

## EXTENSIONS OF REMARKS

## WILBUR MILLS SAYS "NO"

## HON. WM. JENNINGS BRYAN DORN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. DORN. Mr. Speaker, it is reassuring to the 27 million veterans in our country to hear WILBUR MILLS' emphatic "No" to those who would phase out our great veterans' hospital program. WILBUR MILLS has consistently supported the veterans' hospital program and every piece of legislation reported by our Veterans' Affairs Committee to benefit the veteran, his widow, and orphan.

As vice chairman of the Veterans' Affairs Committee I commend Mr. MILLS and am grateful to him for working closely with our committee, with the American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, the AMVETS, the Veterans of World War I, and every veterans organization in passing more beneficial veterans' legislation than in any other era in the history of our country.

WILBUR MILLS is a staunch supporter of the GI education bill for World War II, Korean, and Vietnam veterans. Mr. Speaker, the American people have been fortunate in having this devoted, dedicated, and able leader in the Congress to successfully fight for compensation, pensions, medical care, and justice for the returning veteran.

WILBUR MILLS, chairman of the powerful Committee on Ways and Means, effectively supported the bill to prevent any veteran from losing pension benefits because of an increase in social security. WILBUR MILLS is one of the truly great, outstanding legislators of all time. Congressman MILLS received the highly coveted Silver Helmet Award for distinguished congressional service from AMVETS. Congressman MILLS received the National Congressional Award from the Veterans of Foreign Wars for superior service to the veterans, national defense, and the cause of freedom throughout the world.

Mr. Speaker, I commend to the attention of my colleagues in the Congress, the veterans of our country, and our people throughout the Nation the following outstanding article by WILBUR MILLS from the February issue of the VFW Magazine, the outstanding monthly publication of the Veterans of Foreign Wars:

[From the VFW Magazine, February 1972]  
"No" TO TAKEOVER OF VA

(By Representative WILBUR D. MILLS)

(EDITOR'S NOTE: As Chairman of the all-important House Ways and Means Committee, Rep. Mills is one of the most powerful men in government. His outstanding service to the country was recognized by the V.F.W. in 1967 when he received the organization's Congressional Award.)

I appreciate this opportunity to present my views concerning a program vital to veterans and of interest to all readers of the V.F.W. Magazine.

Leaders of this great veterans organization have brought to my attention their concern for the future of the Veterans Administra-

tion medical programs, including its vast hospital system, and especially the effect of various legislative proposals for National Health Insurance introduced by members of Congress.

I understand some of the alarm is caused by provisions in these bills that would utilize other federal agencies' services and facilities, coordinate other federal assistances and consolidate all federal health programs. To those concerned with the future of the VA hospital program these are indeed ominous.

I do not pretend to speak for the authors of these proposals, but as a Congressman from the State of Arkansas, I do say that I shall oppose any provision which would obliterate or adversely affect VA medical programs.

I stand in the forefront with all others who rightfully contend that veterans who have served their nation in its hours of peril, defended its sovereignty and protected its people's freedom have earned and should have special consideration. This certainly includes first quality medical care for all veterans entitled under laws enacted by Congress. Any other position or action would be a breach of faith in this nation's willingness to discharge its obligation to its veterans.

Apart from providing separate and specially designed medical care for veterans, the VA, especially its hospital system, must be maintained because of its ever-increasing contributions to the quantity and quality of medical care, not only for veterans but for all the other citizens of the nation. Primarily these are the products of extensive VA research, education and training. Let me cite some.

The VA developed a drug treatment cure for tuberculosis and the first pacemaker which established regular heartbeat for heart patients. The VA has gained recognition for its cancer research. More recently, VA research in hypertension shows great promise in treating this disease, thereby eventually reducing strokes and other ailments attributed to it. These are only a few of the breakthroughs that can be credited to the VA.

I recognize that some of the work on over 5,200 projects now being done by more than 5,300 VA researchers might be undertaken by individual VA hospitals even if the VA system was parceled out to other groups throughout the country. However, I believe there is no denying that research conducted within such a vast, organized and coordinated system is much more productive than it would be if carried on in isolation without the advantage of effective correlation with similar studies in other hospitals. To cancel this definite advantage in the field of medical investigation by a drastic curtailment or elimination of the VA hospital system would be a disaster to veterans and non-veterans alike. It is a convincing, basic reason for continuing the VA hospital system.

Just as important—or even more so—is the extensive VA participation in training physicians, nurses and others in the health field, some 16,400 in 1960. This number increased dramatically to more than 53,000 in 1971, of whom 23,443 were physicians, 1,332 dentists and 15,880 nurses. Nearly 9,000 were receiving paramedical instruction.

Without this enormous VA input of qualified health personnel, the obvious shortages would be even more alarming. In my opinion, maintenance of the VA hospital system as an integral program is essential to insuring continuation and expansion of the VA's contribution to training workers in medical occupations.

This brings me to another point about medical education. A high proportion of practicing physicians in the United States received their training abroad. If anything demonstrates the need for wider educational

opportunities in medicine, this does. And it underscores what would happen if the VA hospital system were abolished or dismantled. Training would be curtailed, instead of being expanded, at a time when there are shortages in many areas and in many specialties.

A moderate increase in the nation's medical schools is desirable. I have heard recommendations, however, for immediate and drastic expansion of medical colleges and for shortening the time needed for a medical education. However, they must not lead to a disregard for the quality of medical training or care. In the 19th century there was a great need for physicians. To meet this, new medical schools sprang up all over the country. Some were mere diploma mills and their poor quality was recognized early in the 20th century. Half were closed—160 to 80—by 1927. Since then a cautious expansion has raised the total to 108. Radical increases in schools and students would not be beneficial if clinical opportunities for training, such as offered by VA hospitals affiliated with medical schools, were no longer available.

Like many other Americans, I am disturbed by the inadequacies in this nation's health care. Particularly alarming are the distinct shortages in several specialties. Cries from communities in all parts of America for physicians are loud and compelling.

Certainly we must increase the quantity of medical care, but only with the assurance of accompanying quality facilities, equipment and people. Particular attention should be paid to perfecting the delivery of health care. Improvement must be deliberate and calculated.

I do not believe in generating high hopes among those for whom quality medical care is not now available, for financial and other reasons, by creating a monster bureaucracy and by politically motivated, bland promises with no expectation of fulfillment. We must do what we say we will do in this vital government and private cooperative enterprise. We must not say we will do that which we cannot or do not intend to do.

I oppose abandoning aspects of the present system which have worked and now are providing quality medical care to a large segment of the American population. I classify the VA program as the largest and best hospital system in the world. I shall staunchly oppose any and all proposals which would lead to its dismemberment or abandonment.

We must, however, do those things which insure that the VA can and will provide first class medical care for all those entitled to it under the laws of the land. Adequate staffing must be authorized. Funds for all programs, including costly new medical treatment techniques, must be made available. All eligible veterans must be informed of this health care resource and rules governing their entitlement.

Because the VA hospital system is not now used to capacity by eligible veterans, I have supported H.R. 10880, which, if approved by the Senate, will authorize VA care for wives and children of veterans with 100% service-connected disabilities and widows and children of those who died in service or whose deaths were related to their service. I believe this legislation is justified and that the Senate will act favorably on it as the House already has done.

The attitude of the Administration is very disturbing. A year ago the Office of Management and Budget (OMB) directed that the VA hospital system daily patient load be cut from approximately 86,000 to 79,000, a reduction of 7,000. Even though Congress appropriated adequate funds and clearly expressed its intent, there is apparently no realistic prospect of rebuilding the daily

patient load to 85,500 during this fiscal year as stipulated in the Appropriations Act.

Equally disturbing is the OMB-directed moratorium on VA hospital construction. The director of this powerful federal agency has clearly stated that ban is caused by the necessity of evaluating the VA hospital system's future in light of broad federal health care legislative proposals.

This is a convincing indication that budget office officials believe the VA hospital system will be abolished, drastically curtailed or at least in some manner intertwined in any broad system of federal government participation in health care for the entire public. I personally believe this should be lifted and additional VA hospitals authorized and constructed where and as needed.

I am convinced we should not recommend federal health care legislation until the Administration provides firm information as to plans for the future of the VA program.

For the reasons stated, I shall continue to support vigorously continuance of the VA hospital system, the rapidly expanding outpatient program and all measures designed to improve the quality of medical care which the VA provides the nation's veterans.

#### NEWS BULLETIN OF THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

**HON. G. WILLIAM WHITEHURST**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. WHITEHURST. Mr. Speaker, I am inserting into the RECORD the weekly news bulletin of the American Revolution Bicentennial Commission, compiled and written by its communications committee staff. The bulletin is for the week ending February 21.

The bulletin follows:

FEBRUARY 21, 1972.

A major plan for a network of Bicentennial Parks, built on Federal Surplus land or otherwise donated land, was unveiled today by the ARBC at its first full Commission meeting of the year. Under the plan, the Bicentennial Park would serve as the focal point of that State's celebration of the Nation's 200th Anniversary in 1976, and thereafter remain as a permanent residual.

A press conference to announce the Bicentennial Parks project will be held at 12:00 noon, Tuesday, February 22, for all media in the Internal Ballroom West following the States presentation. Also, a special presentation has been arranged by the ARBC for noted national architectural critics to view and discuss the Parks project prototype with its Architects, Davis, Brody & Associates of New York.

Also, on the agenda for the full Commission meeting which convened at 9:00 A.M. today in the Pan American Health Organization Building, Meeting Room B, are the International Expo (Philadelphia), The Sickle Cell Anemia Disease Project, Call for Achievement, Bicentennial Coins and Medals, The Boy Scouts of America Bicentennial participation, an Afro-American Bicentennial Corporation progress report, and a report on an ARBC Study by Arthur D. Little Inc.

On Tuesday, February 22, the Fifty States National Bicentennial Conference will convene at 9:00 A.M. in the International Ballroom West, Washington Hilton Hotel. Regional Group discussion will convene at 1:30 P.M., following which the full Conference will reconvene at 3:30 P.M. for the duration of the afternoon. At 9:00 A.M. on Wednesday, February 23, the Conference will again convene in the International Ballroom West for a full day session.

At 10:00 A.M. on Thursday, February 17,

at the National Press Club, American Airlines announced in a press conference its decision to host on NBC a ten-part series of specials on "The American Experience" in honor of the Bicentennial. Program host Chet Huntley along with officials of the airlines and the network and ARBC Director Jack I. LeVant discussed initial plans of the project which is to commence in the Fall, 1972.

Following a meeting with Philadelphia Mayor Frank L. Rizzo on Thursday, February 10, ARBC Chairman David J. Mahoney announced that a final deadline of March 15 has been imposed on the city for an Expo plan, which must present not only a feasible site but also an acceptable cost breakdown, assurance of political and neighborhood support in Philadelphia, objectives and theme for the Expo, and a timetable for bringing one about. At the news conference William L. Rafsky, Chairman of The Executive Committee of the Bicentennial Corporation, said "We're confident on March 15 we will be presenting a plan that will be acceptable to the Commission and the Department of Commerce and Congress."

Winners were announced recently in a competition to design the official seal for the Rhode Island Commemoration of the Bicentennial. Prizes were awarded in ceremonies in Governor Licht's office. Top prize of \$1,000 went for a design depicting the State's independent man and a Colonial Minuteman standing together, encircled by 13 stars and the words, "Rhode Island Bicentennial, 1776-1976." A student at the Rhode Island School of Design took first prize in the college division of the contest and was awarded \$500 for his design of our stylized figures, "r176".

The wives of the White House Fellows were guests for a morning briefing on ARBC activities at Washington Headquarters on February 14. AABC Director LeVant was host to the group assisted by Perdita Champey, Communications Department and Project Manager for Women's Activities for the ARBC. The ladies were shown the ARBC film presentation.

Following the lead of the City of Hartford (Conn.) the City of Scranton (Pa.) is embarked upon a campaign to create an American Flag made entirely of living flowers in honor of the Bicentennial. Plans are underway for a fund-raising campaign for certain flowers to be grown in the City's Nay Aug Park Greenhouse, so that the Bicentennial "Growing Flag" can be dedicated this coming July 4th.

A Buffalo (N.Y.) councilman with the Recreation and Urban Beautification Subcommittee of the Citizens Advisory Committee on Community Improvement has submitted a proposal outlining a clean-up program for Delaware Park and its polluted lake in an effort to designate the project a national Bicentennial goal.

The New Jersey Historical Commission, in a resolution adopted unanimously on February 9, has called on the State Government to create a special agency to coordinate the State's celebration of the National Bicentennial. The Commission wants its own role in the observance confined to "appropriate historical projects pertinent to New Jersey's significant role in the Revolution." Chairman John T. Cunningham and the Commission expressed the hope "that the State may effectively proceed with a sense of urgency to the next phase in planning for the Bicentennial."

On February 24, the first meeting of a 26-member committee to lead Baltimore's Bicentennial commemoration will be held at the invitation of Mayor Schaefer, Honorary Chairman of the Committee. Baltimore Attorney, Robert J. Thieblot, a member of the Board of School Commissioners and also of the Historical and Architectural Preservation Commission, has been named Chairman. The appointments to the Baltimore City Bicentennial Committee were announced last week by Wilson K. Barnes, Chairman of the Maryland ARBC.

The Speech Communication Association, representing 8,000 specialists in speech communication (most of them in higher education) has appointed a Bicentennial Coordination Committee to lead the Association in planning a comprehensive Bicentennial program for 1976. Chairman of the Committee is Dr. James McBath, Department of Speech Communication, University of Southern California.

Twenty-two organizations were represented at the ARBC Heritage '76 Committee Advisory Panel meeting held on February 11 at ARBC Headquarters in Washington. According to James Biddle, Chairman of the Heritage '76 Committee, the three Panels, Historic Conservation, Commemoration and Convocation, Publications and Research met individually in workshop sessions and then jointly to discuss guidelines and suitable national programs that the Panels could initiate.

It was reported this week in the Washington Star that the Virginia General Assembly will soon ask Congress to "expedite a tour of the Liberty Bell" from Philadelphia's Independence Hall by truck and highway in honor of the Bicentennial, so, the Assembly was quoted, "That it may have the best possible access to as many American citizens as possible."

#### THE INCHWORM

**HON. ELLA T. GRASSO**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 22, 1972

Mrs. GRASSO. Mr. Speaker, an annual event of interest to Connecticut young people is the designation of the winner of the Connecticut Regional Scholastic Creative Writing Award. Entries in the annual contest, sponsored by the Hartford Courant Parade of Youth, are accepted in poetry, short story, short-short story, formal and informal article, dramatic script and critical review. The judging panel includes teachers, professors, book reviewers and journalists.

The top scholastic award, the Hartford Courant Parade of Youth Literary Award, a scholarship to a 5-week summer term at Trinity College, was won by a 12-year-old student at Saint Ann's Junior High School in New Britain, Miss Denise Graveline. A copy of the top entry follows:

#### THE INCHWORM

(By Denise Graveline)

Little Tommy Peterson was walking to the library one sunny Tuesday clutching his book closely to him. This past week, he had chosen *The Ugly Duckling*, and he had liked it so much that his mother took him to see the movie, *The Ugly Duckling*.

Now it was time to return the book and all of his six years regretted it. He had especially liked the part about the inchworm. As he stood in line to return his book, he thought about the song in the movie. It was so nice! Well, this week maybe he would find another book just as good.

"Hello, Tommy. Did you enjoy your book?" asked the librarian, jolting him out of his daydreams. "Yes, I did, Mrs. Herring. Do you have any more books like this one?" he asked.

"Yes, Tommy, right over there," she replied, pointing to one of the shelves.

Tommy ran over there quickly, and began looking for more Hans Christian Andersen books. He finally chose a book with assorted fairy tales, and as soon as he had checked it out, he hurried out of the door and into the bright daylight.



While walking home, suddenly an inchworm dropped on an invisible thread in front of his freckled nose. A soft, silvery voice said, "Hello, Tommy. My name is Marcus. I'm an inchworm, as you can see. I'm to stay with you for awhile, so why don't we get acquainted?"

"Yes, sure," said Tommy. "Say aren't you the inchworm that Hans Christian Andersen wrote about?"

"No, that was my great-great-great-great-grand uncle. He talked, too. In fact, when he wasn't measuring, you'd often find him deep in conversation with Mr. Andersen. Mr. Andersen was an old family friend," concluded the worm. "But now, hadn't we better get going? We can talk on the way," he said.

Tommy began walking again. "Do you measure marigolds too?" he asked.

"No, I measure petunias. All of us inchworms have a different flower. That one there," he said, pointing to a rose, "is the type that my sister measures."

"Here we are," said Tommy, as they came to a small white house. "There is a petunia plant in my room. Gee, I'm awfully glad that you came," he said. "They went into a room decorated with pictures of ships and planes. On a window sill stood a petunia plant, just as Tommy had promised."

"Marcus, do you know any tricks?" asked Tommy.

"Sure, watch me," said Marcus. He inched along the petunia stalks until he reached the top, and there he turned somersaults, rolls, and formed all of the alphabet, and the numbers from zero to nine. Then he stood on one of the petals and bowed.

"Hurray! Boy, Marcus you are fun!" said Tommy. "I'll keep you a secret. Mom and Dad wouldn't understand. You could stay forever, as far as I'm concerned," he said.

"Thank you, Tommy. I'm glad you're such a good friend. Now, would you lift me up to that blossom, please? It's much faster than inching," said Marcus. After he was put on the blossom, he curled up in the center and began to sleep. Tommy crept away and started to do his homework.

Later that evening, Tommy went upstairs with a thimbleful of milk and another one with honey. Marcus accepted them and ate. When he was finished, he said, "Let's play a game. I'll form letters and words to make messages."

"O.K." said Tommy. So Marcus spelled out these messages:

You are a good friend;  
Thank you for supper; and  
How about going to bed?

"Sure, Marcus," said Tommy giggling. He shut off the light and they went to sleep.

The next few days were spent happily. Tommy had a few days of vacation and he and Marcus decided that Tommy's mother should know about Marcus. Of course, she didn't know that he could talk, but as Tommy said, "It would be easier to give him food openly, instead of sneaking it."

Marcus helped Tommy quite a bit. Tommy improved immensely in reading and math. There was time for fun, too, like the time they had a picnic by the river.

Then one day, Marcus was gone! Tommy and his mother searched everywhere, but in vain. Half-heartedly, Tommy, at his mother's suggestion, searched the potted plants. "I just don't understand, Mom," he said. "Marcus was so happy here. He liked the petunias, and gosh, you even took care of him, too. He was grateful, I know."

He continued to search. There were many flowers to look in, narcissus, marigolds, pansies and others. Just then he heard a small sneeze coming from a marigold. He looked, and there was Marcus! Marcus sneezed again, again, and once more. Tommy just started happily and then Marcus spoke up.

"Tommy, I'm sorry that I ran away, but Tom, I just found out something."

"What?" asked Tommy.

"Every inch of me is allergic to petunias!"

## PRESIDENT NIXON REAFFIRMS HIS STAND AGAINST BUSING

### HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. BAKER. Mr. Speaker, last week, in a conference with congressional leaders, President Nixon reaffirmed his stand against court-ordered busing for the purpose of achieving racial balance in our Nation's schools.

I am proud two Republican Senators from my own State of Tennessee, Hon. HOWARD BAKER, JR., and Hon. BILL BROCK III, were prominent among those participating in the conference. Both echoed my own views as they urged Presidential support of our constitutional amendment to prohibit assignment of students to any school on the basis of race, color, or creed.

The President's announcement that he has ordered a study to determine the best means of halting busing is clear evidence of his position on this crucial issue. It comes as a source of encouragement to all of us—legislators, concerned teachers and parents, and students—who have been fighting Supreme Court rulings calling for busing since the day they were handed down.

At the same time, the President announced, he will continue to explore other possible avenues other than a constitutional amendment to halt busing, including administrative enforcement of court orders and legislative means.

The Nashville Banner, known statewide for its clear-thinking editorials in support of individual freedom and local government, recently published an article praising the President for his continued fight against busing. I join with its author in lauding our chief executive and expressing the hope he will back our constitutional amendment.

The editorial follows:

BY LAW OR AMENDMENT: NIXON SEEKS BEST COURSE TO END FORCED BUSING

As a responsible steward, who has taken oath to uphold and defend the Constitution of the United States, President Nixon is a "strict constructionist" where that organic law is concerned. So are millions of other Americans, likewise opposed to judicial or other contortions twisting the instrument to suit themselves for accomplishment of eccentric, factional, divisive purposes.

Repeatedly the President has declared his personal and official view that public school controls belong in the hands of local school boards; meaning that they do not belong in hands remote from the community scene—in bureaucratic hands at the Washington or regional level, or subject to manipulation by the federal courts.

He spelled out that view again yesterday—announcing that he had ordered a study to determine if a constitutional amendment is the best and surest way to prevent forced busing to achieve integration in the public schools. And for that study he has invited backers of the amendment proposals, including notably, both Tennessee Senators who have been pushing for the amendment course. Senator Brock has presented an amendment of his own, and Senator Baker has urgently endorsed it.

What the President means is not a question of the advisability of prohibiting the massive busing that has been ordered by courts and HEW people (as in Metro Nashville)—but a question of the surest way to permanently estop that outrageous federal usurpation of school authority. His stand is against busing for the purpose stated; the intention of this study is simply to determine which avenue of debarment is best.

No American citizen can doubt where President Nixon stands on the issue of massive, forced busing—nor can any question the fact of his intentions to do something about that monstrous invasion on local responsibility. As he said in his State of the Union speech, again, local school controls belong in the hands of local school boards.

This newspaper believes the best course for enforcement of that principle would be a constitutional amendment—having not only the sanction of Congressmen in the ratio required, but the clear decision of the American people, again as stipulated by the amending process.

In enacting the Civil Rights Act of 1964, Congress provided in precise language that busing to achieve racial balance in the schools was forbidden. That was ignored by the court rulings—and by the HEW manipulators in alias-oriented Name of the Game.

Because of that, sponsors have chosen the amendment-approach. By that approach, especially with full White House backing, justice and reason can be restored to school operations at the community level all over the nation. It would post the "No Trespassing" sign where it has been needed these many years.

## TRIBUTE TO EVERETT MCKINLEY DIRKSEN

### HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. MICHEL. Mr. Speaker, during the Lincoln Day recess it was my good fortune to participate in an annual Lincoln Day dinner sponsored by the Tazewell County Republican Committee, held at Pekin Community High School.

Pekin, you will recall, was the hometown of our late, beloved friend, Everett Dirksen, the former distinguished minority leader of the Senate and longtime Member of this House before that.

We all cherish the memory of Everett Dirksen and at that banquet, a longtime friend of the late Senator's and of mine, Miss Nina Hammer, gave very moving tribute to Everett. I think it deserving of being included in the RECORD, and that it be printed at this point:

EVERETT M. DIRKSEN

In this moment of remembrance of Everett McKinley Dirksen may we recall thoughts that are now his legacy to us.

Let the first be his gracious greeting that always preceded his address:

"It is so good to be home again." How warmly he said it! "It is so good to be home again." The memory shall be one of our treasures.

Through the years we heard how America and leaders of the world valued his judgment.

When a problem came to him, he studied it, did individual research, consulted with others. No effort or leader was too great or too far away for him to consider. Seriously he assembled the facts, weighed the opinions, studied the lessons from history that applied and then just when all was ready for his decision he asked a question: "Is it good for the people of the country? Is it good for the

people of the country?" His answer to that question directed his decision.

He cherished the privilege of representing the people and he never forgot his duty to serve them well—as he said “to the best of my ability”. The record shows his decisions were good, and we the people had faith in him.

When he was home he and Mrs. Dirksen loved to work in their garden. He spoke of it often—the violets, trillium, the staunch little Jacks-in-the-Pulpit and others. Among these others there was one that captured his interest, for it seemed to covet more than its share of the light and energy of the earth's nearest star. It was a gorgeously radiant robust flower and Mr. Dirksen shared his joy in it by calling the attention of the nation to the vibrant beauty of the marigold.

Not the least of our memories of him were his words from the Book of Nehemiah 4-5. He would shout almost as he quoted them and his gestures enforced the power and earnestness in his voice. “And so built we the wall—for the people had a mind to work. And so BUILT we the wall for the people had a mind to work.”

What memories! What a legacy!

1. It is so good to be home again.
2. Is it good for the people of the country?
3. To the best of my ability.
4. The marigold.
5. And so built we the wall—for the people had a mind to work.

God bless the memory of Everett McKinley Dirksen.

And may we like him have a mind to work for the good of all the people.

#### FARM PRICE INCREASES

### HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. SEBELIUS. Mr. Speaker, just this week I received in the mail an open letter from the National Council of Farmer Cooperatives regarding high food costs.

The letter, signed by Kenneth D. Naden, executive vice president of the National Council of Farmer Cooperatives, points out a most significant fact. Contrary to what many think, farm prices have led the fight against inflation in recent years. Due to the interest on the part of every Member of this body, I urge my colleagues to consider these facts before they jump to any conclusions regarding price ceilings or farm products or increasing any meat imports:

NATIONAL COUNCIL OF  
FARMER COOPERATIVES,

Washington, D.C., February 18, 1972.

Re Farm Price Increases.

Open letter to Members of Congress:

In the past two weeks some members of Congress and others have attacked recent rises in farm prices. Critical comment has centered on the 20-year high in beef prices reached in January. Many comments imply that these rising farm prices are not in the national interest.

Such statements distort the farm price situation by omitting relevant facts. The facts are that although live cattle prices are now back up to 1951 levels, farm food prices increased only 7% totally during that 20-year period. This cannot be called inflationary. It is far below the increase justified by farm productivity.

Yet, during the same period:

Money paid to wage earners increased 340%.

Money paid to government employees increased 430%.

Business and professional income increased 200%.

Dividends increased 300%.

(Source: USDA.)

These critics seem to imply that farmers don't have the same right to earn a fair income as do their urban counterparts. Indeed, they fail to point out that low farm prices have led the war on inflation in recent years.

Demands by some for ceilings on raw farm products fail to take another fact into consideration. Namely, that farm prices are now, and always have been, subject to a form of control that's far more rigid, pervasive, and effective than present government controls—severe price competition. Farm prices are sharply limited by (1) competition among many producers; (2) competition from unplanned and unrestricted output; and (3) competition from many close substitutes of each product. The practical result of this is that many farm products are sold for long periods of time at prices below cost of production.

No other sector of the economy has such handcuffs on it. And, no more effective form of consumer protection can be devised. In fact, consumer spokesmen have long deplored, and rightly, the absence of this kind of competition in wide areas of business and labor. Certainly, this absence was a major factor requiring the Economic Stabilization Act and the present program of federal controls.

As long as farm prices are formed under such severe competitive conditions, neither consumers nor their spokesmen need fear a modest increase in farm prices caused by: (1) a short supply situation; and (2) strong consumer insistence on high-quality food. These increases cannot be considered abnormal or harmful or inflationary.

We urge you to keep these and other relevant facts before you in analyzing the current food price changes.

Sincerely yours,

KENNETH D. NADEN,  
Executive Vice President.

#### SALUTE TO THE FFA

### HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. FINDLEY. Mr. Speaker, “Youth With a Purpose,” is the theme of National FFA Week being observed this week throughout the United States by the Future Farmers of America.

The 1972 FFA Week theme is most appropriate because, in the many years I have closely watched the Future Farmers of America, its members truly are youth with a purpose. That purpose is to equip themselves for leadership in life and to develop their individual abilities.

In our modern world when too many young people are felt to be drifting without much direction in their lives, FFA members represent a refreshing departure from that unfair label which often blankets today's youth.

The FFA is an organization of youth with a purpose—young men, and, recently, young women who have as their goal becoming a part of the dynamic industry of agriculture. Preparation for an agricultural career begins for these young people through participation in vocational agriculture classes.

The instructional program of vocational agriculture is supplemented by the FFA activities providing an opportunity

for gaining experience and responsibility with a minimum of adult supervision.

The FFA was founded with a purpose—to develop leadership, citizenship, and cooperation among its members. I salute this outstanding youth organization and call attention of my colleagues to the activities and accomplishments of the FFA during National FFA Week.

#### BIASED COVERAGE OF BIASED HEARINGS?

### HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. BROWN of Ohio. Mr. Speaker, the Senate Subcommittee on Constitutional Rights has been holding a series of hearings on newsmen's privilege. I have watched with interest much of the television and radio coverage of witnesses who have charged “Government intimidation” of the press. I have seen very little coverage of any witnesses who have taken the other side: that such “intimidation” is not present in our system, but that the press is subject to its own biases in reporting the news.

Accuracy in Media, an organization which seeks to promote the accurate reporting of news events, released a statement February 16, which points out what the organization feels has been biased reporting of biased hearings. I would like to submit the statement for insertion in the RECORD for the benefit of my colleagues who have not had the opportunity to read in the press, where it received only remote attention:

#### AIM CHARGES BIASED COVERAGE OF BIASED HEARINGS ON NEWS MEDIA

Abraham H. Kalish, Executive Secretary of Accuracy in Media, charged today that the television networks had heavily slanted their coverage of the recently concluded Ervin Committee hearings on the news media. Kalish said that the hearings, chaired by Senator Sam Ervin of North Carolina, were heavily stacked with witnesses who represented or defended the views of broadcasters and newspaper publishers and journalists. Spokesmen giving the point of view of the consumers of the news media product were sorely lacking, he said. He said this was difficult to justify at a time when the importance of consumer interests is being stressed in every other field. He said that any serious investigation dealing with the news media should concern itself with the justifiable complaints of the consumers about monopolistic practices in the news industry, inaccurate and slanted reporting, and the arbitrary blacking out of reporting of news and views at the whim of journalists and publishers.

Mr. Kalish said that one of the most interesting stories connected with the Ervin Committee hearings related to the refusal of those who arranged the hearings to permit Dr. Francis G. Wilson, President of Accuracy in Media, to testify. Mr. Kalish said that permission for Dr. Wilson to testify had been sought well in advance of the hearings, and that AIM had been led to believe that he would be heard as a spokesman for the consumers of the news media product. Dr. Wilson submitted to the Committee a well-documented statement, citing many of the legitimate complaints of the public. He emphasized the right of the public to know. Despite semi-promises, Dr. Wilson was not given an



opportunity to testify in a hearing that was concerned, ironically, with freedom of information. Kalish said that it was not even clear whether or not Dr. Wilson's important statement will be included in the published hearing report.

Mr. Kalish pointed out that the network television coverage of the Ervin Committee hearings illustrated the existence of serious slanting in news reporting. He said that careful monitoring of the nightly network TV news programs showed that both CBS and NBC had given very generous coverage to defenders of the broadcasters, publishers and newsmen who had expressed the industry viewpoint in their testimony before the Ervin Committee. ABC was less generous in its coverage, but it gave nearly all of the industry spokesmen some coverage.

On the other hand, the few witnesses whose testimony was somewhat critical of the news media were almost completely ignored by network TV. Kalish said that Edith Efron, author of the new book, "The News Twisters", a well-documented analysis of bias of TV networks, testified before the Ervin Committee on February 2; but her testimony was completely ignored by all three TV networks in their nightly news shows. The UPI, AP, and the Washington Post, however, ran 300 word stories of her testimony.

A table showing network TV coverage of the Ervin Committee on the nightly TV news shows is appended:

NETWORK TV NIGHTLY NEWS SHOW COVERAGE OF ERVIN  
HEARINGS ON FREEDOM OF THE PRESS

(Time devoted to testimony (minutes and seconds))

	CBS	ABC	NBC
Sept. 28: Norman Isaacs attacks subpenas and intimidation	2:25	0:30	2:20
Sept. 29: Frank Stanton attacks FCC intimidation and subpenas	2:30	20	2:00
Sept. 30: Walter Cronkite speaks	2:50	25	2:15
Oct. 12: Julian Goodman and Fred Friendly discuss fairness	2:30	1:30	2:30
Oct. 13: Harold Andersen, president, Omaha World Herald, "We should welcome outside criticism"	25	-----	20
Oct. 14: Elmer Lower of ABC on intimidation and subpenas	-----	20	1:15
Oct. 19: David Brinkley of NBC defends objectivity	2:20	-----	2:20
Oct. 30: Commissioner Dean Burch defends FCC	2:00	-----	2:00
Feb. 1: Daniel Schorr of CBS	2:20	2:05	2:05
Feb. 2: Edith Efron, author of "The News Twisters" revealing bias of TV networks	-----	-----	-----

BENEFITS FROM SPACE PROGRAM

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. PETTIS. Mr. Speaker, in examining our priorities in the area of space exploration, I believe we must place the primary emphasis on those projects from which we will derive the greatest benefits to mankind. The space shuttle is, in my view, an outstanding project which will provide limitless near-earth benefits particularly in the fields of weather forecasting and communications technology.

