or of banning it, as of a certain date?

RUCKELSHAUS. Well, our regulations have not as yet been issued. But the approach that we're taking is to have at least one class, or one brand of gasoline generally available by 1975, and gradually phase out the use of lead as an additive in gasoline.

The pace at which it's phased out depends very greatly on how we view the impact, not only on health, but on the petroleum industry, and how best this phasing process can work, so as to cause the least amount of economic dislocation to the country.

UTLEY. You say it means that by 1975 there will be a guaranteed lead free gasoline on the market available to everyone. By what date would you like to see all lead-based gasoline removed from the market?

RUCKELSHAUS. Well, this one of the things we're still considering, at what pace we will phase lead out of gasoline completely. And there are arguments, and valid arguments that can be made for one phasing process or another. And, really, before the regulation finally comes out, it's too early for me to say exactly what form it will take.

It will be probably very shortly after 1975 that the lead as an additive is phased out completely of gasoline.

UTLEY. Many problems in the environment field are finally acted on by government after a great deal of public opinion has been mobilized and articulated. Is that the case here? Or in the case of lead in gasoline, is it more due to scientific research?

RUCKELSHAUS. If the public says that we want clean air, and we want pure water, the government will respond to that legitimate public demand by providing clean air and clean water. But as to how they go about it, and what specific substances are taken out of the air so as to cleanse, or out of the water so as to make it pure, it should be left up to scientific determination.

Because there's no reason to respond to public pressure to remove a certain substance from the air or the water, if there is no public benefit to be gained thereby. And our decision to remove lead, or to phase it out of use as a gasoline additive is based on what we conceive to be in the public interest, the protection of the public health, and the insurance that these standards can be met by 1975.

UTLEY. Do you see any organized strong, or meaningful opposition to the removal of lead from gasoline, either in industry, or from other sectors? Or is everybody for clean gasoline?

RUCKELSHAUS. No, everybody's for clean gasoline, just as everybody's for clean water and clean air. But there are different degrees of fervor as to how strongly they believe that we ought to have clean air or clean water.

UTLEY. Mr. Ruckelshaus plans to abolish leaded gasoline shortly after 1975. Actually there is unleaded gasoline available today, but not many people are buying it. The petroleum industry began adding lead to gasoline in the 1920's. It was a cheap and easy way to increase octane levels, and lead has been added to most gasolines ever since.

Everyone knew that lead was poisonous, and that the lead in gasoline eventually was released into the air. But there didn't seem to be that many automobiles. And, after all, there was an awful lot of air.

Tonight we have seen and heard a lot about lead, what it can do to all of us, and what it already is tragically doing to some of our children. Lead is a new field of dispute involving the environment and public health. There are experts on both sides of the argument, some maximizing the danger, others minimizing it.

Admittedly there's not as much scientific knowledge about lead as there should be. There are many areas where research is only getting underway. Most important is the study of lead in the food we eat.

Lead is a problem we could easily ignore. It doesn't have high visibility. It is not the first problem our modern industrial society has dumped on us, and it won't be the last. It may not even be the most serious. But it's there. And the evidence shows that lead is a clear and present danger.

THE PRESIDENT'S ECONOMIC STABILIZATION PROGRAM: PENALIZING THE POOR

(Mr. MITCHELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MITCHELL. Mr. Speaker, I actively developed, supported, and the Congress of the United States voted into law an exemption from wage controls for the low-income and working poor in the amendments of the Economic Stabilization Act of 1970. This exemption level is in grave jeopardy, and efforts are being made to either misinterpret or ignore the intention of Congress.

The Economic Stabilization Act of 1970, as amended, clearly established an exemption level of $6,960; Bureau of Labor Statistics data, the most recent available, were used by the Congress as the definition of the exemption level. The House Banking and Currency Committee report on this legislation reflects this dollar amount, so that there would be no room for misinterpretation. Congressman RYAN's statement during floor debate on the bill, December 10, 1971, discusses this exemption level and stands as the definition accepted by the Congress. House and Senate conferees accepted the House provisions of the act as regards substandard wage earners.

The legislation provides:

> Notwithstanding any other provisions of this title, this title shall be implemented in such a manner that wage increases to any individual whose earnings are substandard or who is a member of the working poor shall not be limited in any manner, until such time as his earnings are no longer substandard or he is no longer a member of the working poor.

This is the language the House adopted. The Banking and Currency

Committee report submitted to the House states:

This section forbids the President, under the authority granted by this title, from regulation or otherwise restricting the wages of the working poor or persons whose earnings are otherwise substandard. It is the intention of the Committee that the exemption from control apply to all persons whose earnings are at or below levels established by the Bureau of Labor Statistics in determining an income necessary to afford adequate food, clothing and shelter and similar necessities.

Notwithstanding all of this, the Cost of Living Council—which body appears fiercely dedicated to making the cost of living costlier with each passing day—has decided that it has the prerogative to designate its own exemption level, to decide who is low income and who is not. One of the exemption levels it apparently devised would have affected many millions of the 20 percent of all American families whose incomes are between four and seven thousand dollars per year. Another exemption would have had the curious effect of applying controls of a level at or below the poverty guideline. Repeated inquiries by my office to both the Pay Board and the Cost of Living Council as to the precise nature of their exemption deliberations were ignored. When the Cost of Living Council asked the Pay Board for a recommendation on one of their suggested exemption levels—$3,952—the Pay Board responded by press release with a resolution to the effect that the Council's recommendation was not only "inconsistent with the purposes of the amendments to the Economic Stabilization Act" but went on to find it inconsistent with the Council's "supporting analysis." Further inquiries from me, from several other congressional offices, from the Congressional Black Caucus, and a request for a meeting with the Cost of Living Council have yet to be responded to.

Since the Pay Board could not agree, except to disagree with the Cost of Living Council, and since that Board was provided with "supporting analysis" by the Cost of Living Council for use during deliberations, I ask, Mr. Speaker, for permission to have inserted in the RECORD a series of documents which chronicle events leading up to the Pay Board's nondecision of January 19, 1972. The first is the Pay Board's terse, agree-to-disagree press release. The second is a memorandum developed for and presented to the Pay Board by Nat Goldfinger, director of the research department of the AFL-CIO. The final two documents are memorandums written by Cost of Living Council staff members which illustrate the Council's thinking on the subject.

The series of documents follows:

PAY BOARD,
Washington, D.C., January 19, 1972.

PAY BOARD RESOLUTION ON WORKING POOR

In response to a Cost of Living Council request for recommendations on the hourly wage rate to be set for exemptions to wage controls for individuals among the working poor or with substandard earnings, the Pay Board today adopted the following resolution:

"It is the sense of the Pay Board that the $1.90 figure recommended by the Cost of Living Council is inconsistent with the purposes of the Amendments to the Economic Stabilization Act and supporting analysis."

The action came after the Board had turned down separate motions setting the exemption level at $3.50, $2.20, and $1.90 per hour.

AFL-CIO,
Washington, D.C., January 17, 1972.

MEMORANDUM

To: Chairman Boldt and members of the Pay Board.
From: Nat Goldfinger.
Subject: Memo from the Cost-of-Living Council on "Substandard Earnings and Working Poor," in interpreting the Economic Stabilization Act, as amended.

The memorandum from the Cost-of-Living Council which recommends a $1.90 per hour limit for exempting substandard earnings and working poor from wage controls, under the terms of the E.S.A., as amended in 1971, should be rejected.

In its essential points, this memo is factually wrong and conceptually erroneous. It is a product of utter incompetence or maliciousness or both.

The Pay Board's recommendation should be in the neighborhood of $3.35–$3.75 per hour instead of $1.90.

Section 203(d) of the Economic Stabilization Act, as amended in 1971, states:

"(d) Notwithstanding any other provision of this title, this title shall be implemented in such a manner that wage increases to any individual whose earnings are substandard or who is amongst the working poor shall not be limited in any manner, until such time as his earnings are no longer substandard or he is no longer a member of the working poor."

Let us first examine the Cost-of-Living Council memo and, then, proceed to the rather clearly stated intent of the Congress, in adopting Section 203(d).

1. The memo states that the term "working poor" is "usually associated with the low or minimum income level, developed annually by OMB and currently at a level of $3,968 for a family of four."

This statement is factually wrong in more than one regard. The figure is usually called the "poverty line" or the "poverty level." It is based on the definition of poverty, developed several years ago in the Social Security Administration of HEW, and more recently prepared and published by the Census and OMB.

Moreover, this government-defined, poverty-line figure of $3,968, for an urban family of four, is not current. It is the poverty-line figure for 1970. However, the Pay Board is dealing with the year 1972. The relevant figure for 1971 or for the fourth quarter of 1971 would be about $4,150 or $4,200, after adjustment for the increased living costs since 1970.

2. The memo also states: ". . . the legislative history suggests that consideration should be given to the measures developed by the Bureau of Labor Statistics as modest but adequate income for a typical urban family of four, currently $6,960."

This brief statement is false at several different points.

The issue of Congressional intent will be considered later. The legislative history does not suggest that consideration be given etc.—it clearly calls for the exemption from controls of all persons whose earnings are below the B.L.S. standard.

The B.L.S. family budget figure of $6,960 is *never* described as "modest but adequate." The $6,960 figure is entitled: "U.S. average budget cost for an urban family of four at a lower level." It is also described by B.L.S. as "the lower budget." This is the B.L.S. family budget, which is relevant to the Congressional intent of exempting substandard earnings and the working poor from wage controls.

The "modest but adequate" description applies to the "intermediate level" family budget, which cost $10,664, according to the most recently published B.L.S. information.

As the difference in the costs of these budgets show, they are decidedly different. The "intermediate" or "modest but adequate" budget concept dates back to the 1940s, while the development of the "lower" family budget was recent. The living standards of these budgets are considerably different. (See article, "New B.L.S. Budgets Provide Yardsticks For Measuring Family Living Costs," in the *Monthly Labor Review*, April 1969.)

The urban family budgets—including the "lower level," which is relevant to the discussion of the "working poor"—are based on a four-person family, with one wage earner (the husband), the wife who is not employed, an eight-year-old girl and a 13-year-old son. This is a one-wage earner family. The budgets would cost more money, if the wife were employed.

The B.L.S. published its most recent information on these budgets, in a release dated Monday, December 21, 1970, over a year ago. This release, which presents the figure of $6,960 for the "lower level" budget, is entitled "Spring 1970 Cost Estimates For Urban Family Budgets." The $6,960— figure, therefore, is based on the living costs of almost two years ago; it is not sufficiently recent to be relevant to policies for the present year. It should be updated, for policy purposes that apply to the year 1972.

(See appendix for excerpts from article on these family budgets, which appeared in the *Monthly Labor Review* in April 1969.)

3A. The memo states that employment by other family members is a means of augmenting the earnings of a low-wage prime wage earner. It further declares that "on a statistical average, the number of workers in a family is 1.7." And the memo proceeds to use this figure of 1.7 as the basis for reducing $3.35 per hour ($6,960 for 2,080 hours) to $1.97 per hour, which is, then, somehow rounded to $1.90 per hour.

There are abundant errors in this part of the memo.

According to the Census Bureau, there was an average of 1.7 earners per family in 1970, but the figure of 1.7 represented an average of *all* families, whose average family income was $11,106.

However, in examining the Census data on families, whose incomes were less than $7,000 in 1970—and thereby relevant to the B.L.S. "lower" budget of $6,960—we find the following:

Of such low- and substandard-income families, with earnings, 62% had only one earner.

Among the families at this lower end of the income distribution, the Census data reveals that only 38% had two or more earners in 1970. The appropriate ratio for these families is substantially less than 1.7.

In addition, a large percentage of secondary wage earners are part-time workers, with as little as one hour of earnings per week.

The figure of 1.7 therefore, is not even statistically valid for the purposes of the Cost-of-Living Council memo. (See Census Bureau Report P-60, No. 80, October 4, 1971.)

B. However, this point in the memo is not merely wrong statistically. It is also conceptually erroneous.

In the United States, it has always been assumed that the earnings of one wage earner should be sufficient to amply provide for his family. This is rooted in American culture and in the social concepts, underlying our wage structure.

The American wage structure has never been based on the number of dependents in a family nor on the number of wage earners in a family.