In light of the importance of the space shuttle to the American people, I am glad to bring to the attention of my colleagues the reply of my good friend and esteemed colleague, the Honorable JAMES GROVER, Jr., to a WCBS-TV editorial on the space shuttle. He has made an excellent analysis of the benefit which will accrue from the space shuttle.

WCBS-TV EDITORIAL REPLY

A recent editorial on WCBS-TV discussed the proposal for a space shuttle and suggested that it is not consistent with our nation's priorities.

I differ with this conclusion. The success of our moon exploration was not only dramatic and historic, it also led to vast expansions of scientific knowledge, advances in medicine, and the opening of new vistas for technological advance.

With our new concentration on near and inner space, the space shuttle will accelerate developments in those directions with prospects for even greater accomplishments for mankind in communications, navigation, weather, the study of our earth resources and indeed in our number one priority, the very preservation of the human environment.

The Channel Two editorial also attacked the proposed reusable space shuttle on the basis of economy. The projected investment for the shuttle which, with its payloads will constitute essentially our entire space program, is far less than the investment in the Apollo moon program in the past ten years.

The space program, which has perhaps been the most positive American impact on the international scene in the past decade, is currently and will continue to be but a small fraction of our national budget. The NASA budget has declined markedly, while other expenditures have increased. The shuttle will not exceed 30 per cent of the NASA budget for development and will constitute only 15 per cent once in full operation. As you can see, we are taking care of vital human resource needs and the other major elements of the federal budget.

The cost of the space shuttle, even if we assume a constant annual national budget for the next ten years, will be only one-half of one per cent of our national annual budget—a very attractive and vital investment for the American people.

THE MOSCOW TREATY

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. WHITEHURST. Mr. Speaker, debate is mounting in Germany over the Moscow Treaty, which is the manifestation of the Brandt Ostpolitik. A great deal of publicity has been given to this policy, and indeed high hopes have been raised that it heralds a new era in German-Russian relations.

I doubt that many Americans are aware of the full implications of that policy, because upon studying the Moscow Treaty, I am not convinced that future German or European interests have been fully served by it. It would appear that Germany's best hope lies in its integration in the European Community, and that its unilateral negotiation permits the Soviets the opportunity to drive a wedge into the European Community.

My deepest misgiving about the Moscow Treaty is that it solidifies and legalizes Soviet territorial aggrandizement. In spite of the passage of a generation, it seems to me that this was an unnecessary concession. I fear also that the security of Berlin and the rights of access to it are little improved. For the foreseeable future, the integrity of Berlin will continue to rest upon an American presence and American determination. The Soviets have made no visible concessions, and their promises of renunciation of force are hardly supported by their record.

Years ago, a wise philosopher said that eternal vigilance is the price of liberty. That principle is just as valid today.

Mr. Speaker, I recognize that the matter of acceptance or rejection of the Moscow Treaty is something for the Germans themselves to resolve, but I would hope that the American Government would not go on record in any way in giving encouragement to its acceptance.

CONGRESS SHOULD MONITOR  
EXISTING PROGRAMS

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. ROBISON of New York. Mr. Speaker, the job of Congress does not end with the authorization and appropriation for a new program. It is also of crucial importance that Congress monitor existing programs so that it can evaluate their effectiveness and correctly determine whether they should be continued, modified, or disbanded with the passage of time.

It is in this spirit that I was pleased to receive recently a letter from Hon. John C. Gridley, chairman of the board of supervisors of Chemung County, N.Y., which is in my congressional district. Mr. Gridley wrote about the use in his county of Federal funds under the Emergency Employment Act—a program passed into law only last summer. Already, 310 people have been put to work in Chemung County under its auspices; that large a number being hired as a result of the county receiving a portion of the Secretary's discretionary funding under the act in addition to its regular allotment.

It is obvious from the facts presented by Mr. Gridley that this community was able to place individuals into useful jobs and to do so quickly and efficiently. The full text of his letter follows:

COUNTY OF CHEMUNG,  
BOARD OF SUPERVISORS,  
Elmira, N.Y., February 17, 1972.

HON. HOWARD W. ROBISON,  
Rayburn House Office Building,  
Washington, D.C.

DEAR HOWARD: We are most appreciative in Chemung County of your valued assistance in having us named eligible for United States Labor Department Emergency Employment Act funding.

At a time when we have been experiencing unemployment close to 8%, we have needed some stimulus to reverse a trend of personal lay-offs due to a sluggish economy. In addition, two manufacturing plants have recently announced the closing of their operations attributable mainly to foreign competition and the introduction of cheaper products, which quite frankly, the surcharge on those products would have been the salvation of our local plants, had this been followed through in Washington.

The implementation of Sections 5 and 6 have enabled us to find gainful employment for Veterans returning from the Vietnam conflict and the special High Impact Demonstration Project is already effecting some change in welfare roll allocations.

Through the three programs, \$1,928,400.00 has been approved for this county. The county government has assumed the responsibility of directing job allocations, scheduling of projects and all accounting duties. We have set up a roving work force concept to do assorted projects for all municipal govern-

ments and have also directly assigned people to city government jobs and school district jobs.

Witness to the fact of the cooperative spirit engendered among municipal governments is that out of a total of 317 job slots set up, 310 have been filled for public service work, and the remaining 7 are being temporarily held pending arrival of equipment for a newly established county-wide solid waste disposal district, which equipment these people will operate.

Despite misgivings from many quarters on the justification of "make work projects", we believe that this is already a successful program.

The outstanding projects thus far have been with our roving labor forces who have directly saved local property tax dollars approximating close to \$100,000. For example on one alone, we had quotes close to \$80,000 from private contractors to clear brush and trees underneath power lines running to hill-top airport beacon lights with a time estimate of six months. With our EEA crews properly equipped and supervised, the job is now almost completed within two months with a direct local tax expenditure of about \$300.00 for equipment.

Public Law 92-54, Section 2 (5) delineates areas of endeavor that we are attempting to follow. We have encouraged recommenda-

tions from the courts, police agencies, district attorney and, of course, the social service agencies for job applicants. The New York State Department of Labor has referred over 1400 people to us. A blend of Veterans, people with college degrees as well as those with not even an ability to read or write, people on probation or parole—even some currently under indictment—have been melded together. Thus far we have had only a 10% turnover due to firing for just cause or refusal to show for work. Any welfare recipient refusing to work is automatically taken off welfare assistance for thirty days.

We are setting up avenues through both the Board of Cooperative Educational Services operated by local school districts, and the New York State Vocational Rehabilitation Department for on-the-job training. Already in our program we have absorbed a half dozen people in our full-time departmental set-up and certainly hope to absorb the 50% quotient by the end of the EEA program.

In summation, this program is working well after a slow start up. It does also highlight what further beneficial programs could be evolved more completely and more rapidly if the Congress would pass the much-needed revenue sharing plan.

Cordially yours,

JOHN C. GRIDLEY, *Chairman.*

MEMBER'S INDIVIDUAL VOTING RECORD—HON. BILL FRENZEL—92D CONG., 1ST SESS.

[NVF—Not voting, paired for; NVA—Not voting, paired against]

# VOTING RECORD OF HON. BILL FRENZEL, 92D CONGRESS, FIRST SESSION

## HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. FRENZEL. Mr. Speaker, I have received several inquiries concerning my voting record for the first session of the 92d Congress. In order that this information be more readily available, I am submitting for the RECORD my votes for 1971. In addition, also submitted herewith is a listing of bills which I have sponsored or cosponsored.

This voting record and bill list do not show a complete congressional profile, but I hope they will be helpful to my constituency.

The list follows:

Roll No.	Date, 1971	Page in daily Record	Description	Member's response	Roll No.	Date, 1971	Page in daily Record	Description	Member's response
1	Jan. 21	H1	Call by States	Present.	63	Apr. 21	H2762	Call of House	Absent.
2	do.	H2	Election of Speaker	Ford.	64	do.	H2771	Call in committee	Do.
3	do.	H6	Call of the House	Present.	65	Apr. 22	H2883	Call of the House	Present.
4	do.	H6	do.	Do.	66	do.	H2897	H.R. 5376 (motion to recommit)	Nay.
5	Jan. 22	H57	do.	Do.	67	do.	H2898	H.R. 5376 (Tienan amendment)	Yea.
6	do.	H60	do.	Do.	68	Apr. 27	H2985	Call of the House	Present.
7	do.	H66	H. Res. 5 (on previous question)	Nay.	69	do.	H2991	H.R. 2598 (motion to recommit)	Nay.
8	do.	H68	do.	Nay.	70	do.	H2998	H.R. 6417 (on passage)	Nay.
9	do.	H69	H. Res. 5 (on amendment)	Yea.	71	Apr. 28	H3138	Call of the House	Present.
10	do.	H70	H. Res. 5 (on agree to resolution)	Nay.	72	do.	H3159	H.R. 6444 (on passage)	Yea.
11	Feb. 2	H362	Call of the House	Present.	73	Apr. 29	H3204	Call of the House	Present.
12	Feb. 4	H428	do.	Do.	74	do.	H3223	H. Res. 274 (on amendment)	Nay.
13	do.	H434	H. Res. 193 (on previous question)	Nay.	75	do.	H3224	H. Res. 274 (motion to recommit)	Nay.
14	Mar. 2	H1100	H. Res. 264 (on agree to resolution)	Not voting.	76	do.	H3225	H. Res. 274 (on agree to resolution)	Yea.
15	Mar. 3	H1144	Call of the House	Present.	77	May 3	H3301	Call of the House	Present.
16	do.	H1173	H.R. 4690 (on passage)	Yea.	78	do.	H3315	H.R. 6283 (motion to suspend)	Yea.
17	Mar. 10	H1379	Call of the House	Present.	79	May 4	H3449	S. 531 (on passage)	Not voting.
18	do.	H1391	H.R. 4246 (on passage)	Yea.	80	May 5	H3486	H. Res. 422 (on agree to resolution)	Yea.
19	do.	H1398	H.R. 5432 (on passage)	Yea.	81	do.	H3490	H. Res. 423 (on agree to resolution)	Yea.
20	Mar. 16	H1585	H.R. 4690 (agree to conference report)	Yea.	82	do.	H3496	H.R. 4604 (on passage)	Yea.
21	do.	H1589	H.J. Res. 465 (on passage)	Yea.	83	May 6	H3571	Call of the House	Present.
22	Mar. 17	H1630	Call of the House	Present.	84	do.	H3576	H. Res. 412 (on agree to resolutions)	Nay.
23	do.	H1630	do.	Do.	85	May 10	H3660	H.R. 5638 (on passage)	Yea.
24	Mar. 18	H1715	do.	Do.	86	May 11	H3734	Call of the House	Present.
25	do.	H1748	H.J. Res. 468 (Yates amendment)	Yea.	87	do.	H3772	H.R. 8190 (Giainio amendment)	Yea.
26	Mar. 23	H1819	Call of the House	Present.	88	May 12	H3836	Call of the House	Present.
27	do.	H1856	H.J. Res. 223 (agree to joint resolution)	Yea.	89	do.	H3855	H.S. 8190 (Boland amendment)	Nay.
28	Mar. 24	H1937	H. Res. 339 (on agree to resolution)	Yea.	90	do.	H3861	do.	Nay.
29	do.	H1959	H.R. 7 (on passage)	Nay.	91	May 17	H3955	H.R. 7271 (motion to suspend)	Yea.
30	Mar. 3	H1173	H.R. 4690 (Patman amendment)	Nay.	92	do.	H3959	H.R. 5257 (motion to suspend)	Yea.
31	Mar. 18	H1748	H.J. Res. 468 (agree to amendment)	Yea.	93	do.	H3973	H.R. 56 (motion to suspend)	Yea.
32	Mar. 29	H2072	H. Res. 349 (consideration of)	Yea.	94	do.	H3977	H.R. 5060 (motion to suspend)	Yea.
33	do.	H2077	Call in committee	Present.	95	do.	H3980	H.R. 2587 (motion to suspend)	Yea.
34	do.	H2077	S.J. Res. 55 (on amendment)	Nay.	96	May 18	H4036	Call of the House	Present.
35	Mar. 30	H2123	Call in committee	Present.	97	do.	H4038	do.	Do.
36	Mar. 31	H2221	Call of the House	Do.	98	do.	H4047	H. Res. 437 (on previous question)	Nay.
37	do.	H2249	H.R. 6531 (on amendment)	Nay.	99	do.	H4048	H. Res. 437 (on amendment)	Yea.
38	do.	H2258	do.	Yea.	100	do.	H4048	H. Res. 437 (on agree to resolution)	Yea.
39	Apr. 1	H2332	Call of the House	Present.	101	do.	H4050	Call of the House	Present.
40	do.	H2343	Call in committee	Do.	102	do.	H4093	S.J. Res. 100 (on 3d reading)	Yea.
41	do.	H2345	H.R. 6531 (on amendment)	Yea.	103	May 19	H4107	Call of the House	Present.
42	do.	H2359	do.	Nay.	104	May 20	H4202	H.R. 8190 (on agree to report)	Yea.
43	do.	H2370	do.	Nay.	105	do.	H4204	H.R. 8190 (on motion to concur)	Nay.
44	do.	H2371	do.	Yea.	106	May 24	H4240	H. Res. 415 (on agree to resolution)	Yea.
45	do.	H2388	H.R. 6531 (on passage)	Yea.	107	May 25	H4290	Call of the House	Present.
46	Apr. 6	H2453	Call of the House	Absent.	108	do.	H4319	H. Res. 411 (on agree to resolution)	Nay.
47	do.	H2478	Call in Committee	Present.	109	May 26	H4379	Call of the House	Absent.
48	do.	H2492	H. Res. 356 (on agree to resolution)	Nay.	110	do.	H4398	H. Res. 155 (on agree to resolution)	Nay.
49	do.	H2495	Call in committee	Present.	111	June 1	H4462	Call in committee	Present.
50	do.	H2502	H.R. 5981 (on preferred motion)	Yea.	112	June 2	H4498	Call of the House	Do.
51	Apr. 7	H2560	Call in committee	Present.	113	do.	H4530	H.R. 3613 (Esch amendment)	Yea.
52	do.	H2588	H.R. 7016 (on amendment)	Nay.	114	do.	H4538	H.R. 3613 (motion to recommit)	Yea.
53	do.	H2605	H.R. 7016 (Conte amendment)	Yea.	115	do.	H4538	H.R. 3613 (on passage)	Nay.
54	do.	H2611	H.R. 7016 (on passage)	Yea.	116	June 3	H4587	H. Res. 452 (on agree to resolution)	Yea.
55	Apr. 19	H2661	H.R. 1535 (suspend rules and passage)	Yea.	117	do.	H4627	H.R. 7109 (on passage)	Nay.
56	Apr. 20	H2697	Call of the House	Present.	118	June 4	H4704	Call in committee	Present.
57	do.	H2708	Call in committee	Do.	119	do.	H4714	H.R. 8825 (on passage)	Yea.
58	do.	H2711	H.R. 4724 (on passage)	Yea.	120	June 7	H4757	H.R. 8011 (motion to suspend)	Not voting.
59	Apr. 21	H2755	Call of the House	Absent.	121	do.	H4762	H.R. 1161 (motion to suspend)	Do.
60	do.	H2756	do.	Do.	122	do.	H4784	H.R. 7960 (on passage)	Do.
61	do.	H2761	do.	Do.	123	June 8	H4859	Call of the House	Absent.
62	do.	H2762	do.	Do.					



Roll No.	Date, 1971	Page in daily Record	Description	Member's response	Roll No.	Date, 1971	Page in daily Record	Description	Member's response
124	June 8	H4862	H. Res. 465 (on agree to resolution)	Not voting.	223	do	H7451	(Approval of the Journal)	Not voting.
125	June 9	H4896	Call of the House	Absent.	224	do	H7452	H. Con. Res. 384 (on agree to resolution)	Do.
126	do	H4913	H.J. Res. 617 (motion to recommend)	Not voting.	225	do	H7460	H. Res. 556 (on previous question)	NVA.
127	do	H4914	H.J. Res. 617 (on passage)	Do.	*226	do	H7515	H.R. 8432 (on amendment)	Not voting.
128	June 10	H4988	Call of the House	Present.	227	do	H7519	H.R. 8432 (on passage)	NVA.
129	do	H4999	H. Res. 471 (on previous question)	Nay.	228	Aug. 2	H7598	H.R. 9272 (agree to conference report)	Yea.
130	do	H5020	H.R. 8866 (on passage)	Yea.	229	do	H7604	H. Res. 539 (motion to discharge)	Yea.
131	June 14	H5085	H.R. 8794 (on passage)	Yea.	230	do	H7610	H. Res. 539 (agreeing to resolution)	Yea.
132	June 15	H5161	Call of the House	Present.	231	do	H7640	H.R. 3628 (motion to suspend)	Yea.
133	do	H5165	do	Do.	232	do	H7644	H. Con. Res. 370 (motion to suspend)	Yea.
134	do	H5180	S. 575 (on agree to conference representative)	Yea.	233	do	H7652	H. J. Res. 829 (on passage)	Yea.
135	June 16	H5185	Call in committee	Present.	234	Aug. 3	H7696	Call of the House	Present.
136	do	H5267	do	Do.	235	do	H7766	H.R. 9910 (on passage)	Yea.
*137	do	H5284	H.R. 8687 (Leggett amendment)	Nay.	236	Aug. 4	H7836	H. Res. 578 (on agreeing to resolution)	Nay.
*138	do	H5293	H.R. 8687 (Pike amendment)	Nay.	237	do	H7846	H.R. 6531 (motion to recommit)	Nay.
*139	do	H5297	H.R. 8687 (Stafford amendment)	Yea.	238	do	H7847	H.R. 6531 (on agree to conference report)	Yea.
*140	do	H5300	H.R. 8687 (Aspin amendment)	Yea.	239	do	H7854	Call in committee	Absent.
141	June 17	H5338	On motion to adjourn	Nay.	*240	do	H7857	H.J. Res. 833 (on amendment)	Nay.
142	do	H5339	H.R. 7016 (preferential motion)	Yea.	241	do	H7870	do	Nay.
*143	do	H5398	H.R. 8687 (Mink amendment)	Nay.	242	do	H7871	H.J. Res. 833 (on passage)	Yea.
*144	do	H5399	H.R. 8687 (Nedzi amendment)	Yea.	243	Aug. 5	H8033	Call of the House	Present.
*145	do	H5410	H.R. 8687 (Pepper amendment)	Not voting.	244	do	H8035	do	Do.
146	do	H5414	H.R. 8687 (on passage)	Do.	245	do	H8040	do	Do.
147	June 18	H5449	H. Res. 434 (on agree to resolution)	Nay.	246	do	H8041	S. 581 (agree to conference report)	Yea.
148	do	H5454	H.R. 7736 (on passage)	Not voting.	247	do	H8058	H.R. 10061 (agree to conference report)	Yea.
149	June 21	H5510	H.R. 5237 (on passage)	Yea.	248	Sept. 8	H8179	Call of the House	Present.
150	do	H5517	S. 1538 (suspend rules, pass)	Yea.	249	do	H8197	Call in committee	Do.
151	do	H5519	H.R. 3146 (suspend rules, pass)	Yea.	250	do	H8229	do	Do.
152	do	H5536	H. Res. 487 (on previous question)	Yea.	251	Sept. 9	H8255	H.R. 9727 (on passage)	Yea.
153	June 22	H5586	Call in committee	Present.	252	Sept. 13	H8314	H. Res. 483 (on agreeing to resolution)	Yea.
154	do	H5608	do	Do.	253	do	H8316	Call in committee	Present.
155	do	H5630	do	Do.	254	Sept. 14	H8372	Call of the House	Do.
*156	do	H5716	H.R. 1 (Ullman amendment)	Nay.	*255	do	H8385	H.R. 234 (on amendment)	Nay.
157	do	H5717	H.R. 1 (on passage)	Yea.	*256	do	H8387	do	Yea.
158	June 23	H5738	Call of House	Present.	257	do	H8400	H.R. 234 (on passage)	Yea.
*159	do	H5774	H.R. 9270 (on amendment)	Yea.	258	Sept. 15	H8458	Call of the House	Present.
*160	do	H5804	do	Yea.	259	do	H8486	Call in committee	Do.
*161	do	H5809	do	Yea.	260	Sept. 16	H8518	do	Do.
162	June 24	H5862	Call in committee	Present.	*261	do	H8539	H.R. 1746 (on amendment)	Nay.
*163	do	H5871	H.R. 9272 (on amendment)	Nay.	262	do	H8540	do	Nay.
*164	do	H5876	do	Nay.	263	do	H8540	H.R. 1746 (motion to recommit)	Nay.
165	do	H5885	H.R. 9272 (on passage)	Yea.	264	do	H8541	H.R. 1746 (on passage)	Yea.
166	June 28	H5926	Call of the House	Present.	265	Sept. 22	H8640	H.R. 10090 (agree to conference report)	Yea.
167	do	H5943	H.R. 6531 (on pref. motion)	Nay.	266	Sept. 23	H8672	Call of the House	Present.
168	do	H5953	Call in committee	Present.	*267	do	H8676	H.R. 9166 (on amendment)	Nay.
169	do	H5958	H.R. 9271 (on passage)	Yea.	268	Sept. 28	H8753	Call of the House	Present.
170	June 29	H6016	Call of the House	Present.	269	Sept. 29	H8800	do	Do.
171	do	H6058	H.R. 9417 (on passage)	Yea.	270	Sept. 30	H8863	Call in committee	Do.
172	June 30	H6113	H. Res. 489 (motion to table)	Yea.	*271	do	H8884	H.R. 10351 (on amendment)	Not voting.
173	do	H6124	H.R. 7016 (agree to conference report)	Yea.	*272	do	H8891	do	Do.
*174	do	H5159	H.R. 9382 (on amendment)	Nay.	*273	do	H8903	do	Do.
175	July 1	H6229	S. 31 (agree to conference report)	Yea.	*274	do	H8906	do	Do.
176	do	H6258	H.R. 8629 (on passage)	Yea.	*275	do	H8921	do	Do.
177	do	H6272	H.R. 8630 (on passage)	Yea.	276	do	H8936	do	NVA.
178	July 7	H6384	H. Res. 492 (motion to table)	Nay.	277	do	H8938	H.R. 10351 (motion to recommit)	NVF.
179	do	H6411	H.R. 8805 (on passage)	Yea.	278	do	H8939	H.R. 10351 (on passage)	Do.
180	July 8	H6454	Call of the House	Present.	279	Oct. 1	H8979	Call of the House	Absent.
181	do	H6469	Call in committee	Do.	280	Oct. 4	H9001	Call in committee	Present.
*182	do	H6472	H.R. 8181 (on amendment)	Nay.	*281	do	H9008	H. Res. 596 (motion to rise)	Nay.
*183	do	H6477	do	Nay.	282	do	H9022	H. Res. 596 (agreeing to resolution)	Nay.
184	do	H6488	H.R. 9093 (on passage)	Yea.	283	do	H9027	H. Con. Res. 374 (motion to suspend)	Yea.
185	July 12	H6538	H.R. 8407 (on passage)	Yea.	284	do	H9084	H.R. 9961 (on motion to suspend)	Nay.
186	July 13	H6631	Call of the House	Present.	285	do	H9091	H.R. 8083 (on motion to suspend)	Yea.
187	do	H6639	H.R. 8699 (on passage)	Yea.	286	do	H9092	Call of the House	Present.
188	do	H6669	H. Res. 534 (motion to recommit)	Yea.	287	do	H9094	H.R. 8866 (agree to conference report)	Yea.
189	July 14	H6709	Call of the House	Present.	288	Oct. 5	H9151	Call of the House	Present.
190	do	H6737	H.R. 9667 (on passage)	Yea.	289	Oct. 6	H9232	H.J. Res. 915 (on passage)	Yea.
191	July 15	H6761	Call of the House	Present.	290	do	H9234	H.J. Res. 916 (on passage)	Yea.
*192	do	H6797	H.R. 9388 (on amendment)	Nay.	291	Oct. 12	H9358	Call of the house	Present.
193	July 19	H6852	H.R. 9265 (motion to suspend)	Yea.	*292	do	H9360	H.J. Res. 208 (on amendment)	Nay.
194	do	H6863	H.J. Res. 748 (motion to suspend)	Yea.	*293	do	H9390	do	Nay.
195	do	H6869	S.J. Res. 111 (motion to suspend)	Yea.	294	do	H9392	H.J. Res. 208 (on passage)	Yea.
196	July 20	H6899	Call of the House	Present.	295	Oct. 13	H9479	Call of the House	Present.
197	do	H6904	H. Res. 424 (agree to resolution)	Yea.	296	do	H9503	Call in committee	Do.
198	July 21	H6969	Call of the House	Present.	297	Oct. 14	H9558	Call of the House	Do.
199	do	H6974	H. Res. 457 (on agreeing to resolution)	Yea.	*298	do	H9565	H.R. 10835 (on amendment)	Nay.
200	do	H7002	H.R. 4354 (motion to recommit)	Nay.	*299	do	H9571	do	Nay.
201	July 22	H7062	Call of the House	Present.	300	do	H9582	H.R. 10835 (on passage)	Yea.
202	do	H7063	H. Res. 533 (dispense proceedings)	Not voting.	301	Oct. 18	H9635	Call of the house	Present.
203	do	H7094	H.R. 9844 (on passage)	Yea.	302	do	H9648	H.R. 9212 (on motion to suspend)	Nay.
204	July 27	H7177	H.R. 9270 (agree to conference report)	Nay.	303	do	H9660	H.J. Res. 923 (motion to suspend)	Yea.
205	do	H7184	H.R. 9272 (on pref. motion)	Yea.	304	do	H9663	H.R. 10458 (motion to suspend)	Yea.
206	do	H7233	Call in committee	Present.	305	do	H9670	H.R. 8140 (motion to suspend)	Yea.
*207	do	H7246	H.R. 10061 (on amendment)	Nay.	306	Oct. 19	H9710	Call of the House	Present.
*208	do	H7254	do	Yea.	307	do	H9728	H.R. 8687 (on previous question)	Nay.
*209	do	H7259	do	Nay.	308	do	H9728	H.R. 8687 (instruct conferees)	Nay.
210	do	H7261	H.R. 10061 (on passage)	Yea.	309	do	H9741	Call in committee	Present.
211	do	H7285	Call of the House	Present.	310	Oct. 20	H9778	Call of the House	Do.
*212	July 28	H7306	H.R. 9092 (on amendment)	Yea.	311	do	H9780	H.R. 9844 (agree to conference report)	Yea.
213	do	H7325	H.R. 9922 (on passage)	Yea.	312	do	H9809	H.R. 10367 (on amendment)	Yea.
214	July 29	H7363	Call of the House	Present.	313	do	H9816	H.R. 10367 (on passage)	Yea.
215	do	H7372	H.R. 9382 (agree to conference report)	Yea.	314	Oct. 21	H9867	Call of the House	Present.
216	do	H7380	H.R. 9667 (agree to conference report)	Yea.	315	do	H9880	Call in committee	Do.
217	do	H7384	H.R. 9667 (concur in Senate amendment No. 5)	Yea.	316	do	H9889	H.R. 10670 (on passage)	Yea.
218	do	H7388	Call of the House	Present.	317	do	H9890	Call of the House	Present.
*219	do	H7417	H.R. 10090 (on amendment)	Yea.	318	do	H9891	H. Res. 624 (on previous question)	Yea.
*220	do	H7422	do	Yea.	319	Oct. 27	H9970	Call of the House	Present.
221	do	H7429	H.R. 10090 (on passage)	Yea.	320	do	H9971	Call in committee	Do.
222	July 30	H7451	Call of the House	Absent.	321	do	H9979	H.R. 11418 (on passage)	Yea.
					322	do	H9983	H. Res. 661 (on agreeing to resolution)	Yea.

MEMBER'S INDIVIDUAL VOTING RECORD—HON. BILL FRENZEL—92D CONG., 1ST SESS.—Continued

[NVF—Not voting, paired for; NVA—Not voting, paired against]

Roll No.	Date, 1971	Page in daily Record	Description	Member's response	Roll No.	Date, 1971	Page in daily Record	Description	Member's response
323	Oct. 27	H10005	Call in committee	Present.	*398	Nov. 17	H11169	H.R. 11731 (on amendment)	Nay.
324	do	H10010	do	Do.	*399	do	H11196	do	Yea.
325	Oct. 28	H10074	Call of the House	Do.	*400	do	H11198	do	Nay.
*326	do	H10098	H.R. 7248 (on amendment)	Yea.	*401	do	H11201	do	Yea.
*327	do	H10107	do	Yea.	402	do	H11203	H.R. 11731 (on passage)	Yea.
328	Nov. 1	H10146	Call of the House	Present.	403	Nov. 18	H11237	Call of the House	Present.
329	do	H10156	H.R. 2266 (motion to suspend)	Yea.	404	do	H11240	do	Do.
330	do	H10159	H.R. 9961 (motion to suspend)	Yea.	405	do	H11241	do	Do.
331	do	H10162	H.R. 8389 (motion to suspend)	Yea.	406	do	H11244	H. Res. 710 (agree to resolution)	Yea.
332	do	H10168	H.R. 9180 (motion to suspend)	Yea.	407	do	H11251	H. Res. 711 (agree to resolution)	Yea.
333	do	H10171	H.R. 9323 (motion to suspend)	Yea.	408	do	H11253	H.J. Res. 946 (agree to conference report)	Yea.
334	do	H10172	Call of the House	Present.	409	Nov. 19	H11311	H. Res. 699 (agree to resolution)	Yea.
335	do	H10178	H.R. 7854 (motion to suspend)	Yea.	410	do	H11322	S. 18 (on passage)	Yea.
336	do	H10198	H.R. 11232 (motion to suspend)	Yea.	411	Nov. 29	H11409	Call of the House	Present.
337	do	H10199	Call of the House	Present.	*412	do	H11430	H.R. 11060 (on amendment)	Yea.
338	do	H10199	On motion to adjourn	Nay.	*413	do	H11432	do	Yea.
339	Nov. 2	H10234	Call of the House	Present.	*414	do	H11435	do	Yea.
340	do	H10236	do	Absent.	415	Nov. 30	H11460	Call of the House	Present.
341	do	H10236	(On motion to adjourn)	Not voting.	*416	do	H11489	H.R. 11060 (on amendment)	Yea.
*342	Nov. 3	H10286	H.R. 2 (on amendment)	Do.	*417	do	H11502	do	Nay.
343	do	H10287	H.R. 2 (on passage)	Do.	418	do	H11509	H.R. 11060 (on passage)	Yea.
*344	do	H10303	H.R. 7248 (on amendment)	Do.	419	Dec. 1	H11537	Call of the House	Present.
*345	do	H10307	do	Do.	420	do	H11543	Call in committee	Do.
*346	do	H10311	do	Do.	421	do	H11553	do	Do.
*347	do	H10322	do	Do.	422	do	H11556	H.R. 11589 (on passage)	Yea.
348	Nov. 4	H10352	Call of the House	Present.	423	Dec. 2	H11641	Call of the House	Present.
*349	do	H10365	H.R. 7248 (on amendment)	Yea.	424	do	H11644	H.R. 11932 (resolve to Committee)	Yea.
*350	do	H10374	do	Nay.	425	do	H11665	Call in Committee	Present.
*351	do	H10382	do	Yea.	*426	do	H11675	H.R. 11932 (on amendment)	Yea.
*352	do	H10386	do	Do.	*427	do	H11678	do	Nay.
*353	do	H10406	do	Nay.	428	do	H11681	do	Yea.
*354	do	H10417	do	Yea.	429	do	H11684	H. Res. 719 (agree to resolution)	Yea.
*355	do	H10422	do	Nay.	*430	do	H11700	H.R. 11955 (on amendment)	Yea.
*356	do	H10427	do	Yea.	431	Dec. 6	H11830	H.R. 9526 (motion to suspend)	Yea.
*357	do	H10479	do	Nay.	432	do	H11832	H.R. 11624 (motion to suspend)	Nay.
*358	do	H10440	do	Do.	433	do	H11833	H.R. 45 (motion to suspend)	Yea.
*359	do	H10446	do	Yea.	*434	do	H11834	S.J. Res. 176 (motion to suspend)	Yea.
*360	do	H10457	do	Do.	435	do	H11835	H.R. 11809 (motion to suspend)	Nay.
361	do	H10457	H.R. 7248 (on passage)	Yea.	*436	do	H11856	H.R. 10420 (motion to suspend)	Nay.
362	Nov. 5	H10551	Call of the House	Present.	437	Dec. 7	H11908	Call of the House	Present.
363	do	H10562	H.R. 8292 (on passage)	Yea.	438	do	H11940	S. 2007 (agreeing to conference report)	Nay.
364	Nov. 8	H10589	Call of the House	Present.	439	Dec. 8	H11960	Call of the House	Present.
365	do	H10593	H.J. Res. 191 (discharge motion)	Nay.	*440	do	H11980	H.R. 12067 (on amendment)	Nay.
366	do	H10657	H.J. Res. 191 (on passage)	Nay.	411	do	H12002	H.R. 12067 (on passage)	Yea.
367	Nov. 9	H10725	Call of the House	Present.	442	do	H12006	Call of the House	Present.
368	do	H10752	Call in committee	Do.	443	do	H12013	H. Res. 728 (on previous question)	Nay.
*369	do	H10768	H.R. 10729 (on amendment)	Nay.	*444	do	H12028	H.R. 1163 (on amendment)	Yea.
*370	do	H10769	do	Yea.	*445	do	H12033	do	Yea.
*371	do	H10770	do	Yea.	*446	do	H12035	do	Yea.
372	do	H10773	H.R. 10729 (on passage)	Yea.	*447	do	H12036	do	Present.
373	Nov. 10	H10804	Call of the House	Present.	448	do	H12038	H.R. 1163 (on passage)	Nay.
374	do	H10809	Call in committee	Do.	449	Dec. 9	H12126	Call of the House	Present.
*375	do	H10824	H.R. 9212 (on amendment)	Yea.	450	do	H12133	H.R. 10947 (agree to conference report)	Yea.
*376	do	H10829	do	Yea.	451	do	H12137	H. Res. 729 (agree to resolution)	Nay.
377	do	H10833	H.R. 9212 (on passage)	Nay.	452	do	H12142	Call of the House	Present.
*378	do	H10847	H.J. Res. 946 (on amendment)	Nay.	453	do	H12148	H.R. 11955 (agree to conference report)	Yea.
*379	do	H10865	H.R. 8687 (on amendment)	Nay.	454	Dec. 10	H12211	Call in committee	Present.
380	Nov. 11	H10915	H. Res. 698 (agree to resolution)	Yea.	*455	do	H12233	H.R. 11309 (on amendment)	Yea.
381	do	H10933	Call in committee	Absent.	*456	do	H12248	do	Nay.
*382	do	H10943	H.R. 11341 (on amendment)	Nay.	*457	do	H12253	do	Yea.
*383	do	H10944	do	Nay.	458	do	H12257	H.R. 11309 (on passage)	Yea.
*384	do	H10952	do	Nay.	459	do	H12264	H.R. 11341 (agree to conference report)	Yea.
385	do	H10961	H.R. 11341 (on passage)	Yea.	460	Dec. 13	H12324	Call of the House	Present.
386	Nov. 15	H11026	H.R. 11302 (motion to suspend)	Yea.	461	do	H12337	H.R. 11628 (on passage)	Yea.
387	do	H11030	H.R. 11350 (motion to suspend)	Yea.	462	Dec. 14	H12444	Call of the House	Present.
388	do	H11033	S.J. Res. 132 (motion to suspend)	Yea.	463	do	H12448	do	Do.
389	do	H11039	H.R. 11651 (motion to suspend)	Yea.	464	do	H12455	do	Do.
390	do	H11044	H.R. 11652 (motion to suspend)	Yea.	465	do	H12466	H.R. 10367 (agree to conference report)	Yea.
391	do	H11052	H.R. 11080 (motion to suspend)	Yea.	466	Dec. 15	H12573	H.R. 11731 (agree to conference report)	Yea.
392	Nov. 16	H11082	Call of the House	Present.	467	do	H12584	H.R. 11932 (agree to conference report)	Do.
393	do	H11092	Call in committee	Do.	468	do	H12585	Call of the House	Present.
394	do	H11111	do	Do.	469	do	H12591	H.R. 6065 (agree to conference report)	Nay.
*395	do	H11114	H.R. 11731 (on amendment)	Nay.	470	do	H12602	H.J. Res. 1005 (on passage)	Yea.
396	Nov. 17	H11161	Call of the House	Present.	471	Dec. 16	H12689	Call of the House	Present.
397	do	H11164	Call in committee	Do.	472	do	H12689	S. 2819 (instruct conferees)	Yea.