Thus, it is erroneous, in terms of American culture and social standards, to use a statistical average of the number of workers in a family—whether the statistic be 1.7 or 1.4—to derive a base for exempting the "working

poor" or "substandard earnings" from wage controls. In fact, to do so is un-American. Such methodology may apply to another society—it does not apply in this country.

Surely, Congress did not intend to apply such a concept, as the basis for exempting low-wage workers from wage controls.

4. In a strained attempt to justify the $1.90 per hour limit, the Cost-of-Living Council memo not only "rounds" $1.97 per hour to $1.90. It also states that the O.M.B. poverty-line standard of $3,968 for 1970, "assuming a single full-time, year round wage earner, would indicate a wage of approximately $1.90 an hour."

To achieve the poverty-line sum of $3,968, a worker whose earnings are $1.90 an hour would have to work 2,088 hours in the year, or slightly over 40 hours per week for 52 weeks.

This flies in the face of the record of average weekly working hours in private, nonagricultural industries. Not since 1948, have average weekly working hours been as high as 40 hours. Not since 1959, have average weekly hours been as high as even 39 hours. And more to the point, in the past four years, from 1968 through 1971, average weekly working hours have been less than 38.

5. The memo also reproduces a table of the approximate percentage of private nonsupervisory workers who would be exempt from wage controls at different levels of hourly earnings.

As I understand it, this table, used by the Cost-of-Living Council, is based on wage data for April 1970, about 21 months ago. It overstates the percentage of workers that would be exempt because it understates the current distribution of wages among private, nonsupervisory workers. Obviously, this data is not relevant to the current scene.

6. The intent of the Congress is quite clear on the issue of exempting, from wage controls, those workers whose wages are substandard or who are the working poor.

The Conference Committee report on the legislation states:

"The House bill provided that wage controls will not apply to individuals whose wages are substandard or to the working poor. The Senate bill contained similar language except that the term "working poor" was not included. Moreover, the Senate bill defined substandard earnings to mean no less than those prescribed as the poverty level by the Office of Management and Budget. The conferees agreed to the House provision."

One must, therefore, turn to the House Committee report on this issue. The report of the House Committee states explicitly:

"This section forbids the President, under the authority granted by this title, from regulation or otherwise restricting the wages of the working poor or persons whose earnings are otherwise substandard. It is the intention of the Committee that this exemption from control apply to all persons whose earnings are at or below levels established by the Bureau of Labor Statistics, in determining an income necessary to afford adequate food, clothing and shelter and similar necessities. Absolute exemption from wage controls under this Act is also provided in this section for persons whose earnings are at or below the Federal minimum wage."

The Congress, therefore, intended an "absolute exemption" of persons whose earnings are at or below the federal minimum wage. It also intended exemption of the working poor or workers whose wages are substandard, as established by B.L.S., in determining the income necessary for adequate, food, clothing, shelter and similar necessities.

The federal minimum wage, at present, is $1.60 an hour. That figure is clear.

B.L.S. has established a family budget that meets the other exemption criterion of the Congress—the "lower" family budget. The cost of that budget was $6,960 ($3.35 per hour for a 2,080-hour year, or $3.45 for 2,000 hours) in the Spring of 1970. To update this figure to a more recent and relevant time-period would probably bring it up to the neighborhood of $3.70 per hour.

In conclusion, note the clear wording of the House Committee report: ". . . this exemption from control (should) apply to all persons whose earnings are at or below levels established by the Bureau of Labor Statstics, in determining an income necessary to afford adequate food, clothing and shelter and similar necessities."

And note the reference to "all persons whose earnings are at or below . . . etc." The reference is not to the family earnings of multi-earner families.

The intent of the Congress in Section 203 (d) of the Economic Stabilization Act, as amended in 1971, clearly requires the exemption from wage controls of all workers whose hourly earnings are insufficient to bring their annual earnings up to or above the current cost of the B.L.S. "lower level" family budget.

APPENDIX

Excerpts from "New BLS Budgets Provide Yardsticks for Measuring Family Living Costs," *Monthly Labor Review*, April 1969:

"Lower budget level

"The budget for a lower living standard was developed in response to requests for a measure that would be appropriate for evaluating the needs of families who were positioned—either temporarily or persistently—at the low end of the income distribution. Throughout the 1950's, for example, State public assistance agencies appealed to BLS to develop such a budget, or to suggest ways in which the moderate standard budget could be scaled down. In the judgment of program administrators, the norms represented by the moderate standards were too high to be consistent with the objectives of public assistance programs, or with the funds available to administer such programs. Legislators attempting to formulate income criteria for admission to public housing units had a similar problem. Periodic evaluation of the Federal program providing partial income protection against loss of earnings because of long-term severe disability and of State programs for unemployment insurance and workmen's compensation also generated demand for living cost estimates for a standard below the well-known 'modest but adequate' or moderate level of the traditional BLS budget."

* * * * *

"Intermediate budget level

"The concept of the moderate budget was developed by BLS in the mid-1940's, in response to a directive by a Subcommittee of the Committee on Appropriations of the House of Representatives to provide information, for use in appraising income tax exemptions, on the cost of an adequate standard of living.

"The original City Worker's Family Budget (issued in 1946–47) was based on the manner of living and standards prevailing just before World War II; a 1959 revision reflected standards in the 1950's. The current version of the moderate standard incorporates the manner and conditions of living in the 1960's. The relative level of the new budget in relation to the current scale of consumption is approximately the same as the level of the original and interim 'modest but adequate' budgets in relation to actual consumption scales of their respective periods.

"The moderate standard benchmark also plays a role in the collective bargaining process by providing a basis for evaluating the adequacy of earnings of experienced workers. It provides estimates of aggregate requirements for consumer goods, used in developing public policy and in market analysis. Judicial decrees for support orders and alimony payments take account of the middle standard in determining either ability to pay or the recipient's need. The standard is used also to determine equitable amounts of college loans or scholarshhips, and the ability to pay for subsidized medical, mental health, or guidance services."

AUTOMOBILE INSURANCE—THE NEED FOR POSITIVE ACTION

(Mr. MITCHELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MITCHELL. Mr. Speaker, it is inevitable that the House of Representatives must come to grips with the problems associated with automobile insurance. The case to which I now speak, points up the need for early, effective action on the part of the Congress. The following correspondence to the Governor clearly delineates the problem:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., February 7, 1972.

Hon. MARVIN MANDEL,
Governor, State House, Annapolis, Md.

DEAR GOVERNOR MANDEL: It has been brought to my attention by several of my constituents that there exists an insurance dealership, Brokers Insurance Service, Inc. (also called the Howard Insurance Service) of 637 North Howard Street and 2910 Edmondson Avenue in Baltimore which is indulging in practices that may be defrauding hundreds of people in the City of Baltimore. I bring this matter directly to your attention rather than to the attention of the Insurance Commissioner or The Secretary of Licensing because both of these men have been well aware of the situation for some time. Not only have they chosen to respond in the slowest manner possible, but they have done all that they could to delay, harass, and make it simply impossible for citizens to file and pursue their grievances against Broker's Insurance Service, Inc.

I will be brief in my description of the abuses of Broker's Insurance Service because the files of the Insurance Division of the Department of Licensing and Regulation are replete with examples. Several of my constituents have complained that in order to get a renewal of their automobile insurance they were forced to pay a $40.00 fee to an automobile road service club. This was standard whether or not this person already had such coverage and the only option was to drop the policy. Ex-employees of Broker's Insurance Service, Inc. state that these clubs offered no service and were designed to simply defraud the consumer.

On several occasions after an initial deposit on a renewal was made, the buyer found that that price of the policy was raised or that membership in the automobile club had been tacked on. These consumers found it extremely difficult or impossible to get their deposit back and when some return was made less than the entire amount was returned with the approval of the Insurance Commissioner. One man paid for automobile coverage in full yet received neither policy nor refund. Another constituent was asked to pay a $125.00 fee for help in filling out the insurance forms to report an accident. Two ex-employees of Broker's Insurance Service, known to the Insurance Commissioner, stand ready to attest to these and many other abuses they have witnessed.

Also at issue is the question of whether Mr. Robert Renwick, an agent of Broker's Insurance Service, is duly licensed by this state. There is ample evidence on file to suggest that his license was obtained by the fraudulent statements of Mr. Frank Trotta, the owner of Broker's Insurance Service, and himself.

With all of the aforementioned information in the hands of the Insurance Commissioner for 6 months, what has been his response? One response has been to close many

of the records of this case to the public. A hearing to deal with a few of the complaints was scheduled, but then suddenly cancelled, and then rescheduled. Without doubt this puts the burden upon the poor working complainants to reappear at double their expense. One very immediate response was the full and thorough investigation and subsequent charging of the daughter of Mr. Ernest Wright who was instrumental in the uncovering of the practices of Broker's Insurance Service. To date, Broker's Insurance Service, Inc. continues in full operation perhaps a bit inconvenienced but still thriving.

It is the responsibility of regulatory agencies to offer protection regulation for the consumer as well as for the industry. The Insurance Division of the Department of Licensing and Regulation of this state is no exception. I will not comment on the motives of the Insurance Commissioner, but is apparent that he is doing little to offer redress to these particular complainants. One can only wonder whether his prejudice on behalf of this insurance company extends to the entire industry and to other decisions involving the citizens of Maryland. I ask that your office take notice of Broker's Insurance Service and conduct a full inquiry into this matter as well as the failure of the Commissioner to represent the interests of the insurance consumer.

Sincerely,

PARREN J. MITCHELL,
Member of Congress.

HAPPY BIRTHDAY ROSA PONSELLE

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, one of the great sopranos of all time is Rosa Ponselle who was born Rosa Ponzillo in the city of Meriden in the Fifth Congressional District of Connecticut.

I had the pleasure of hearing Rosa Ponselle in person when she sang in Poli's Palace Theatre in Waterbury, Conn., in the late twenties. She sang with her sister Carmela and I recall particularly the duet from "Norma" which they sang.

Rosa Ponselle had a magnificent voice, great acting ability, intelligence, and sympathy with her audience and there was no phase of vocal music in which she could not excel. Her career placed her as one of the greatest of American singers and it is with pleasure that I salute her on her 75th birthday. I include here biographical sketches by abler hands than I: "The Last Link to Caruso Era," by Paul Hume from the January 23 issue of the Washington Post and "There Was Nothing Like the Ponselle Sound, Ever" by Harold C. Schonberg from the January 23 issue of the New York Times.

The biographical sketches follow:

[From the Washington Post, Jan. 23, 1972]

THE LAST LINK TO CARUSO ERA

(By Paul Hume)

Yesterday Rosa Ponselle was 75. Earlier in the week, they gave her the key to the city of Baltimore. Actually they gave her two keys: one is wood, carved from the original wood of the frigate, Constellation, and as Ponselle said, "too big to hang around my neck." The other is a gold key which the city is having set in lucite to take its place with the other marks of honor that stand around Villa Pace, Ponselle's lovely home in Stevenson, outside of Baltimore.

The honors that came to her were in part for the 35 years in which she has been Baltimore's most distinguished musical citizen, and, for two decades, the energetic artistic director of its sold-out opera company.

But the world honors Ponselle as one of its greatest singers of all time, and though 75 may seem a reasonably venerable age to some, her art and glowing memories of her singing are still very much alive to thousands of music lovers around the world.

Ponselle is the last great link between the age of Enrico Caruso and the Metropolitan Opera's fabled decades and today's world of singers. When she made her debut with Caruso in the Met's first production of Verdi's "Forza del Destino," the company roster included Geraldine Farrar, Frances Alda, Frieda Hempel, Louise Homer, Margarete Matzenauer, Claudia Muzio, and Florence Easton on the women's side all of them great singers. The top men, after Caruso, included Martinelli, Giuseppe De-Luca, Adamo Didur, John McCormack, Antonio Scotti Charles Hackett, and Jose Mardones, all well matched to the noted sopranos and contraltos.

With her successful debut at the Met, Ponselle opened a very special door in that institution: she was the first American-born and wholly American trained singer to appear in a major role at the Met without prior European tutoring or experience. Even stars of the magnitude of Eames, Nordica, Homer, Bispham and Whitehill had all been forced to make the European detour before they were thought good enough for the Metropolitan. Ponselle, born in Meriden, Conn., and a pupil of William Thorner, made the way easier for young Americans in the future.