\* Indicates recorded teller vote.

## CUMULATIVE VOTING RECORD THIS SESSION (THROUGH ROLL NUMBER 472)

	Yeas/Nays	Quorum calls	Recorded tellers	Grand totals
Number of Calls or Votes	211	151	108	470
Present responses (yea, nay, present, present-paired for or against)	190	126	96	422
Absences (absent, not voting, not voting-paired for or against)	21	15	12	48
Voting percentage (presence)	90.0	90.0	88.8	89.7

LEGISLATION INTRODUCED BY BILL FRENZEL—  
JANUARY 22 TO DECEMBER 14, 1971

## ENVIRONMENT

H. Res. 191. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment. To the Committee on Rules, February 3, 1971.

H.J. Res. 280. Joint resolution; designation of the 3rd week of April of each year as "Earth Week." To the Committee on the Judiciary, February 4, 1971.

H.J. Res. 349. A joint resolution to establish a joint committee on the Environment. Referred to Committee on Rules, February 18, 1971.

H.R. 5075. A bill to amend the National

Environmental Policy Act of 1969 to provide for citizens' suits and class actions in the United States District Courts against persons responsible for creating certain environmental hazards. Referred to Committee on Merchant Marine and Fisheries, February 25, 1971.

H.R. 5446. A bill to consent to the Inter-



state Environment Compact. Referred to Committee on the Judiciary, March 3, 1971.

H.R. 5973. A bill to establish an Environmental Financing Authority to assist in the financing of waste treatment facilities, and for other purposes. Referred to Committee on Public Works, March 11, 1971.

H.R. 8642. A bill to amend the Federal Aviation Act of 1958 in order to provide for more effective control of aircraft noise. Referred to Committee on Interstate and Foreign Commerce, May 20, 1971.

H.R. 9385. A bill to authorize and direct the Secretary of Defense and the Administrator of the General Services Administration to insure the procurement and use by the Federal Government of products manufactured from recycled materials. Referred to Committee on Government Operations, June 23, 1971.

H.R. 9386. A bill to authorize and direct the Administrator of the General Services Administration to prescribe regulations with respect to the amount of recycled material contained in paper procured or used by the Federal Government or the District of Columbia. June 23, 1971.

H.R. 10032. A bill to amend chapter 9 of title 44, United States Code, to require the use of recycled paper in the printing of the Congressional Record. Referred to the Committee on House Administration, July 22, 1971.

H.R. 10610. A bill to direct the Administrator of the Environmental Protection Agency to establish and carry out a bottled drinking water control program. Referred to the Committee on Interstate and Foreign Commerce, September 13, 1971.

H. Con. Res. 428. A concurrent resolution expressing the sense of the Congress with respect to the designation of the years 1973 through 1978 as the World Environmental Quinquennium to involve all nations of the world in a global environmental research program of both national and international scope. Referred to the Committee on Foreign Affairs, October 14, 1971.

H.R. 11533. A bill to authorize the Secretary of the Interior to establish the George Washington Boyhood Home National Historic Site in the State of Virginia. Referred to the Committee on Interior and Insular Affairs, November 2, 1971.

H.R. 12020. A bill to amend the National Environmental Policy Act of 1969 to require that environmental impact statements be included in agency reports on bills and resolutions being considered by the Congress. Referred to the Committee on Merchant Marine and Fisheries, December 2, 1971.

H.R. 12286. A bill to amend the Outer Continental Shelf Lands Act, to establish a National Marine Mineral Resources Trust, and for other purposes. Referred to the Committee on Merchant Marine and Fisheries, December 14, 1971.

#### WATER POLLUTION

H.R. 4360. A bill to amend the Act of August 3, 1968 to protect the ecology of estuarine areas by regulating dumping of waste materials. Referred to the Committee on Merchant Marine and Fisheries, February 17, 1971.

H. Con. Res. 176. Concurrent Resolution expressing the sense of the Congress with respect to the pollution of waters all over the world and the necessity for coordinated international action to prevent such pollution. Referred to the Committee on Foreign Affairs.

H.R. 5050. A bill to regulate the discharge of wastes in territorial and international waters. Referred to the Committee on Merchant Marine and Fisheries, February 10, 1971.

H.R. 4719. A bill to prohibit the discharge into any of the navigable waters of the United States or into international waters of any military material or other refuse without a certification by the Environmental Protection Agency approving such discharge.

Referred to the Committee on Merchant Marine and Fisheries, February 22, 1971.

H.R. 5223. A bill to amend the Federal Water Pollution Control Act to establish standards which must be met by all synthetic detergents and to ban from detergents all phosphates and those synthetics which fail to meet the standards by June 30, 1971. Referred to the Committee on Public Works, March 1, 1971.

H.R. 5961. A bill to amend the Federal Water Pollution Control Act, as amended. Referred to the Committee on Public Works, March 11, 1971.

H.R. 5965. A bill to amend section 8 of the Federal Water Pollution Control Act, as amended, and for other purposes. Referred to the Committee on Public Works, March 11, 1971.

H.R. 5969. A bill to amend the Federal Water Pollution Control Act, as amended. Referred to the Committee on Public Works, March 11, 1971.

H.R. 6487. A bill to amend the Federal Water Pollution Control Act, as amended, and for other purposes. Clean Lakes Act of 1971. Referred to the Committee on Public Works, March 22, 1971.

H.R. 7539. A bill to amend section 274 of the Atomic Energy Act of 1954 to allow the imposition by a State of more restrictive standards relating to the discharge into the navigable waters of the United States of radioactive materials. Referred to the Committee on Atomic Energy, April 20, 1971.

#### SOLID WASTES

H.R. 5451. A bill to discourage the production of one-way containers for cardboard and/or malt beverages so as to reduce litter, reduce the cost of solid waste management, and to conserve natural resources. Referred to the Committee on Ways and Means, March 3, 1971.

H.R. 6652. A bill to encourage States to establish abandoned automobile removal programs and to provide for tax incentives for automobile scrap processing. Referred to Committee on Ways and Means, March 22, 1971.

H.R. 9685. A bill to amend the Act of March 3, 1899, commonly referred as the Refuse Act, relating to the issuance of certain permits. Referred to Committee on Public Works, July 8, 1971.

#### CONSERVATION AND RECREATION

H.R. 4262. A bill to amend section 4182 of the Internal Revenue Code of 1954. .22 Caliber ammunition. Referred to the Committee on Ways and Means, February 10, 1971.

H.R. 5778. A bill to authorize insurance in connection with loans for the preservation of residential historic properties. Referred to Committee on Banking and Currency, March 9, 1971.

H.R. 7134. A bill providing for the conveyance of certain real property to the State of Minnesota for park and recreation purposes. Fort Snelling. Referred to Committee on Government Operations, April 1, 1971.

H.R. 8060. A bill to amend the Communications Act of 1934 as to provide for the regulation of the broadcasting of certain major sporting events in the public interest. Referred to Committee on Interstate and Foreign Commerce, May 4, 1971.

H.R. 10418. A bill to establish a national policy and program with respect to wild predatory mammals and for other purposes. Referred to the Committee on Merchant Marine and Fisheries, August 5, 1971.

H.R. 10921. A bill to protect marine mammals; to establish a Marine Mammal Commission; and for other purposes. Referred to the Committee on Merchant Marine and Fisheries, September 28, 1971.

#### CONSUMER PROTECTION

H.R. 4541. A bill to establish an Office of Consumer Affairs in the Executive Office and Bureau of Consumer Protection. Referred to

Committee on Government Operations, February 18, 1971.

H.R. 9738. A bill to limit the sale or distribution of mailing lists by Federal Agencies. Referred to the Committee on Government Operations, July 13, 1971.

#### TAX LEGISLATION

H.R. 4219. A bill to give all unmarried individuals tax benefits of income splitting. Referred to Committee on Ways and Means, February 10, 1971.

H.J. Res. 662. To create a select joint committee to conduct an investigation and study into methods of significantly simplifying Federal income tax return forms. May 25, 1971.

H.R. 9683. A bill to restore the income tax credit for investment in certain depreciable property. Referred to the Committee on Ways and Means, July 8, 1971.

H.R. 10193. A bill to advance by one year the standard deduction provisions of the Tax Reform Act of 1969. Referred to the Committee on Ways and Means, July 29, 1971.

H.R. 10435. A bill to amend the Internal Revenue Code of 1954 to provide that blood donations shall be considered as charitable contributions deductible from gross income. Referred to the Committee on Ways and Means, August 5, 1971.

H.R. 11020. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income the entire amount of the compensation of members of the Armed Forces of the United States who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict. Referred to the Committee on Ways and Means, September 30, 1971.

H.R. 11810. A bill to amend the Federal Salary Act of 1967, and for other purposes. Referred to the Committee on Post Office and Civil Service, November 16, 1971.

#### GOVERNMENT REORGANIZATION AND REFORM

H.J. Res. 198. Joint resolution proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older, to the Committee on the Judiciary, January 22, 1971.

H.R. 3135. A bill to provide that the fiscal year of the United States shall coincide with the calendar year, to the Committee on Government Operations, February 1, 1971.

H.R. 3994. A bill to amend the Legislative Reorganization Act of 1946 to provide for annual reports to the Congress by the Comptroller General concerning certain price increases in Government contracts and certain failures to meet Government contract completion dates. February 9, 1971.

H.R. 4188. A bill to restore balance in the Federal system of government. Revenue sharing. Referred to the Committee on Ways and Means, February 10, 1971.

H.R. 6141. A bill to provide for the District of Columbia an elected mayor, an elected council, and for other purposes. Referred to Committee on the District of Columbia, March 16, 1971.

H.R. 8853. A bill to provide Federal revenues to State and local governments and afford them broad discretion in carrying out community development activities and to help States and localities to improve their decision making and management capabilities. Referred to Committee on Banking and Currency, June 2, 1971.

H.J. Res. 717. Joint resolution to limit the tenure of office of Senators and Representatives, and to provide an age limit for Senators and Representatives. Referred to the Committee on the Judiciary, June 16, 1971.

H. Res. 499. A resolution to provide for equitable and effective minority staffing on House standing committees. Referred to the Committee on Rules, June 22, 1971.

H.R. 9507. A bill to establish certain qualifications for election to the offices of President and Vice President of the United

States. Referred to the Committee on House Administration. June 29, 1971.

H.J. Res. 736. A joint resolution proposing an amendment to the Constitution of the United States to provide an age limit and a single six-year term for the President. Referred to the Committee on the Judiciary. June 22, 1971.

H.R. 10198. A bill to provide home rule for the District of Columbia. Referred to the Committee on District of Columbia. July 29, 1971.

H.R. 11280. A bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes. Referred to the Committee on Interstate and Foreign Commerce. October 18, 1971.

H.J. Res. 961. A joint resolution proposing an amendment to the Constitution of the United States lowering the age requirements for membership in the Houses of Congress. Referred to the Committee on the Judiciary. November 11, 1971.

H. Res. 724. A resolution to amend the Rules of the House of Representatives to require that the report accompanying each bill or resolution contain an analysis and evaluation of the environmental impact of the bill or resolution. Referred to the Committee on Rules. December 2, 1971.

H.J. Res. 1002. A Joint Resolution to establish a Joint Committee on Aging. Referred to the Committee on Rules. December 8, 1971.

H. Res. 737. A resolution to provide for two additional student congressional interns for Members of the House of Representatives, the Resident Commissioner from Puerto Rico, and the Delegate from the District of Columbia. Referred to the Committee on House Administration. December 10, 1971.

#### CIVIL RIGHTS AND LIBERTIES

H.J. Res. 325. Joint resolution; equal rights for ladies; constitutional amendment. February 1, 1971.

H.R. 5640. A bill to protect the political rights and privacy of individuals and organizations and to define the authority of the Armed Forces to collect, distribute, and store information about civilian political activity. Freedom from Surveillance Act of 1971. Referred to the Committee on Armed Services. March 4, 1971.

H.R. 5693. A bill to amend Title 18, United States Code, to prohibit the establishment of emergency detention camps and to provide that no citizen of the United States shall be committed for detention or imprisonment in any facility of the United States Government except in conformity with the provisions of Title 18. Referred to the Committee on the Judiciary. March 8, 1971.

H.R. 6361. A bill to amend the Economic Opportunity Act of 1964 to authorize a legal services program by establishing a National Legal Services Corporation, and for other purposes. Referred to Committee on Education and Labor. March 18, 1971.

H.R. 7665. A bill to amend Title 28, United States Code, to prohibit Federal judges from receiving compensation other than for the performance of their judicial duties, except in certain instances, and to provide for the disclosure of certain financial information. Referred to Committee on the Judiciary. April 22, 1971.

H.R. 8602. A bill to amend Title 5, United States Code, to provide that individuals be apprised of records concerning them which are maintained by Government agencies. Referred to Committee on Government Operations. May 20, 1971.

H.R. 11556. A bill for the relief of certain orphans in Vietnam. Referred to the Committee on the Judiciary. November 3, 1971.

#### CRIME AND JUDICIAL REFORM

H.R. 6471. A bill to prohibit assaults on State law enforcement officers, firemen, and judicial officers. Referred to Committee on the Judiciary. March 22, 1971.

H.R. 7351. A bill to amend Title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice. Referred to Committee on the Judiciary. April 7, 1971.

H.R. 10695. A bill to strengthen interstate reporting and interstate services for parents of runaway children, to provide for the development of a comprehensive program for the transient youth population for the establishment, maintenance, and operation of temporary housing and psychiatric, medical and other counseling services for transient youth, and for other purposes. Referred to the Committee on the Judiciary. September 15, 1971.

H.R. 11415. A bill to change the minimum age qualification for serving as a juror in Federal courts from twenty-one years of age to eighteen years of age. Referred to Committee on the Judiciary. October 21, 1971.

#### EDUCATION

H.R. 3610. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education. Referred to the Committee on Ways and Means. February 4, 1971.

H.R. 5099. A bill to amend the Internal Revenue Code of 1954 to allow an income tax credit for gifts or contributions made to any institution of higher education, to be cited as, "The Higher Education Gift Incentive Act of 1971." Referred to Committee on Ways and Means. February 25, 1971.

H.R. 6233. A bill to authorize a White House Conference on Education. Referred to Committee on Education and Labor. March 17, 1971.

H.R. 7344. A bill to provide a comprehensive child development program in the Department of Health, Education, and Welfare. Referred to Committee on Education and Labor. April 7, 1971.

H.R. 7397. A bill to provide a comprehensive child development program in the Department of Health, Education, and Welfare. Referred to Committee on Education and Labor. April 7, 1971.

H. Res. 427. A resolution to provide for two additional student congressional interns for Members of the House of Representatives, the Resident Commissioner from Puerto Rico, and the Delegate from the District of Columbia. Referred to Committee on House Administration. May 5, 1971.

H.R. 8937. A bill to amend the Elementary and Secondary Education Act of 1965, to provide for administration of programs of Indian education by a National Board of Indian Education in the United States Office of Education, and for other purposes. Referred to the Committee on Education and Labor. June 4, 1971.

H.R. 11878. A bill to insure that Federal laws do not interfere with neighborhood school systems which are conducted on a racially nondiscriminatory basis. Referred to Committee on Education and Labor. November 18, 1971.

H.R. 12293. A bill to transfer the Teacher Corps to Action. Referred to the Committee on Education and Labor. December 14, 1971.

#### FOREIGN RELATIONS/DEFENSE

H. Con. Res. 164. Concurrent resolution to create an Atlantic Union delegation. Referred to Committee on Foreign Affairs. February 17, 1971.

H. Con. Res. 194. Concurrent resolution expressing the sense of Congress that our NATO allies should contribute more to the cost of their own defense. Referred to the Committee on Foreign Affairs. March 3, 1971.

H. Con. Res. 252. A concurrent resolution to express the sense of the House with respect to peace in the Middle East. Referred to the Committee on Foreign Affairs. April 1, 1971.

H. Con. Res. 258. A concurrent resolution urging review of the United Nations Char-

ter. Referred to Committee on Foreign Affairs. April 5, 1971.

H.R. 8660. A bill to provide a procedure for the exercise of Congressional and Executive powers over the use of any Armed Forces of the United States in military hostilities, and for other purposes. Referred to the Committee on Armed Services. May 24, 1971.

H.J. Res. 775. A joint resolution limiting military assistance and military sales to Pakistan. Referred to the Committee on Foreign Affairs. July 12, 1971.

H.R. 9964. A bill making appropriations to the President for the development of a prototype desalting plant in Israel. Referred to the Committee on Appropriations. July 21, 1971.

H.J. Res. 797. A joint resolution to establish a select joint committee to be known as the Joint Committee on United States Foreign Policy in Southeast Asia. Referred to the Committee on Rules. July 21, 1971.

H. Con. Res. 386. A concurrent resolution dealing with the Vietnam Disengagement Act. Referred to the Committee on Foreign Affairs. August 3, 1971.

H.J. Res. 892. A joint resolution authorizing the President to invite the States of the Union and foreign nations to participate in Farmfest-USA and the World Ploughing Contest in September, 1972. Referred to the Committee on Foreign Affairs. September 28, 1971.

#### SOCIAL SECURITY AND AID TO DISADVANTAGED

H.J. Res. 120. A resolution to create a Select Committee on Aging. Referred to the Committee on Rules. January 22, 1971.

H. Con. Res. 181. A concurrent resolution to declare the sense of the U.S. Congress with respect to the Federal administration of Indian Affairs. Referred to the Committee on Interior and Insular Affairs. February 23, 1971.

H.R. 6020. A bill to amend the Social Security Act to authorize a family assistance plan providing basic benefits to low-income families with children with incentive for employment and training to improve the capacity for employment of members of such families, to achieve more uniform treatment of recipients under the Federal-State public assistance programs and otherwise improve such programs, and for other purposes. Referred to Committee on Ways and Means. March 15, 1971.

H.R. 6021. A bill to amend Title II of the Social Security Act to provide increases in benefits, to improve computation methods, to raise the earnings base under the old-age, survivors, and disability insurance system, and for other purposes. Referred to Committee on Ways and Means. March 15, 1971.

#### SOVIET JEWRY

H.R. 6385. A bill for the relief of Soviet Jews. Referred to the Committee on the Judiciary. March 18, 1971.

H. Con. Res. 221. A 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. Referred to Committee on Foreign Affairs. March 22, 1971.

H. Con. Res. 390. A Concurrent resolution to relieve the suppression of Soviet Jewry. Referred to the Committee on Foreign Affairs. August 6, 1971.

H. Con. Res. 425. A concurrent resolution expressing the sense of Congress with respect to placing before the United Nations General Assembly the issue of the dual right of all persons to emigrate from and also return to one's country. Referred to the Committee on Foreign Affairs. October 14, 1971.

H. Res. 664. A resolution calling for the shipment of Phantom F-4 aircraft to Israel in order to maintain the arms balance in the Middle East. October 27, 1971. Referred to the Committee on Foreign Affairs.

H.R. 6698. A bill for the relief of Soviet



Jews. Referred to the Committee on the Judiciary, March 24, 1971.

H. Res. 460. A resolution calling upon the Voice of America to broadcast in the Yiddish language to Soviet Jewry. Referred to the Committee on Foreign Affairs, June 2, 1971.

#### POW/MIA

H.J. Res. 21. A joint resolution to authorize the President to designate the period beginning March 21, 1971, as "National Week of Concern for Prisoners of War/Missing in Action." Referred to the Committee on the Judiciary, January 22, 1971.

H. Con. Res. 113. A concurrent resolution calling for the humane treatment and release of American prisoners of war held by North Viet Nam and the National Liberation Front. Referred to the Committee on Foreign Affairs, February 3, 1971.

H.R. 9568. A bill to provide compensation to prisoners of war of the Vietnam era because of the inhumane circumstances of their incarceration. Referred to the Committee on Veterans' Affairs, July 1, 1971.

#### BUSINESS/JOB

H.R. 5063. A bill to provide incentives for the establishment of new or expanded job-producing industrial and commercial establishments in rural area. Referred to the Committee on Ways and Means, February 25, 1971.

H.R. 6371. A bill to amend the Small Business Act by striking out "\$2,200,000,000" and inserting in lieu thereof "\$3,100,000,000". Referred to the Committee on Banking and Currency, March 18, 1971.

H.R. 6688. A bill to authorize the National Science Foundation to conduct research, educational, and assistance programs to prepare the country for conversion from defense to civilian, socially oriented research and development activities, and for other purposes. Referred to Committee on Science and Astronautics, March 24, 1971.

H.R. 7414. A bill to amend the State Technical Services Act of 1965 to make municipal governments eligible for technical services under the Act, to extend the Act through fiscal year 1974, and for other purposes. Referred to Committee on Interstate and Foreign Commerce, April 7, 1971.

#### HEALTH

H.R. 4413. A bill to amend Section 620 of the Foreign Assistance Act of 1961 to suspend economic and military assistance to countries which fail to take appropriate steps to prevent narcotic drugs produced in such country from entering the United States unlawfully. Referred to Committee on Foreign Affairs, February 17, 1971.

H.R. 6019. A bill to amend Title 39, United States Code, as enacted by the Postal Reorganization Act, to prohibit the mailing of unsolicited samples of cigarettes. Referred to Committee on Post Office and Civil Service, March 15, 1971.

H.R. 6808. A bill to require the Secretary of Transportation to prescribe regulations requiring certain modes of public transportation in interstate commerce to reserve some seating capacity for passengers who do not smoke. Referred to Committee on Interstate and Foreign Commerce, March 25, 1971.

H.R. 7120. A bill to establish the Office of Drug Abuse Control within the Executive Office of the President. Referred to Committee on Interstate and Foreign Commerce, April 1, 1971.

H.R. 7765. A bill to amend the Public Health Service Act so as to provide for new health manpower educational initiatives, increase the level of financial assistance to health professions schools and other institutions training health personnel, improve the distribution and increase the supply of health personnel, and for other purposes. Referred to Committee on Interstate and Foreign Commerce, April 27, 1971.

H.R. 8093. A bill to amend Section 620 of the Foreign Assistance Act of 1961 to pro-

hibit foreign assistance from being provided to foreign countries which do not act to prevent narcotic drugs from unlawfully entering the United States. Referred to the Committee on Foreign Affairs, May 5, 1971.

H.R. 8742. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for the development and operation of treatment programs for certain drug abusers who are confined to or released from correctional institutions and facilities. Referred to the Committee on the Judiciary, May 26, 1971.

H.R. 8861. A bill to establish drug abuse control organizations in the Armed Forces, and for other purposes. Referred to the Committee on Armed Services, June 2, 1971.

H.R. 9123. A bill to amend the Social Security Act to require employers to make an approved basic health care plan available to their employees, to provide a family health insurance plan for low-income families not covered by an employer's basic health care plan, to facilitate provision of health services to beneficiaries of the family health insurance plan by health maintenance organizations, by prohibiting State law interference with such organizations providing such services, and for other purposes. Referred to the Committee on Ways and Means, June 15, 1971.

H.R. 9213. A bill to provide comprehensive treatment for servicemen and veterans who suffer from abuse of, or dependency on, narcotic drugs, and for other purposes. Referred to the Committee on Armed Services, June 16, 1971.

H.R. 9231. A bill to amend the Controlled Substances Act to move amphetamines and certain other stimulant substances from Schedule III of such Act to Schedule II. Referred to the Committee on Interstate and Foreign Commerce, June 17, 1971.

H.R. 9426. A bill to make it unlawful in the District of Columbia to intentionally promote or facilitate illegal drug trafficking by possession, sale, or distribution, of certain paraphernalia, and further to make it unlawful for a person to possess an instrument or device for the purpose of unlawfully using a controlled substance himself. Referred to the Committee on the District of Columbia, June 24, 1971.

H.R. 9426. A bill to make it unlawful in the District of Columbia to intentionally promote or facilitate illegal drug trafficking by possession, sale, or distribution, of certain paraphernalia, and further to make it unlawful for a person to possess an instrument or device for the purpose of unlawfully using a controlled substance himself. Referred to the Committee on the District of Columbia, June 24, 1971.

H. Con. Res. 362. A concurrent resolution relative to control of the production and traffic in illegal drugs. Referred to the Committee on Foreign Affairs, July 14, 1971.

H.R. 9800. A bill to provide a comprehensive child development program in the Department of Health, Education and Welfare. Referred to Committee on Education and Labor, July 14, 1971.

H.R. 9827. A bill to provide additional Federal assistance for State programs of treatment and rehabilitation of drug addicts. Referred to Committee on Interstate and Foreign Commerce, July 15, 1971.

H. Con. Res. 407. A concurrent resolution expressing congressional recognition of a declaration of general and special rights of the mentally retarded. Referred to the Committee on Interstate and Foreign Commerce, September 23, 1971.

H.R. 10841. A bill to amend the Narcotic Addict Rehabilitation Act of 1966, to provide for involuntary civil commitment of narcotic addicts charged with a crime, to authorize grants for certain training programs, to establish training programs for judicial officers, to provide for research and development into causes of and cures for narcotic addiction, and for other purposes. Referred to the

Committee on the Judiciary, September 23, 1971.

H.R. 11466. A bill to amend the Food Stamp Act of 1965 to provide food stamps to certain narcotics addicts and certain organizations and institutions conducting drug treatment and rehabilitation programs for narcotics addicts, and to authorize certain narcotics addicts to purchase meals with food stamps. Referred to the Committee on Agriculture, October 28, 1971.

H.R. 7764. A bill to amend the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organizations, and for other purposes. Referred to the Committee on Interstate and Foreign Commerce, April 27, 1971.

H.R. 12155. A bill to establish a Federal program to encourage the voluntary donation of pure and safe blood, to require licensing and inspection of all blood banks, and to establish a national registry of blood banks. Referred to the Committee on Interstate and Foreign Commerce, December 9, 1971.

#### TRANSPORTATION

H. Res. 324. A resolution to make mass transportation a national priority. Referred to Committee on Interstate and Foreign Commerce, March 17, 1971.

H.R. 9088. A bill to amend the Railway Labor Act to provide more effective means for protecting the public interest in national emergency disputes involving the railroad and airline transportation industries, and for other purposes. Referred to the Committee on Interstate and Foreign Commerce, June 14, 1971.

#### URBAN AFFAIRS/HOUSING

H.J. Res. 165. A joint resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on Urban Affairs. Referred to the Committee on Rules, January 29, 1971.

H.R. 9331. A bill to consolidate, simplify, and improve laws relating to housing and housing assistance. Referred to the Committee on Banking and Currency, June 22, 1971.

H.R. 9799. A bill to assist in the efficient production of the needed volume of good housing at lower cost through the elimination of restrictions on the use of advanced technology, and for other purposes. Referred to Committee on Banking and Currency, July 14, 1971.

#### ECONOMY

H.R. 10323. A bill to establish a temporary Emergency Guidance Board to facilitate economic recovery with minimum inflation by establishing price and wage guidelines and encouraging voluntary adherence thereto. Referred to Committee on Banking and Currency, August 3, 1971.

H.R. 10922. A bill to promote the economic well-being of the United States by providing authority to negotiate commercial agreements including the granting of most-favored-nation treatment with countries having nonmarket economics. Referred to Committee on Ways and Means, September 28, 1971.

#### AGRICULTURE

H.R. 11175. A bill to amend Section 608 of the Agricultural Marketing Agreement Act of 1937. Referred to the Committee on Agriculture, October 12, 1971.

H.J. Res. 992. A joint resolution to assure continued eligibility of recipients of food stamp benefits and to maintain present levels of bonuses for these recipients. Referred to the Committee on Agriculture, December 2, 1971.

#### LABOR

H.R. 11228. A bill to amend the Walsh-Healey Act and the Contract Work Hours Standard Act to permit certain employees to work a 10-hour day in the case of a four-day workweek, and for other purposes. Referred to the Committee on the Judiciary, October 13, 1971.

SHAPP SUPPORTS FEDERAL MASS  
TRANSIT FINANCING

## HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. MOORHEAD. Mr. Speaker, this morning the Honorable Milton J. Shapp, Governor of Pennsylvania, testified before the House Banking and Currency Committee on the need for operating subsidies for urban mass transportation. I believe that he correctly and forcefully described the need for Federal support for existing systems which serve millions of people daily as well as aid to new systems. I would like to insert his remarks in the RECORD:

## STATEMENT OF GOV. MILTON J. SHAPP

I am Milton J. Shapp, Governor of the Commonwealth of Pennsylvania. We are the third most populous State in the Union with 12 million inhabitants. In Pennsylvania, there are a dozen major metropolitan areas within which urban transportation is beyond the capability of the automobile to serve alone. These major areas are plagued with narrow streets, heavy population density, older people, traffic congestion, and all of the many other factors which require urban mass public transportation.