During her 19 years at the Met, she was one of the brilliant stars in a constellation that included Elisabeth Rethberg, Lucrezia Bori, Beniamino Gigli, Galli-Curci, Emmy Destinn, Maria Jeritza, Titta Ruffo, Sigrid Onegin, and Feodor Chaliapin.

At the same time these great singers were busy in New York, Chicago was hearing Rosa Raisa, Mary Garden, Edith Mason, Muzio, Schipa, Frida Leider, Lotte, Lehmann, Alexander Kipnis, Maria Olsczewska, Claire Dux, and Rene Maison, all of equal stature.

Last week I asked Ponselle if she did not think that we were now in a time of very poor singing, and whether she had some ideas about the reasons for the shortage of great opera stars. Characteristically, her first response was to speak of the fine singers who are around today. But her basic reaction came as she said:

"It's the jet age. The young singers today are launched before they learn. They sing in one place and then rush to sing somewhere else.

"The important thing is what they want. Do they want to make money fast or do they want to leave something for posterity?

"Plus a great voice, which they must have, they have to have common sense: they have to respect the voice.

"When I was with the Metropolitan, I took no summer engagements. I went every year to the mountains and rested my voice. I did plenty of mental work. I restudied my roles and I worked on new ones. But I took no engagements.

"And during the years I was singing, I accepted no social invitations. That kind of singing demands great sacrifice. You have to give up many pleasures."

For years, Ponselle has been coaching promising young singers as well as taking an active part in the preparation of a number of Baltimore Opera's Lyric Theater productions.

"You start with the greatness of the gift from the Lord. But the more you work and the closer you get to what you think may be the ideal, the more you realize how far from it you still are."

This recalls Lotte Lehmann's comment, "Just when we singers are getting to the place where we know what we want to do, we are no longer able to do it."

"Today," Ponselle says, "there are a few beautiful artists. You can count them on the fingers of two hands or less."

What had happened since the days when you could take your choice among distinguished performances in the roles of Aida, or Donna Anna or Donna Leonora, to name only three that are getting harder and harder to cast with any real distinction?

Again she could only say that for many of today's singers, the top has been reached too soon. "We never stopped working," she said. "We had Serafin." (Tullio Serafin, the great conductor with whom Ponselle prepared most of her great successes. He later coached Callas.)

"With him we went over every detail of those scores." And she might have spoken of Romano Romani, the coach and accompanist with whom she worked unceasingly for years.

Ponselle's greatness cannot be explained simply by the fact that she had a great voice to start with, she insists.

"That is only the beginning," she emphasizes.

Today there are also great voices, whose owners at 25, at 30, and at 35 have already wrecked those voices by premature forcing or early overwork before learning to use them properly.

Singers as different as Maria Callas and Elizabeth Schwarzkopf took Ponselle as a model in technique, in tone, and in expressive meaning. Schwarzkopf sat up until 5 o'clock in the morning playing over and over a record that Ponselle made in 1954. (It is Victor 1889, now out of print.)

Callas sent a cablegram to Ponselle's 70th birthday that said, "You have always been my ideal of great song and art."

Today, buoyant and eager to hear every new singer on the scene, Ponselle can look back to her Metropolitan career that saw her singing 22 roles in 258 appearances in the famous old house, plus 108 more on Met tours, to say nothing of concerts and guest appearances on radio. She can know that everyone who heard her wraps the memory of that occasion in a very special covering, keeping it in that place reserved for the great and rare moments.

Ponselle wishes nothing more today than that the young singers now coming along would work as she did and strive for those things that seemed then, and still do, of the greatest importance. Our opera houses would sound better if her wishes could be fulfilled.

[From the New York Times, Jan. 23, 1972]

THERE WAS NOTHING LIKE THE PONSELLE SOUND, EVER

(By Harold C. Schonberg)

The voice on the telephone sent shivers down the back. It was low, throaty, sexy, vibrant, expressive. "How nice that you would like to see me," said the voice. "Do come down tomorrow. Only a few hours? I do wish it could be longer. *Arrivederci!*"

It was the voice of Rosa Ponselle, and the dazed caller hung up and leaned back, transported in time some 40 years back. Black Depression days, those; but somehow one could always manage to find 75 cents for standing room in the Family Circle of the Metropolitan Opera. When Rosa Ponselle was singing, the vast distance between stage and upstairs standing room seemed diminished. That big, pure, colorful golden voice would rise effortlessly, hitting the stunned listener in the face, rolling over the body, sliding down the shoulder-blades, making one wiggle with sheer physiological pleasure.

There are voices and voices, and the Metropolitan Opera in the 1930's had many great ones. But there was nothing like the Pon-

selle sound, ever. To many of us it was the greatest single voice in any category. Rethberg may have had the silvery purity. Melchior was a trumpet. Flagstad was monumental—and monumentally sexless. Bori had that sweet, ultrafeminine, cuddly sound. Gigli had the unparalleled sweetness. But Ponselle seemed to have everything. She could sing Violetta, and she also could sing Norma, and Rezia in "Oberon." She had the low notes of a contralto, and a knockout high C; and there were no artificial registers to the voice—it went from bottom to top in the smoothest, most seamless of scales, with no shifting from chest to head. And that trill: that articulated br-r-r-r which no singer today is able to come near matching! And the emotionalism of her singing, withal combined with good taste! And the power when she let loose! And the delicacy of her pianissimos! And the flexibility in coloratura work! And that effortless production! And the accuracy of intonation! And the handsome figure on stage! The good fairy was very kind to Rosa Ponselle.

She made her debut on Nov. 15, 1918 and, at the height of her career, in the full glory of her voice, abruptly called it quits after the 1936–37 season. She retired to her Villa Pace in Baltimore ("Pace, pace, mio Dio;" it was in "La Forza del Destino" that she had made her debut), was divorced from her husband about 20 years ago, and continues to live in her villa, acting as artistic director of the Baltimore Opera, interesting herself in young singers, giving her advice to many international headliners who come to her door.

And to humble admirers who come to her door. Last week she made a grand entrance into the living room, every bit the diva, accompanied by a half-dozen or so yipping toy poodles. It was a few days before her 75th birthday, which took place yesterday, and there was supposed to be a gala concert in her honor today. That was canceled because of the strike of the Baltimore Symphony players. "How sad!" she said. "I was so looking forward to it." Would she perhaps have sung at the gala? Madame Ponselle laughed. "If I were warmed up I could do it," she said. "Still."

She would have been nervous. She always was nervous. Her nervousness was a legend. In the old days she would arrive early on evenings she was singing, and walk around the old Met a half-dozen times before she got up enough nerve to go in. That was especially true if the opera was "Aida."

"I had a complex about the high C in 'O Patria Mia,'" she said. "In the early days high notes never bothered me. I could sing the C standing on my head. But one performance I got out of sick bed to sing Aida, and when I got to the C, I couldn't hold it as long as I would have liked. That was at the Brooklyn Academy, I remember. It gave me such a complex! After 'O Patria Mia' I was comfortable, and the rest of the Nile Scene did not bother me. But that first C! I went along like this for a long time, in terror, and then Serafin said: 'Why worry? We can transpose the ending of "O Patria Mia" a half-tone down. Everybody does it. Caruso used to transpose his C's down.'"

This had never occurred to Ponselle. It was a revelation. "*Now* you tell me," she said. So she sang a B in "O Patria Mia," but only in that aria. All other high C's were easy for her. "I felt pounds lighter."

Madame Ponselle is 75, but she is full of joie de vivre, likes to rattle on in nonstop manner, likes to listen to her recordings, likes to talk about the old days. How she got into opera, for instance. She had never thought about it in 1918. Indeed, she had never learned an operatic role, and had attended only two operas in her life. In those days the attractive young lady from Meriden, Conn., the daughter of an Italian immigrant named Ponzillo, was singing in a sister act at the Palace vaudeville house with her elder sister Carmela. "Sister acts were a big thing in 1918."

Word got around about those two phenomenal voices ("Carmela and I ended our act with the 'Faust' *Trio!*") and a voice teacher named William Thorner got interested in the two girls. To then, Rosa never had had a lesson. Thorner did not teach her very much about singing. "I wouldn't let him *touch* my voice!" He did, however, coach her in some arias, and he had contacts at the Metropolitan.

What Ponselle did not know was that the Metropolitan Opera was looking for a dramatic soprano. Caruso wanted to revive "La Forza del Destino," and there was nobody around who could sing Leonora. Some seasons previously, the great soprano Celestina Boninsegna was singing opposite Caruso, but he did not like her very much and, in addition, she was a short, dumpy woman. She did not last long at the Metropolitan.

So Caruso, tipped off by Thorner, walked into the studio with a few friends and listened to the young American. He heard enough in a few minutes to make up his mind.

"You will sing with me," he said. Ponselle remembers being paralyzed. But sing with him she did, about six months later. "Caruso," she says. "The sublime voice. You can't describe it. You die at the first note."

That was on Nov. 15. Only a little over two months later, Ponselle sang the role of Rezia in "Oberon," and to the professional that is indeed significant Here was a girl who was completely untrained in opera. She learns two major roles in short order, one of them (Rezia) little-known and of extreme difficulty. Obviously she must have had brains and aptitude in addition to the once-in-a-century voice. The music critics of the day, Huneker and Henderson among them, refused to believe that Ponselle had come to the house without training.

During the following 20 years, Ponselle sang 22 roles, some of them very curious. She did appear in "Don Carlos," "Ernani," "La Gioconda," "Andrea Chenier," "Norma," "Don Giovanni," "Cavalleria Rusticana," "La Traviata" and "Carmen." But she also sang the leading soprano roles in such forgotten operas as Breil's "The Legend," Rossini's "William Tell," Meyerbeer's "L'Africaine," Spontini's "La Vestale," Montemezzi's "L'Amore dei Tre Re" and "La Notte di Zoraima," and Romani's "Fedra." Gatti-Casazza, the general manager of the Metropolitan Opera, pressed those roles upon her, and like a good girl she said yes every time. Imagine the reaction if today's general manager asked one of his stars—*the* star, indeed—to sing in an opera by Montemezzi or Romani! Ponselle's repertory was indeed curious. She never sang Puccini, for instance, nor did she have any Wagner roles. A voice of that size and color could have made a sensation in the early Wagner operas.

"I would have loved to have done Elsa and Elisabeth," she says. "Not Brünnhilde, which Gatti asked me to do. I had more brains than that. I would have loved to sing Tosca, Desdemona. But I never had the time. I was always learning new roles in strange operas."

Finally, after 20 years, Ponselle asked the Met management for a role she dearly wanted to do—Adriana Lecouvreur, in the Cilèa opera of that name. Edward Johnson turned her down. Ponselle turned the Metropolitan down. Her contract was not renewed, and she had a nervous breakdown. Since 1936 she has not put foot into the Metropolitan Opera.

"I was demoralized," she says. "I always was sensitive, and people have to treat me like *this*"—stroking her forearm gently.

In 1953, at the age of 56, she made a record at her home. It was a private recording, in which she and Carmela (who now lives in New York) and "some of my kids" (the Baltimore Opera youngsters) sang odds and ends to an electric organ background. It was all impromptu. But there are unforgettable sequences of sound when Ponselle opens her mouth. Now the voice is deep ruby-red instead of gold, but the tactile richness, the awesome authority, the smooth passage from register to register—all this is prime Ponselle.

Nobody around has this kind of sound. Why, one wondered. "Everything is too *fast* today," Ponselle said. "It's the greed for money in this jet age. Singers run everywhere, unprepared, and performances are sloppy and unintegrated. There is no real involvement, no *pride*." She relaxed and listened to her record, her eyes shining. "Listen!" she said. "*Listen!*" when something especially good was to come up. She absentmindedly beat time, her mind probably back on the stage of the Met.

"I can't explain how I did it," she said. "Geraldine Farrar once said that voices like Caruso's and mine came from God."