Our largest city, Philadelphia, used its own bonding power to provide traffic-free mass rapid transit before the advent of Federal aid, just as the Commonwealth supported the Turnpike Commission to provide the Nation's first long distance superhighway before the advent of Federal aid.

Pennsylvania has been severely penalized by leading the way in solving its own problems. Because we have done these things, we are ineligible for Federal aid funds, taken from our taxes, and given to others who did less for themselves. We need help to more fully develop mass transit systems and reduce traffic congestion and air pollution in our urban areas.

We are not opposed to providing better highways for the automobile. That is necessary, but we are opposed to aiding the automobile to the near total exclusion of public transport.

We have State aid programs to help our systems of mass public transport. But unfortunately, we cannot obtain one dollar of Federal assistance to support these systems. This is grossly and inexcusably prejudicial to the interests of those who don't drive. In fact, it is unfair to all who live in busy cities where there is no room nor financial feasibility for everyone to drive.

I want to digress here a minute to thank members of this committee for the growing aid you have provided for new transit systems, and capital replacements for aging systems. This aid is most needed and most appreciated, but it is no substitute for support to keep the operations going. It would be a gross waste of public funds, and of urban land, to throw away all existing systems, just so we could get Federal capital money to buy or build new systems. In many cases, it is far less costly and far more satisfactory to continue to operate what we have where it is capable of doing the best possible job. You must structure your Federal aid program to aid existing transit systems serving millions of people daily, as well as offering aid to new systems.

Because of public policy, the impact of current economic trends requires public financial support to help urban public transportation. We in Pennsylvania are providing it, but it is inequitable that we receive no Fed-

eral help. I want to go on record in total support of proposals now before you to provide \$400 million annually in Federal funds to defray some of the costs for the movement of approximately 28 billion passenger-miles a year of urban transit riders by bus, trolley, subway and train.

This cost is less than two cents per mile of travel, as compared to far higher costs for federally financed alternatives to which people must turn if this aid is denied.

We do not ask you to support waste and inefficiency. To qualify for aid, a service should be shown to be necessary, and aid should not exceed two and a half cents per passenger-mile for any system at present cost levels. The point is that whatever the limitations, the aid is urgently needed. Everyone agrees to that Urban life has reached the point where this aid can no longer be delayed. It is overdue. It is needed now. I urge your support to help defray some of the operating losses of our urban mass transit systems.

Further, I think it is time that Congress reviews its subsidy program for aiding the construction of new urban mass transit systems. The Department of Transportation subsidizes 90 percent of the cost of interstate highways with the State picking up the remaining 10 percent. Ironically, by building better highways we create more congestion in our cities and this in turn creates a greater need for urban mass transit systems.

Yet the Federal Government only offers to pick up two-thirds of the capital cost of an urban mass transit system, leaving it to the State and city to pick up the remaining one-third. Most of our cities are in such poor financial shape that they cannot provide any portion of these required funds and our States likewise find it difficult to pick up this large a percentage of the tab.

It seems quite illogical for the Federal Government to pick up 90 percent of the cost of new highways and only two-thirds of the cost of vitally needed urban mass transit systems, and I would request that the Federal Government increase its percentage for the latter. If Washington were to put up 90 percent of the funds for mass transit systems, this would go a long way toward reducing congestion on our highways and city streets and enable a greater number of our citizens to travel back and forth within our cities at lower cost.

Thank you very much for this opportunity to present my views before this committee.

## THE SUBMARINE FORCE TODAY

## HON. WILLIAM R. ANDERSON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. ANDERSON of Tennessee. Mr. Speaker, having had considerable submarine duty during my Navy years, I retain a strong residual interest in what is happening with U.S. submarines at the present time.

On of the most informative articles on the submarine force that I have seen recently, came across my desk. It is written by Anthony Harrigan. Because it is so comprehensive and informative, I am placing it in the RECORD and recommend it to my colleagues:

## THE SUBMARINE FORCE TODAY

(By Anthony Harrigan)

ABOARD THE U.S.S. BILLFISH IN THE ATLANTIC.—The officer of the deck calls out, "Div-

ing officer, submerge the ship." The reply comes, "Dive, dive, dive." The 4,600-ton nuclear attack submarine slips beneath the choppy surface of the ocean 100 miles south of Montauk Point at the eastern end of Long Island. The control room is filled with a loud humming noise, the sound of air leaving the ballast tanks. It is necessary to hold onto the overhead as the submarine submerges. The sensation is one of riding a train down a steep mountain grade.

I boarded the sub at Groton, Conn., for a day of test operations and a night run past Sandy Hook, N.J. The *Billfish* is among the newest submarines in the U.S. Navy, having been commissioned last March. She is the 50th nuclear attack submarine to join the fleet and perhaps the fastest of the Sturgeon class. The commanding officer of the *Billfish* is Cdr. Richard McB. Hughes, USN, a 1955 graduate of the U.S. Naval Academy.

Even as the captain and crew of the *Billfish* learn the capabilities of their craft, the public reads of the need for new types of submarines, including subs capable of firing cruise missiles at surface ships and ultra-long range missile-firing submarines. These and other types of undersea warfare craft undoubtedly are needed by the United States to provide a new measure of national security in the late 1970's and 1980's. But for some years to come, the undersea defense of the United States will depend on submarines such as the *Billfish* and the men who take her to sea. One of the keys to America's security in the '70's is the quality of submarine commanders and their crews and the performance they are able to get out of the craft they operate.

Operational problems and challenges don't particularly interest the public. Reports of futuristic submarines are more exciting. But what the Navy does with the existing naval hardware is what really counts.

The grim fact is that the Soviet undersea fleet is superior in numbers to the U.S. submarine force. The numbers situation is much worse than anyone expected even a year ago. Secretary of Defense Melvin Laird recently said the Soviets are expected to match, in numbers, the U.S. Navy's 41 Polaris-type submarines in 1973, a year earlier than expected. Congress is slow to approve badly needed nuclear attack submarines. Even if a green light were given to a submarine buildup, it would be years before the new undersea vessels were operational. Therefore, qualitative improvement is the chief hope of the United States in submarine warfare.

It shouldn't be imagined that the Soviets are slouches when it comes to quality. Their new submarines have displayed outstanding performance in terms of quietness and high submerged speed. But the U.S. submarine service, at least for the time being, has a lead in submarine technology. America's hope for widening the margin—in terms of threats in the near future—depends on the performance of submarines such as the *Billfish*.

The *Billfish* has improved sonar and is designed for quiet operation. The latter is very important, for a quiet submarine can hear another undersea craft at a greater distance and can't be as easily detected. This has a bearing on the deployment of submarines, especially in the critical North Atlantic. The United States has to watch for unusual movements of Soviet submarines. The manner in which the U.S. deploys its submarines depends on the extent to which Soviet subs are capable of quiet operation. As the Soviets gain in quietness, the U.S. has to narrow defensive or patrol sectors for its submarines. In view of the numerical weakness of the U.S. undersea fleet, enemy gains in quiet submarine operation pose a grave problem.

It is a mistake, however, for the public to think of submarine warfare wholly in terms of numbers and the age of equipment.



The action of Israel's armed forces in recent years have demonstrated the decisive impact of combat readiness and innovative use of older equipment. These factors undoubtedly would be of major importance in any undersea struggle.

The *Billfish* and other new attack submarines have remarkable equipment for identification of Soviet submarines and for fire control in combat. Unfortunately, the United States has yet to develop torpedoes of the same level of excellence as American submarines. But the greatest opportunity for the U.S. Navy to retain a qualitative advantage is in the area of human capabilities. The intensive training and schooling of U.S. submarine personnel should pay off in a combat situation. Furthermore, the computer has not replaced the submarine commander in a duel with another submarine. Experience and judgment are key factors in undersea warfare. Some submarine commanders, like some fliers, have an instinct for combat—a feel for the combat situation—that could tip the scale in wartime. Moreover, the skipper of today can develop his combat command skill by use of electronic simulators ashore.

Beyond that, a submarine crew must be a unit in mind and mood. One hears a great deal these days about poor discipline in the armed forces. It is heartening, therefore, to cruise aboard the *Billfish* and see a true team in action. The crew of the *Billfish*, like the crews of other nuclear submarines, represents an elite force skilled in nucleonics, electronics and weaponry.

In riding the *Billfish*, one naturally wonders about the next phase of submarine development, quieter, deeper-diving, faster submarines. The country must have such craft if it wants to be safe against enemy attack. Lessons learned aboard the *Billfish* and other new attack boats must be cranked into development plans. The Congress must acquire a new sense of urgency regarding submarine defenses. But there also must be a broader public recognition of the efforts submarines are making to get the best out of available equipment and to operate in the most skillful fashion. The current dangers and challenges have to be faced and dealt with by forces in being. The *Billfish* and other units of the U.S. Navy's submarine force are the country's first line of defense against attack from the ocean depths.

#### FOXES AND CHICKENCOOPS

### HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. O'HARA. Mr. Speaker the act of March 4, 1913, creating the U.S. Department of Labor, contains, in its preamble, the following language setting forth the obligation and responsibility of that Department. The sentence reads:

The purpose of the Department of Labor shall be to foster, promote and develop the welfare of the wage earners of the United States, to improve their working conditions, and to advance their opportunities for profitable employment.

That is an important provision of law, because it makes perfectly clear to whoever will read it that that Department has the same kind of obligation to serve the identifiable interests of a particular part of the Nation as does the Commerce Department, whose mandate

is to serve the business community, and the Agriculture Department, whose mandate is to serve the farmer.

In the current administration, the Labor Department's performance of its mandate to "foster, promote and develop the welfare of the wage earner" has largely expressed itself in pushing legislation for compulsory arbitration of labor disputes, adjusting the Bureau of Labor Statistics to protect the workingman from being told how bad unemployment is, assuring the unemployed workingman that he is not unemployed, that if he is, it is only "transitional," and anyway, what he needs is not a job but training; in opposing meaningful increases in the minimum wage, in opposing further limitations on child labor, in helping write the scripts for the President's little guerrilla theater assaults on the elected leaders of organized labor, and, currently in lending its strength and enthusiasm to the "New Economic Policy," which is based on freezing the workingman's wages and telling him that is going to bring him a new prosperity—which will only be a little bit more painful than the old recession.

I will not say that the Labor Department in the Nixon administration has forsaken its legislative mandate to "foster, promote, and develop the welfare of the wage earner," but I will say that they have been remarkably imaginative in the way they have interpreted those words.

Harry Conn, an editor of Press Associates, Inc., has recently filed a story explaining where the Nixon administration recruits people to "foster, promote, and develop" the wage earner's interests. It may shed some light.

LABOR DEPARTMENT POLICYMAKERS READ LIKE "WHO'S WHO IN BUSINESS"

(By Harry Conn)

WASHINGTON.—The U.S. Department of Labor, created in 1913 to protect the interests of working people, has rarely been under as much fire for being pro-business and pro-management as it is today.

A survey of the key policymakers of the Department provides a logical explanation: it reads like a "Who's Who in Business."

Almost all of the top Department officials come from Big Business, only a handful are career government officials and those with trade union background are almost singular exceptions.

Secretary of Labor James Day Hodgson came to Washington to join the Nixon Administration with a background of 28 years as an executive of the Lockheed Corporation. He was vice-president in charge of industrial relations at the time he was named Undersecretary of Labor by President Nixon.

Hodgson reached right into Lockheed for one of his top assistants. Prior to joining the Department in 1970, William H. Schmidt, Jr., served as corporate information director for Lockheed.

E. Carl Uehlein, executive assistant to Hodgson, was with a Massachusetts law firm where he specialized in labor law, largely with management clients.

The Special Assistant to the Secretary for Legislative Affairs, Frederick L. Webber, held a legislative liaison post with the National Forest Products Association, the trade organization of the lumber industry.

Under-secretary of Labor Laurence H. Sil-

berman practiced law in Honolulu, specializing in labor law. He won his corporate credentials since his practice was heavily weighted toward management and business.

Silberman's executive assistant, Richard J. Wise, was assistant director of industrial relations for the John Hancock Life Insurance Company with offices in Boston.

The line-up of Assistant Secretaries of Labor could reasonably be expected to hold posts with the Department of Commerce. But Labor? The only exception is W. J. Usery, Jr., Assistant Secretary for Labor-Management Relations, who was Grand Lodge Representative of the International Association of Machinists.

Frank G. Zarb, Assistant Secretary for Administration, has a background of investment banking houses including CBWL-Hayden, Stone, Inc., where he was executive vice-president; Cogan, Berlind, Weill & Levitt, Inc., as senior vice-president, and with Goodbody & Co. For five years he was with the industrial relations department of Cities Service Oil Company.

Assistant Secretary for Occupational Safety and Health George C. Guenther was president of the John H. Guenther Hosiery Co., in Reading, Pa., where he was successful in keeping the American Federation of Hosiery Workers from organizing his employees.

Malcolm Lovell, Assistant Secretary for Manpower, lists among his credentials 12 years in management capacities with the Ford Motor Co., and manager of employee services for American Motors Corporation.

Hodgson recently re-assigned Assistant Secretary Richard J. Grunewald to head Employment Standards. He served from 1956 to 1971 with the Olin Corporation in New Haven, Conn., the last six years as vice-president for administration.

Former Assistant Secretary Jerome M. Rosow was with Standard Oil of New Jersey for 16 years prior to being named to head policy, evaluation and research. He recently returned to Standard Oil.

One of the most important posts in the Department is that of Solicitor. It is currently being filled by Richard F. Schubert. He joined Bethlehem Steel Corp., in 1961, was promoted to assistant manager of labor relations in 1966, where he served until he joined the Nixon Administration.

Donald M. Irwin, who was Deputy Under-Secretary for International Affairs until his recent appointment as Chicago regional director for the Department, held top offices with Chrysler, Deere & Co., and Hawaiian Airlines.

John Wilks, director of the Office of Contract Compliance, operated his own public relations firm in the San Francisco-Oakland area where he had such clients as Standard Oil of California, Chrysler, Safeway Stores and F. W. Woolworth.

John L. Blake, director of the Job Corps, came to the Department from his post as assistant secretary for the Marine Midland Trust Company of Rochester, N.Y.

In addition to Usery, only two other higher Labor Department officials have trade union backgrounds: Deputy Assistant Secretary of Labor for Manpower Paul J. Fasser, Jr., from the Steelworkers, and Assistant Manpower Administrator Robert J. Brown, who held posts with the United Auto Workers and the Minnesota CIO in 1952-53.

These are the men who determine policy for the Department of Labor, which was created "to advance the public interest by promoting the welfare of the wage earners of the United States, improving their working conditions, and advancing their opportunities for profitable employment."

If the Labor Department officials view this function from the management side of the bargaining table, it's understandable.

## THE EFFLUENT SOCIETY?

## HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. NELSEN. Mr. Speaker, recently an excellent article on the subject of water pollution control came to my attention. Amendments to the Federal Water Pollution Control Act of 1965 will be coming up for consideration in the near future, and I bring to my colleagues' attention the comments and analysis by Mr. Douglas Caddy which appeared in the January 31, 1972 issue of Barron's.

So that our colleagues might have the benefit of Mr. Caddy's comments, I include his article in the CONGRESSIONAL RECORD at this point in my remarks:

EFFLUENT SOCIETY? PENDING WATER POLLUTION CONTROLS WOULD COST INDUSTRY DEAR  
(By Douglas Caddy)

Now that Congress has reconvened for its second session, it will pick up where it left off in processing major legislation. At the top of the list is the Federal Water Pollution Control Act Amendments of 1972, an impressive title for an array of concepts and proposals which may drastically affect the balance sheets of American corporations for at least the next decade.

In the opinion of most Congressional leaders, the new water bill could be the most important legislation enacted by the 92nd Congress. One thing is certain: if the proposed 1972 amendments to the Federal Water Pollution Control Act of 1965 are adopted without substantive modification on the floor of the House, their potential impact upon the economy and upon industry, agriculture, labor and government will be profound. The bi-partisan leaders of the House Public Works Committee, in announcing that the Committee had ordered its bill HR 11896 reported on the day before the first session of Congress ended, described it as "the most significant water improvement legislation ever reported to Congress," meaning the 1972 offspring amendments certainly outshine their parent act passed seven years ago.

## SENATE VOTE

The Senate passed its own bill S. 2770 on November 3. The vote of 86-0 clearly reflected the absence of controversy and debate, although Senators James Buckley (R-C., N.Y.) and Lloyd Bentsen (D., Texas), who serve on the Senate Public Works Committee, voiced concrete reservations about some of the bill's provisions. The Senate Public Works Committee in the past two years devoted 33 days to public hearings on the water legislation, heard 171 witnesses, received 470 statements for the record, compiled 6,400 pages of testimony and held 45 executive sessions. In the end, even the two slightly critical Senators, joining in praise for Senator Edmund Muskie (D., Maine) for skillfully guiding the bill toward successful passage, voted "yea" and sent the measure to the House.

Rep. John Blatnik (D., Minn.), Chairman of the House Public Works Committee, almost immediately indicated he strongly opposed reopening the public hearings on the legislation which his committee, like its counterpart in the Senate, had been conducting for months. The Administration, supported by industry and state governments which felt the Senate bill weakened their pollution control powers, pressed for new hearings. Within a week after having voiced opposition to the hearings, Rep. Blatnik succumbed and scheduled final hearings for December 7-10.

The four days of hearings saw a parade of prominent witnesses—from the Republican governor of New York, Nelson Rockefeller, to the then Chairman of the Council of Economic Advisers, Paul McCracken—criticize the Senate and House bills as embracing the wrong goals and establishing dangerous regulatory powers. Nevertheless, on December 16 the House Committee voted to order its own bill, stronger in some aspects than the Senate version, sent to the House floor where it will be voted upon, perhaps as early as February. Rep. Robert Jones (D., Ala.), who is Acting Chairman while Rep. Blatnik recovers from a slight heart seizure, and Rep. William Harsha (R., Ohio), ranking minority member, declared the House bill goes "with the overwhelming bi-partisan support of the Committee's members."

## COMPLEX PROVISIONS

One reason why little or no opposition is voiced against the legislation in Congress is that few members of Congress admit they understand the amendments' complex provisions and concepts. Indeed, it is worth noting that the Senate Public Works Committee on October 28 voted to report its bill but the actual text and committee report were not available until November 1, the day before the Senate was scheduled to vote. S. 2770 is 190 pages long and its length and complexity undoubtedly deterred many Senators from reading the bill in the 24 hours between the time the bill became available and the debate and vote. Thus, the Senate almost blindly relied upon the collective judgment of its Public Works Committee, which strongly recommended passage.

It was not until after Senate passage that the Administration and other critics awoke and began to clamor for a re-examination by the House Committee. S. 2770 and H.R. 11896 (as introduced on November 19—the text of the final bill will not be ready until February) must be read sentence by sentence to pierce their complex concepts and provisions. After doing so, one veteran Washington lawyer described the bills as "virtually a world's fair of legislative ingenuity and legal intricacy."

The controversy that has developed since Senate passage swirls around five concepts embraced by both bills:

First, the legislation sets a series of goals to be achieved and deadlines to be met in order for the country to obtain pollution-free water.

By June 30, 1974, municipal sewage pollution facilities will provide the equivalent of secondary treatment.

By July 1, 1974, construction grants for treatment facilities will be made on a regional, or area-wide basis, rather than on a city or town basis as in the past.

By January 1, 1976, industrial sources of pollution will be required to have the best practicable control technology.

By January 1, 1981, industry will cease water pollution discharges.

By 1985, the discharge of all pollutants from all sources into navigable water will be eliminated.

## INTERIM GOAL

There is one general interim goal: to make lakes and streams clean enough by 1981 for swimming and for the propagation of fish, shellfish and wildlife.

The Administration and industry representatives argue that the setting of these goals and deadlines is unrealistic and could lead to a new undermining of the confidence of the citizens in their government when expectations are not fulfilled. Environmental Protection Agency Administrator William Ruckelshaus told a National Press Club luncheon on the same day that the House Committee ordered its bill reported that the provision for the elimination of all discharges into waterways by 1985 is not technically feasible.

Earlier, in committee testimony, the chairman of the Council on Environmental Quality, Russell Train, also criticized the goal. After noting that "since wastes will not simply disappear and must be disposed or recycled in some way," Train observed, "a no-discharge requirement presupposes that it is uniformly preferable to dispose of all waterborne waste on the soil or in the air rather than in the water, except where some type of re-use is possible. It is true that the land should be considered and quite possibly used to a much greater extent as an alternative to water for waste disposal, particularly for wastes that are composed of usable nutrients. However, I am aware of no evidence that land can be regarded as the best or even a viable solution for all or most waste disposal requirements. There are practical limits on land availability; there is potential for contamination of soil and ground waters by heavy metals and other materials."

"These and other questions need, and are receiving, further research and investigation. Moreover, surface water has a capacity to absorb a certain amount of wastes without harm. Although we certainly should not abuse or strain this capacity, neither should we ignore it, especially not without weighing the environmental hazards of alternative disposal choices." Train further noted that incremental costs of abatement increase greatly as higher levels of reductions are required. This is shown in the accompanying table.

## EFFLUENT LIMITATION STANDARDS

The second major concept is abandonment of water quality standards developed under the 1965 Act and substitution of effluent limitation standards. Premised on a determination of the beneficial uses to be made of a given body of water, water quality standards include a description of the quality necessary for such uses, stated in physical, chemical and biological measures. A schedule of remedial actions to achieve and preserve such quality is included.

The proposed effluent limitation standards would require the progressive restriction on discharges into the water until the point is reached when no pollution effluent is discharged, i.e. 1981 for industry, and 1985 for all other sources.

EPA Administrator Ruckelshaus, in criticizing the substitution of effluent limitation standards for water quality ones, points out that this concept would forbid tertiary chemical treatment of sewage. Such a system is currently being installed at the Blue Plains sewage plant for the District of Columbia and, according to Ruckelshaus, the discharges from this treatment will be just short of drinkable quality. However, under the concept of effluent limitation the treated discharges could not be put into the Potomac River. According to Ruckelshaus, the alternative will necessitate the building of huge lagoons for sewage sludge settlement and the use of irrigation or some other system for the return of disinfected sewage effluent to the land. EPA favors the new legislation building upon the existing foundation of water quality standards and employing effluent limitation only as a tool to achieve such standards.

## BEST PRACTICABLE

The legislation's third major concept is to achieve the "no discharge" goal and effluent limitation standards through two phases. Phase I would require industry to apply the "best practicable control technology currently available" by January 1, 1976. Phase II would require industry to apply the "best available control technology" by January 1, 1981, if it is unable to eliminate completely the discharge of pollutants. A part of this concept is that all new point sources of discharge for 28 industrial groups (such as textile, steel, paper, chemical, etc.) will be re-



quired to use the "best available technology" and, if practicable, to meet a standard of performance which permits no discharge of pollution.

Industry representatives express concern over this concept because the legislation fails to define adequately what constitutes best "practicable" control technology, opening the possibility that the EPA or private parties in citizen's suits allowed under the act, might take the position that any control technology which is "possible" or "capable of being used" (the dictionary definition of practicable) is required. Since the two bills establish a precise standard of "secondary treatment" for publicly owned plants, they argue that precise standards should be applied to industry.

Industry is also disturbed over the logistical problem of meeting the Phase I January 1, 1976, deadline, since EPA regulations defining the treatment facilities will not be available until 1973. The design and installation of sophisticated treating facilities for large or complex manufacturing plants involve a lead time of several years. Moreover, thousands of plant owners will be competing at the same time for the equipment and construction labor. There is already about \$7 billion worth of waste treatment facilities for which federal financial assistance has been committed, construction of which is incomplete or not yet under contract. Still another problem is that Phase II will see a separate and more stringent standard for treating facilities. Thus, after massive investment in Phase I facilities, industry may quickly find that they do not satisfy the act's requirement.

#### NO SOLACE

The citizen's suits and administrative and judicial procedure set forth in the amendments comprise the fourth major concept. Since the act will permit citizen's suits to enforce compliance, industry may find no solace in the suggestion that EPA will be reasonable in applying the act and in resisting literal compliance.

The amendments would allow any citizen to initiate a civil suit against any party who is alleged to violate an effluent limitation or a federal or state abatement order, or against the EPA Administrator for failure to perform a non-discretionary act. If EPA or the state initiates a civil or criminal action on its own against the alleged violator, no court action may take place on the citizen's suit.

Any party who willfully or negligently violates its discharge permit or who violates several other specific provisions contained in the amendments shall be liable to a fine up to \$25,000 per day of violation and/or one year in jail. The penalty for the second conviction is \$50,000 per day and/or two years in jail.

The Senate bill requires a petition for review of EPA's promulgation of standards relating to new sources of toxic pollutants and any petition for review of the EPA Administrator's acceptance or rejection of a state's procedure for controlling new sources or issuing permits to be filed within 30 days in the U.S. Court of Appeals for the District of Columbia. A challenge to the Administrator's actions cannot be raised in civil or criminal enforcement proceedings.

#### FAIR SHAKE

Industry representatives argue these provisions substantially deprive interested parties, including the states, of access to judicial review. Since the U.S. Court of Appeals in the District of Columbia is characterized by some as a "liberal" court, they believe that they would receive a fairer shake if appeals could be filed in the U.S. Court of Appeals for the appropriate local circuit.

The House bill contains a provision which may prove to be a superior judicial procedure. It requires the President, through the Department of Justice, to study and make rec-

ommendations on the advisability of establishing an Environmental Court to resolve disputes over administration of pollution control measures.

The final concept embodied in the amendments is contract authorization. This would eliminate the budget-appropriation process of Congress and would give EPA direct authority to enter into contracts. At stake is the contracting authority to disburse vast sums of public sums. The House bill calls for a total outlay of \$27 billion over four years—\$7 billion more than the Senate bill. The Administration had originally recommended \$8 billion for the same time span.

Of the \$27 billion in the House bill, \$20 billion would be for sewage-treatment plants, including construction of collection systems. The Senate bill authorizes \$14 billion for plant construction. Both bills, in bypassing the normal budget-appropriation process, allow EPA to enter into long-term contracts with regional authorities. The federal share of construction costs under HR 11896 would range from 60% to 75%, depending on the state's contribution. This compares with 60%-70% in S. 2770 and 30%-55% in existing law. Both bills also authorize reimbursement to cities and states for their sewage plant construction work since 1965 (\$2.4 billion in S. 2770 and \$2.75 billion in HR 11896).

#### SIDESTEPS SAFEGUARDS

EPA Administrator Ruckelshaus, who would have the authority to disburse the billions of public funds, is opposed to contract authorization—as are a number of Senators. He says it "sidesteps all the safeguards and discipline provided by the budgetary-appropriation process."

The concept of contract authorization raises perhaps the most fundamental question concerning the potential impact of the water act amendments: will the economy be adversely affected?

Paul McCracken believes it may well be. In testimony before the House Committee last December he observed: "If new programs are taken in without seeing clearly the magnitude and character of future commitments, they may get out of line with our capability in the future to produce, thereby imposing severe strains and distortions on the economy. . . . We are already on an expenditure course such that federal outlays will tend to rise more rapidly than the increment of revenues that on-going economic growth will yield with any given system of tax rates."

He warned that the impact of the water legislation could "turn out to be proportionately heavy on industries and products that are important to our foreign trade" and could lead to enlarged structural unemployment, the most difficult to control because it is caused primarily by disappearing markets.

In concluding, McCracken indicated his prepared remarks held three implications:

(1) "The commitment involved in H.R. 11896 is large. Required capital outlays for a sustained period would be equal to something like one-tenth of business fixed investment, and another like amount would be spent for operating costs.

(2) "... It would appear physically to be very difficult for this country under its system of construction as currently organized to produce the physical plants to achieve the level of effluent removal suggested by 1981 by either the Senate or House bills. Over the last two years the rate of growth of construction of waste disposal facilities has been 25% annually. This compares with a long-term rate of growth of approximately 6%. . . . Higher levels of activity in this sector could lead to more rapidly escalating inflationary pressure. . . ."

(3) The question of the economic feasibility of carrying the removal level to 100% "it not answered by whether even purer water is better but whether after achieving

a reasonably high level of removal the large resources involved to achieve small further gains could contribute even more to our material welfare if they were to be used elsewhere. . . ."

#### IMPORTANT EFFECT

The economic common sense contained in McCracken's comments had an important effect. Committee members agreed to insert a new provision in their bill to require that within two years after enactment the National Academy of Sciences would complete and report to Congress a study of the social, economic and technological effects that would result from achieving the 1981 clean water goals. The requirement that industries must use the best available pollution control technology would not come into force until the Congress takes action to implement the findings of the National Academy of Sciences study. Practically, this might mean the 1981 requirement would not take effect unless Congress reimposed it.

Of course, even if provision requiring this study is retained in the bill on the floor of the House, it may be struck out when the House and Senate bills are sent to conference committee. Nevertheless, the McCracken testimony and the proposed study do serve to focus the attention of the entire House not on the question most frequently posed up to now: "Do we need this legislation if we are to clean up our waters?" but instead: "If we pass this legislation, will its environmental benefits be more than offset by the social, economic and technological costs required to implement it?"

If Congress enacts the water act amendments, President Nixon is not likely to exercise a veto. To do so, as Ruckelshaus says, would open him to accusations that he favors "dirty water." Accordingly, Ruckelshaus cautioned the House Committee members in enacting legislation: "We must be as careful as surgeons. We must take care not to throw the proverbial out with the bathwater."

#### TOTAL NATIONAL COSTS OF SUCCESSIVE LEVELS OF POLLUTANT REMOVAL

(Dollars in billions)

Level of removal (percent)	Total cost	Cost per incremental percentage point of removal
85 to 90	\$61.0	\$0.7
95 to 99	119.0	6.0
100	317.0	66.0

Source: Estimates of the Council on Environmental Quality and the Environmental Protection Agency. In effect the data are in terms of 1971 dollars, since no price inflation has been built into the data. Total costs include a 10-year program of capital expenditures and 20 to 25 years of operating costs for those facilities.

#### PERSECUTION OF UKRAINIAN INTELLECTUALS BY THE SOVIET UNION

HON. JAMES D. (MIKE) McKEVITT  
OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. McKEVITT. Mr. Speaker, recently I received a petition containing the names of approximately 260 American citizens of Ukrainian descent protesting continuing and increasing persecution of young Ukrainian intellectuals by the Soviet Union. The petitions were gathered in Denver this past January 30 as the Denver branch of the Ukrainian Congress

Committee met to observe the 54th anniversary of Ukrainian independence.

The letter which accompanied the petitions is one which I would like to share with my colleagues:

DEAR MR. McKEVITT: We, the undersigned, being your constituents and fully aware of your leadership both in the United States Congress and our community at large, appeal to you for your support in a matter which is of grave concern to us.

As you undoubtedly know from the press, the Soviet government has been engaged in a series of arrests of Ukrainian intellectuals in the past few weeks. Persecution and oppression of the Ukrainian people by Communist Russia have always been the principal traits of Russian Communist rule in Ukraine, but since 1965 the Kremlin has stepped up the persecution of the Ukrainian intellectual elite. Arrested, tried and sent to jails, labor camps and psychiatric asylums are professors, writers, poets, artists, literary critics, musicians, researchers, dramatists, scholars and students. The oppression in Ukraine is not only aimed at suppressing any opposition to the Communist regime, but at eradicating, if possible, the very essence of Ukrainian consciousness, Ukrainian culture and the spirit of Ukrainian independence.

The persecution of Ukrainians by the Soviet regime is also a flagrant violation of human rights, as enunciated by the United Nations Declaration of Human Rights on December 10, 1948, which was solemnly signed by the government of the Ukrainian SSR and USSR.

Therefore, we appeal to you, Sir, to raise your voice of protest in the United States Congress in defense of the persecuted Ukrainian people. We know that under the pressure of outside opinion the Soviet government has been allowing many Jews to emigrate to Israel, and we trust the effect will be attained with the Soviet government discontinuing its discriminatory and oppressive policies toward the Ukrainians. Demand that the United States Government, through its Representative to the United Nations, proposes the immediate investigation of Communist terror upon the 47-million Ukrainian nation.

By doing so, Sir, you will demonstrate your unswerving dedication to the principles of Freedom and justice of man everywhere.

Respectfully yours,

UKRAINIAN CONGRESS COMMITTEE,  
OF AMERICA, DENVER BRANCH.

IVAN STEBELSKY,  
Chairman.

MICHAEL MEDWETZKY,  
Secretary.