PRESIDENT'S PEACE INITIATIVES SHOULD BE APPLAUDED

(Mr. HALL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HALL. Mr. Speaker, as one who enjoyed an extensive practice of medicine, specifically as a surgeon, prior to entering the Congress, I have long known that when using the scalpel the closer you get to the bone, the more blood you draw. Apparently, that is what White House Chief of Staff H. R. Haldeman has accomplished. His forthright denouncement of the ill-advised and obviously politically motivated comments, by the plethora of Democratic presidential hopefuls, of President Nixon's peace initiatives should be applauded by all who are interested in seeing the Vietnam conflict brought to an end with equity and justice. I have little sympathy for those who continue to mouth the Communist line as though the words had been scripted in Hanoi. I have no doubt that one of the prime reasons why the Communist negotiators have not been more responsive, is because of the fact that their banner has been carried for them by the leftists, the bleeding hearts, and the ultraliberals and the duped of this Nation. Obviously they have neither listened to nor heeded the escaped or freed POW's, as to the end result of their bleatings.

I remind all that during the campaign of 1968, Mr. Nixon refused to make the Vietnam conflict a partisan issue. I would hope that today's presidential aspirants would do likewise, and while not being denied the right to speak out on the issue, at least so temper their remarks as to not deceive our people or give aid and comfort to an enemy who wants to be handed on a platter what it has failed to gain by its own murderous aggression.

WE MUST ADEQUATELY FUND THE PUBLIC SAFETY PROGRAM OF AID

(Mr. HALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HALL. Mr. Speaker, while I have been recorded as one of the supporters of our massive foreign aid program, the

latest attempt to amend our funding for the public safety program of AID, is a cut in the wrong place at the wrong time.

The public safety program has done a commendable job in border patrol, cutting the flow of narcotics, teaching proper riot control methods, to say nothing of an outstanding teaching program for foreign law enforcement officials.

To further explain my point, I offer a recent article from the Washington Daily News for the enlightenment of all who are interested:

FULBRIGHT AND THE DRUG TRAFFIC

(By Virginia Prewett)

Senator J. William Fulbright, D-Ark., in a parliamentary putsch late last Friday introduced an amendment to the foreign aid appropriations bill that will kill the best mechanism the United States has for getting other countries to cut the drug flow into the United States.

Sen. Fulbright pulled out of his pocket in the final stage of the floor debate on foreign aid an amendment abolishing an AID operation called the "public safety program." It provided police advisory assistance and some equipment to 15 countries in Latin America and 25 over the world.

The program employs 314 people overseas and 105 in Washington at a cost of $26 million annually. It was attacked in the subcommittee stage last week, but survived. Sens. Fulbright, Proxmire of Wisconsin and Pastore of Rhode Island assailed the program on the Senate floor, while Sens. Fong of Hawaii and Cooper of Kentucky defended it. With 29 senators absent, the amendment won by a vote of 37 to 34.

The bill will be rushed to a Senate-House conference tomorrow, allowing no time for public awareness or discussion.

The public safety program, started in 1954, during the 1960's has emphasized advising foreign police forces on the humane handling of street riots and the suppression of urban guerrilla warfare. Since its inception in 15 Latin American countries, rifles have ceased to be used against dissenting crowds. The more humane methods of crowd-handling have to an extent pulled the sting out of street-rioting as a radicalizing tactic. As the overseas police met street riots without undue harshness, it became less necessary to call in military forces, with consequent harsh jolts to internal political stability.

The public safety assistance program has been a chief target of Latin America's extreme leftists and urban guerrillas as it has aided neighboring police forces to suppress such dramatic urban guerrilla tactics as kidnapping diplomats.

The extremist charge that U.S. public assistance advisors "assist" Latin American police in torturing prisoners has never been proved. Sen Frank Church, D-Idaho, as chairman of the Inter-American subcommittee of Sen. Fulbright's Foreign Relations Committee, held hearings on this and had to admit no proof was available. He had special reference to Brazil, where extremists' records themselves reveal that alleged tortures took place in military barracks, not in police hands.

Many feel that if our National Guard had had the crowd-handling training in which U.S. experts advise foreign police forces, the tragedies of Kent State and Jackson State would never have occurred.

With drug use among U.S. youth a national catastrophe, AID's public safety program had begun to concentrate on getting overseas police cooperation in stopping drug traffic into the United States. Special efforts were underway in countries of the greatest "drug flow" to our country. A similar drive was under way in Bolivia, Ecuador and Colombia, the three New World cocaine producers.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's pioneers of progress and in so doing renew our faith and confidence in ourselves as individuals and as a nation.

The first cyclotron was invented by American Ernest O. Lawrence in 1931.

TEXAS POWER & LIGHT CO. MOVES TO HARNESS PRODUCTIVE CAPACITY OF HEATED DISCHARGE WATER

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, in the field of environmental protection, one source of growing concern has been the ecological effect of heated discharge water from powerplants. And in the field of agriculture, one of the most promising new food-producing industries is catfish farming. The Texas Power & Light Co. has tied these two developments together with the innovative experimental project which holds out great hopes for progress in the transformation of potential "thermal pollution" into a productive resource.

Texas Power & Light—T.P. & L.—in cooperation with Texas A. & M. University, has established an experimental catfish farm at its Trinidad Generating Station in Henderson County, Tex. Catfish will be grown in special cages installed in the discharge canal of the Trinidad generating plant. Based on previous research, it is anticipated that the rate of catfish production in the warm discharge water will be almost twice that which can be achieved in waters with cooler average temperatures. By the end of the 7-year program, catfish production is expected to be about 2 million pounds per year.

This research project is being financed entirely by T.P. & L., but the company will reap no profits from this venture. All proceeds from the marketing of fish will be reinvested in catfish research, assuring expanded studies of the best means of producing this tasty, protein-rich food source.

Mr. Speaker, I commend the progressive management of T.P. & L. for this imaginative program. This is a splendid example of concerned and dedicated businessmen working to preserve our environment and to provide a better life for our people.

Following is a news story describing the T.P. & L. project in more detail:

CATFISH PRODUCTION FROM HEATED DISCHARGE WATER

Catfish, an important but publicly obscure source of high protein, may someday become as common as meat and potatoes on the world's dinner tables.

And to help prepare for this dietary advance, Texas A&M University and Texas Power & Light Company are working together to develop comprehensive information regarding the most efficient methods of raising whisker-fish.

In fact, some 100,000 catfish fingerlings about 5 inches long are now making their homes in the discharge canal of TP&L's Trinidad Steam Electric Station near Athens in Henderson County.

The unique research project is being funded entirely by TP&L, and all catfish and other related fish studies at the Trinidad site are being conducted by scientists at Texas A&M. Research will be performed over a 7-year period.

Texas A&M scientists estimated that by the end of the 7-year research period, more than two million pounds of catfish will be raised annually at Trinidad.

The discharge canal at Trinidad offers an excellent location to raise catfish because warm water coming from the plant after finishing its electricity-producing cycle is particularly conducive to fish growth.

A&M researchers point out the marketable catfish (those weighing about one to one and one-half pounds) can be grown from the egg at Trinidad in only 10 months, compared to 18 months in waters with cooler average temperatures. By beginning with 5-inch fish, only 4 months of growth is needed for the fish to obtain marketable size.

Before the catfish research program was begun, there was no practical use for the warm water which left the plant by way of the discharge canal for cooling in the TP&L lake at Trinidad. By helping raise catfiish, much of this waste heat has now been converted to useful and beneficial energy.

TP&L received its first shipment of 100,000 catfish in early January, 1972. The small fish were transported from a commercial dealer in Mississippi to Trinidad in a truck designed specifically to keep the fish alive during the lengthy trip.

At Trinidad, the catfish were placed in a small holding pond near the discharge canal where A&M graduate students, headed by Dr. John Kelley, Jr. of Texas A&M, checked the fingerlings for signs of disease or parasites.

From the holding pond, the students transferred the young catfish to custom-built cages placed in a 40,000 square-foot area of the discharge canal. The cages are constructed of galvanized mesh wire supported by angle-iron frames and measure 3x3x4 feet.

Currently, the project involves 200 cages, but the purchase of another 400 cages is anticipated during the term of the research study.

Before the cages could be placed in the water, TP&L dredged a large area of its discharge canal to a depth of 8 feet. Normal depth of the canal is 2 feet.

Daily, the young catfish are fed pre-determined amounts of a floating, high-protein, commercial catfish food. And on alternate weeks, the fingerlings' progress and growth is carefully observed and noted by two A&M graduate students who live at the research site. In addition, the young fish are regularly checked for diseases and/or parasites which might harm the caged catfish or other species of natural fish in the lake.

At the end of the optimum growth period, in this case 4 months, the catfish—which are the sole property of Texas A&M University—are removed from their cages for commercial distribution. A new batch of catfish will then be added, and the entire cycle will resume.

Since the catfish are the property of A&M, TP&L does not reap any profits from their final disposition. However, under the contract between TP&L and Texas A&M, it is stipulated that all proceeds from marketable catfish will be reinvested in catfish research.

TP&L officials point out that the Company has no desire to enter the commercial catfish business. Rather, the Company is participating in the research project because it recognizes the significant nutritional and economic value that catfish will have in the near future.

Because of this research and similar projects currently underway, it is hoped the findings will provide valuable information to commercial catfish farmers and will allow them to raise high-quality, low-cost catfish at reasonable profits.

Much information regarding catfish growth in warm water has already been gathered by scientists working with Texas Electric Service Company on a similar program. TESCO began its catfish research project in 1969, and this year expects to produce 60,000 pounds of catfish.

Since catfish farmers do not have access to warm water in which to raise catfish, TP&L and Texas A&M are conducting a second research project at Trinidad.

Near the discharge canal, the Company has built four ¼-acre ponds which are stocked with catfish to simulate conditions faced by the typical catfish farmer. Research in the ponds will be aimed at discovering more efficient ways to raise catfish in waters of variable temperatures.

Through its catfish research, Texas A&M expects the game fish population at Trinidad to shortly develop into one of the best in the state.

Catfish waste matter, which is high in protein, and a small percentage of high-protein catfish food which is expected to escape from the catfish cages will contribute to making Trinidad one of the most fertile and fish-productive lakes in the Southwest, A&M scientists believe.

BIG CYPRESS SWAMP

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, I am introducing in my behalf and in behalf of my colleagues on the National Parks and Recreation Subcommittee of the Committee on Interior and Insular Affairs, Mr. SKUBITZ, Mr. O'HARA, Mr. KYL, Mr. MCCLURE, Mr. DON H. CLAUSEN, Mr. RUPPE, Mr. LLOYD, Mr. SEBELIUS, Mr. MCKEVITT, Mr. TERRY, Mr. BEGICH, Mr. ABOUREZK, and Mr. MELCHER, a bill, H.R. 13017, to authorize the acquisition of the Big Cypress National Fresh Water Reserve in the State of Florida, and for other purposes.

The President on November 23, 1971, announced plans to preserve the Big Cypress Swamp which lies about 35 miles west of Miami. Today the President in his message to the Congress on the environment proposed legislation to acquire the requisite legal interest in 540,000 acres of the swamp. This bill implements that proposal.

It authorizes acquisition not to exceed 540,000 acres of private land, together with approximately 37,000 acres of publicly owned land, to be administered by the Secretary of the Interior in accordance with the laws applicable to the National Park System. The Secretary is also authorized to enter into agreements with the State of Florida or its appropriate political subdivisions whereby those governmental institutions may manage and administer the lands acquired for the reserve.

The Big Cypress is a significant resource—perhaps the Nation's only significant subtropical marsh. The Everglades National Park is totally dependent upon the supply of water flowing over the Big Cypress watershed. It provides important feeding, nesting and winterizing areas for many bird species. At least nine species of wildlife determined by the Secretary to be threatened with extinction will be provided with habitat as a result of the preservation measures of this bill. The coastal zone within the influence of the Big Cypress watershed contains about one-third of the total mangrove-estuarine complex of the Everglades National Park. Although acquisition will be expensive—$156 million—at no time in the future will it be less expensive. This unique natural environment can and must be protected.

H.R. 13017

A bill to authorize the acquisition of the Big Cypress National Fresh Water Reserve in the State of Florida, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds—

(a) the unique natural environment of the Big Cypress area of southwestern Florida should be protected from further development which would significantly and adversely affect its ecology;

(b) the Big Cypress is a fragile area, ecologically interlocked with Everglades National Park and the continued viability of Everglades National Park and certain of the estuarine fisheries of south Florida are directly dependent upon fresh water of adequate quality and volume from the Big Cypress area; and

(c) appropriate measures must be taken by the United States and the State of Florida to assure the conservation of fresh water from the Big Cypress area.

It is, accordingly, the purpose of this Act to provide for the protection of the Big Cypress area and for appropriate uses thereof through cooperative action by the Federal Government and the State of Florida.

SEC. 2. In order to effectuate the purpose of this Act the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange, lands, waters, and interests therein within the area generally depicted on the map entitled "Boundary Map, Big Cypress National Fresh Water Reserve, Florida", numbered BC-91,001, and dated November 1971, which shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The Secretary may from time to time make minor revisions in the boundaries of the area by publication of a revised map or other boundary description in the Federal Register, and he may acquire property within the revised boundaries in accordance with the provisions of this section: *Provided,* That the boundaries of the area may not encompass more than 547,000 acres of privately owned land. Property owned by the State of Florida or any political subdivision thereof may be acquired only by donation. Notwithstanding any other provision of law, Federal property within the boundaries of the area may, with the concurrence of the head of the administering agency, be transferred to the administrative jurisdiction of the Secretary for the purposes of this Act, without a transfer of funds.

SEC. 3. (a) The owner of improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain for himself and his heirs and assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term of not more than twenty-five years or, in lieu thereof, for a term ending at the death of the owner or the death of his spouse, whichever is later. The owner shall elect the term to be reserved. Unless this property is wholly or partially donated to the United States, the Secretary shall pay the owner the fair market value of the property on the date of acquisition less the fair market value on that date of the right retained by the owner. A right retained pursuant to this section shall be subject to termination by the Secretary upon his determination that it is being exercised in a manner inconsistent with the purposes of this Act, and it shall terminate by operation of law upon the Secretary's notifying the holder of the right of such determination and tendering to him an amount equal to the fair market value of that portion of the right which remains unexpired.

(b) As used in this Act the term "improved property" means a detached, one-family dwelling, construction of which was begun before November 23, 1971, which is used for noncommercial residential purposes, together with not to exceed three acres of the land on which the dwelling is situated, such land being in the same ownership as the dwelling, together with any structures accessory to the dwelling which are situated on such land.

SEC. 4. The area within the boundaries depicted on the map referred to in section 2, or as such boundaries may be revised, shall be known as the Big Cypress National Fresh Water Reserve, and it shall be administered by the Secretary in accordance with the laws applicable to the National Park System, and in a manner consistent with the findings and purposes of this Act. The Secretary is authorized to enter into an agreement with the State of Florida, or any political subdivision thereof having jurisdiction over the lands, waters, and interests therein within the reserve, pursuant to which such State or political subdivision may agree to manage and administer any property acquired by the Secretary pursuant to this Act for the purpose of protecting the unique natural environment of the Big Cypress area. Any such agreement shall contain provisions which, as applied to the area within the reserve, will limit or control the use of the lands and waters therein for the purposes of motorized access, exploration for and extraction of oil, gas, and other minerals, grazing, draining or constructing works to alter the natural water courses, agriculture, hunting, fishing, and trapping, new construction of any kind, and such other uses as the Secretary determines must be limited or controlled in order to carry out the purposes of this Act; *Provided, however,* that the Secretary shall consult and cooperate with the Secretary of Transportation to assure that necessary transportation facilities shall be located within existing or reasonably expanded rights-of-way and constructed within the reserve in a manner consistent with the purposes of this Act.

SEC. 5. The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the reserve in accordance with the applicable laws of the United States and the State of Florida, except that he may designate zones where and periods when no hunting, fishing, or trapping may be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any regulations prescribing such restrictions shall be put into effect only after consultation with the appropriate State agency having jurisdiction over hunting, fishing, and trapping activites. Notwithstanding this section or any other provision of this Act, the Secretary may authorize members of the Miccosukee Tribe of Indians of Florida and members of the Seminole Tribe of Florida to continue their usual and customary use and occupancy of Federal lands and waters within the reserve, including hunting, fishing and trapping on a

subsistence basis and traditional tribal ceremonials.

SEC. 6. Notwithstanding any other provision of law, before entering into any contract for the provision of revenue-producing visitor services, the Secretary shall provide those members of the Miccosukee and Seminole Indian Tribes who on January 1, 1972, were engaged in the provision of similar services, a reasonable opportunity to continue providing such services within the reserve in accordance with such terms and conditions as he may by agreement, hereby authorized, provide.

SEC. 7. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not to exceed $156,000,000 for the acquisition of lands and interests therein.

SECTIONAL ANALYSIS OF ADMINISTRATION BILL TO AUTHORIZE THE ACQUISITION OF THE BIG CYPRESS NATIONAL FRESH WATER RESERVE IN THE STATE OF FLORIDA, AND FOR OTHER PURPOSES

Section 1.—Congressional finding that unique natural environment of Big Cypress area warrants protection through cooperative action by Federal government and State of Florida.

Section 2.—Authorizes Secretary of the Interior to acquire by donation, purchase, transfer or exchange interests in lands and waters not to exceed 547,000 acres of private lands, as depicted on boundary map BC-91,001.

Section 3.—Permits owners of improved property acquired by the Secretary to retain use and occupancy thereof for a definite term of not more than 25 years, or for a term ending at the death of the owner or his spouse, whichever is later. Provides for compensation equal to fair market value at time of acquisition, less the fair market value of right retained by owner.

Section 4.—Designates area within boundary described in section 2 as "Big Cypress National Fresh Water Reserve", and provides for administration thereof by the Secretary of the Interior in accordance with laws applicable to the National Park System. Authorizes execution of agreements for State or local management and administration of areas within Reserve, provided that such agreements contain provision for protection of natural resources, and provided, further, that Secretary shall consult with Secretary of Transportation as to location of transportation facilities within the Reserve.

Section 5.—Requires that Secretary permit hunting, fishing and trapping within the Reserve in accordance with applicable laws of United States and State of Florida, but authorizes the prohibition of such activity under specified circumstances. Permits continuation of customary use and occupancy of Federal lands by Miccosukee and Seminole Indians.

Section 6.—Provides that Miccosukee and Seminole Indians shall have reasonable opportunity, under agreement with the Secretary, to continue provision of those revenue-producing visitor services in which they may have been engaged on January 1, 1972.

Section 7.—Authorizes appropriation of such sums as may be necessary to carry out provisions of Act, not to exceed $156 million for acquisition of lands and interests therein.

PARKS IN URBAN AREAS

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, today I am introducing in my behalf and in behalf of my colleagues on the National Parks and Recreation Subcommittee of the Committee on Interior and Insular Affairs, Mr. SKUBITZ, Mr. JOHNSON of California, Mr. KYL, Mr. O'HARA, Mr. MCCLURE, Mr. DON H. CLAUSEN, Mr. RUPPE, Mr. LLOYD, Mr. MELCHER, Mr. SEBELIUS, Mr. BEGICH, Mr. MCKEVITT, Mr. TERRY, and Mr. CAMP, a member of the full committee, a bill, H.R. 13018, to provide for the establishment of the Golden Gate National Recreation Area in the State of California and for other purposes.

This bill is in furtherance of the President's objective to provide parks in urban areas. The President specifically proposed this legislation in his message to the Congress on the environment dated this date. The proposed Golden Gate National Recreation Area will encompass some 24,000 acres of existing State and county park lands. Additionally, military reservations within the boundaries will become a part of the park as they are no longer needed for military purposes. The national recreation area will connect in the north with the Point Reyes National Seashore and units of the national recreation area will extend southward approximately 22 miles from the Golden Gate Bridge. Fort Point, already designated as a national historic site, and Muir Woods National Monument will retain their identity as separate units of the national park system adjacent to the recreation area. Estimated costs for development are approximately $58 million and for land acquisition $27,620,000 to be programed over a 3-year period. This national recreation area will serve more than 4,500,000 people living in the San Francisco-Oakland area and by 1990 will serve almost twice that number.

H.R. 13018

A bill to provide for the establishment of the Golden State National Recreation Area in the State of California, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve and protect for the use and enjoyment of present and future generations an area possessing outstanding natural, historical, and recreational features, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to establish the Golden Gate National Recreation Area (hereinafter referred to as the "recreation area"). There shall be included within the boundaries of the recreation area those properties in the San Francisco Bay Area generally depicted on the map entitled "Boundary Map, Golden Gate National Recreation Area, San Francisco and Marin Counties, California", numbered NRAGG-20,000C and dated January 1972, which map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary shall establish the recreation area by publication of a notice to that effect in the Federal Register at such time as he determines that lands, waters, and interests therein sufficient to constitute an efficiently administrable recreation area have been acquired for administration in accordance with the purposes of this Act. The Secretary may from time to time make corrections in the boundaries of the recreation area, but the total area within the boundaries shall not exceed 24,000 acres.

SEC. 2. (a) The Secretary may acquire lands and waters and interests therein within the boundaries of the recreation area by donation, purchase with donated or appropriated funds, or exchange, except that property or interests therein owned by the State of California or any political subdivision thereof may be acquired only by donation, subject to such terms and conditions as may be mutually agreed to and subject to such valid existing rights as may exist under the laws of such State or political subdivision at the time of donation: *Provided, however,* That the Secretary may acquire, develop and administer property or interests therein which the State of California or any political subdivision thereof may have retained a reversionary interest. Except as hereinafter provided, Federal property within the boundaries of the recreation area is hereby transferred to the administrative jurisdiction of the Secretary for the purposes of this Act, subject to the continuation of such existing uses as may be agreed upon between the Secretary and the head of the agency formerly having jurisdiction over the property. Notwithstanding any other provision of law, the Secretary may develop and administer for the purposes of this Act structures or other improvements and facilities on lands for which he receives a permit of use and occupancy from the Secretary of the Army.

(b) The Federal property known as Fort Cronkhite, Fort Barry, and approximately one-half of the Federal property known as Fort Baker, together with certain additional Federal property located in Marin and San Francisco Counties, California, all as depicted on the map entitled "Golden Gate Military Properties" numbered NRAGG 20,002 and dated January 1972 is hereby transferred to the administrative jurisdiction of the Secretary for purposes of this Act, *provided, however,* that the Secretary shall grant: (1) a permit for continued use and occupancy by the Secretary of the Army for those portions of said property necessary for existing air defense missions until the Secretary of Defense determines that such requirements no longer exist, and (2) a permit for continued use and occupancy by the Secretary of the Army for those portions of said property for essential missions to include reserve activities and family housing for a period of 10 years or for such longer period of time as may be agreed upon by the Secretary; and *provided further,* that the portion of said Federal property known as Coast Guard Radio Received Station, Fort Cronkhite, comprising approximately 12.4 acres, shall remain under the administrative jurisdiction of the Secretary of the Department in which the Coast Guard is operating until such time as all or any portion thereof is determined by the Department in which the Coast Guard is operating to be excess to its needs, at which time such excess portion shall be transferred to the administrative jurisdiction of the Secretary for purposes of this Act.

(c) That portion of the Federal property known as Fort Baker not subject to transfer under the provisions of subsection (b) hereof shall remain under administrative jurisdiction of the Department of the Army until such time as all or any portion thereof is determined by the Department of Defense to be excess to its needs, at which time such excess portion shall be transferred to the administrative jurisdiction of the Secretary for purposes of this Act; *provided, however,* that the Secretary of the Army shall grant to the Secretary such rights as are necessary to assure reasonable public access through such area to Horseshoe Bay, together with the right to construct and maintain such public service facilities as the Secretary deems necessary for the purposes of this Act. The precise facilities and location thereof shall be determined between the Secretary and the Secretary of the Army.

(d) Upon enactment, the Secretary of the Army shall grant to the Secretary irrevocable

use and occupancy of that Federal property within the Presidio of San Francisco known as Baker Beach consisting of approximately 100 acres, and as depicted on said map numbered NRAGG 20,002.

(e) Within ten years from the date of enactment, or such longer period of time as may be agreed upon by the Secretary, the Secretary of the Army shall grant to the Secretary irrevocable use and occupancy of that Federal property within the Presidio of San Francisco known as Crissy Army Airfield, consisting of approximately 45 acres, and as depicted on said map numbered NRAGG 20,002.