SOMEONE SHOULD SAY THEY  
ARE SORRY

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. ZWACH. Mr. Speaker, our countryside, already suffering from economic adversity, is being dealt a new blow by our railroads which are in the process of abandoning up to a third of their trackage.

This is a serious setback for our rural communities who depend on the railroads for their bulk transportation.

The feeling of our rural people is very well expressed in an editorial by Ken Anderson, editor of the Cottonwood County Citizen at Windom, which, I in-

sert into the CONGRESSIONAL RECORD so that my colleagues will have a better understanding about the problems facing countryside America.

SOMEONE SHOULD SAY THEY ARE SORRY

Depots in three area towns closed Saturday.

And with the closing of the three depots—and others still to come—a way of life is gone forever.

It's sad, but that's the way it is.

With its usual disregard for the feelings of its employees, customers, or whomever it might be dealing with, the Chicago and Northwestern Railroad had little to say. It merely issued directives terminating the services of its agents, many of whom have worked long years for the railroad.

As one agent said, "They didn't even say they were sorry."

That figures.

It probably explains why railroads, even though they are essential to our nation's well-being, are having all kinds of troubles.

Railroads as an industry have never been able to adapt to 20th century business practices. Combine this business shortcoming with a lack of heart and it's easy to see why railroads are coming to the end of the line.

But maybe before the end comes, somebody—just on general principles—should tell the railroad people that they're sorry for what has happened. It might help.

A REALISTIC OVERVIEW OF PRESIDENT NIXON'S TRIP TO PEKING

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. ROUSSELOT. Mr. Speaker, there is a great deal of discussion about President Nixon's trip to Communist China and the meetings in Peking with Mao Tse-tung, Chou En-lai and other rulers of the Communist dictatorship. There are certain facts and opinions that should be considered because the world's attention is now glued to the television set which, by the marvel of the INTEL-SAT communication system allows everyone to see the many "festive occasions" that are being conducted in Peking. Unfortunately, this television extravaganza tends to distract from the hard facts that exist in this so-called "new relationship." U.S. News & World Report in its February 28, 1972 edition, page 15, has given a very objective appraisal of what the American Government has given to the Communist government in Peking in exchange for this so-called Journey for Peace. At this point I wish to insert this report from my colleagues:

WHAT NIXON HAS GIVEN PEKING SO FAR

At little cost to themselves, the rulers of Red China have already won a long string of concessions from the U.S. as the price of a Nixon visit to Peking.

Latest U.S. concession, for example, came on February 14, when the White House dropped the last trade restriction aimed specifically at the mainland Chinese, putting Peking on the same trading basis as the Soviet Union. That means that American businessmen can now sell to Communist China items such as industrial chemicals, locomotives, construction equipment and rolling mills.

Over all, the three-year record of Mr.

Nixon's overtures shows substantial gains for Red China on the political as well as the economic front. Details:

A series of conciliatory gestures began in July, 1969, when the U.S. gave permission for noncommercial purchases of Chinese goods by American tourists, museums and others. At the same time, the U.S. eased some restrictions on travel to China by American citizens.

In December, 1969, foreign subsidiaries of American firms were authorized to engage in commerce between mainland China and third countries.

In March, 1970, the U.S. announced it would validate passports for travel to China "for any legitimate purpose."

In August, 1970, restrictions were lifted so that most foreign ships could use American-owned bunkering facilities for trips to and from Chinese ports.

In March, 1971, the U.S. ceased to require special validation of passports for travel to China.

In April, 1971, Washington decided to: 1. Expedite visas for visitors from China. 2. Relax currency controls so China could acquire dollars from the U.S. 3. Permit U.S. oil companies to provide fuel for ships or aircraft en route to or from China, except those whose itineraries included North Korea, North Vietnam or Cuba. 4. Allow U.S. ships and planes to carry mainland Chinese cargo between non-Chinese ports, and U.S.-owned carriers under foreign registry to call at Chinese ports. 5. Compile a list of nonstrategic items for direct export to China.

In May, 1971, other controls on dollar transactions with China were lifted.

In June, 1971, the U.S. ended a 21-year embargo on trade, issuing a general export license for a comprehensive list of nonstrategic items.

By far the most important political concession was reversal of U.S. opposition to United Nations membership for Red China. Allied diplomats say this not only brought the People's Republic into the U.N. but triggered the expulsion of Nationalist China—Taiwan.

IN RETURN FOR ALL THIS

China has freed two imprisoned Americans and commuted the life sentence of a third American to five more years. Peking has also opened its doors to cultural, scientific and journalistic visitors from the U.S.

Immediately following President Nixon's announcement on July 15, 1971, that he would go to China, there were a great number of patriotic Chinese people who began raising questions about the psychological and real effects that this trip would have upon freedom-loving people of Asia. One such individual is Calvin Chao who spoke to a meeting of the South Pasadena Business and Professional Women's Club on Wednesday, February 9. I felt that it would be appropriate to bring Mr. Chao's remarks to the attention of my colleagues for their review and consideration at this important point in time:

A CHINESE CHRISTIAN'S COMMENT ON PRESIDENT NIXON'S PLANNED VISIT TO PEKING

(By Calvin Chao)

On July 15th, 1971 President Nixon made the announcement, "I will go to China." Many friends in America are anxious to know what Chinese Christians think about President Nixon's plan to visit Peking and how to pray intelligently for China.

This announcement did not surprise most of the Chinese because the Asian policy of the United States has been shifting for some time. Everyone can foresee now that Red China will enter the United Nations this fall



or next year and that it will not be long before the United States recognizes Red China.

Within a week of the announcement Taiwan protested, South Korea eyed it with suspicion, and South Viet Nam reluctantly accepted it. All other countries seem to be happy except Soviet Russia, who remains silent so far. In this nation the liberals heap compliments on Nixon and some conservatives are making objections. Others do not know what to think. It is too early for anyone to make predictions regarding the results of this future visit. No one rules out the possibility of a cancellation of the visit as Khrushchev did to former President Eisenhower, but Kissinger's talks with Chou En-Lai must have laid some ground work for negotiations between the U.S. and Red China. The writer of this article does not want to be a prophet on this political move but some concerned evangelical Christians have called or written, asking for his appraisal of the situation. As a Bible-believing Christian who has been taking a stand against Communism he holds the following views:

(1) Knowing oriental subtlety the writer of this article believes that whatever the diplomatic game is, it is the Chinese Communists who will benefit more from this visit than the United States. Most Asians note that the United States with the greatest military power in human history has not won the war in Indochina in the first place. Now, when President Nixon of this great country, as the leader of the free world, seeks to go to Peking, he "is moving his wine-jar to the table where he listens to the instructions", as a Chinese saying puts it. It must be remembered that Chou En-Lai has not made overtures to the United States. Why did Mr. Nixon not arrange a meeting with Chou En-Lai in a neutral country, or why doesn't he send the Secretary of State to Peking to talk with Chou En-Lai? In any case the President of the United States should not have betrayed his anxious desire for such a meeting.

(2) Mr. Nixon's plan for going to Peking may be for reasons that are not known to us, but it will certainly upgrade the prestige of Red China in the world today. Many overseas Chinese had already been leaning toward Red China because of her nuclear weapons. Now Nixon's planned visit to Peking will certainly cause an emotional sweep among the Chinese in the free world to support Red China. When there are so many pro-Communist Chinese outside the bamboo curtain, who is going to profit from this switch of loyalty on the part of the Chinese?

(3) This move will frustrate the anti-Communist countries who have been allies of the United States since the second World War. Isn't there something morally wrong with the United States, when, after this country has spent billions of dollars in supplying weapons and training to help these Asian countries fight against Communism, now suddenly the U.S. is found wooing the Mao regime and leaving such staunch anti-Communist countries as South Korea, South Viet Nam and Taiwan stranded? The question follows: who will trust the leadership of the United States any more?

(4) It is the opinion of this writer that Chou En-Lai will outsmart President Nixon. Chou has been a smooth diplomat from the beginning. He fooled General Marshall into believing that the Communists were agrarian reformers and not real Communists. He deceived many Chinese with his outward grace in Chungking when the Communists were cooperating with the Nationalist government during World War II. He has survived many internal conflicts and kept his leadership in the Communist party for the last forty years. It would appear that none of the U.S. diplomats are a match for him. The negotiations in Peking will be a test of will and power and subtlety. During the negotiations Red China and the United States might make some concessions on a give-and-take basis

but Chou En-Lai must know that Mr. Nixon has to have some successes to bring back to the U.S. in order to win the next election. He certainly will capitalize on this weakness and force Mr. Nixon to make more concessions. Remember how Franklin Roosevelt yielded to Stalin at the Yalta Conference at the sacrifice of outer Mongolia and Port Arthur without consulting the Chinese government beforehand at all?

(5) Let us consider the effect which Mr. Nixon's visit to Peking may have on Christian missions. In other words, will it lead to the eventual opening of mainland China to missions? This writer would say that the effect will be practically nil, and that as long as Mao or his clique is in power, there is no hope that the bamboo curtain will yield to the gospel. England recognized Red China some twenty years ago. Canada has done the same lately. Have any of the English and Canadian missions been able to send missionaries to China? The reason should not be too difficult to find. Mao is definitely a doctrinaire. He is not the kind of flexible and practical politician that Nixon is. To him religion is the people's opiate. The Bible is "imperialist poison". The missionaries are "spies". He believes this to the extent that he tried to liquidate all religions in the cultural revolution carried out by the Red Guards. Now "all religions are purged" and "all bibles burned". No religious services or rituals are held. Why should Mao allow the Imperialist spies to return to mainland China to spread their opiate and poison among the people whom he is indoctrinating with his own thoughts? If there is any prospect of his allowing missionaries to enter China, as such, would he not first allow the Chinese churches inside the bamboo curtain to be revived? Will he do this?

(6) Mr. Nixon's visit to Peking may or may not result in normalizing relations with the Communist regime, but one thing is certain: the United States, in her efforts to court the Chinese Communists, will certainly not make Cold War against totalitarianism and dictatorship, to say nothing of supporting the Nationalists in freeing mainland China from oppression of freedom of speech and beliefs. Any attempt to oppose such unChristian systems will become more and more unpopular. Therefore it may be expected that the persecuted Christians on the mainland will be forgotten and anti-Communism will no longer be a cause. Moreover, U.S. and most countries in the free world will compete in courting Red China rather than fighting against its ideology. Anyone who interferes with this courtship will be frowned upon. All "liberal-minded" intellectuals and mission statesmen will try to jump on the bandwagon and ride along. This will be the turning point in a new era in which Christians will try to make peace with atheists. There will be a few hard shelled fundamentalists who will continue to sound warning bugles, but they will be very few. A friend of the writer has just written, "I shudder at the thought that the hope of many Chinese and their friends of freedom for Chinese on the mainland may be dashed to pieces". This speaks for the many Christians who know what Communism is and who love freedom for themselves and freedom for other peoples.

We realize that speculations are being made about Mr. Nixon's planned visit to Peking. More than anything else people speculate that Mr. Nixon's move is a partisan one with the purpose of taking the edge away from his potential rivals in the next election. Some say that he is trying to get China's help in pulling out from South Viet Nam. Still others think that he is trying to free Red China from tension with the free world so that Mao may fight it out with Russia. Others may think that Red China will be a big market for U.S. industry. No matter what speculations people may make they

would agree that there will be no permanent peace, remembering that Mao Tse-Tung and Chiang Kai-Shek had a peace treaty also, before and during World War II. What good did it do, when Stalin and Hitler had their non-aggression pact? Even if Red China wins the war over Russia, with the United States keeping neutral or giving substantial help to this Oriental country, another war will take place between Capitalism and Communism in any case, unless the Americans prefer to be "Red rather than dead".

In conclusion, no matter what the United States may gain from Mr. Nixon's visit, once a compromise is made at the sacrifice of God's truth and His principles, there is a price to pay. Let us pray for the President of the United States that he may seek the will of God in this matter. Let us pray that God would "turn the King's heart" in His hand whithersoever He will. Let us pray that true freedom may be restored on mainland China so that Christians may return to preach the gospel there.

#### CONCERNED BUSINESSMEN JOIN BOYCOTT OF FRENCH PRODUCTS IN THE FIGHT AGAINST HEROIN TRAFFIC

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. RANGEL. Mr. Speaker, a group of concerned New York businessmen have pledged their support for a citizens' boycott of French products to exert economic pressure on France to encourage cooperation in the war against heroin. The Long Island Restaurant & Catering Association has stated the unanimous intention of its membership to boycott French wines until France makes satisfactory progress in stopping the processing and smuggling of dangerous drugs to our shores.

So that the American people will know that these businessmen are making a financial sacrifice to join in this citizens' effort, I am inserting in the RECORD at this point my correspondence with the president of the Long Island Restaurant & Catering Association and the list of members. It is my hope that their example will be followed across the Nation and that each individual in the United States will recognize the stakes involved in the heroin epidemic.

HOUSE OF REPRESENTATIVES,  
Washington, D.C., February 7, 1972.

MR. WARREN SPELLMAN,  
President, Long Island Restaurant & Catering Association, Hicksville, N.Y.

DEAR MR. SPELLMAN: I would like to take this opportunity to commend you and the Long Island Restaurant and Catering Association on your important and forward-looking step in boycotting French wines. Since my election to Congress, the war against narcotics has been my major concern. My Concurrent Resolution to boycott French-made goods until France begins cooperating with us in a more satisfactory way has been cosponsored by Members of Congress of both political parties and from all parts of the United States.

Unfortunately, the French government has not been greatly moved by our diplomatic requests for assistance in stopping the flow of heroin to our shores. It has become necessary for us to pledge ourselves to use our vast economic power to assure cooperation

in our efforts against international narcotics traffickers.

I am aware that your courageous action will hurt some of your members financially. But I am also aware that the long-term effects will save the people of the United States a great deal of money and agony. You are to be commended for your participation in the continuing fight against drug abuse.

I would greatly appreciate your submitting a list of the members of the Long Island Restaurant and Catering Association to me so that I may share the names of these community-minded businessmen with my colleagues.

Again, I am grateful for your efforts in this common endeavor.

Sincerely,

CHARLES B. RANGEL,  
Member of Congress.

LONG ISLAND RESTAURANT  
AND CATERERS ASSOCIATION,  
Hicksville, N.Y., February 14, 1972.

Hon. CHARLES B. RANGEL,  
House Office Building,  
Washington, D.C.

DEAR MR. RANGEL: Thank you for your letter expressing interest in the stand taken by L. I. Restaurant and Caterers Association concerning the boycott against imported French wines until some action is taken by the French government to help eliminate this tremendous problem.

From the large response received to date in the form of letters, telegrams and phone calls from all sections of the United States, we most certainly feel that this boycott is gaining momentum and, within the next thirty to sixty days, we expect to reach every community in the country. We believe the economic impact will force the French to recognize the seriousness of this problem. If not, we intend to expand this boycott through the media and make every effort to boycott French perfumes, fashions, cars, etc. Anything you can do to help publicize or extend this boycott will be appreciated.

We enclose a listing of our membership, as you requested, and look forward to your continued interest and support.

Sincerely,

WARREN R. SPELLMAN.

#### MEMBERS OF LONG ISLAND RESTAURANT AND CATERERS ASSOCIATION

Amato's Restaurant, 348 Merrick Rd., Amityville.  
The Andirons, 1040 Old Country Rd., Plainview.  
Antun's, 96-43 Springfield Blvd., Queens Village.  
Arbor Inn, 35 Woods Road, Rockville Centre.  
Barnacle Bill's, 127 E. Montauk Hwy, Lindenhurst.  
Bavarian Inn, 422 Smithtown Blvd., Lake Ronkonkoma.  
The Bounty Inn, 1775 Rockaway Ave., Hewlett.  
Bronco Charlie's, Montauk Hwy., Oakdale.  
Bruno's on the Blvd., 88-25 Astoria Blvd., Jackson Heights.  
Camelot Rest & Pub, 333 S Service Rd., Plainview.  
Capriccio Restaurant, 399 Jericho Tpke., Jericho.  
The Castle Inn, 712 Main St., Islip.  
Chez Andre, Northern Blvd., Great Neck.  
China Island, 204 Mayfair Center, Commack.  
Clubhouse, 320 W. Jericho Tpke., Huntington.  
Copper Pan, 234 Hillside Ave., Williston Park.  
Coral House, 70 Milburn Ave., Baldwin.  
Coral Inn, Sunrise Hwy & 4th St., Valley Stream.  
Dick & Dora's, 33 Alhambra Rd., Massapequa.

Al Dowd's Steak House, 173 Sunrise Hwy., Rockville Centre.

Al Dowd's Steak House, Route 25A, Centerport.

Al Dowd's Steak House, 744 Country Rd., Setauket.

Durow's Restaurant, 81-01 Myrtle Ave., Glendale.

Edelweiss Restaurant, 677 Farmingdale Rd., West Babylon.

Edouard's Restaurant, Sunrise Hwy., Valley Stream.

The Firehouse Restaurant, 163 Hempstead Tpke., West Hempstead.

Fleur de Lis Caterers, 870 Cypress Ave., Ridgewood.

Flynn's Restaurant, Maple Ave Dock, Bayshore.

Fox Hollow, 7725 Jericho Tpke., Woodbury.

Gene's French Restaurant, 959 E Jericho Tpke., Huntington.

Good Steer Drive Inn, 2810 Middle Country Rd., Lake Grove.

Gurney's Inn, Old Montauk Hwy., Montauk.

Harbor Inn, 84 New York Ave., Halesite.

Holiday Manor, 345 Hicksville Rd., Bethpage.

Carl Hoppl's in Baldwin, 100 Sunrise Hwy., Baldwin.

Hoppl's Malibu, Lido Blvd., Lido Beach.

Jimmy's Backyard, 415 Main St., Port Washington.

Koenig's Restaurant, 86 South Tyson Ave., Floral Park.

LaGoletta Restaurant, 57 Shore Rd., Port Washington.

La Grange Inn, Montauk Hwy & Higbie La., Babylon.

Le Cordon Bleu, 96-01 Jamaica Ave., Woodhaven.

Maine Maid Inn, Jericho Tpke, Jericho.

Manero's Steak House, Northern Blvd., Roslyn.

Manero's Steak House, 347 Jericho Tpke, Syosset.

Marcpiere, Rte. 110, S. Melville, Huntington.

Milleridge Inn, Hicksville Rd & Jericho, Jericho.

Murant's, 276 Old Country Rd, Hicksville.

Lauraine Murphy's, 1445 Northern Blvd, Manhasset.

Narragansett Inn, 244 E. Montauk Hwy, Lindenhurst.

Nassau Country Club, St Andrews La, Glen Cove.

Nathan's Famous, 601 Long Beach Rd, Oceanside.

New Hyde Park Inn, 214 Jericho Tpke, New Hyde Park.

Old Country Manor, 244 Old Country Rd, Hicksville.

Olsen's Inn, Carman Rd & Sunrise Hwy, Massapequa.

John Peel Room at Island Inn, Old Country Rd, Westbury.

Porterhouse Restaurant, 294 W Merrick Rd, Valley Stream.

Rendezvous, 292 Merrick Rd, Amityville.

Roslyn Country Club, Club Drive, Roslyn.

Royal Viking, 7940 Jericho Tpke, Woodbury.

Seascape Inn, 116 Main St, Montauk Hwy, Islip.

Ships Inn, 3882 Sunrise Hwy, Seaford.

Ships Inn, 6 Fifth Ave, East Rockaway.

South Shore Inn, 716 Sunrise Hwy, Rockville Centre.

Stouffers, 1001 Franklin Ave, Garden City.

Strazzini's, 101 E Montauk Hwy, Lindenhurst.

Sunrise Village, 175 E Sunrise Hwy, Bellmore.

Valley Stream Park Inn, W Merrick Rd, Valley Stream.

Viennese Coach, Jericho Tpke, Syosset.

Villa Bianca, 167-17 Northern Blvd, Flushing.

Villa Victor Caterers, 274 Jericho Tpke, Syosset.

Village Bath Club, The Gate, Manhasset.

Westbury Chef, Jericho Tpke & Brush Hollow Rd, Jericho.

Westbury Manor, Jericho Tpke, Westbury.

Westfal's, 111-02 Atlantic Ave, Richmond Hill.

Wyland's Country Kitchen, 55 Main St, Cold Spring Harbor.

Yankee Clipper, 275 S Main St, Freeport.

Yankee Clipper, 320 Montauk Hwy, W Islip.

#### COMPUTERS AND DOSSIERS

#### HON. ROBERT F. DRINAN

OF MASSACHUSETTS

#### IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. DRINAN. Mr. Speaker, I desire to share with Members of the Congress an extraordinarily useful and significant article published in the Nation magazine on August 30, 1971, by Prof. Vern Countryman of the Harvard Law School.

This article entitled "Computers and Dossiers" is a most perceptive and persuasive development of the concept of privacy which Justice Brandeis described as—

The right to be let alone—the most comprehensive of rights and the right most valued by civilized men.

Professor Countryman served as clerk to Mr. Justice William O. Douglas in 1942-43. He was thereafter assistant and associate professor at Yale Law School, dean of the University of New Mexico Law School and, since 1964, professor at the Harvard Law School.

It is worthy of notation that, in the long list of Federal agencies involved in the business of collecting dossiers, the House of Representatives is not absent. Professor Countryman notes the invasions of privacy on the part of the House Internal Security Committee.

This article is a dramatic reminder that, as Mr. Countryman has put it, 1984 is only 12 years away:

#### COMPUTERS AND DOSSIERS

(By Vern Countryman)

"Damn Your Cards," said he, "They are the Devil's Books"—Swift.

The compiling of dossiers on individuals is not new in this country. The Federalists, enforcing the first Alien and Sedition Acts, doubtless compiled dossiers on known and suspected Jacobins. But when they had served their purpose in the prosecution of the suspects, or at least when the Alien and Sedition Acts were repealed, those dossiers were apparently discarded. I find no record of their having been used for any other purpose.

However, as our numbers have increased, as our society has grown more complex, and as we have come to recognize more and more reasons—political, social and economic—why one man may have a "legitimate" interest in the affairs of another, the business of compiling personal dossiers has multiplied. The company that contemplates extending credit to, insuring, or employing John Doe has a "legitimate" interest in knowing something about his economic condition and perhaps some of his other characteristics also. An entire industry has developed in response to this "need." And since it is more "efficient" that a new compilation



should not be developed from scratch every time a new need arises, this industry maintains permanent dossiers on each of its subjects. And the final entry, on the death of one subject, becomes only an entry along the way in the dossiers on his heirs.

Because law-enforcement agencies have a "legitimate" interest in a variety of information on suspected malefactors, they also compile dossiers. Here again, it is more "efficient" to retain the record permanently, even after the case is closed—and even though it will be closed with the conviction of someone else.

During World War II and in the ensuing and apparently endless period of the cold war, it has become fashionable to put trust in a variety of prophylactic measures designed to identify potential criminals before they can commit their intended crimes, and to frustrate them in their supposed intentions. Chief among these efforts are loyalty programs, a bewildering variety of laws defining sedition and other political crimes, and the antics of certain legislative committees. To meet the "legitimate need" of government to protect itself, the same governmental agencies referred to above, and some new ones, have compiled dossiers on the political beliefs, expressions and associations of all who appear, in the eyes of the compilers, to be "subversive"—in intent if not yet in deed. And it is more "efficient" that these dossiers also should be permanent.

But the demands of that most outstanding of American virtues—efficiency—do not end here. If it is efficient for any one compiler to maintain a permanent dossier on each subject, so that he need not start from scratch each time interest in the subject is renewed, it is by the same token inefficient for one compiler to begin from scratch when another compiler already has a file on the subject. Hence, a considerable interchange of data occurs among the compilers—within the generous limits allowed by law, and sometimes beyond those limits.

Even that interchange does not exhaust the demands of efficiency. Technology has provided the computer, an instrument with endless capacity to store data and to regurgitate them at lightning speed. It is, of course, "inefficient" not to use such an instrument to combine the dossiers on a given individual that are accumulated by various private and public compilers: to a considerable extent, that has been done.

If the trend continues, the day will come when the push of a button will produce a complete "data profile" on every citizen, from his departure from the womb (or perhaps several months earlier) to some time after he enters his tomb. I cannot say precisely how far off that day may be, because our information about what goes on right now is far from complete. For the same reason, I cannot be precise about how detailed, or how accurate, the "data profile" will be.

But enough is known, I believe, to indicate that I am right about the trend. And enough is known, I also believe, to indicate that every citizen should be demanding more information about and more protection against this development than he is now disposed to demand. He should be asking more questions and asking them more insistently and at the highest levels.

#### PRIVATELY COMPILED DOSSIERS

Some of those in the private sector who compile data on individuals, or who support such compilations, do so for profit. Others do so for the purpose of punishing those with whom they disagree, and still others for more benevolent reasons. We know most about the agencies that gather data for sale because Congress has in recent years concerned itself with their operations; they have been the subject of no less than five separate Congressional hearings, culminating in a new federal statute that was enacted just a few months ago. These commercial agencies fall

into two categories: the credit bureau and the so-called "investigatory" reporting agency.

*The Commercial Compilers.* In a very rough way, the credit bureau is to the individual seeking personal credit what Dun & Bradstreet's reporting service is to a business organization seeking commercial credit. As consumer credit in the United States has burgeoned by more than 2,000 per cent in the past quarter century, so has the business of the credit bureau.

There are approximately 2,500 credit bureaus in the country, of which some 2,100 are members of the major trade association, Associated Credit Bureaus, Inc. The files of the bureaus affiliated with ACB include records on approximately 100 million persons, and those bureaus interchange their information. ACB is also operating under a 1933 antitrust consent decree which requires it to interchange data with the 400 credit bureaus not affiliated with it. In 1968 ACB engaged International Telephone & Telegraph Corporation to provide a computer service to facilitate the interchange.

The largest credit bureau operation outside the ACB is the Credit Data Corporation, which operates in California, Illinois, Michigan and New York, has files on 27 million persons, is adding files at the rate of half a million a month, and is fully computerized. While there is doubtless some overlap between the 100 million ACB files and the 27 million Credit Data Corporation files, the combined accumulation just about covers the 131 million of us who are older than 18 particularly since most of the 93 million of us who are married will be combined in some 46 million files with our spouses.

What sort of information do the credit bureau files contain, and where does it come from? The content, and its reliability are pretty well dictated by the three principal sources from which the credit bureaus draw:

(1) Their own subscribers—the merchants, banks and finance companies who buy most of their reports—supply to the bureaus such information as they obtain on their own credit customers as to employment, approximate income and credit performance. There are at least three significant limitations on this data: (a) The credit bureau files will not reveal the subject's net worth, or whether he is solvent or insolvent, but only whether or not his accounts with the bureau's subscribers are delinquent. Those who extend credit in reliance on a credit bureau report do so on the simplistic assumption that anyone who is managing to keep up his present payments should be able to assume one more debt. (b) The credit bureau files will not reveal the approximate amount of the subject's debts, since many creditors are not subscribers. (c) When subscribers report that the subject's account is delinquent, they are rarely moved to add, where that is the case, that there is a bona fide dispute over the amount owed (perhaps because a computer has gone awry in the billing procedure, as they all too frequently do) or that there is a dispute over the quality of the merchandise delivered.

(2) The more enterprising bureaus check official records for notices of such things as arrests, lawsuits, judgments, bankruptcies, mortgages, tax liens, marriage, divorces, births and deaths. Here again, there are limitations: the possibility of mistaken identity is substantial, and official records frequently do not disclose the ultimate disposition of such things as arrests, lawsuits, judgments, tax liens and mortgages.

(3) Most credit bureaus also maintain a news-clipping service—with some, this substitutes for checking official records. Obviously, this source contains even more danger of error and omission than does the check of records.

Both Congressmen and the news media, during the Congressional hearings on the subject, focused on the man who is denied

credit because of erroneous adverse information in credit bureau files. But, since a case of mistaken identity means not only an incorrect adverse entry in one file but also the omission of a correct adverse entry in another file, and since almost all credit files understate the debts of their subjects, it is obvious that misleading credit bureau reports lead also to some granting of credit which should not have occurred. It is no coincidence that, as consumer credit expanded, so did consumer bankruptcies—from 8,500 in 1946 to 178,000 in 1970. If a creditor were to compare the report he received from the bureau with the debts scheduled by a subject in his bankruptcy proceeding, he might conclude that the report was not worth the 35¢ to 75¢ paid for it. (That is what it costs the subscriber to learn what reports in the compiler's file at the moment he makes inquiry. If he wants the file brought up to date by calls to other subscribers, he must pay an additional fee.) During hearings held in Washington, D.C. in March 1968, a New York Congressman asked for a demonstration of Credit Data Corporation's high-speed computerized retrieval of his New York City credit file. Within the time consumed by 6 pages of printed hearing record, the report came back—on one bank loan as of June 1967, and nothing else. The Congressman's response: "A very inefficient system, thank God!"

Upon entires of such fragile reliability is your "credit rating" built. And when the credit bureau engages also in debt collection—as many of them do, finding their ability to affect the credit rating an effective collection tool—the reliability of the entries is even further threatened by a built-in conflict of interest.

But, as the credit bureaus themselves are fond of stressing, they collect only facts—if what their subscribers report to them and what they read in the newspapers can be regarded as facts. They do not engage in affirmative investigations of their subjects, save as they may on occasion join with local merchants to sponsor the Welcome Wagon lady, who reports back to the merchants on the apparent worldly needs of the newcomers she visits and to the credit bureau on their apparent credit worthiness—and on where the newcomer came from, so that his file can be obtained from a credit bureau at his former location.

For these reasons, credit bureau files do not satisfy some who contemplate commercial relationships with their customers—particularly prospective employers and prospective insurers. Such clients turn to the "investigatory" reporting agency. Congressional committees heard from representatives of the country's largest agency of this sort—Retail Credit Company of Atlanta, with 1,225 offices, 7,000 inspectors, and files on 48 million persons. Retail Credit is not yet computerized.

Inspectors for Retail Credit not only check public records and clip newspapers; they also interview friends, neighbors, former neighbors, acquaintances, employers, former employers, business associates—anyone who may know something, or have an opinion about, the subject. For life insurance companies, Retail Credit inspectors inquire about, among other things, the subject's drinking habits (including the reasons for his drinking), any domestic difficulty, any adverse criticism of "character or morals," and whether his living conditions are crowded or dirty.

For automobile insurers, they will inquire about, among other things, the quality of neighborhood, business reputation, morals and "antagonistic-antisocial conduct." Auto insurers are convinced that there is a correlation between frequency of accident and all of these factors except antagonistic-antisocial conduct, and that both immorality and antagonistic-antisocial conduct would impair the subject's effectiveness as a wit-

ness in the event of litigation. The latter consideration, of course, should dictate an inquiry also into harelips, unsightly scars and birthmarks, and the use of deodorants. For employers, Retail Credit will report whether the subject has any "known connection with a 'peace movement' or any other organization of a subversive type," and whether he is reported by others to be "neurotic or psychotic."

When Congressional investigators began to worry about the reliability of some of the opinions thus solicited, spokesmen for Retail Credit had two assurances:

(1) Its inspectors are carefully trained persons of "unusual inspection ability." This assurance lost some of its force when inquiry revealed that these highly qualified well-trained sleuths commanded a starting salary of \$475 to \$500 per month, that they prepared anywhere from two to sixteen reports per day (which Retail Credit sold for from \$4 to \$200 apiece), and that half of them had no more than a high school education and another 30 percent were college dropouts.

(2) Any adverse information not coming from public records is confirmed from a second source or reported as unconfirmed. Whatever comfort might otherwise be drawn from this assurance is somewhat qualified by evidence that at least one well-trained, highly qualified inspector, who claimed to have been told by two sources that the subject had served a prison term, reported what he had been told as an unqualified fact, although he could find no confirmation in court or prison records.

The legislators wanted to know who has access to the files of these commercial compilers. Only "reputable" business organizations, they were told, with a "legitimate" business interest. However, spokesmen for the credit bureaus admitted that there had been instances when an employee of a subscriber to a credit bureau had obtained a report for purposes unrelated to his employer's business, and Retail Credit's spokesman admitted that it sometimes gave out reports as a "favor"—for example, when an executive contract. On a second round, the fictitious man being considered as a new minister for his church.

Moreover, the compilers had been under interrogation by Congressional committees for more than a year when CBS News tried an experiment. Using a fictitious company name, it sent out twenty letters to credit bureaus, requesting reports on named individuals. It received ten reports and offers of two more if it would sign a subscriber's contract. On a second round, the fictitious company sent out twenty-eight letters. This time it did not state that it was considering granting credit—it simply asked for a full report. And this time it asked only about individuals who had been complaining to Congressional committees about the credit bureaus. It received only seven of the requested reports—plus one more when it signed a subscriber's contract.