(f) That portion of the Federal property known as the Presidio of San Francisco not subject to the provisions of subsections (d) and (e) hereof shall remain under the administrative jurisdiction of the Department of the Army until such time as all or any portion thereof is determined by the Department of Defense to be excess to its needs, at which time such excess portion shall be transferred to the administrative jurisdiction of the Secretary for purposes of this Act. If the portion of said Federal property known as Fort Point Coast Guard Station, comprising approximately 14.7 acres, is still in continued use by the Coast Guard at the time that property is declared by the Department of Defense to be excess to its needs, the Secretary shall grant a permit for continued use and occupancy by the Secretary of the Department in which the Coast Guard is operating for that portion of said Fort Point Coast Guard Station necessary for activities of the Coast Guard.

(g) That portion of Fort Miley comprising approximately 1.7 acres of land presently used and required by the Secretary of the Navy for its inshore, underseas warfare installations shall remain under the administrative jurisdiction of the Department of the Navy until such time as all or any portion thereof is determined by the Department of Defense to be excess to its needs, at which time such excess portion shall be transferred to the administrative jurisdiction of the Secretary for purposes of this Act.

(h) New construction and development within the recreation area on property remaining under the administrative jurisdiction of the Department of the Army and not subject to the provisions of subsections (d) or (e) hereof shall be limited to that which is required to accommodate facilities being relocated from property being transferred under this Act to the administrative jurisdiction of the Secretary or which is directly related to the essential missions of the Sixth United States Army: *Provided, however,* that any construction on presently undeveloped open space may be undertaken only after prior consultation with the Secretary. The foregoing limitation on construction and development shall not apply to expansion of those facilities known as Letterman General Hospital of the Western Medical Institute of Research.

(i) The Federal property known as Point Bonita, Point Diablo, and Lime Point shall remain under the administrative jurisdiction of the Secretary of the Department in which the Coast Guard is operating until such time as all or any portion thereof is determined by the Department in which the Coast Guard is operating to be excess to its needs, at which time such excess portion shall be transferred to the administrative jurisdiction of the Secretary for purposes of this Act. The Secretary of the Department in which the Coast Guard is operating may continue to maintain and operate existing navigational aids *provided that* access to such navigational aids and the installation of necessary new navigational aids within the recreation area shall be undertaken in accordance with plans which are mutually acceptable to the Secretary and the Secretary of the Department in which the Coast Guard is operating and which are consistent with both the purposes of this Act and the purpose of existing statutes dealing with establishment, maintenance, and operation of navigational aids.

SEC. 3. (a) Prior to the establishment of the recreation area and thereafter, the Secretary shall administer the lands, waters and interests therein acquired for the recreation area in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1,2-4), as amended and supplemented, except that the Secretary may utilize such statutory authority available to him for the conservation and management of wildlife and natural resources as he deems appropriate to carry out the purposes of this Act. Notwithstanding their proximity to the boundaries of the recreation area, the Muir Woods National Monument and Fort Point National Historic Site shall continue to be administered as separate units of the National Park System in accordance with the laws applicable to such monument and historic site. The Secretary is authorized to enter into agreements, subject to otherwise applicable Federal, State or local statutes, with the State of California or its political subdivisions with respect to any State and other publicly owned lands within the recreation area in order to contribute to uniform management and public use of all publicly owned lands within the recreation area.

(b) Notwithstanding any other provision of law, the Secretary may provide such services and facilities as he deems necessary or desirable for access to the recreation area. The Secretary may provide such services and facilities directly, or by negotiated contract with public or private agencies or persons without advertising and without securing competitive bids.

(c) The Secretary is authorized to enter into cooperative agreements with Federal agencies, the State of California, or any political subdivision thereof, for the rendering, on a reimbursable basis, of rescue, fire-fighting, law enforcement, water and sewer and other community services.

SEC. 4. The authority of the Secretary of the Army to undertake or contribute to water resource developments, including shore erosion control, beach protection, and navigation improvements on land and/or waters within the Golden Gate National Recreation Area in California shall be exercised in accordance with plans which are mutually acceptable to the Secretary and the Secretary of the Army and which are consistent with both the purpose of this Act and the purpose of existing statutes dealing with water and related land resource development.

SEC. 5. There are hereby authorized to be appropriated not more than $27,620,000 for acquisition of lands and interests in lands, and not to exceed $58,000,000 (May 1971 prices) for development of the recreation area, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the type of construction involved herein.

SECTION-BY-SECTION ANALYSIS

Section 1. Authorizes Secretary of the Interior to establish recreation area; defines boundaries by reference to map on file in offices of National Park Service; and limits total area to 24,000 acres.

Section 2(a). Authorizes Secretary to acquire lands and waters and interests therein within boundaries by donation, purchase with donated or appropriated funds, or exchange. Property owned by the State of California or any political subdivision thereof may be acquired only by donation. Transfers all Federal property within the boundaries to Secretary of the Interior, except as hereinafter provided. Authorizes Secretary of the Interior to develop facilities on lands for which he receives a permit from Secretary of the Army.

(b). Transfers military properties in Marin and San Francisco counties to Secretary of the Interior, as follows:

Fort Cronkhite—except 12.4 acres for Coast Guard Radio Receiver Station; and

Fort Barry and one half of Fort Baker.

Secretary of the Interior is directed to grant permit for continued use and occupancy by Army (1) air defense missions with no time limit, and (2) essential missions to include reserve activities and family housing for 10 years or longer as Interior may agree upon.

(c). Provides that the other half of Fort Baker shall remain under Army jurisdiction until determined to be excess to Army needs, at which time would be transferred to Interior. Directs Army to grant Interior public access through area to Horseshoe Bay together with right to construct public service facilities.

(d). Directs Army to grant to Interior immediately irrevocable use and occupancy of Baker Beach, within Presidio.

(e). Directs Army to grant to Interior within 10 years irrevocable use and occupancy of Crissy Army Airfield, within Presidio.

(f). Provides that all other Presidio lands shall remain under Army jurisdiction until determined to be excess, at which time the excess portion shall be transferred to Interior. Savings provision for continued use of Fort Point Coast Guard Station if still needed at the time property is declared excess.

(g). Provides that Navy undersea warfare installation on Fort Miley shall remain under Navy jurisdiction until determined to be excess, at which time the excess portion shall be transferred to Interior.

(h). Limits new construction on lands retained by Army only to that necessary to accommodate facilities relocated from lands transferred to Interior, or new construction which is directly related to essential Sixth Army missions. Requires prior consultation with Interior for construction on presently undeveloped open space. No limitation on construction as applied to Letterman General Hospital or Western Medical Institute of Research.

(i). Provides that three points, Point Bovita, Point Diablo, and Lime Point, shall remain under Coast Guard jurisdiction until determined to be excess, at which time property shall be transferred to Interior. Requires any new navigational aids to be installed in accordance with plan acceptable to Interior and Coast Guard.

Section 3(a). Directs Secretary of the Interior to administer property acquired for the area in accordance with National Park Service Organic Act of August 25, 1916, and other appropriate statutory authorities. Provides that Muir Woods National Monument and Fort Point National Historic Site shall continue as separate units of national park system. Authorizes Secretary to enter into agreements with State or political subdivisions to contribute to uniform management and public use of all publicly owned lands within recreation area.

(b). Authorizes Secretary to provide access services and facilities directly or by negotiated contract with public or private agencies.

(c). Authorizes Secretary to enter into agreements with Federal agencies or State or its political subdivisions for rendering, or reimbursable basis, rescue and fire-fighting, law enforcement, water and sewer, and other community services.

Section 4. Directs that Army authority for water resource developments shall be exercised in accordance with plans acceptable to Interior.

Section 5. Authorizes appropriation of not more than $27,620,000 for land acquisition and not more than $58 million (May 1971 prices), plus cost index escalator, for development.

ON THE RECOGNITION OF BANGLADESH

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, the United States has not announced its intentions regarding the recognition of Bangladesh, but the fact that many other responsible countries have done so probably means that we will follow suit. However, the recognition which has been extended has been precipitated and there should have been some clarification of the status of Bangladesh before recognition was extended. It is to our credit that we have not been overhasty. It should be remembered that Pakistan is alined with the United States in CENTO and also in a bilateral agreement signed on March 5, 1959. Under these agreements, the United States is committed to the "preservation of national independence and integrity" of Pakistan. Today, as a result of an invasion of Pakistani territory by Indian forces, Pakistan stands dismembered. The recognition of a dismembered part of Pakistan as an independent state would be a breach of an international commitment.

A substantial number of Indian troops remain in East Pakistan as an occupying force. Although varying estimates about a time for their withdrawal have been issued, the fact is no clear statement has been made. The recognition of Bangladesh while Indian occupation forces are still there would be tantamount to acceptance of aggression which would be a breach of international obligation as a member of the United Nations.

President Bhutto is pursuing a policy of reconciliation which he is hopeful will produce an amicable settlement with Sheikh Mujib on future relationships. Admittedly, the latter has shown a minimum of interest on this subject but recognition at this state possibly would prejudice these efforts.

East Pakistan's massive economic needs obviously will not be met from the Socialist bloc countries and India. East Pakistan will have to turn to the Western powers and principally the United States for economic assistance. A policy of "wait and see" at this stage would not therefore adversely affect the interests of the United States and would not push Bangladesh further into Communist hands. The fact that Bangladesh and India already are oriented in that direction provides additional cause for pause. There are foreign press reports which state that the Bangladesh regime in East Pakistan has not fully restored law and order. Guerrilla forces were given enormous quantities of weapons prior to and during the fighting and many of these forces have shown a reluctance to turn in their weapons. This could mean additional difficulties in restoring law and order.

Foreign interests in East Pakistan can be maintained and looked after without the formality of recognition. Countries do not recognize East Germany, yet maintain commercial and financial relations with her. Similarly there are countries which conduct trade with the People's Republic of China without extending formal recognition.

The U.N. resolution sponsored by the United States and adopted by the U.N. General Assembly on December 7 fully endorsed Pakistan's territorial integrity and unity. The recognition of the Bangladesh could be considered tantamount to legitimization of Indian aggression opposed by the countries which voted overwhelmingly—104 votes to 11—in favor of the said U.N. General Assembly Resolution calling for cease-fire and withdrawal of troops, and so forth.

Finally recognition of Bangladesh would be tantamount to discrimination against Pakistan. That country is confronted with very serious survival problems following defeat by India and the rebels. Our immediate concern in that part of the world should be the continuation of a stable government in Pakistan and the healing up of the country's wounds.

FARMERS HOME ADMINISTRATION RENDERS EXCELLENT SERVICES

(Mr. ALBERT (at the request of Mr. DENHOLM) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ALBERT. Mr. Speaker, in his state of the Union message the President recognized the Farmers Home Administration as the logical agency to carry forward a stronger program of support for rural development.

He indicated that he will support legislation to this end, which already is in an advanced stage of development by our Committee on Agriculture.

This is recognition well earned for an agency, a credit arm of the Department of Agriculture, that has worked long and hard, with extraordinary effect, and without the general acclaim its record of performance has deserved.

However, the Farmers Home Administration has long been well known and appreciated in areas such as my home district of Oklahoma. There it is the Federal agency probably closest to the rural family and rural community.

Farmers Home Administration, the name rural Americans associate with the initials FHA, is the largest Government credit agency dealing directly with the borrower family as well as the community organization.

When other channels of credit are unavailable to small town or country families of modest means, they find help at their county office of the Farmers Home Administration in arranging home loans, or credit to buy and improve the operation of family farms.

Nearly 3,900 new and improved rural homes have been provided through a total of about $36 million of rural FHA housing credit now outstanding in our district.

More than 1,400 farm families are farmowners, and more than 1,800 are improving their farm operations in the Oklahoma Third District on the strength of some $27½ million of credit they have found available through the Farmers Home Administration.

The development of rural community services such as water and waste disposal systems has undergone a tremendous surge since the Farmers Home Administration was made the financing agency for this phase of rural development. To date, this program has enabled more than 110 towns or town and country areas to develop modern water systems in our district, and 23 communities to install modern sanitary sewer systems.

Nationally, the Farmers Home Administration will deliver well over $2½ billion of credit into the rural economy this fiscal year. About $1½ billion will be insured housing credit, to add about 120,000 new or modernized rural homes to the Nation's housing production.

Credit to family farmers will total something more than $700 million, and cooperative lending by private lenders will push the total of FHA-generated farm credit over the billion dollar level.