The dosiers of the commercial compilers are available also to the government. This includes not only such governmental credit-granting agencies as the Federal Housing Administration and the Veterans Administration, who buy such reports just as do private subscribers, but also such law-enforcement agencies as the FBI and the Internal Revenue Service. Members of ACB and the Retail Credit Company make their files available to the law enforcers "as a public service." The Credit Data Corporation took a different view, declining to turn over its reports to the IRS. It was then met with a statutory summons calling for "all credit information relative to" named taxpayers. When Credit Data refused to obey the summons, it was served with a judicial order of enforcement pursuant to the statute, requiring it to comply on payment by the IRS of 75¢ per report, the fee which Credit Data

charged its regular subscribers. On appeal, Credit Data won a great victory. The decision was affirmed in all respects save that the case was remanded to determine the "fair value" which IRS must pay for the reports, the rate paid by subscribers not being taken as conclusive because subscribers supply "valuable credit information" to Credit Data.

This result was not surprising. In a long line of cases, the Supreme Court has sustained judicial enforcement of an administrative agency's statutory subpoenas against Fourth Amendment attack, if the subpoena sought testimony about the affairs of, or the records of, the person subpoenaed; if the subpoena was sufficiently specific to satisfy the Fourth Amendment; if the administrative inquiry was authorized by Congress, and if the evidence sought was relevant to the inquiry—the Court's application of the last two requirements when its enforcement order was sought being held to satisfy the Fourth Amendment's requirement of probable cause.

More than forty-five years ago the Supreme Court also summarily affirmed a decision that no Fourth Amendment question was even presented when the IRS, investigating the tax liability of a bank depositor, summoned the bank to produce its records. And after the Credit Data case was decided, the Supreme Court unanimously extended that ruling to cover an IRS summons to the taxpayer's employer and, by dictum, to any other third person with no established legal privilege, such as an attorney, where the taxpayer has "no proprietary interest of any kind" in the records subpoenaed. The Fourth Amendment, therefore, offers no discernible protection to the subject whose file in a credit bureau is subjected to an administrative subpoena or summons of a governmental agency showing a "legitimate" interest in its contents.

No matter who else may see the file, however, the commercial compilers are uniformly steadfast on one point—the subject himself must never see it. Three reasons are given, one laughable and two believable. First, if the subject ever got his hands on the file, even in the compiler's office, he might destroy it. Second, to let the subject see the file would be to reveal the compiler's sources and would tend to "dry up" those sources. Third, if the "file" consists of a computer printout, the subject wouldn't be able to understand it. Doubtless the second reason should be expanded to say that nondisclosure of the files protects not only the compiler's sources but also the compiler himself, from trouble, including litigation, with the subject.

As a result, many subjects have not known, when they were denied credit, or a job, or insurance coverage, that the denial might have been caused by an adverse report from a commercial compiler. The subject who did learn of that fact, and who believed that the adverse report was erroneous, seldom obtained legal relief. If he sued on a theory of defamation or interference with economic expectations, he encountered a qualified privilege, based on the subscriber's "legitimate" interest in his affairs, which protected the compiler who was not guilty of gross negligence or malice.

If he resorted, instead, to an action for invasion of his common-law right of privacy he confronted, first, the fact that the famous law review article by Warren and Brandeis which launched that right in American jurisprudence was concerned only with the publicizing, albeit accurately, of private matters (not matters of public record) in the news media. If he persuaded the Court that the concept of a right of privacy had now developed to the point where it protects against offensive intrusion into his private affairs regardless of publicity, he might again have found that his protection against intrusion was qualified by the "legitimate" interest of the user of the files.

As previously noted, Congressional inves-

tigators were impressed by the plight of those whose dossiers were compiled—at least where the dossiers contained erroneous adverse information. The compilers detected that they were impressed and decided that they could not fight the move for reform and had better join it. The result was the Fair Credit Reporting Act of 1970.

This Act, applicable both to credit bureaus and to "investigatory" reporting agencies, attempts to guard against inaccurate or stale information in the reports and to restrict their use by providing that:

The compilers must maintain "reasonable procedures" to eliminate from their reports bankruptcies after fourteen years and other adverse information after seven years.

The compilers must keep their public record entries in employment reports up to date to the extent that the public records are up to date, and the investigatory agencies must confirm their adverse interview information at least three months before reporting it.

Users of investigatory reports must notify the subject that such a report is being made; users of credit or investigatory reports must advise the subject whenever credit, insurance or employment is denied "wholly or partly because of" the report and must identify the reporting agency; and compilers reporting adverse public record information for employment purposes must advise the subject of that fact.

Any compiler, on request of a subject, must disclose to him the "nature and substance" of the information on him in its files (but not the file itself); credit bureau compilers must disclose also the sources of their data; and all compilers must reinvestigate any item which the subject disputes and, if it does not correct the item, include in future reports his statement of not more than 100 words describing the dispute—unless the compiler has "reasonable grounds to believe" the statement is "frivolous or irrelevant."

The compilers must maintain "reasonable procedures" to confine the furnishing of their reports, without written consent of the subject, to those who have "a legitimate business need" for them.

Compilers must not, without written consent of the subject, furnish to a governmental agency more than name, address and place of employment of a subject, except in connection with licensing, governmental grants or other business transactions where government has a "legitimate business need"—and except in response to court order.

The Act also authorizes damage actions when there is negligence in failing to comply with the Act, punitive damages for willful noncompliance with the Act, and administrative enforcement by the FTC. It immunizes compilers and their sources of information from any other liability save for false information "furnished with malice or willful intent to injure" the subject. And it imposes criminal penalties for officers or employees of compilers who "knowingly and willfully" make unauthorized disclosures of information and for any person who "knowingly and willfully" obtains such information "under false pretenses."

The entire reach of the Act—about which I will have more to say later—is to accuracy of and access to the reports. No attempt is made to limit their contents. The report to which the Act applies, whether issued by a credit bureau or an "investigatory" agency, is defined to mean any communication bearing, not only on credit but on "character, general reputation, personal characteristics, or mode of living."

The Punitive Compilers. There has been, so far as I can discover, no official investigation of private compilers who assemble dossiers for the purpose of punishing those with whom they disagree. From what I have been able to learn and observe of these compilers over a quarter of a century, they are spon-



sored and staffed by right-wing extremists. This is not to say that right-wing extremists are less restrained by scruples than left-wing extremists. The much simpler explanation is that official investigations of extremist groups have, with rare exceptions, been aimed at those on the Left end of the political spectrum—although they tend to hit anyone to the Left of the right-wing extremists. There are two corollaries to this fact: first, private punitive compilers rely for information almost entirely upon official investigations, and there is not enough information available to compile dossiers on right-wing extremists. Second, in the absence of official investigations to whet public interest, there would be no substantial market for dossiers on right-wing extremists if they could be compiled.

Some of the punitive compilers attempt to operate for profit. One such is American Business Consultants, organized by three former FBI agents, which operated effectively, if not at great profit, during the heyday of Sen. Joseph McCarthy. It published the newsletter *Counterattack*, which provided dossiers on those deemed not sufficiently anti-Communist, with special emphasis on the news media, writers, and publishers, and *Red Channels*, which focused on those thought similarly deficient in the entertainment business. Other compilers, such as the Americanism committees of some American Legion posts, are motivated by their version of patriotism. Still a third group, which includes the John Birch Society and *Aware, Inc.*, which also flourished in the entertainment industry during McCarthy's reign, profess patriotism.

The punitive compilers' principal aim is to cost the subject his employment. Since their dossiers are neither solicited, nor in many cases even wanted, by the subject's employer, they are not well situated to invoke the "legitimate" needs of the employer as a justification in either a defamation or a privacy action. Offsetting their apparent legal vulnerability, however, is the fact that most, if not all, of them are either completely judgment proof or incapable of responding in damages for the full injury they have caused.

Both of these facts were dramatically demonstrated by a distinguished and courageous graduate of the University of Texas, John Henry Faulk, who lost his position with CBS in 1956 when *Aware, Inc.* published his dossier—largely based on erroneous information in the files of the House Un-American Activities Committee. In part, also, Mr. Faulk was dismissed because of an advertising boycott that was organized by the owner of a chain of grocery supermarkets after the *Aware* bulletin was published. Faulk sued *Aware*, one of its employees and the supermarket owner for libel, realizing that *Aware* and its employee were not capable of responding in damages in any significant amount.

After a trial in which the court ruled that the defense of qualified privilege was not available and that defendants had failed to prove the defense of truth, the jury returned a verdict for \$3.5 million—of which \$1 million was actual damages against *Aware*, its employee and the supermarket owner; \$1.25 million was punitive damages against *Aware*, and \$1.25 million was punitive damages against its employee. There was no award of punitive damages against the supermarket owner because he died shortly before the case went to the jury. The judgment against him was settled with his disappointingly small estate for \$175,000. After an appeal by the surviving defendants, during which they were castigated as "malicious" and "vicious" purveyors of libel, the judgment was reduced to \$450,000 against *Aware* and \$100,000 against its employee, no part of which was collectible. No private remedy, even for false reports, will avail the victims

of punitive compilers who are as irresponsible financially as they are otherwise.

*The Benevolent Compilers.* Many who compile personal dossiers, or who support their compilation, have no interest in the individual subjects. They are interested in groups. In this category of data collectors are government officials and business executives, who seek to make informed decisions and plans, and scholars (particularly social scientists), who would promote understanding and aid decision making and planning. But though they are interested in groups, most of the information about groups must come from, and relate to, individuals.

At first blush it might seem that such information could be obtained and compiled without preserving a record of individual identity. Unfortunately, some key to the identity of the subjects must be retained if group compilations are to be kept up to date and if they are to be adapted for uses not contemplated at the time of their original accumulation. And as long as keys to the identity of those in the group are retained, these compilations are a potential source of personal dossiers, either because they fall into unauthorized hands or because the policy of the compilers changes.

Many of those who use group compilations are so single-mindedly devoted to their own purposes as to be heedless of this danger. Thus, a committee of the Social Science Research Council proposed in 1965 that the Bureau of the Budget establish a Federal Data Center to collect and computerize all machine readable data from all federal agencies, for use both by the government and by individual scholars. The report was eloquent on the "efficiency" of such an operation, but took account of the threat to individual privacy only to the extent of suggesting that where a government agency had obtained data under a pledge of confidentiality, "it is often possible to disguise the information in such a way that specific data cannot be traced to any individual respondent." The bureau referred the recommendation for review to a research analyst employed by Resources for the Future, Inc., a private foundation. He endorsed the proposal in a report much concerned with organizational and operational problems which did not even mention problems of privacy. The bureau next created a task force, consisting of one statistician and five academicians, to consider the problem. The task force also endorsed the proposed National Data Center, but its report took account of hearings on the subject wherein Congressmen had shown themselves considerably alarmed by the danger to privacy. The task force viewed this criticism rather lightly, however, since it thought that Congress could define an enforceable standard for access to the data in the center, and that the technical possibility that the federal computers might themselves be tapped by other technological means could be met by unspecified "organizational and technical means . . . available to control and limit the risks."

I shall have more to say about the National Data Center concept later; here I want to add an illustration from my own experience of the scholar's insensitivity to problems of privacy when his thirst for knowledge is aroused. Early in 1969, a private foundation sent out to graduate students in colleges and universities a questionnaire asking their opinions on a variety of subjects ranging, if I remember correctly, from drug use to forcible overthrow of the government. Since the respondents were to sign these questionnaires, one graduate student phoned me to ask if there was any danger, despite the foundation's assurance of confidentiality, that his replies might come into the hands of a government agency. I advised him that, in my judgment, the foundation would have no defense to an administrative or legislative subpoena. Apparently in order to spread

this valuable legal advice to other graduate students, the man to whom I talked reported it to the *Harvard Crimson* which printed it.

I thereupon received a long letter of admonishment from a Harvard professor of government. First, he explained that he had nothing to do with the particular questionnaire, but assured me, on the basis of his thirty-five years of experience, that it was "typical of those used by both academic and commercial pollsters." Second, he explained to me—along lines similar to those given above—why the identity of those polled must be preserved. Third, he expressed doubt that any government agency would seek to obtain the information. Fourth, though he was not a lawyer, he ventured the opinion that the courts would very likely create some sort of privilege to block a government subpoena. Fifth, he pointed out that advice such as mine might well reduce the number of responses to the questionnaire. Finally, he urged me to "reconsider" and to "issue another statement on the issue." I declined his invitation on the grounds that I thought my legal advice better than his and that I thought the students were entitled to have that advice so that they, rather than he, I, or the foundation, could do their own speculating about the likelihood of a government subpoena.

Not all group compilers are insensitive to the privacy problem but, even when they are aware of the danger, there is not much they can do to forestall it—once they have amassed their compilations—beyond attempting to guard the identity of their subjects and hoping that their successors in control of the compilation will be similarly scrupulous.

The reality of the danger is made vivid by the steps taken by the United Planning Organization of Washington, D.C., a private organization devoted to combating poverty. In the course of its work, UPO has found it useful to compile data from public records on such matters as juvenile arrests, school dropouts, evictions and welfare payments. To guard the identity of its subjects, UPO transferred all its data to a trustee under an irrevocable trust, with strictures which permit UPO to have continued access to it only as long as it does not reveal the identity of its subjects. Under the terms of the trust, UPO apparently will indeed lose access to the data if it changes its policy and identifies its subjects, or, possibly, if one of its officers or employees makes an unauthorized disclosure. But, by that time, personal dossiers on all of its subjects may be in someone else's computer.

#### PUBLICLY COMPILED DOSSIER

If our information on private compilers of dossiers is incomplete, our information on governmental compilers is fragmentary. Most of what we do know comes from disclosures made by the news media and from sporadic hearings conducted by a Senate subcommittee between 1960 and 1967. Some additional information emerged from hearings in early 1971 before another Senate subcommittee.

In some instances the government can compel a subject to provide information about himself. Obvious examples are the tax and census returns, of which more later. However, most governmental compilers rely for most of their information on the technique used by the Retail Credit Company of Atlanta—they interview neighbors, associates and acquaintances of the subject. The investigators are better paid, and one hopes better qualified and better trained, than Retail Credit's inspectors, but the superiority may not be enough to inspire great confidence in the objectivity of their results. Most of us in academic life are familiar with the FBI agent and the military investigator who come to inquire about former students seeking government employment or a military commission. Most would agree, I believe, that there is no

faster way to get the visitor out of the office than to make clear that you have nothing derogatory to say about the subject. And I can testify that the visitor will depart almost as rapidly if, in a case where you have something to say that might conceivably be considered derogatory, you tell the investigator you want your secretary to take down your statement so that you can send a copy to the subject.

Governmental compilers have another source of information disclaimed by Retail Credit, whose representatives emphatically and repeatedly denied that it ever resorted to wire tapping or bugging. Governmental compilers resort to both. Because of what it reveals, both as to their attitudes about individual privacy and as to the feasibility of legislative efforts to protect privacy, it will be instructive to survey briefly the history of their use of these devices. (See also "Thirty Years of Wire Tapping" by Athan G. Theoharis, *The Nation*, June 14.)

In 1928 the Supreme Court held that government wire tapping did not violate the Fourth Amendment. In the Communications Act of 1934 Congress made it a crime for anyone, without authority of the sender, willfully to intercept any communication by wire or radio and to divulge the contents of the intercepted communication to any other person. Thereafter, the Court held that, because a wire tap was illegal, evidence so obtained, including the "fruit of the poisonous tree," was inadmissible in federal courts.

Despite the explicit finding that federal agents commit a federal crime when they tap telephones, the FBI continued the practice, which it had begun in 1931, until March 1940, when Attorney General Jackson ordered it stopped. In May 1940, however, President Roosevelt issued a secret directive, whose existence was not made public until after his death, ordering wire tapping resumed for "persons suspected of subversive activities against the Government of the United States, including suspected spies." Thereafter, Attorney General Biddle in 1941 announced that the Department of Justice intended to use wire tapping in "espionage, sabotage, and kidnapping cases when the circumstances warranted," and President Truman in 1947 approved a proposal by Atty. Gen. Tom Clark that wire tapping be used "in cases vitally affecting the domestic security, or where human life is in jeopardy." In 1964 President Johnson issued a directive forbidding wire tapping by federal agents, except in national security cases. And in 1965 Attorney General Katzenbach testified that, "Under present law, [wire tapping] should be permitted only where national security is involved" and acknowledged that the department had sixty-two wire taps then in effect "under my specific direction." In 1967 Atty. Gen. Ramsey Clark issued a memorandum requiring prior written approval from the Attorney General for any federal wire tap or electronic bugging save in "national security" cases which "shall continue to be taken up directly with the Attorney General in the light of existing stringent restrictions."

Since the Communications Act contains no exceptions, it is evident that the Department of Justice has been violating that Act for most of the time since its enactment. From time to time spokesmen for the department have argued that the contents of wire taps are not "divulged"—and hence the Communications Act is not violated—when they are merely communicated from one federal agent to another, but this proposition has never been tested in the courts. The Department of Justice has never seen fit to prosecute an FBI agent or any other federal agent for violation of the Communications Act, even in cases where convictions have been reversed because the contents of wire taps were divulged in court.

The practice of electronic bugging was governed by a series of decisions beginning in 1942 which held that the Fourth Amendment was not violated by the interception of communications by means of detectaphones or informers wired for sound, as long as the interception was accomplished without a physical trespass on defendant's premises.

Regardless of the state of the law or of the current content of executive directives, FBI Director Hoover has annually since 1965 assured the House Appropriations Committee that every wire tap undertaken by the FBI has been "approved in advance and in writing by the Attorney General," and that all taps were limited to "national security" or "internal security" cases. But less than two months after Hoover gave that testimony in 1969, an FBI agent testified, during the trial of Cassius Clay under the Selective Service Act, that the FBI had tapped the wires of Martin Luther King, Jr. for four years before his death in 1968. Hoover then produced his version of an "approval in writing in advance by the Attorney General"—a memorandum written by one of Hoover's own subordinates, reciting that in 1963 Atty. Gen. Robert Kennedy, now also deceased, had inquired "if it was feasible to use electronic devices" to check into allegations that Dr. King "had Marxist leanings." The House Appropriations Committee found no reason to question Hoover's credibility when he appeared before it the following year and again testified that "all" wire taps "were authorized in advance in writing by the Attorney General."

Meanwhile, both constitutional and statutory requirements applicable to wire tapping and electronic bugging had changed. In 1967 the Court in *Berger v. New York* invalidated a New York statute authorizing electronic bugging with prior court approval, in a case where physical trespass was involved, because the statute did not satisfy the Fourth Amendment's requirements of specificity as to the crime involved or the conversations to be overheard. Later in the same year, in *Katz v. United States*, the Court concluded that the Fourth Amendment applied to both wire tapping and electronic bugging, regardless of physical trespass, thus requiring prior court approval for employment of either device under a procedure which would satisfy the specificity requirements of *Berger*.

In the Omnibus Crime Control and Safe Streets Act of 1968 Congress amended the Communications Act of 1934 so that its prohibition of interception and divulgence of communications is confined to radio communications, and established a procedure for judicial approval of wire tapping and electronic bugging which arguably does not meet the requirements of the *Berger* case.

That Act also contains the following remarkable provision:

"Nothing contained in this chapter or in section 605 of the Communications Act of 1934 . . . shall limit the constitutional power of the President to take such measures as he deems necessary to protect the nation against actual or potential attack or other hostile acts of a foreign power, to obtain foreign intelligence information deemed essential to the security of the United States, or to protect national security information against foreign intelligence activities. Nor shall anything contained in this chapter be deemed to limit the constitutional power of the President to take such measures as he deems necessary to protect the United States against the overthrow of the Government by force or other unlawful means or against any clear and present danger to the structure or existence of the Government. The contents of any wire or oral communication intercepted by authority of the President in the exercise of the foregoing powers

may be received in evidence in any trial hearing, or other proceeding only where such interception was reasonable, and shall not be otherwise used or disclosed except as necessary to implement that power."

Whatever other effect this provision may have, it has emboldened Attorney General Mitchell to argue that the President has "inherent power . . . derived from the Constitution itself," free from judicial review under the Fourth Amendment, to employ wire taps and electronic bugging (1) "to gather foreign intelligence information" including "information necessary for the conduct of international affairs and for the protection of national defense secrets and installations from foreign espionage and sabotage"; and (2) "to gather intelligence information deemed necessary to protect the nation from attempts of domestic organizations to use unlawful means to attack and subvert the existing structure of government." This argument was first made and accepted by Judge Julius Hoffman in a case where the domestic threat to the "structure of government" consisted of the disturbances at the National Democratic Convention in Chicago in 1968. It has been rejected by the U.S. Court of Appeals for the Sixth Circuit and by a federal district court in California, and appeals are pending.

The 1968 Act also requires annual reports to Congress of all court-approved wire taps and bugs obtained under the Act by either federal or state authorities. In 1969, the first full year that the Act was in operation, these reports revealed thirty federal interceptions and 241 state interceptions, 176 of the latter being in New York alone. For the second year, there were 180 federal interceptions and 403 state interceptions, including 213 in New York and 129 in New Jersey. By these taps and bugs, federal authorities in one year listened in on more than 146,000, and state authorities on more than 244,000 conversations. But the federal figures do not reveal all federal wire taps—the government is acting on Attorney General Mitchell's contention that no court approval is required for tapping and bugging in "national security" cases. On one day, in March 1970, the FBI operated thirty-six wire taps and two bugs in such cases.

#### SNOOPING IN THE MAILS

The governmental compilers have still another source of information not available to private compilers—the "mail cover," provided by the Post Office Department, which supplies the name and address of anyone sending mail to a suspect and, if desired, a facsimile of the sender's handwriting. The Post Office provides this service on request to any federal or state law-enforcement agency, and averages about 1,000 mail covers a month.

One of the chief users of the service is the Internal Revenue Service, but both it and the Post Office declined to supply Congressional investigators with the names of those subjected to such surveillance—not only because some were still under investigation but also because such disclosure would constitute an invasion of the privacy of those investigated and found innocent of tax violations! Although not specifically authorized by statute, the Post Office finds its authority for the practice in a general statutory power to prescribe rules and superintend the business of the department, and courts have held that it does not violate provisions of the Criminal Code forbidding delay of the mails.

So much for sources. What of the official dossiers compiled from them. Starting with the proposition—probably quite literally true—that God only knows what is contained in the files of the CIA, some information is available about the files of the more obvious compilers.

The FBI, Congressional committees occasionally hear something about the FBI, but



save for J. Edgar Hoover's annual appearances before appropriations committees, they never hear from the FBI. From the director's appearances we are advised that the FBI's computerized National Crime Information Center, which is tied to twenty-four computerized terminals throughout the country, contains in excess of 1.7 million personal files, as well as more than 195 million sets of fingerprints. The latter collection (with a substantial assist from state police forces and the Selective Service System, and a lesser one from visitors to FBI headquarters who are persuaded to ink their fingers) is increasing at the rate of about 7 million a year. Even with some allowance for foreigners, it must be approaching 100 per cent coverage of the adult population of the United States.

One can only speculate as to the contents of the 1.7 million files. They are not to be disclosed to the public, save as Hoover sees fit to reveal their contents in a book, an article or a speech. But we can be sure that they are not confined to information related to enforcing the criminal laws. Since 1947 the FBI has been investigating, under the federal loyalty-security program, federal employees and applicants for federal employment; somewhat later the program was expanded to cover the personnel of those who contract with various agencies and departments of the government. Investigations under that program delve even more deeply into the morality, beliefs and associations of the subjects than do the investigations conducted for private employers and insurance companies by the Retail Credit Company. From a careful study of all available data, Prof. Ralph Brown concluded in 1958 (*Loyalty and Security*) that the federal program then covered more than 13 million people, or one-fifth of the national labor force. The same fraction today would produce a figure in excess of 16 million. Professor Brown also estimated that the cumulative total of those dismissed under the program in 1958 was in excess of 10,000. It is a fair guess that their names, and the names of many others who were not dismissed but about whom derogatory information was recorded, are included in the FBI files. But there is no reason to suppose that all of them are included in the 1.7 million files reported in the National Crime Information Center.

If that were all, most of us who have never worked for, or sought to work for, the executive branch of the federal government or its contractors, and who have never done anything which would be likely to make us suspects of a federal crime (including the burgeoning list of political crimes), could rest easy so far as the FBI files are concerned.

But that is not all. Under the Emergency Detention Act of 1950, the President is authorized to declare an "Internal Security Emergency" in the event of invasion, declaration of war or "[i]nsurrection within the United States in aid of a foreign enemy." In that event, the Attorney General is to apprehend and incarcerate "each person as to whom there is reasonable ground to believe that such person will engage in, or probably will conspire with others to engage in, acts of espionage or sabotage." Obviously, speed will be of the essence and any diligent Attorney General charged with enforcing this Act must have a list of suspects prepared in advance. *The Washington Post* recently remarked that the Department of Justice does maintain such a list and made a "conservative guess" that it contains 10,000 names. Data alleged to support such a list are doubtless lodged in the files of the FBI.

The FBI has long operated under a Department of Justice order providing:

"All official files, documents, records, and reports in the Department of Justice shall be regarded as of a confidential nature, and the content thereof shall be disclosed only in the performance of official duties.

"Except upon specific authorization of the Attorney General, no officer or employee shall forward to any person outside the Department of Justice . . . any information obtained from the Federal Bureau of Investigation."

But there are vague authorized exceptions. Department regulations allow for exchange of "identification records, including personal fingerprints voluntarily submitted," with "law-enforcement and other governmental agencies," and for the operation of "a central clearinghouse of police statistics . . . and a computerized nationwide index of law-enforcement information under the National Crime Information Center." And Hoover has said that "the FBI has long followed a policy, approved by several Attorneys General, of relaying information believed to be of interest to other Government agencies."

The official position remains that the contents of FBI files are not to be disclosed to private parties, but there is room for doubt about operations in the field. Do the FBI agents who receive information from Retail Credit Company and the credit bureaus ever return the favor? Mayor Alioto of San Francisco recently told a Senate subcommittee that he had proof that the FBI had supplied information to *Look* for an article charging him with underworld connections. The Department of Justice replied that an FBI agent had not "furnished," but had "confirmed," information which the magazine might have obtained from other federal agencies and that the agent involved had been disciplined and forced to retire.

*Internal Revenue Service.* Most adults in the country are required to initiate a file with the IRS by filing a tax return. The file is augmented when the IRS launches an investigation of tax liability or has to report to collection efforts. In some instances, these efforts are quite strenuous.

In 1965 the Commissioner of Internal Revenue admitted to a Congressional committee that the Service had in the past used two-way mirrors and bugging devices in conference rooms where taxpayers and their lawyers met prior to and during discussions with IRS agents; and that some agents, in an excess of "zeal emanating from the highest motives," had employed illegal bugs and wire taps. He assured the committee that all such practices had been terminated. Later he advised the committee that agents who engaged in illegal eavesdropping had been disciplined by reprimand and transfer and that there had been some voluntary separations from service. There was no mention of criminal prosecution.

Another practice, not disavowed by the IRS, involved the opening of a taxpayer's first-class mail, either in search of evidence of tax liability or of assets from which taxes might be collected. Federal statutes forbid, and prescribe criminal penalties for, the opening of first-class letters or parcels by anyone save an employee in the dead letter office or a person holding a search warrant. But it is a nuisance to obtain a search warrant: the application must make some showing of probable cause for the search, the warrant may be annoyingly specific as to the items to be seized, and there have even been instances when warrants have been refused. Hence, the IRS hit upon a more "efficient" scheme.

Provisions of the Internal Revenue Code authorize the IRS to make its own administrative levy on "property of" a taxpayer "for the payment of" taxes. These provisions also direct that "as soon as practicable after the seizure of the property" it shall be sold. In any event, they reach only to property of the taxpayer, and postal regulations provide that the sender of mail can reclaim it at any time before it is delivered to the addressee. Nonetheless, it was the practice of the IRS to serve levies on the Post Office, which would

thereupon surrender mail addressed to taxpayers—not for the purpose of sale but to be opened and examined by the IRS. When this practice was exposed, Congress promptly amended the Internal Revenue Code to exempt all undelivered mail from the IRS levy.

It might be supposed that information which the government compels the citizen to supply in his tax returns would be held in confidence and used only for the purpose for which it is supplied. In fact, the confidentiality of tax returns is preserved by a statute which has all the containing qualities of a sieve. Federal tax returns are fully available to state tax officials and *The Wall Street Journal* has reported (April 21, 1970) that at least 45 million of some 75 million returns filed in 1970 were to be put on computer tapes and mailed to at least thirty states.

Tax returns are available also to any select committee of either House of Congress "authorized to investigate returns," and to anyone authorized by executive order. Between 1957 and 1970 fifty-three such orders were issued. These orders are not confined to the returns of named persons, but authorize inspections of all returns for designated periods of years. Two of the chief beneficiaries of these Presidential dispensations have been committees that have nothing to do with internal revenue matters—the House Un-American Activities Committee (which changed its name to the House Internal Security Committee two years ago) and its counterpart in the Senate, the Senate Subcommittee on Internal Security.

Moreover, by relying on these executive orders, I am substantially understating the extent to which tax returns, or their contents, are disseminated. The discovery about a year ago that Presidential aide Clark Mollenhoff was examining tax returns without an executive order—or at least without a published order—led to further disclosures that similar practices had been followed in the Kennedy administration. It was reported also that IRS employees had not infrequently leaked the contents of returns, and that in one instance a friendly revenue agent had obliged a federal prosecutor by screening the tax returns of 150 prospective jurors in a tax case. No one could recall, however, that any IRS employee had ever been prosecuted under a statute imposing criminal penalties for such activities.

*The Army.* The Army, of course, has personal files on those who are, or have been, in its service. But in January of last year, a former captain of Army intelligence revealed that the Army since 1965 had been collecting information on civilians and maintaining files on them in its computerized data bank at Fort Holabird in Baltimore—ostensibly to enable it to anticipate civil disturbances. Then followed a series of somewhat contradictory reports. Rep. Cornelius Gallagher, chairman of the House Subcommittee on Invasion of Privacy, announced that the Army had assured him that its surveillance of civilians would cease. Somewhat later, Secretary of Defense Melvin Laird announced that the surveillance operation had been transferred to civilian control in the Department of Defense.

Later hearings before a Senate subcommittee revealed details of the Army's 1968 "Civil Disturbance Information Plan." Defense Department spokesmen testified that the Department had since 1968 maintained an index of 25 million names (now being computerized), about 80 per cent of which were keyed to dossiers; and that since 1968 the compilation had included civilians who had taken part in civil rights or anti-war activities, and who were thus regarded as at least potential civil disturbance risks.

Also included were prominent persons friendly with such suspects among them Sen. Adlai E. Stevenson III, Rep. Abner Mikva and former Illinois Gov. Otto Kerner. The

Army's share of the dossiers—about 8 million—were said to be accessible to only 688 authorized officials. Asst. Atty. Gen. William Rehnquist testified that surveillance of civilians had now been transferred from Defense to Justice, conceded that there had been abuses due to "excessive zeal," opposed any legislative limitations on such surveillance, and urged the Congress to rely upon "self-discipline" on the part of the executive branch.

Before the Congressional hearings started, the ACLU had filed two actions to enjoin the Army's civilian surveillance programs as a violation of the First and Fourth Amendments and of a constitutionally protected right of privacy. In each instance the complaint was dismissed; in both cases appeals were taken and the Court of Appeals in the District of Columbia has in one case reversed the dismissal and ordered the Army to trial.

**House Internal Security Committee.** Not all the dossier compilers of the federal government are in the executive branch. Since 1938 the former House Un-American Activities Committee has been compiling dossiers on persons and organizations it deems insufficiently anti-Communist. (In a more sporadic fashion, the Senate Internal Security Subcommittee does the same thing.) The House committee does not reveal the number of its dossiers, but by 1949 they occupied thirty file cabinets, and by 1955 the committee was converting them to microfilm.

The Supreme Court has held unconstitutional a state statute requiring registration of members of organizations cited by the committee, because the committee's procedures do not include minimum safeguards to "insure the rationality" of its compilations. Those compilations are, nonetheless, widely used both privately and officially.

Anyone can obtain a copy of a committee dossier by requesting it through a member of Congress. During the past year the committee responded to 1,057 such requests, and its files were also examined 1,348 times by twenty-five executive departments and agencies of the federal government. In 1968 Rep. Don Edwards wrote to several executive agencies and departments and asked them to what extent they searched the files in connection with the federal loyalty-security program and estimated the frequency of their searches as follows:

Housing and Urban Development—"about once a month."

Health, Education and Welfare—"several times each week."

Defense Department—"approximately 120 times a week."