In the community facilities program, a new record for 1 year's achievement can be set if the agency is allowed to use the $100 million Congress has appropriated for rural water and sewer grants, as well as $300 mililon available in loan authority. At this point in the fiscal year, budget authorities have yet to commit some $60 million of the grant appropriation.

Mr. Speaker, there is no alternative to these Farmers Home Administration programs if rural areas are to have anything approaching the investment capital they need for modernization and development, and for adequate financing of the family farm.

And it is remarkable that any Federal agency can administer so large a program with the minimum of complaint, the maximum of good will incurred by the Farmers Home Administration.

The explanation may lie in the fact that Farmers Home is personified by the people of its county offices. They are a most capable and dedicated group of career public servants, usually native to the areas where they work. They identify not as bureaucrats but as fellow local citizens of the communities where they serve.

At the level of national leadership, we salute the work of an Oklahoman, James V. Smith, a former colleague in this House. He is making a distinguished record as National Administrator of the Farmers Home Administration.

Jim Smith also deserves much credit for originating one of the finest new youth activities in the Nation—the program known as "Building Our American Communities," carried on throughout the 50 States by the Future Farmers of America in cooperation with the Farmers Home Administration.

Many thousands of young Americans in FAA chapters and their high school vocational agriculture classes are taking part in community development work, and training for their future roles of community leadership, through this BOAC program. As a matter of fact, in our district, Holdenville and Soper FFA chapters were recognized nationally for outstanding work. In the long run, this may prove to be the most far reaching of all the excellent services rendered by the Farmers Home Administration.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. ALEXANDER, at the request of Mr. BOGGS, for Monday, February 7 and Tuesday, February 8, on account of official business.

Mr. BROOMFIELD, at the request of Mr. GERALD R. FORD, on February 9 on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. STRATTON, for 30 minutes, today, to revise and extend his remarks and include extraneous material.

(The following Members (at the request of Mr. FISH) and to revise and extend their remarks and include extraneous matter:)

Mr. HOGAN, for 1 hour, today.

Mr. HALPERN, for 5 minutes, today.

(The following Members (at the request of Mr. DENHOLM) and to revise and extend their remarks and include extraous matter:)

Mr. GAYDOS, for 30 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. FULTON, for 10 minutes, today.

Mr. BURKE of Massachusetts, for 5 minutes, today.

Mr. ROONEY of Pennsylvania, for 5 minutes, today.

Mr. DANIELSON, for 5 minutes, today.

Mr. MIKVA, for 60 minutes, on February 9.

Mr. FUQUA, for 10 minutes, on February 9.

Mr. DENT, for 60 minutes on February 22.

Mr. GAYDOS, for 60 minutes, on February 22.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. GOLDWATER, immediately following the remarks of Mr. WINN in the Committee of the Whole today on H.R. 10243.

(The following Members (at the request of Mr. FISH) and to include extraneous matter:)

Mr. WYMAN in three instances.

Mr. MCCLORY.

Mr. MCCLURE.

Mr. BROTZMAN.

Mr. KEMP in three instances.

Mr. KEATING in two instances.

Mr. CARTER in six instances.

Mr. WHITEHURST.

Mr. BYRNES of Wisconsin in two instances.

Mr. GOLDWATER in three instances.

Mr. BOB WILSON in three instances.

Mr. DERWINSKI in three instances.

Mr. SNYDER in six instances.

Mr. NELSEN.

Mr. BROYHILL of Virginia.

Mr. MCDONALD of Michigan.

Mr. HALPERN in two instances.

Mr. ROUSSELOT.

Mr. SHRIVER.

Mr. WHALEN.

Mr. MILLS of Maryland in two instances.

Mr. HUNT.

(The following Members (at the request of Mr. DENHOLM) and to include extraneous matter:)

Mr. O'HARA.

Mr. EDWARDS of California in six instances.

Mrs. GRIFFITHS.

Mr. SARBANES in five instances.

Mr. EILBERG in four instances.

Mr. GONZALEZ in three instances.

Mr. RARICK in three instances.

Mr. HAGAN in three instances.

Mr. ROGERS in five instances.

Mr. RYAN in three instances.

Mr. WILLIAM D. FORD in four instances.

Mr. RANGEL in three instances.

Mr. BEGICH in three instances.

Mr. WOLFF in two instances.

Mr. HUNGATE.

Mr. BOLAND.

Mr. PURCELL.

Mr. MOORHEAD in two instances.

Mr. TIERNAN.

Mr. HARRINGTON in three instances.

Mr. MAHON.

Mr. BINGHAM in two instances.

Mr. LINK.

Mr. FRASER.

Mr. ROE in two instances.

Mr. MURPHY of New York.

Mr. WALDIE in two instances.

Mr. ABBITT in two instances.

Mr. DORN in two instances.

Mr. BOGGS.

Mr. RODINO.

Mr. EVINS of Tennessee.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 7987. An act to provide for the striking of medals in commemoration of the bicentennial of the American Revolution; and

H.R. 11487. An act to authorize the Administrator of the National Aeronautics and Space Administration to convey certain lands in Brevard County, Fla.

SENATE ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 959. An act to designate the Pine Mountain Wilderness, Prescott and Tonto National Forests, in the State of Arizona;

S. 1838. An act to amend the provisions of the Perishable Agricultural Commodities Act, 1930, relating to practices in the marketing of perishable agricultural commodities;

S. 2672. An act to permanently exempt potatoes for processing from marketing orders; and

S.J. Res. 196. Joint resolution extending the date for transmission to the Congress of the report of the Joint Economic Committee.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 11487. A bill to authorize the Administrator of the National Aeronautics and Space Administration to convey certain lands in Brevard County, Fla.

ADJOURNMENT

Mr. DENHOLM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 26 minutes p.m.), the House adjourned until tomorrow, Wednesday, February 9, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1578. A communication from the President of the United States, transmitting proposals for 18 additions to the National Wilderness Preservation System, pursuant to the Wilderness Act of 1964 (H. Doc. 92-248); to the Committee on Interior and Insular Affairs and ordered to be printed with illustrations.

1579. A letter from the Director of Civil Defense, Department of the Army, transmitting a report of Federal contributions program equipment and facilities for the quarter ended December 31, 1971, pursuant to 201(f) of the Federal Civil Defense Act of 1950, as amended; to the Committee on Government Operations.

1580. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to provide for the establishment of the Golden Gate National Recreation Area in the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

1581. A letter from the Secretary of Health, Education, and Welfare, transmitting the report of a study and investigation by the Food and Drug Administration of deaths, injuries, and economic losses resulting from accidental burning of products, fabrics, and related materials, pursuant to section 14(a) of the Flammable Fabrics Act; to the Committee on Interstate and Foreign Commerce.

1582. A letter from the Executive Director, Committee on Motor Vehicle Emissions, National Academy of Sciences, transmitting the errata sheet for the semiannual report of the committee; to the Committee on Interstate and Foreign Commerce.

1583. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to provide for the conservation, protection, and propagation of species of subspecies of fish and wildlife that are threatened with extinction or likely within the foreseeable future to become threatened with extinction; and for other purposes; to the Committee on Merchant Marine and Fisheries.

1584. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to promote the abatement of atmospheric sulfur pollution by the imposition of a tax on the emission of sulfur into the atmosphere, and for other purposes; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. COLMER: Committee on Rules. House Resolution 796. Resolution providing for the consideration of H.J. Res. 1025, a joint resolution to provide a procedure for settlement of the dispute on the Pacific coast and Hawaii among certain shippers and associated employers and certain employees; with amendment (Report No. 92-828). Referred to the House Calendar.

Mr. O'NEILL: Committee on Rules. House Resolution 809. Resolution providing for the consideration of H.R. 12910, a bill to provide for a temporary increase in the public debt limit (Rept. No. 92-829). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MAYNE: Committee on the Judiciary. H.R. 7641. A bill for the relief of Chung Chi Lee (Rept. No. 92-827). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABOUREZK:

H.R. 13016. A bill to provide for the issuance of a special postage stamp in commemoration of the life and works of a great American authoress, Laura Ingalls Wilder; to the Committee on Post Office and Civil Service.

By Mr. SAYLOR (for himself, Mr. HALEY, Mr. SKUBITZ, Mr. O'HARA, Mr. KYL, Mr. MCCLURE, Mr. DON H. CLAUSEN, Mr. RUPPE, Mr. LLOYD, Mr. SEBELIUS, Mr. BEGICH, Mr. MCKEVITT, Mr. ABOUREZK, Mr. TERRY, and Mr. MELCHER):

H.R. 13017. A bill to authorize the acquisition of the Big Cypress National Fresh Water Reserve in the State of Florida, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SAYLOR (for himself, Mr. MAILLAIRD, Mr. JOHNSON of California, Mr. SKUBITZ, Mr. O'HARA, Mr. KYL, Mr. MCCLURE, Mr. DON H. CLAUSEN, Mr. RUPPE, Mr. LLOYD, Mr. SEBELIUS, Mr. BEGICH, Mr. MCKEVITT, Mr. TERRY, Mr. CAMP, and Mr. MELCHER):

H.R. 13018. A bill to provide for the establishment of the Golden Gate National Recreation Area in the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BROYHILL of Virginia (for himself and Mr. HOGAN):

H.R. 13019. A bill to provide public assistance to mass transit bus companies operating in the Washington Metropolitan Transit Area; to the Committee on the District of Columbia.

By Mr. BYRNES of Wisconsin (for himself, and Mr. GERALD R. FORD):

H.R. 13020. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. BYRNES of Wisconsin:

H.R. 13021. A bill to provide a new and improved system of Federal financial assistance to State and local governments for solving the transportation problems of the State and local governments and for improving the Nation's capacity to meet the demands of interstate commerce, and for other purposes; to the Committee on Ways and Means.

By Mr. BINGHAM (for himself, Mr. CELLER, Mr. BADILLO, Mrs. HICKS of Massachusetts, Mr. DRINAN, Mr. KOCH, Mr. HELSTOSKI, Mr. DANIELSON, Mr. ANNUNZIO, Mr. SCHEUER, Mr. EILBERG, Mr. CLARK, Mr. BIAGGI, Mr. GUDE, Mr. EDWARDS of California, Mr. BOLAND, Mr. REES, Mr. FRASER, Mrs. GRASSO, Mr. LEGGETT, and Mr. HICKS of Washington):

H.R. 13022. A bill to authorize the Secretary of State to furnish assistance for the resettlement of Soviet Jewish refugees in Israel; to the Committee on Foreign Affairs.

By Mr. CONABLE:

H.R. 13023. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. CRANE:

H.R. 13024. A bill to extinguish Federal court jurisdiction to require attendance at a particular school of any student because of race, color, creed, or sex; to the Committee on the Judiciary.

By Mr. DINGELL (for himself, Mrs. ABZUG, Mr. ALEXANDER, Mr. BADILLO, Mr. BAKER, Mr. BEVILL, Mr. BINGHAM, Mr. BURTON, Mr. CHAPPELL, Mr. CLEVELAND, Mr. CONTE, Mr. COUGHLIN, Mr. DAVIS of Georgia, Mr. DOW, Mr. DULSKI, Mr. EDWARDS of California, Mr. FLYNT, Mr. WILLIAM D. FORD, Mr. FORSYTHE, Mr. FRENZEL, Mr. FREY, and Mr. GARMATZ):

H.R. 13025. A bill to amend the act of May 19, 1948, with respect to the use of real property for wildlife conservation purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. DINGELL (for himself, Mrs. GRIFFITHS, Mr. HALPERN, Mr. HARRINGTON, Mr. HELSTOSKI, Mr. HICKS of Washington, Mr. HUNGATE, Mr. KARTH, Mr. LEGGETT, Mr. LENT, Mr. MCCLOSKEY, Mr. MATSUNAGA, Mr. MAZZOLI, Mr. MOORHEAD, Mr. MORSE, Mr. NEDZI, Mr. O'HARA, Mr. PICKLE, Mr. PIKE, Mr. RODINO, and Mr. ROE):

H.R. 13026. A bill to amend the act of May 19, 1948, with respect to the use of real property for wildlife conservation purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. DINGELL (for himself, Mr. ROSENTHAL, Mr. RYAN, Mr. ST GERMAIN, Mr. SANDMAN, Mr. SARBANES, Mr. SCHWENGEL, Mr. SIKES, Mr. SYMINGTON, Mr. TIERNAN, Mr. VANDER JAGT, and Mr. WILLIAMS):

H.R. 13027. A bill to amend the act of May 19, 1948, with respect to the use of real property for wildlife conservation purposes; to the Committee on Merchant Marine and Fisheries.

By Mrs. DWYER (for herself, Mr. KASTENMEIER, Mr. KYROS, Mr. WHALEN, Mr. ADDABBO, Mr. BADILLO, Mr. BIESTER, Mr. CLEVELAND, Mr. COUGHLIN, Mr. DANIELSON, Mr. DERWINSKI, and Mr. EDWARDS of California):

H.R. 13028. A bill to authorize the President, through the temporary Vietnam Children's Care Agency, to enter into arrangements with the Government of South Vietnam to provide assistance in improving the welfare of children in South Vietnam and to facilitate the adoption of orphaned or abandoned Vietnamese children, particularly children of U.S. fathers; to the Committee on Foreign Affairs.

By Mr. FASCELL:

H.R. 13029. A bill to facilitate the preservation of historic monuments, and for other purposes; to the Committee on Government Operations.

By Mr. HALPERN (for himself, Mr. FISH, Mr. HECHLER of West Virginia, Mr. MIKVA, Mr. BRASCO, Mr. COLLINS of Illinois, Mr. ROSENTHAL, Mr. ROYBAL, Mr. DELLUMS, Mrs. ABZUG, Mr. MITCHELL, Mr. METCALFE, Mr. MOORHEAD, Mr. ANDERSON of California, Mr. ADDABBO, Mr. STEELE, Mr. PEPPER, Mr. KYROS, Mr. REID, Mr. PODELL, and Mr. RYAN):

H.R. 13030. A bill to authorize the Secretary of State to furnish assistance for the resettlement of Soviet Jewish refugees in Israel; to the Committee on Foreign Affairs.

By Mr. KASTENMEIER (for himself, Mrs. DWYER, Mr. KYROS, Mr. WHALEN, Mr. EILBERG, Mr. FRASER, Mrs. GRASSO, Mr. HALPERN, Mr. HARRINGTON, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, and Mr. KOCH):

H.R. 13031. A bill to authorize the President, through the temporary Vietnam Children's Care Agency, to enter into arrangements with the Government of South Vietnam to provide assistance in improving the welfare of children in South Vietnam and to facilitate the adoption of orphaned or abandoned Vietnamese children, particularly children of U.S. fathers; to the Committee on Foreign Affairs.

By Mr. KYROS (for himself, Mrs. DWYER, Mr. KASTENMEIER, Mr. WHALEN, Mr. MAYNE, Mr. MAZZOLI, Mr. METCALFE, Mr. MIKVA, Mr. MORSE, Mr. OBEY, and Mr. PEPPER):

H.R. 13032. A bill to authorize the President, through the temporary Vietnam Children's Care Agency, to enter into arrangements with the Government of South Vietnam to provide assistance in improving the welfare of children in South Vietnam and to facilitate the adoption of orphaned or abandoned Vietnamese children, particularly children of U.S. fathers; to the Committee on Foreign Affairs.

By Mr. MCKINNEY:

H.R. 13033. A bill to provide an elected Mayor and City Council for the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. MILLER of California:

H.R. 13034. A bill to authorize appropriations to carry out the Fire Research and Safety Act of 1968 and the Standard Reference Data Act, and to amend the act of March 3, 1901 (31 Stat. 1449) to make improvements in fiscal and administrative practices for more effective conduct of certain functions of the National Bureau of Standards; to the Committee on Science and Astronautics.

By Mr. ROE:

H.R. 13035. A bill to revise the boundaries of the North Cascades National Park in the State of Washington, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 13036. A bill to designate as wilderness the Cranberry, Otter Creek, and Dolly Sods areas in the Monongahela National Forest in West Virginia, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 13037. A bill to designate the Okefeno-

kee National Wildlife Refuge as the Okefenokee Wilderness; to the Committee on Interior and Insular Affairs.

H.R. 13038. A bill to authorize the establishment of the Big Thicket National Park in the State of Texas, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 13039. A bill to authorize the Secretary of Agriculture to review as to its suitability for preservation as wilderness, the area commonly known as the Indian Peaks Area in the State of Colorado; to the Committee on Interior and Insular Affairs.

H.R. 13040. A bill to designate certain lands in the Shenandoah National Park, Va., as wilderness; to the Committee on Interior and Insular Affairs.

H.R. 13041. A bill to designate certain lands in the Pinnacles National Monument in California as wilderness; to the Committee on Interior and Insular Affairs.

H.R. 13042. A bill to establish the Glen Canyon National Recreation Area in the States of Arizona and Utah, to the Committee on Interior and Insular Affairs.

H.R. 13043. A bill to provide for addition of the Minam River Canyon and other areas to the Eagle Cap Wilderness, Wallowa and Whitman National Forests, to modify the boundaries of the Wallowa National Forest in the State of Oregon, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 13044. A bill to amend the Postal Reorganization Act of 1970, title 39, United States Code, to eliminate certain restrictions on the rights of officers and employees of the Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. RYAN (for himself, Mr. BIAGGI, Mr. BOLAND, Mrs. CHISHOLM, Mr. CLAY, Mr. CLEVELAND, Mr. COLLINS of Illinois, Mr. CONYERS, Mr. DELLUMS, Mr. DIGGS, Mr. DRINAN, Mr. FAUNTROY, Mr. FRASER, Mr. HATHAWAY, Mr. HAWKINS, Mr. HORTON, Mr. PODELL, Mr. REES, Mr. REUSS, Mr. ROSTENKOWSKI, Mr. SEIBERLING, Mr. STOKES, Mr. TIERNAN, Mr. WOLFF, and Mr. YATES):

H.R. 13045. A bill to amend the Lead-Based Paint Poisoning Prevention Act; to the Committee on Banking and Currency.

By Mr. STRATTON (for himself and Mr. TERRY):

H.R. 13046. A bill to amend the Bank Holding Company Act Amendments of 1970 to authorize grants to Eisenhower College, Seneca Falls, N.Y.; to the Committee on Banking and Currency.

By Mr. TEAGUE of California (for himself and Mr. SISK):

H.R. 13047. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. WHALEN:

H.R. 13048. A bill to amend the Postal Reorganization Act of 1970, title 39, United States Code, to eliminate cretain restrictions on the rights of officers and employees of the Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 13049. A bill relating to withholding, for purposes of the income tax imposed by certain cities, on the compensation of Federal employees; to the Committee on Ways and Means.

By Mr. WHALEN (for himself, Mrs. DWYER, Mr. KYROS, Mr. KASTENMEIER, Mr. PIKE, Mr. REES, Mr. RODINO, Mr. RYAN, Mr. STEIGER of Wisconsin, Mr. SYMINGTON, and Mr. ZWACH):

H.R. 13050. A bill to authorize the President through the temporary Vietnam Children's Care Agency, to enter into arrangements with the Government of South Vietnam to provide assistance in improving the welfare of children in South Vietnam and to facilitate the adoption of orphaned or abandoned Vietnamese children, particularly children of U.S. fathers; to the Committee on Foreign Affairs.

By Mr. YOUNG of Florida (for himself, Mr. DOW, Mr. MOORHEAD, Mr. RUNNELS, Mr. RANGEL, and Mr. KYROS):

H.R. 13051. A bill to amend the Communications Act of 1934 to direct the Federal Communications Commission to require the establishment nationally of an emergency telephone call referral system using the telephone number 911 for such calls; to the Committee on Interstate and Foreign Commerce.

By Mr. YOUNG of Florida (for himself, Mrs. ABZUG, Mr. BAKER, Mr. BEVILL, Mr. BRASCO, Mr. BROOMFIELD, Mr. BURKE of Florida, Mr. CHAPPELL, Mr. CLEVELAND, Mr. DANIELSON, Mr. FREY, Mr. GIBBONS, Mr. HALPERN, Mr. HELSTOSKI, Mr. HUNT, Mr. MANN, Mr. MITCHELL, Mr. MORSE, Mr. NICHOLS, Mr. RHODES, Mr. ROBINSON of Virginia, Mr. ROSENTHAL, Mr. SIKES, Mr. SNYDER, and Mr. THONE):

H.R. 13052. A bill to amend the Communications Act of 1934 to direct the Federal Communications Commission to require the establishment nationally of an emergency telephone call referral system using the telephone number 911 for such calls; to the Committee on Interstate and Foreign Commerce.

By Mr. CAREY of New York:

H.R. 13053. A bill relating to the income tax treatment of charitable contributions of inventory and certain other ordinary income property; to the Committee on Ways and Means.

By Mr. HALPERN:

H.R. 13054. A bill to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes; to the Committee on Education and Labor.

H.R. 13055. A bill to amend title 23 of the United States Code to authorize the construction of exclusive or preferential bicycle lanes, and for other purposes; to the Committee on Public Works.

By Mr. HALPERN (for himself, Mr. MITCHELL, and Mr. MCCORMACK):

H.R. 13056. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence; to the Committee on Ways and Means.

My Mr. HAMMERSCHMIDT:

H.R. 13057. A bill to amend title 38 of the United States Code to provide that hypertension developing a 10 percent or more degree of disability within 2 years after separation from active service during a period of war shall be presumed to be service connected; to the Committee on Veterans' Affairs.

H.R. 13058. A bill to amend title 38, United States Code, to revise the effective date provisions relating to reductions and discontinuances of compensation awards; to the Committee on Veterans' Affairs.

H.R. 13059. A bill to amend section 336 of title 38, United States Code, to liberalize the conditions under which wartime rates of disability compensation are payable; to the Committee on Veterans' Affairs.

By Mr. MAILLIARD (for himself, Mr. DON H. CLAUSEN, Mr. JOHNSON of California, Mr. ANDERSON of California, Mr. DEL CLAWSON, Mr. EDWARDS of California, Mr. GOLDWATER, Mr. GUBSER, Mr. HANNA, Mr. HOSMER, Mr. MILLER of California, Mr. MOSS, Mr. PETTIS, Mr. REES, Mr. TALCOTT, Mr. TEAGUE of California, Mr. VAN DEERLIN, Mr. VEYSEY, and Mr. BOB WILSON):

H.R. 13060. A bill to provide for the establishment of the Golden Gate National Recreation Area in the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ROONEY of Pennsylvania:

H.R. 13061. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. DOW:

H.R. 13062. A bill to strengthen and improve the Older Americans Act of 1965; to the Committee on Education and Labor.

By Mr. HALPERN (for himself, Mr. BURTON, and Mr. COLLINS of Illinois):

H.J. Res. 1060. Joint resolution designating May 1–7, 1972, as "National Bikecology Week"; to the Committee on the Judiciary.

By Mr. MONTGOMERY:

H.J. Res. 1061. Joint resolution to authorize the President to designate the period begining March 26, 1972, as "National Week of Concern for Prisoners of War/Missing in Action"; to the Committee on the Judiciary.

By Mr. BROYHILL of North Carolina:

H. Con. Res. 528. Concurrent resolution expressing the sense of the Congress with respect to motor vehicle insurance and an accident compensation system; to the Committee on Interstate and Foreign Commerce.

By Mr. MOLLOHAN:

H. Con. Res. 529. Concurrent resolution requesting the President of the United States to take affirmative action to persuade the Soviet Union to revise its official policies concerning the rights of Soviet Jewry; to the Committee on Foreign Affairs.

By Mr. DONOHUE:

H. Res. 807. Resolution calling for peace in Northern Ireland and the establishment of a united Ireland; to the Committee on Foreign Affairs.

By Mr. HÉBERT:

H. Res. 808. Resolution to provide for the further expenses of the investigation and study authorized by House Resolution 201 for the Committee on Armed Services; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. DUNCAN:

H.R. 13063. A bill for the relief of Robert P. Farmer, major, USAR; to the Committee on the Judiciary.

By Mr. COLLIER:

H.R. 13064. A bill for the relief of Alan C. Hoffman; to the Committee on the Judiciary.

By Mr. DANIELSON:

H.R. 13065. A bill for the relief of Raynaldo A. Pendon and Bienvenida A. Pendon; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

186. The SPEAKER presented petition of Ts'ui Ts'an, et al., Taipei, Taiwan, Republic of China, relative to the United Nations; to the Committee on Foreign Affairs.