Civil Service Commission—"approximately 288,000 times in fiscal 1967."

Rep. Edward Koch has recently introduced a bill, applicable only to the House Internal Security Committee, which would require the committee to notify each individual on whom it keeps a file that the dossier exists, to allow the individual to inspect and supplement the file (but not learn the source of information in it), and to forbid any disclosure of the file to persons outside the committee and its staff without the consent of the subject—but with a blanket exception from all these provisions for files that two-thirds of the committee decide should "be kept secret in the interest of national security."

During the summer of 1970 the committee sent a questionnaire to 179 colleges and universities, asking them to list all campus speakers for the previous two-year period, together with the honoraria paid. After checking the replies received against its dossiers, the committee produced and released to the press a list of sixty-five "radical" campus speakers. Some of those so named protested and the list was pared to fifty-seven.

The ACLU brought an action to enjoin official publication and distribution of the list. Judge Gesell decided that he could not direct an injunction to committee members

because of the "speech or debate" clause of the Constitution, but did enjoin the Public Printer from printing or distributing the list, which he found to have no legitimate legislative purpose but to be designed solely to agitate college officials, alumni and parents in an effort to inhibit free speech on the campuses. Although the government has appealed the decision, the committee persuaded the House to adopt a resolution directing the Public Printer to publish the list and he has done so.

From time to time, the committee also publishes a cumulative index of the names of all individuals, organizations and publications mentioned in any of its own publications. The index for the period 1938-54 includes the names of some 38,000 individuals. A supplement published last year lists about 25,000 names mentioned in committee reports, hearings or "consultations." Since I am in the supplement, though not in the original volume, I used the index to discover what had brought me into such distinguished company. I discovered that in the 1966 hearings a witness had cited an article of mine which described as unconstitutional a "Criminal Conspiracies Control Act" which the committee was sponsoring. [See "Clear and Present Danger" by Vern Countryman, *The Nation*, July 4, 1966.] But that was not the extent of my misdeeds. During the 1967 hearings of the committee, the Washington representative of the National Committee to Abolish HUAC, of which I am also an official, distributed to the press a statement I had written contending that proposed amendments to the Internal Security Act, which were enacted in 1968, were also unconstitutional. Of course I have no ground for complaint at being included in a list which also names, among others, all known and suspected members of the Communist Party and the Ku Klux Klan. The committee protects my good name by saying, in fine print in the front of the index:

The fact that a name appears in this index simply indicates that said individual, publication or organization has been mentioned in a hearing, report, or consultation. It is not per se an indication of a record of subversive activities. A careful check of references in the hearing, report, or consultation will determine the circumstances under which such individual, publication or organization is named.

Anyone with access to the committee's hearings and reports, and time to devote to them, can determine the basis for most of the citations. The committee does not explain, however, how one is to check out its "consultations." Presumably one asks his Congressman to obtain a copy of the committee's dossier on the person in question.

**The Census Bureau.** Although the Constitution directs a decennial "enumeration" of the population for the purposes of apportioning Representatives among the states, the Census Bureau, an arm of the Department of Commerce, is now directed by statute to collect and publish information not only on the population but also on industry, business, agriculture and governments, on crime and on defective dependent and delinquent classes. The population census, far from being a mere "enumeration," covers matters of sex, race and national origin, place of birth, marital status, family size, nature of household, quality of housing, geographical location and mobility. In addition to the information which it collects itself, the Census Bureau also obtains information from such other agencies as the Internal Revenue Service and the Social Security Administration. Like the benevolent private compilers, the Census Bureau is not interested in individuals but in groups. But, as in the case of the private compilers, its data cannot be kept up to date or programmed for new uses unless a key to the identity of each individual is preserved, and such a key is preserved.

Everyone over 18 years of age is required

by law to respond to the bureau's inquiries. The bureau is authorized to furnish state governments, courts and individuals with "data for genealogical and other proper purposes," but the information so furnished is not to be "used to the detriment of" the subject. Otherwise, the bureau is forbidden to use the information supplied by the citizens for "other than statistical purposes," or to permit anyone outside the Department of Commerce to "examine individual reports." Criminal penalties are prescribed for unauthorized disclosure.

The bureau claims that there has never been a known violation of these restrictions on use and that it does not supply individual information to other federal agencies, but the Federal Trade Commission found a loophole. Pursuant to an investigation of possible violation of antitrust laws, it issued an administrative subpoena for a corporation's file copy of its census returns. The Supreme Court, in an opinion equally applicable to all census returns, and probably to tax returns as well, held that the subpoena should be judicially enforced, although the census report form was marked "Confidential" and stated that it could not "be used for purposes of taxation, investigation or regulation." Both the legend on the forms and the statutory restrictions on disclosure were held to run only against the Census Bureau and not to impose limitations on the power of other governmental agencies to compel the subject to disclose its file copies. Congress promptly passed an amendment forbidding any governmental agencies from obtaining copies of census returns retained by the subject.

This survey of official dossier compilers is by no means complete, even at the federal level. For instance, The Associated Press reported last year that the Civil Service Commission has files on 10 million persons who have sought federal jobs since 1939, and additional files on 1.5 million suspected of "subversive activities," who presumably have lost or will never get federal jobs. The Secret Service has computerized 100,000 names and accumulated 50,000 dossiers. Personal files are kept on virtually all of the labor force by the Social Security Administration, and the Passport Office keeps a computerized file of more than 243,000 citizens whose applications for passports are brought to the attention of law-enforcement agencies. A 1966 survey of all federal executive departments and agencies revealed that they had 3.1 billion personal files, including 264.9 million police records, 342 million medical histories, 279.6 million psychiatric records, and 187.8 million "security or other investigative reports."

Congressman Koch and Sen. Birch Bayh have introduced bills to enact a Citizens' Privacy Act. Applicable to all federal agencies and departments subject to the Administrative Procedure Act (but not to Congressional committees), the Act would require the same notice to the subject, opportunity for him to supplement the file, and petition against disclosure without his consent that Congressman Koch's bill would impose on the House Internal Security Committee—but with exceptions for files "compiled for law-enforcement purposes" so long as "reasonably necessary to commence prosecution or other action," and for files "specifically required by executive order to be kept secret in the interest of the national security."

Taking a cue from the federal government, the states are also compiling mountains of data. The New York State Identification and Intelligence System, established in 1965, has a computerized central data bank serving 3,600 law-enforcement agencies in the state. The Oklahoma Office of Inter-Agency Coordination, established in 1969 with federal Law Enforcement Assistance funds, is now facing an ACLU lawsuit seeking the dismantling of its files of 6,000 dossiers. The Massachusetts Civil Liberties Union is preparing



a similar suit against the State Police's Subversive Activities Division, whose continued operation is also being challenged in the state legislature.

In a New Orleans suit now before the United States Court of Appeals for the Fifth Circuit, the commander of the city's intelligence division has testified that his men attend and take photographs at all public events where "controversial" views are likely to be expressed. In New Jersey, the attorney general sent a memorandum to local law-enforcement officials asking them to report to the State Police Central Security Unit the names of all persons involved in "incidents" such as "civil disturbance, riot, rally, protest, demonstration, march, confrontation, etc." including information on spouses, draft status, affiliations, education and credit status. In a class action for a declaratory judgment that such a program violated the First Amendment, the trial court gave summary judgment for the plaintiffs and ordered the attorney general to produce and destroy all dossiers except those that "will be used to charge persons with specifically defined criminal conduct." On appeal, the decision was reversed. The summary judgment was held to be improper because plaintiff's fears that the dossiers would be improperly used was considered "fanciful"—the police, it was suggested, may have intended to use the dossiers only to call upon those listed to help dissuade others from resorting to violence! An amended complaint has been filed in this action.

#### A NATIONAL DATA BANK

As I mentioned earlier, a proposal, originating with certain academics and encouraged by the Bureau of the Budget, was made several years ago to establish a Federal Data Center, not for the purpose of compiling personal dossiers but solely to compile statistical information on groups. After a series of Congressional hearings in which it was conceded that some key to the identity of those in the group must be maintained if the group compilations were to be kept up to date and adaptable to new uses, a commitment was obtained from the Bureau of the Budget that, before such a central data bank was established, the problems of threat to privacy would be evaluated by a panel including constitutional lawyers, computer experts, suppliers and users of statistical information and representatives of Congress, and that specific legislative authorization would be sought on any recommendations of the panel. There the matter rests.

It would be incautious to conclude from that, however, that a National Data Bank is an issue for another day. The effect of computers on the vast numbers of personal dossiers already collected by private and official compilers is to give us a National Data Bank now, albeit one not as "efficient," and one more vulnerable to unauthorized use, than a single storehouse of information would be.

Many private compilations are already computerized, more are in process of transfer to computers, and the dossiers of many noncomputerized compilers have been fed into computers of other private or official compilers. The federal government acquired its first all-electronic computer during World War II for use by the Army Ordnance Corps. By 1964 at least 2,000 computers were in federal use, excluding "equipment which is used in military operational and certain classified activities within the Department of Defense."

The computer can store infinite bits of information and can retrieve them at the rate of a few nanoseconds (billionths of a second) per bit. Computers can be connected by interfaces and can be tapped, not only by theft of printouts or by tampering with wires but by laser beams and other non-mechanical intrusions. Access codes can and are broken, after which the intruder can "display and manipulate the data stored within the system." No completely effective

security system against such intrusions has been or probably ever will be devised.

The intruder in quest of data on a particular subject will, of course, have to locate his quarry in the bank, but in many cases that may not be difficult. Enough knowledge in advance about the subject to pose a few pertinent questions to the raided computer will quickly identify him. In many other cases, an even easier technique may be available. Social Security numbers are entered on federal and many state tax returns. In several states that number is also used on drivers' licenses. One and a half billion of those 3.1 billion federal personal files also contain the subjects' Social Security numbers.

Computers not engaged in compiling or stealing dossiers can also make their contributions to the data bank. The airlines' computerized reservation service will reveal where you flew, whether you rented an automobile for use after landing and, perhaps, where you made hotel reservations. The hotels' computerized reservation service will provide the latter information if the airlines' service does not, and will say also whether you shared the accommodation with one claiming to be your spouse. Your bank's computerized check-processing system will reveal details of many of your expenditures and, as we move into the checkless, cashless society, will ultimately reveal the details of your every expenditure.

Measured against this monstrous technological capacity to search out most of the details of our lives, the present state of the law—and most of the proposals for new law—seem to me inadequate to achieve their professed objectives. And those goals, in time, promise inadequate protection, even if they could be achieved.

*Insuring the Accuracy of Dossiers.* Some concern about the accuracy of the proliferating dossiers arises from what computer men call the GIGO principle—Garbage In, Garbage Out. In fact, the computerization of personal dossiers may provide the first liberal application of that principle, since the investigators of private individuals have been known to comb through the subjects' garbage.

The main purpose of the Fair Credit Reporting Act, and of the proposals for legislative restrictions on some federal compilers, is to insure that the information in all our dossiers will be accurate. The chief mechanism provided to achieve this end is notification to the subject, who then has an opportunity to correct erroneous entries; the Act also requires the compiler to discard out-of-date entries on his own initiative. These measures almost surely will not achieve their objectives for at least two reasons:

(1) Many subjects will never receive notice that their dossiers exist. The only sanctions in the Fair Credit Reporting Act are compensatory damages for negligent failure to give notice and punitive damages for willful failure to give notice. The Act even purports to prevent the states from expanding their tort law to award damages for erroneous reports against compilers who are not guilty of malice or willful intent to injure. Since subjects who do not receive notices will never know that they may have a cause of action, compilers have considerable incentive to be sparing with notices.

The proposed legislation applicable to executive departments and agencies not excepted in "law-enforcement" and "national security" cases seems to provide even less incentive to give notice. The legislation contains no sanctions of its own, and it is doubtful that the nebulous provisions of the Federal Tort Claims Act can be read to incorporate the compensatory damage provisions of the Fair Credit Reporting Act. Beyond this, there appears to be only the possibility of an action, possibly a class action, to compel compliance, and that will also be of little value to one who does not

learn that he is the subject of a dossier. The proposed legislation applicable only to the House Internal Security Committee, which also contains no sanctions of its own, seems even more toothless. Since the Federal Tort Claims Act extends only to executive departments and agencies, an action to compel compliance may not reach to members of Congress, and apparently will not reach to employees of the committee if the committee is careful not to delegate to them the duty of giving notice.

(2) The credit reporting agencies managed to put over on Congress the monstrous proposition that they should remain free to collect and disseminate erroneous dossiers—subject only to liability for malice or willful intent to injure—and that the burden should fall upon their subjects to come in and correct the errors. The pending bills that are applicable to some federal compilers proceed on the same assumption. But many subjects, even if they receive notice, may conclude that life is too short, or their resources too limited, to make the effort toward correction. Particularly may they reach this conclusion when they discover that they cannot learn the sources of adverse entries (except for credit bureau reports), nor compel deletion of such entries, but must content themselves with entering their version of matters in the file—and that under the Fair Credit Reporting Act they cannot actually see the files but must be content with the compiler's disclosure of the "nature and substance" of the information therein.

*Restricting Access to Dossiers.* The Fair Credit Reporting Act imposes two restrictions on access to the dossiers of commercial compilers without consent of the subject. First, the compiler is to furnish information only to persons and governmental agencies who, the compiler "has reason to believe," have a "legitimate business need" for the information or, in the case of a government agency, wish to determine the subject's eligibility for a license or other benefit. Any compiler who is negligent in establishing his "reason to believe" is liable for compensatory damages, and any compiler who willfully acts without such reason is liable for punitive damages—if the subject learns what was done and is able to persuade a court that the need was not "legitimate" and that the compiler acted negligently or willfully. These remedies, I would suppose, will be invoked almost as rarely as the criminal penalties prescribed for officers or employees of a compiler who knowingly and willfully disclose information to one "not authorized" to receive it. The standard for authorized access—"legitimate business need"—is probably too vague to satisfy due process requirements for a criminal statute and is certainly too vague to hold out much promise for an effective civil remedy.

Second, the Fair Credit Reporting Act forbids disclosure, except in response to court order, of more than identifying information—name, present and former addresses, and present or former places of employment—to any government agency not engaged in determining eligibility for a license or other benefit or which does not have a "legitimate business need." No substantive limit at all is placed upon government agencies empowered to issue statutory subpoenas enforceable by court order, that can convince the court that the information is relevant to an inquiry they are authorized to make; the Act does impose upon them the inconvenience of obtaining the court order.

The FBI has no subpoena power. It is thus left with three alternatives in cases where it does not wish to obtain a search warrant or to proceed on the assumption that the Fourth Amendment does not apply to the federal executive: (1) it can stop using the files of the commercial compilers; (2) its agents can obtain access to the files by means of false pretenses and risk prosecution by the Department of Justice; or (3) without false

pretenses, its agents can persuade officers or employees of the commercial compilers to risk prosecution by the Department of Justice by knowingly and willfully making an unauthorized disclosure. The record of Department of Justice prosecutions for illegal wire taps under the Communication Act of 1934 strongly suggests that the FBI will not feel confined to the first alternative.

Some concerned computer men have suggested that privacy may be adequately protected if disclosure of personal data is limited to instances when the subject consents to such disclosure. The Fair Credit Reporting Act also authorizes disclosure of dossiers to anyone, pursuant to "the written instructions of" the subject. But obviously, when the subject is seeking employment, when he is seeking insurance, or even when he is seeking credit, his consent will be far from voluntary. Indeed, one of the compilers' arguments against compelling them to give the subject a copy of his dossier was that someone else might, by economic coercion, "invade his privacy" by compelling him to produce it.

The proposed legislation applicable to some federal compilers would—with generous exceptions for "national security" and "law-enforcement" files—prohibit any disclosure of information without the "permission" of the subject. Here again, any consent given by a subject seeking federal employment will often not be voluntary. In any event, the limited sanctions available under these proposals are not likely to deter improper disclosure, or to provide effective relief to one injured by such disclosure.

*Limiting the Contents of Dossiers.* It has been suggested that limitations be placed upon the content of personal dossiers. Some of the proponents of a formal National Data Center, for instance, suggested that its files should include only "statistical" data, not personalized data of the sort found in FBI, IRS, military, civil service and medical records. But they could devise no standard precise enough to permit effective control. Moreover, they apparently contemplated the continued compilation of the various types of more personal dossiers that they would not include in the National Data Center, and it is the existence of such dossiers and the ubiquity of the computer which have created the present, informal, National Data Center.

#### BUT WHAT ABOUT PRIVACY?

Even if all dossiers were absolutely accurate, or if remedies for inaccuracy were absolutely adequate, the question of the right to privacy would remain. By a "right to privacy" I do not confine myself to the right to protection against unwanted publicity and palpable intrusion into private affairs which finds some limited protection by common law or by statute in some states. Nor do I confine myself to recently emerging constitutional concepts which thus far have forged slightly beyond the Fourth Amendment to permit married persons to receive birth control information, and anyone to contemplate in the sanctity of his home material which might otherwise be forbidden as obscene, but which do not protect against erroneous but nonmalicious publicity about public officials, public employees embroiled in public issues, and private citizens who have been injected into the news by events beyond their control.

I refer rather to a concept of privacy which Justice Brandeis described as "the right to be let alone—the most comprehensive of rights and the right most valued by civilized men." Justice Douglas has characterized it as the freedom of the individual "to select for himself the time and circumstances when he will share his secrets with others and decide the extent of that sharing." Such a concept of privacy is offended by the gross compilation of details about a person's private affairs, however accurately and delicately the compilation is effected, and the dissemination of those details to others, wheth-

er they be private or public users of the information and regardless of their number.

I do not regard it as conceivable that courts or state legislatures, in the development of private law remedies, or that courts in the development of constitutional doctrine, will establish such a concept of privacy in time to meet the dangers of the computerized dossier. Only the Congress seems capable of acting with the speed required. And, in order for it to act effectively, it must first comprehend the concept of privacy which its efforts must be designed to insure. It must also rid itself of three misconceptions which it shares with many outside the Congress:

(1) That whatever technology can produce should be used; (2) that anyone who can show that information is useful, or comforting, to him in the conduct of private or public affairs has shown a "legitimate need" for its use; (3) that whatever is efficient is desirable.

If a meaningful concept of privacy were adopted and these three misconceptions were discarded, Congress should then proceed on the assumption that, as long as dossiers exist on the present scale, they will be used in disregard of whatever restrictions may be imposed. Law-enforcement officials "in an excess of zeal" will disregard those restrictions and, in an excess of tolerance, will not invoke criminal sanctions against themselves or others who similarly disregard them. And with the use of dossiers at its present magnitude, no privately enforceable remedies will suffice to check unauthorized use.

The only hope for substantial protection of privacy against the computerized dossiers, therefore, is that they not exist—at least that they not exist on the present scale. And if the "legitimate need" for dossiers were appraised as an actual need for a vital public purpose, rather than as a convenience or a comfort for any acceptable purpose, the great bulk of existing dossiers could be eliminated and the growth of dossiers in the future drastically curtailed. Careful study of the contents of various compilations, and careful consideration of the justification therefor, would be required before lines could be drawn, but it seems apparent that a rigorous application of the test of actual need for a vital public purpose would drastically clear the files.

To cite but a few examples: No such need justifies the retention in FBI files of all information amassed by it and by cooperating state police authorities on all persons investigated in connection with a particular crime after the case has been closed. Similarly, there is no such need to retain in both FBI and Civil Service Commission files the collection of gossip, rumor and hearsay—or even of hard facts—on an applicant for federal employment after his application has been denied. The only "need" for preserving keys to personal identity in the Census Bureau's population statistics is that those keys facilitate keeping the statistics up to date and adapting them to new uses during the ten-year period between censuses. How vital is that need, and could it not perhaps be met instead by taking a population census at more frequent intervals?

There is no such need at all for the highly untrustworthy files of the House Internal Security Committee. There is even room to question the need for those permanent dossiers which constitute the lifeblood of the credit bureaus. As I have previously indicated, they are as likely to induce as to preclude an unwise credit extension. Yet the business volume of the users of those dossiers is such that their losses are almost infinitesimal. I have asked many bankers and finance company representatives about their loss ratios on consumer receivables and have yet to be given a figure higher than .5 per cent. In other instances the consumer finance companies have claimed a loss ratio of 1.5 per cent, and the bankers have claimed 2

per cent. But the latest word I have seen, from a spokesman for the American Bankers Association, is that on consumer transactions "in commercial banks the loss ratio is less than half a per cent; it is perhaps now getting close to a quarter of 1 per cent." If the customers of the credit bureaus can do that well on the sort of information they now receive, how much worse would they do if left to their own devices? The oft-stated assumption that losses would greatly increase, with a consequent increase in the cost of consumer credit and a throttling of the economy based on that credit, has not been sufficiently challenged.

If a tough-minded inquiry were directed to the actual need for most of the existing compilations, we might expect to hear even more from the compilers than we have in the past about "efficiency." It is more efficient to preserve the dossiers for future possible use than to require a new investigation of the subject whenever information about him becomes necessary, or helpful, or comforting. Certainly it is more efficient. It is more efficient to preserve in a place of convenient access every police investigation of anyone ever made, no matter how unwarranted, against the possibility that such an investigation may again be made in the future. It is efficient to have the Selective Service System provide the FBI with fingerprints and other information on all persons it processes, against the possibility that a small percentage of them may at some future date be involved in an infraction of the law. It would be more efficient to extend the Alien Registration Act to citizens.

But we have not, in this country, been content in the past to let efficiency be the determining factor when individual liberty was jeopardized thereby. We have decided against efficiency and in favor of constitutional bans on unlawful searches and seizures and self-incrimination, and for jury trials in criminal cases. In view of the massive threat to individual privacy posed by the present and growing body of computerized dossiers, efficiency will hardly serve to justify their preservation.

These are the assumptions on which, it seems to me, Congressional inquiry should proceed. If it were to proceed so, I am confident that it would conclude that most of our present National Data Bank must be wiped out. If the inquiry were to proceed on those assumptions it would also produce some meaningful restrictions on access to the dossiers which survive because they have some reasonable relation to a vital public purpose, and these restrictions would themselves justify the preservation and continuing use of such dossiers. If Congress were to proceed on those assumptions, finally, it would not place the policing of restrictions to access in the hands of those most likely to violate the restrictions.

We have not yet had an inquiry based on such assumptions, and the time for it is overdue. The computerized dossiers are multiplying by the day. We are only thirteen years from 1984.

#### LITHUANIAN INDEPENDENCE

#### HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1972

Mr. STEIGER of Arizona. Mr. Speaker, the commemoration of Lithuanian Independence Day in the House of Representatives is being observed during the second part of February.



We join our American friends of Lithuanian origin or descent and their friends in all parts of our great Nation in marking two very important anniversaries this month. The first is the observance of the 721st anniversary of the formation of the Lithuanian State when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251. The second is the 54th anniversary of the establishment of the modern Republic of Lithuania on February 16, 1918.

Mr. Speaker, the only country in which Lithuanians will be unable to commemorate these historic events is in Lithuania itself, because of the continuing subjugation and oppression by the Soviet Union.

OLIVER H. DELCHAMPS, JR.,  
MOBILIAN OF THE YEAR

### HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. EDWARDS of Alabama. Mr. Speaker, one of my closest personal friends and a man for whom I have the highest respect, Oliver H. Delchamps, Jr., was recently chosen Mobilian of the year. He was honored at a banquet in Mobile, Ala., on January 18, 1972, where his many friends paid tribute to him for his great service not only to the people of the city of Mobile, but to our State and Nation as well.

What makes this rather remarkable is that Oliver Delchamps is only 39 years old. In a short period of time he has been involved in almost every facet of community life and is truly an asset to our area.

It was my intention to speak at some length today about Oliver's accomplishments, but I have concluded that the job was done so well by the Reverend Joel D. McDavid when he introduced Oliver at the banquet, that I think it would be most appropriate to include Reverend McDavid's remarks at this point in the RECORD.

INTRODUCING MOBILIAN OF THE YEAR, OLIVER H. DELCHAMPS, JR.

The slogan, "Talk up Mobile," has turned our attention to the assets and opportunities offered in our city, so often taken for granted and thus overlooked. When we "talk up" Mobile we must turn our attention to its fine people who make our city a spot of beauty and a desirable place in which to live. We must think of those who do more than their share to keep the economic, moral, sociological and spiritual wheels turning; providing a better life for us all. How do you select a Chief "Wheel-turner," whose contribution is so outstanding that all of us pause to express our gratitude? It is not easy, but this year we have again chosen well.

Phillip Brooks said, "No man has come to true greatness who has not felt in some degree that his life belongs to the human race and that what God gives him, He gives him for mankind." Two things are here stated clearly—"All that one possesses is a gift from God, and this gift is given to serve the needs of the human family."

We honor as the Mobilian of the Year, 1972, one whose life and labor among us has enshrined these two principles.

Oliver Harris Delchamps, Jr., is a religious man, who not only goes into his closet and

closes the door for his prayers, but who opens that door and walks out into the world to give his prayers hands and feet; he joins forces with others, finding ways to bear witness to his faith through the church and its multitude of ministries. His sensitivity to moral and spiritual values is supported by his good judgment, his generous spirit, and his courage to take a stand. To identify his roles of churchmanship would require our full time. Locally, state-wide, and beyond, he holds high offices and carries great responsibilities for his church.

The business and professional world honors him as one of its workmen, who bears no shame. As president of Delchamps, Inc., his business acumen is known throughout our region. He walks in circles of freedom of enterprise at its best, cleared of greed, so that it may fully provide for economic needs of all people. Look over the Boards of Directors of Better Business Bureau; Associated Industries of Alabama; Chamber of Commerce; Management Associations; Banks, and others, and Oliver Delchamps' name will be found. In it all, he manages to find another expression of his role as a servant.

The educational life of our city and state is a concern of his, and in its behalf he manages to invest much of his effort. The ones who forgot to vote for him for the State Board of Education must not have known of his insight and interest—from P.T.A. to Medical School Steering Committee; from the Junior Miss Scholarship Fund to the Chairmanship of the Advisory Board of Bishop State Junior College; from a School Trustee to the County Foundation of Higher Learning, he rushes to meetings—he raises money—raises the quality of education, and—raises the spirits of those professionals who are involved in education, because of his dedication.

No man takes second place to Oliver in civic and community life—he is or has been president or chairman of more important civic programs and projects than any person I know—Lions Club; Public Library; Radio-free Europe; Boy Scouts Council; Opera Guild; Association for the Blind. Two stand out in importance and success—Mobile Junior Miss Pageant, Inc. in 1969-70 and the United Fund Campaign Chairman, 1971!

While many of us enjoy our plans of self-interest, he enjoys a busy life of investment in good causes among us.

The only criticism I hear of our Mobilian of the Year, 1972, comes from the Democrats. His prominence in leadership of the Republican Party is known to us all who are with him near election time. He advises, promotes, finances, and helps elect honorable people to office. He prefers that their names appear under the elephant, but his primary concern is for the best people to serve the public.

If anyone doubts his full credentials for occupying this distinct place for 1972, I shall be glad to furnish several typewritten pages listing his involvements in providing a better way of life for us all. Or, I shall be glad to have you speak to his wife about that speedy shadow of Oliver which passes through the Delchamps home occasionally. She is convinced that one cannot be Mobilian of the Year and father and husband of the year at the same time.

Personally, I have one major disagreement with Oliver—we have loyalty to different football teams in the state, but since January 1st, and our experiences in New Orleans and Miami, we are about united in that.

Since I am a preacher, I must quote some scripture, and sermonize a bit. A great teacher once said, "He that is greatest among you is servant of all." The people of Mobile are proud to honor one of its great citizens this night, for true greatness is measured in terms of service!

Oliver Delchamps has many more years to serve his fellow man and I predict that he will have a great future as he continues to give of himself to those around him. For my part, I am content to be able to claim him as a friend. It has been my privilege to know Oliver and his wife, Tillie, since college days. As the years have gone by, our friendship has grown and I can truthfully say that to have known him has meant much to me.

It is fitting, in my opinion, that all of my colleagues have this opportunity to know a little something about Oliver Delchamps for one day he will be known throughout the Nation.

### LITHUANIAN INDEPENDENCE

### HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1972

Mr. HELSTOSKI. Mr. Speaker, this month, Americans of Lithuanian descent and all freedom-loving Americans observe two important anniversaries: February 12, the 721st anniversary of the founding of Lithuania; and February 16, the 54th anniversary of the establishment of the modern Republic of Lithuania.

The understandable pride of Lithuanians in their national heritage is an inspiration to us all. The geographical location of Lithuania, with its access to the Baltic, made it a target for invasion and the subject of foreign aggression from the West as well as the East. Their strong nationalism and the resulting unity of purpose gave them the strength to preserve their traditions.

After more than 100 years of oppression at the hands of czarist Russia, Lithuanians declared their nation an independent state on February 16, 1918, in accordance with the right of self-determination proclaimed by President Woodrow Wilson. Four years later, free Lithuania became a member of the League of Nations.

Tragically, this period of Lithuanian independence lasted only 22 years. A supplementary protocol to the 1939 Nazi-Soviet Nonaggression Pact designated Lithuania as within the Soviet sphere of influence, and an invading Soviet force occupied Lithuania in June of 1940. In the shadow of Soviet guns, a travesty of justice was perpetrated as mock one-state elections were staged to give a veneer of respectability to the new regime.

The Lithuanians, however, were steadfast in their resistance. One year later, Lithuanians threw off the yoke of Communist tyranny and re proclaimed its independence. The provisional government was shortlived, for soon after Hitler's troops occupied Lithuania. In 1945, the Communists returned. For approximately the next 8 years, a liberation force of Lithuanian partisans fought Soviet domination, sustaining 50,000 Lithuanian casualties. The Soviets retaliated by sending one-sixth of the pop-

ulation to concentration camps, where many were subjected to the worst brutalities and countless Lithuanians died.

Empathy with the Hungarian freedom fighters led to several demonstrations in 1956, again evidencing the Lithuanians' continued devotion to the principle of self-determination.

Recognizing the need for justice in this region, the 89th Congress unanimously passed House Concurrent Resolution 416, calling for the freedom of Lithuania, Latvia, and Estonia. I urge the administration to take positive action in this regard, and I shall include the text of the resolution, along with a resolution recently adopted by the United Committee of Lithuanian-Americans of the State of New Jersey, below:

#### H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

*Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—*

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

#### RESOLUTION OF UNITED COMMITTEE OF LITHUANIAN-AMERICANS

Whereas the Communist regime did not come to power in Lithuania by legal or democratic process; and

Whereas the Soviet Union took over Lithuania by force of arms in June of 1940; and

Whereas the Lithuanian People are strongly opposed to foreign domination and are determined to restore their freedom and sovereignty which they rightly and deservedly enjoyed for more than seven centuries in the past; and

Whereas the Soviets have deported or killed over twenty-five per cent of the Lithuanian population since June 15, 1940; and

Whereas the Government of the United States maintains diplomatic relations with government of the free Republic of Lithuania and consistently has refused to recognize the seizure of Lithuania and forced incorporation of this freedom-loving country into Soviet Union; and

Whereas the Committee of the House of Representatives, created by H. Res. 346 of the Eighty-third Congress to investigate the incorporation of the Baltic States into the Soviet Union, found that the incorporation of Lithuania, Latvia, and Estonia was contrary to established principles of international law; and

Whereas the House of Representatives and the United States Senate (of the 89th Congress) unanimously passed House Concurrent Resolution 416 urging the President of the United States to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Lithuania, Latvia, and Estonia, and to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples; now, therefore, be it

*Resolved, That we, Americans of Lithuanian origin or descent, reaffirm our adherence to American democratic principles of government and pledge our support to our President and our Congress to achieve lasting peace, freedom and justice in the world; and be it further*

*Resolved, That the President of the United States carries out the expression of the U.S. Congress contained in H. Con. Res. 416 by bringing up the Baltic States question in the United Nations and demanding the Soviets to withdraw from Lithuania, Latvia, and Estonia; and be it finally*

*Resolved, That copies of this resolution be forwarded this day to the President of the United States, Secretary of State William P. Rogers, United States Ambassador to the United Nations George Bush, United States Senators from New Jersey, Members of the U.S. Congress from New Jersey, Democratic and Republican leaders in the U.S. Congress, Lithuanian Minister in Washington, D.C., and Lithuanian Counsuls in New York City, Chicago, Illinois, Los Angeles, California, and the press.*

#### LACKAWANNA DOCTOR HELPED CHINA CONQUER DISEASES

#### HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. DULSKI. Mr. Speaker, the current visit of the President to Peking has drawn attention to the role of a native of my district who has used his medical training to organize treatment for the people of China.

He is Dr. Shafick Hatem, born and raised in Buffalo and Lackawanna, N.Y., and now highly respected by Chinese leaders for his efforts to control disease.

When Edgar Snow, the widely known journalist and expert on China, was stricken recently in Switzerland, Premier Chou En-lai sent Dr. Hatem to attend him. Mr. Snow died February 15 of cancer.

The work of Dr. Hatem is described in an excellent article by the award-winning medical writer, Mildred Spencer. The text follows:

[From the Buffalo Evening News, Feb. 19, 1972]

#### DOCTOR FROM LACKAWANNA HELPED RED CHINA CONQUER DISEASES

(By Mildred Spencer)

In mainland China he is Dr. Ma Hai-teh, a name meaning, roughly, "virtue from overseas."

An official in the Chinese Ministry of Public Health, he was largely responsible for the mass campaign that China claims has wiped out venereal disease there.

In Buffalo and Lackawanna, where he was born and attended Our Lady of Victory School he was Shafick (nicknamed "Shag") Hatem, the son of immigrant Lebanese parents, Nahoum S. and Tammam Hatem.

Dr. Hatem (whose first name was Americanized to George) "knows more about Red China and its leaders than any foreigner alive," the late Edgar Snow wrote in "The Other Side of the River."

Snow, veteran American foreign correspondent and an expert on Communist China, declared that the doctor was the one American who had "intimately shared the ordeals of the men and women who fought for the responsibility to bring China to her feet."

The American physician and the journalist met in June 1936, when they were smuggled through Nationalist lines into districts held by the Red Chinese and traveled together for two months.

#### WENT WITH EDGAR SNOW

Snow later left China, to return as the only American writer accredited by the U.S. State Department and the Peking government to travel through Communist China.

Dr. Hatem remained.

He had gone to China after obtaining his medical degree from the University of Geneva, Switzerland, and had tried to organize a campaign against venereal disease in Shanghai.

The Nationalist Chinese, he later told Edgar Snow, weren't interested. Shanghai, he felt, "exists to breed and spread venereal disease," but "maybe these people up north are interested in putting an end to it."

His own family had been poor and he felt a great empathy with the poor.

"The medical profession," he said, "is a failure if we can't give all the children of even the humblest parentage an equal start in life—the same food and proper care that only the wealthy can afford now. If that's what these people up there are aiming at, I'm with them."

#### ONE OF TWO QUALIFIED MD'S

For some time—until the outbreak of the war with Japan—"Shag" Hatem and the Chinese graduate of a Methodist missionary hospital were the only two qualified doctors in the Red army.

He organized the base hospital and medical training system. After Japan's surrender he represented the relief organization for the guerrilla districts recovered from the Japanese. Still later, as chief of staff of China's Institute of Venereology and Skin Diseases, he headed the national war against syphilis and gonorrhea.

A first step was the elimination of the principal carriers of venereal disease, the prostitutes.

In Peking, women workers went into the brothels to talk to the girls, many of whom had been sold into slavery. The seriously ill were sent to hospitals immediately. Then, in a single night, Snow wrote, every brothel in the city was closed. The women were taken to hostels that had been set up for them, where they were examined and treated. Other jobs were found for them.

The approach that had been so successful in Peking was duplicated in other cities. In two years, venereal disease had been virtually wiped out in urban centers and the drive was extended to rural towns and country.

#### ASSEMBLY LINE APPROACH

The assembly line approach used by Dr. Hatem and the Ministry of Health in getting rid of venereal disease was then extended to mass campaigns for control of pests and epidemics, vaccination against smallpox, plague, cholera and typhus, and to parasitic and skin diseases.



When Dr. E. Grey Dimond, provost for the health sciences at the University of Missouri-Kansas City, visited China late last fall, Dr. Hatem told him that it had been 10 years since a case of gonorrhea was identified and that epidemic diseases have been controlled.

The Red Chinese leaders have been appreciative of Dr. Hatem's contributions.

When Edgar Snow returned to China as an accredited correspondent, both Mao Tse-tung and Chou En-lai invited the former Buffalonian to dinner with the writer.

And when Dr. Hatem's brother, Joseph, a businessman in Roanoke Rapids, N.C., decided, last summer, to try to visit China and the brother he had not seen since childhood, the doors were opened to him.

#### VISITED BY BROTHER

The State Department agreed that it would issue him a passport if he could get a visa from China, which he did with no problem. During 43 days there, he told The Buffalo Evening News recently, he traveled where he wished, without restrictions, as the guest of the Chinese Academy of Science.

Joseph Hatem met his brother's Chinese wife, Ssu-fel. The physician also has two children, a son and a daughter, both married, and two grandchildren.

Since returning to the United States, Joseph Hatem has been working on a biography of his brother.

But this week the brothers are together again in Switzerland. Dr. Hatem flew there with two Chinese physicians sent by Premier Chou En-lai to attend Edgar Snow, who died Feb. 15 of cancer. His brother joined him there.

The Hatem brothers have a sister, Shafia, in Roanoke Rapids, N.C., and four first cousins in Erie County.

They are Ernest Hatem, a sales representative with the Papermate Co.; Mrs. Theresa Hatem Ode, a teacher in the Truman School, Lackawanna; Mrs. Martha Hatem Hashem, a nurse at the Veterans Hospital and Miss Amelia Moses, a cashier with the Norfolk & Western Railroad.

#### MODERN ADVERTISING PRACTICES

### HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. ROYBAL. Mr. Speaker, on November 18, 1971, the Federal Trade Commission heard the testimony of Mr. Domingo Nick Reyes, executive director of the National Mexican American Anti-Defamation Committee, concerning the portrayal of the Spanish speaking by media advertisers.

The ideas and evidence that Mr. Reyes offers us deserve our attention and close examination. Although some progress has been made to reverse the years of inaccurate portrayal of the Mexican and Spanish-speaking people, there are still repeated instances where Mexicans are portrayed in a degrading and ridiculing manner. It is my hope that we can stop perpetuating and selling to the public this type of immature and racist humor which not only demeans a culturally rich people but all Americans. For this reason, I joined with 10 other Congressmen in introducing House Concurrent Resolution 9. This resolution calls for standards which will end ethnic, racial or re-

ligious ridicule and stereotypes by the media.

The comments made by Mr. Reyes apply to all minority groups in our society. What Mr. Reyes demands is a fair and reasonable portrayal of the Mexican and other minority groups, and their representation in the Federal Trade Commission. An examination of its staffing patterns reveals a serious exclusion of minority groups from its executive and policymaking echelon.

According to Federal employment data, FTC has placed 80 percent of its minority employees in lower paying jobs and none in top decisionmaking positions. In the area of Spanish speaking employment, FTC has only hired a total of seven—an underrepresentation of over 90 percent.

This pattern of exclusion extends to the entire Federal apparatus: only 2.9 percent of the 2.6 million Federal employees are Spanish speaking, with only one-third of 1 percent in key positions. Two of the worst offenders are the Civil Service Commission and the Equal Employment Opportunity Commission, both entrusted with carrying out the equal employment program for the Federal Government. Out of a total of over 5,300 employees, the Civil Service Commission hired only 140 Spanish speaking with three-fourths placed in lower paying jobs. Out of a total of 700, the EEOC employed 64 Spanish speaking with not one holding a top level position. These figures show a definite pattern of job discrimination and indifference by the Federal Government for the Spanish speaking.

#### TESTING BY DOMINGO NICK REYES

I am Domingo Nick Reyes, Executive Director of the National Mexican American Anti-Defamation Committee, Inc. Prior to holding this office, I had a varied background in the Federal Government, as Special Assistant to the Commissioners of the Equal Employment Opportunity Commission and Public Affairs and Education Programs at the EEOC. This background also included working for the Mexican American Education Studies Division at the U.S. Commission on Civil Rights as Coordinator of Technical Data and Media Activities.

For twenty-one years I have been involved with the media as a broadcast journalist, producer, director and writer for TV and radio.

I speak, therefore, as a Chicano (Mexican American), who understands the media and the role of the government. While a realist, I believe that these hearings can result in forward progress in transforming the image of Chicanos and other Spanish-surnamed, Spanish-speaking Americans. A group this Commission and the federal establishment should know represent the single largest most numerous bilingual, bicultural human resource in the United States.

#### THE PROBLEM

Mankind has progressed rapidly on many fronts: technologically and socially. In the area of communications alone the advancement has been no less than phenomenal. Every man, woman and child in the United States is at one time or another exposed to some form of written or spoken communication in most cases, daily, and the number of television sets now in American homes is a case in point.

I am most concerned with the effect that this information bombardment has on American public opinion and attitudes, particularly with regard to those individuals of Chicano (Mexican American) lineage.

There seems to be an attitude on the part

of advertisers that America is basically a racist society: that it is good business to capitalize on this proclivity by making the Chicano (Mexican American) appear as a figure to be laughed at, scorned and otherwise demeaned. "... Americans of Mexican and Spanish ancestry are perennially portrayed in demeaning, ridiculing roles and have had a degrading stereo-type created ... as a stupid, dirty, shiftless, immoral, servile bandito type ethnic group. This abusive image ... perpetuated by mass media is of long standing and continues up to the present ...".<sup>1</sup> It has been my observation that Chicanos are rarely depicted in a positive fashion; e.g., the student, the family, the clean-cut athlete, the kindly grandmother, etc. We can point to no instance where at least a balance can be cited as counterbalance to this devastating practice.

A common attitude toward minority groups can be illustrated by the following poem:

Little Indian, Sioux or Crow,  
Little frosty Eskimo,  
Little Turk or Japanese,

Oh don't you wish that you were me.<sup>2</sup>

Although this stanza was penned before the turn of the century, racist attitudes are still prevalent, and advertisers are continuing to reinforce this phenomenon.

#### THE POWER AND ROLE OF MASS MEDIA

Given the fact that mass media possesses tremendous power in terms of its accessibility to all Americans, it seems to me that this force should be directed toward a more positive approach to minority groups. "[The communications media's] most important task should be that of overcoming antagonisms, contradictions in thought, conflicts of interest, and above all, prejudice."<sup>3</sup>

"... the top 100 advertisers [in the United States] in 1969 spent nearly \$2 billion alone in ... magazine, newspaper, and television commercializing—\$1.4 billion of that just in TV. The potential for good as well as profit is enormous."<sup>4</sup> "[Communications technology] offers powerful ... weapons for a major assault on major social ... problems."<sup>5</sup> These "weapons" have not been used in a positive manner in many cases, and the fault lies with the persons who set policy and make decisions in the mass media industry.

"... advertising plays an important role in demonstrating upward social mobility and progress to members of minority groups. It is, so to speak, a yardstick by which minority group members chart their progress in their search for acceptance, recognition and response from the Anglo Community. This aspect of the social role of advertising has been ... overlooked."<sup>6</sup>

#### THE EFFECT OF MASS MEDIA ON ATTITUDES

Advertising is both a reflector and creator of attitudes. There is no way whereby attitudes can arise in a person except through learning. Since the objective of commercializing is to sell products, and buyers are made aware of the product's existence and attributes through mass media, advertising is, by nature, educational. The advertiser uses methods which, in his opinion, will make his product appealing to buyers. In some cases this is done in a positive fashion; e.g., Crest toothpaste encourages good health habits via regular dental checkups. But all too often the thrust is negative: the Mum commercial, for example, showing a Mexican bandit, who uses the product: "If it [Mum] works on him, it will work on you". Another example is the infamous Frito Bandito, now removed from television.

"... advertising plays an essential role in the education of children. For one thing, it shows them, in part, what the dominant Anglo culture thinks of various subcultures. When the Chicano (Mexican American) for example is portrayed as sloppy, untrust-

Footnotes at end of article.

worthy, greasy and undependable, this can only affect the self-picture of the Mexican-American children who see it.<sup>7</sup>

Frequently mass media creates or reinforces stereotypes. If the caricature is negative, the effect is damaging, not only from the viewpoint of the minority group, but also with regard to the fostering of attitudes in members of majority groups. "The habit of making generalizations makes one consider as common to all what he observes in a particular conduct of an individual."<sup>8</sup> The fact is most of the persons in the class to which the stereotype pertains do not conform to the stereotype.

"When Camel cigarettes presented a few months ago a 'typical Mexican village' in one of their commercials, it may . . . serve to involve the views in the village life. But, what kind of village life is shown? All of the residents are either sleeping on the boardwalk, or walking around seemingly bored. The involvement, in this case, is one of the Anglo American sensing superiority over the lazy Mexican villagers."<sup>9</sup> These forms of discrimination are sometimes subtle, but they are nevertheless real. It is obvious that mechanisms must be created to stem, and ultimately reverse, this unfortunate trend.

That concludes my statement. I would now like to make three documents available which relate directly to my statements and propose that you consider the following recommendations.

#### RECOMMENDATIONS FOR CONSIDERATION BY THE FTC

1. Creation of a Fair Advertising Practices Commission (FAPC) is recommended, which would include representatives of industry, government and minority groups.
2. We recommend to the FTC that it insist that advertisers of America must make a positive representation of all its constituents regardless of race, color, creed, national origin or sex. A fine example of this is the National Urban Coalition's media campaign entitled "Love, it comes in all colors".
3. We recommend greater emphasis be placed now on the hiring, training and recruiting of Spanish-speaking Americans to assist in the overall monitoring of FTC practices which are injurious to our community.
4. We recommend the development of a system which is similar to that of bilingual and bicultural Canada that provides for labeling and descriptive matter in packaging by law written in the two primary languages of the country.
5. We recommend that a government supported program be launched to enlist advisory councils in the regional areas of the FTC and similar regulatory agencies, composed of national organizations and consumer groups to communicate with these, particularly with regard to ethnic representation and consumer protection in the mass media.
6. We recommend that annual reports be required from the advertising agencies regarding the use of minority persons in the ads. These reports would provide a mechanism for assessment by the general public as to how the advertising community deals with social issues of the day, much in the same manner as those annual awards for best performance, best commercial award of the year, etc. are now part of the system.
7. We recommend development of a mechanism to award research and development grants and training and technical assistance to minority groups to study the impact of advertising and other public opinion attitudes.
8. We propose and recommend a mechanism be provided, with proper enforcement, for redress of grievances against certain advertising and manufacturers of certain products, similar to procedures included in

this for equal employment statutes for companies being awarded government contracts.

9. We recommend that Chicanos, Blacks, other minorities, women and youth be included in panels as part of the FTC's policymaking activities with regard to the advertising community.

10. The advertising community must be held accountable for actions which affect the lives of all Americans. Existing codes and industry self-policing programs have proven to be ineffective. While we are adverse to censorship, we recommend that a careful study be made in setting up a permanent mechanism for monitoring and assessing the import of advertising in order to evaluate the effects on attitudes (reinforced by advertising caricatures or slogans) and bias which are injurious to the concept of a pluralistic American society.

#### FOOTNOTES

<sup>1</sup> Martell, Ray: *Protest to the Federal Communications Commission (FCC) on the Cavalier and Abusive Treatment of Americans of Mexican and Spanish Ancestry by the Mass Media*; August 4, 1969, p. 1.

<sup>2</sup> Robert Louis Stevenson.

<sup>3</sup> Caldera, Rafael: *Food for Thought*, The Washington Daily News, Thursday, June 4, 1970.

<sup>4</sup> Rendon, Armando and Reyes, Domingo Nick; *Chicanos and the Mass Media: Brown Position Paper No. 1*; The National Mexican American Anti-Defamation Committee, Inc., 1971.

<sup>5</sup> Sarnoff, Robert W.: *Vital Speeches of the Day*; November, 1967, p. 95.

<sup>6</sup> Kanter, Donald L.: *Advertising and the Mexican American Consumer*; A paper presented to the A.A.A.A. Southwest Council Annual Meeting; March 12, 1970; p. 22 (Footnote).

<sup>7</sup> Ibid.

<sup>8</sup> Caldera, Rafael; *op cit*.

<sup>9</sup> Civil Rights Digest; *How Advertisers Promote Racism*; U.S. Commission on Civil Rights; Fall 1969, p. 7.

#### TV PROGRAM—"SURVEILLANCE—WHO'S WATCHING—CHICAGO'S 'RED SQUAD'"

#### HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. ICHORD. Mr. Speaker, I have received a copy of a letter to the Federal Communications Commission from Mr. William Stanmeyer, an associate professor of law at Georgetown University, protesting a recent program aired over Television 26, the Public Broadcasting System, the so-called Educational Television Network.

The program was entitled "Surveillance—Who's Watching—Chicago's 'Red Squad.'" Part of this program concerned a standing committee of the House of Representatives which I have the honor to chair—the House Committee on Internal Security.

Mr. Stanmeyer describes the program as a "one-sided and highly slanted attack on preventive law and all police intelligence-gathering efforts, from local departments to the FBI," a description with which I am in full accord.

In his review of the program's shortcomings, Mr. Stanmeyer notes that very little effort was made to present a balanced picture of preventive criminal law and the gathering of intelligence mate-

rial both in regard to crime and to the subversive elements in this country who would destroy our democracy with force, if necessary.

To quote Mr. Stanmeyer:

The worst omission was their total silence about the problem that preventive criminal law tries to cope with: the bombings, sabotage, arson, mob action, contrived riots, etc. Had their topic been the fire department, they would have said nothing about fires.

Mr. Stanmeyer asks the FCC to take a "hard look at whether NET is propagandizing the public—as it did in this broadcast—and violating the fairness doctrine and the intent of Congress."

I agree that the FCC should do this because this program was nothing more than a cheap, one-sided shot at law enforcement agencies and the operations of the Congress of these United States.

But further, I think Congress itself should take a hard look at this matter. After all, we provide the bulk of the funds for the PBS operation—congressional approval of the appropriation is required.

The sum this Congress provided last year was \$35 million. And we are being asked to be even more generous this year—\$45 million. It seems passing strange to me that the House of Representatives is using such large sums of money—the taxpayer's money—to propagandize against itself.

If the Public Broadcasting System and its outlets are plucking the feathers of the goose which lays its golden egg, perhaps the goose should either divert this golden egg to more worthwhile ends or return it to the hapless televising taxpayer.

Perhaps it is time to begin examining more closely what is issuing forth in the guise of educational television.

The Public Broadcasting System was so pleased with this particular broadcast of an hour and one-half's duration that it reran it once and contemplates doing so again.

And when one is discussing the Public Broadcasting System in general, I must say that I was aghast to discover that it was paying the very handsome salary of \$85,000—twice what Congressmen and Senators earn—to one Sander Vanocur to impose his special slants and prejudices on the PBS news operation.

If the Public Broadcasting System continues to utilize congressionally appropriated funds to directly or indirectly smear the operations of Congress, I assure you that I can hardly be persuaded to continue to vote approval of these funds.

I will enter Mr. Stanmeyer's letter into the RECORD:

GEORGETOWN UNIVERSITY

LAW CENTER,

Washington, D.C., February 2, 1972.

Re Political bias in NET.

Mr. RICHARD E. WILEY,

Commissioner, Federal Communications Commission, Washington, D.C.

DEAR DICK: On Monday, February 1, Channel 26 of the Public Broadcasting System presented an "educational" documentary entitled, "Surveillance—Who's Watching"—Chicago's "Red Squad."

This was a one-sided and highly slanted attack on preventive criminal law and all police intelligence-gathering efforts, from



local departments to the FBI. It continually showed private citizens discussing their real or imagined grievances and how "chilled" their freedom of speech was. Its first introduction of the House Internal Security Committee was a long tirade from Father Drinan, its junior member who joined it with the dishonorable purpose of destroying it; this excerpt it then "balanced" by a brief remark from another committee member who denied they rely on hearsay.

The narrator, a Mr. McCutcheon, occasionally asserted the program's efforts to give time to a few police undercover agents (who if they accepted would of course have "blown their cover" permanently) and the FBI (which would be attacked, had it accepted, for politicking).

But in light of the program's manifest intent to interview almost exclusively those who oppose police intelligence-gathering on potential bombers and arsonists, the agents' appearance would certainly have been only token. Obviously, they made no efforts to enlist private citizen comments on the other side of the scale—e.g., some local D.A.'s or members of any citizens anti-crime organizations.

The worst omission was their total silence about the problem that preventive criminal law tries to cope with: the bombings, sabotage, arson, mob action, contrived riots, etc. Had their topic been the fire department, they would have said nothing about fires.

I think FCC should take a hard look at whether NET is propagandizing the public—as they did in this broadcast—and violating the fairness doctrine and the intent of Congress.

Sincerely yours,  
WILLIAM A. STANMEYER.

REMARKS OF THE ADMINISTRATOR  
OF VETERANS' AFFAIRS TO THE  
MARINE CORPS LEAGUE—AN AC-  
COUNT OF PROGRESS AND SERV-  
ICE TO OUR NATION'S VETERANS

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. SMITH of New York. Mr. Speaker, the partnership between the military forces in our Nation and the Veterans' Administration, has been an enduring and enviable one. I am proud to take this opportunity to present to my colleagues the text of remarks presented by the Honorable Donald E. Jackson, Administrator of Veterans' Affairs at the midwinter meeting of the Marine Corps League. At this juncture in our history, that partnership between the Veterans' Administration and the military is a particularly important one. We are successfully winding down the conflict in Southeast Asia. At the same time, hundreds of thousands of military men are returning home, home to a difficult employment situation, home with possible drug related problems, home with the hope of completing an interrupted education.

The Veterans' Administration stands as a beacon to our returning servicemen. It is the one guiding light which provides our men in uniform and those who gallantly served their Nation the hope of medical care, educational assistance and guidance for a better life.

It is with great pride I salute this partnership and provide for my col-

leagues Mr. Johnson's remarks and a resolution of the Marine Corps League:

REMARKS BY THE HONORABLE DONALD E. JOHNSON

National Commandant Lynn Cavin . . . members of the National Board of Trustees . . . officers and members of the Marine Corps League:

It is not only a pleasure meeting with you . . . but an honor to address this prestigious organization of American veterans.

As a World War II Army combat infantry sergeant . . . I cannot personally share . . . although I greatly admire . . . the proud history and heritage of you Marines. And I use the active title deliberately . . . because I am well aware of the saying:

"Once a Marine—Always a Marine."

As Administrator of Veterans Affairs . . . however . . . I feel a close kinship to the Marine Corps League.

Certainly you and I . . . and our associates in the Marine Corps League . . . and in the Veterans Administration . . . share an overriding concern for the welfare of America's veterans, their dependents and survivors.

More importantly . . . we are engaged in a common cause:

Service to those who served.

Because we are partners in this great work . . . it is appropriate today . . . I think . . . that we examine together what is now being done . . . and what more with yet be done . . . "to care for him who shall have borne the battle and for his widow, and his orphan."

I suggest that we examine VA's programs of benefits and services in the order in which they are involved in your list of 8 good reasons why eligible members should join the Marine Corps League.

First . . . however . . . let me emphasize that this examination will be factual . . . not boastful . . . because after nearly three years in office . . . it just seems like I am rounding out a 30-year career . . . I have learned to appreciate Mike's wisdom.

Mike was about to die and the priest bent over him to give him the last rites of the church.

The priest said: "Repeat after me, I renounce the devil and all his evil works."

But there was no response from Mike.

The priest again said: "Repeat after me, I renounce the devil and all his evil works."

Still no response from Mike.

After the third try, the priest shook Mike, who opened his eyes.

"Didn't you hear me?" . . . asked the priest.

"Yes" . . . replied Mike . . . "but you told me I was going to die, and this is no time to antagonize anybody."

Very frankly . . . VA's account of past accomplishments, on-going achievements and exciting potential . . . if it does not antagonize . . . does not always meet with total acceptance and agreement from the news media . . . the Congress . . . or even veteran organizations . . . including the Marine Corps League.

Nor should it . . . ever.

But with few exceptions . . . VA's story has been given a fair and full hearing.

I know that such will be the case today . . . not only because of your innate courtesy and fairness . . . but also because you truly want to know the facts so that you can make intelligent, meaningful judgments as to how effectively . . . or whether . . . the welfare of our veterans and their families is being met today . . . and will be served tomorrow.

I am certain that you did not list the 8 reasons for joining the Marine Corps League in any order of importance . . . because all of the benefits cited are important.

But you had to begin somewhere. And the first reason listed is "assistance for hospital, nursing, medical and dental care."

I realize that this includes military hospitals. Today . . . however . . . let's examine the Veterans Administration's quality hos-

pital and medical care program . . . the VA hospital system . . . the nation's finest as well as largest hospital system.

A number of things must be said about this program . . . the most visible of all VA benefits and services.

First . . . for more than four decades . . . VA has had sole responsibility for operating an independent, viable, and improving hospital and medical care program for ill and disabled and aging veterans.

I promise you here and now that as long as I am Administrator of Veterans Affairs . . . VA is going to continue to have sole responsibility for operating an independent, viable, and improving hospital and medical care program for ill and disabled and aging veterans.

I make this promise with full knowledge that the American people are going to demand . . . and will get . . . the quality health care at reasonable cost that is their right. It is just a matter of time.

But I tell you again that the quality VA hospital and medical care program . . . which we know today . . . is going to remain a quality VA hospital and medical care program . . . which we can recognize tomorrow.

VA medicine is not going to be emasculated.

VA medicine is not going to be merged . . . or submerged . . . into oblivion.

Instead . . . VA medicine is going to become an even greater benefit for increasing numbers of veterans.

And VA medicine is going to become an even more vital member of the American medical community . . . contributing substantially, even spectacularly, to qualify health care for all of our citizens . . . while retaining its independence and identity.

Permit me to cite a few comparative figures . . . not to brag . . . but to reassure you and your members . . . indeed, all of America's veterans and their families . . . that the Veterans Administration has the capacity to match its resolve to provide our veterans with the quality hospital and medical care they deserve and may need now and in the years ahead.

President Nixon's record-high budget request of \$11.7 billion for the Veterans Administration in Fiscal year 1973 . . . beginning July 1 . . . is nearly \$800 million more than this year's all-time high VA budget.

The new budget calls for an increase in VA's average employment of 11,640 . . . to bring our work force total to almost 184,000. Nearly 11,000 of the employment increase is earmarked for our Department of Medicine and Surgery. Average medical employment in the new fiscal year is targeted at 162,246 . . . the greatest number of employees in the history of VA medicine.

The record-high \$2.5 billion which President Nixon requested for VA medicine in the coming fiscal year is more than \$166 million over this year's budget . . . and will enable VA to:

1. Increase inpatient beneficiaries to nearly one million . . . or more than 24,000 over this year.

2. Increase outpatient visits to nearly 11 million . . . or 1.5 million more than this year.

3. Activate 248 new medical units . . . including 12 drug centers, 15 alcoholism treatment centers, and 6 hemodialysis units.

4. Provide medical training for nearly 62,000 individuals . . . another record number . . . and 5,500 over this year's total.

5. Increase the authorized nursing beds by 33 percent over this year's number to a total of 8,000 . . . double the authorized level of 1964.

6. Devote more money than ever to medical research. We expect to obligate \$74 million . . . an increase of \$8 million over this year.

7. And obligate \$3.2 million for prosthetic research . . . half again as much as the \$2.1 million we are spending this year.

Before commenting briefly on other VA

programs that relate to cited benefits of Marine Corps League membership . . . let me say another word or two about VA's drug treatment program.

First . . . and most important . . . those citizens among us who believe that every Vietnam veteran is a drug addict must disabuse themselves of this false and harmful attitude.

The fact is that less than one percent . . . an estimated 50,000 at the most . . . of the more than 5.6 million Vietnam era veterans now back home . . . were unfortunate enough to become addicted to drugs.

Stated another way . . . and more fairly . . . more than 99 percent of our Vietnam era veterans are not . . . I repeat . . . not drug addicts.

Those who have become the tragic victims of drug addiction . . . and they constitute less than one-fifth of the estimated quarter-of-a-million and more drug addicts in our national population . . . are going to receive the finest, most advanced medical care possible from VA . . . and for as long as necessary.

In the 32 new VA drug treatment centers which we have activated in the past year.

In the 12 new centers which we will open in the coming fiscal year.

And in our established and experienced regular hospital system drug treatment facilities.

I tell you today that VA is totally committed to solving this tragic problem . . . not only for our Vietnam veteran victims . . . but for all in our society who bear this burden.

So much so that I have designated the Deputy Administrator of Veterans Affairs . . . Fred B. Rhodes . . . as VA's Drug Program Coordinator . . . to represent me in dealing with President Nixon's Special Action Office for Drug Abuse Prevention . . . and with all of the departments and agencies in the government sharing responsibilities for attacking the drug problem.

I am also establishing a Drug Program Coordination Committee within VA . . . composed of representatives from my office, Department of Medicine and Surgery, Department of Veterans Benefits, Controller, General Counsel, and Management and Evaluation.

A full-time Secretariat for this program will be established . . . and necessary clerical assistance will be provided.

Now to cover quickly other Marine Corps League membership benefits . . . as they involve major VA programs.

Decent housing . . . for active duty Marines as well as for veterans . . . concerns you.

I can assure you that it also concerns my associates and me in VA.

Our Fiscal Year 1973 budget anticipates a continuing advance in the G.I. Bill home loan program . . . with a forecast of more than 340,000 VA loans on homes valued at \$7.2 billion. This is a five percent increase over this year, which, itself, marks the highest VA loan volume since 1957.

To me . . . your reference to benefits and claims means VA's compensation and pension program.

The biggest single item in VA's fiscal '73 budget is the payment of disability and death compensation and pensions to nearly six million veterans and dependents. The amount for these payments in the new budget is set at \$6.4 billion . . . which is an increase of \$331 million over this year . . . and reflects this Administration's recommendation to the Congress for a cost-of-living increase of nearly six percent in compensation payments to service-disabled veterans.

For the Marine Corps League . . . as well as for VA . . . one of your principal programs calls for your assistance in obtaining educational benefits for your members and others entitled to help under the G.I. Bill or other VA education and training programs.

In this area, too, this Administration has asked the Congress to approve an 8.6 percent increase in G.I. Bill education and training benefits . . . and a 48 percent increase in VA on-the-job training allowances to make this program more attractive for unskilled, educationally disadvantaged, and largely unemployed Vietnam veterans . . . as well as for employers.

The \$2.2 billion requested for G.I. Bill training and other readjustment benefits is nearly \$205 million higher than this year's budget . . . and represents an increase of more than 200 percent over the budget of just four years ago.

Moreover . . . the more than two million young veterans who will train under this program in the coming fiscal year constitute an increase in excess of 105,000 over this year's record number of enrollees.

An estimated 67,000 sons, daughters, widows and wives of deceased or seriously disabled veterans will receive VA educational assistance in the coming fiscal year.

Next month the House Appropriations Committee will hold hearings on VA's requested fiscal '73 budget . . . which I have just highlighted.

Necessarily . . . I will have to speak to the specific dollar figures involved. But I can tell you today . . . in closing . . . that the principal thrust of my testimony will be but a reiteration of the charge given to me . . . to my VA associates . . . indeed, to all Americans . . . for all time . . . by Abraham Lincoln in his Second Inaugural Address.

"...care for him" . . . he told us . . . "who shall have borne the battle and for his widow, and his orphan."

This we are resolved to do.

This . . . I know . . . the Congress will have us do.

Thank you again for the privilege of being with you today.

#### RESOLUTION OF THE MARINE CORPS LEAGUE

Whereas, the Marine Corps League, a Congressionally-chartered national veterans service organization composed exclusively of people who have honorably served or are now serving in the United States Marine Corps; and

Whereas, the Marine Corps League will celebrate the fiftieth anniversary of its founding on June 6, 1973, having been established in New York in June, 1923 during a reunion of Marines of the First World War; and

Whereas, the Congressional Charter of the Marine Corps League calls for the carrying out of fitting acts to observe the anniversaries of historical occasions of peculiar interest to Marines;

Now therefore be it resolved, that the Marine Corps League establish a *Fiftieth Anniversary Committee* for the purpose of noting and observing this auspicious occasion in appropriate fashion, and that among others, the following officers be appointed to this Committee: the National Commandant, the National Sr. Vice Commandant, the National Historian, the National Adjutant Paymaster, the National Public Relations Officer, and the National Liaison Officer.

Adopted at the Mid-Winter Meeting of the National Board of Trustees, Marine Corps League, Feb. 12, 1972.

#### THE LATE JOHN R. MURDOCK

#### HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. STEIGER of Arizona. Mr. Speaker, John R. Murdock was no exception to the historic role of Arizona representa-

tives to Congress. He served well, contributing colorful rhetoric and solid accomplishment. From his arrival in 1936 through 15 years of service his wide range of interest and effort covered teaching Bible classes in the Capitol and acting as "father" of the Department of the Interior's desalinization research program. He served us well, as an Arizonan and U.S. Congressman.

#### HOME RULE FOR THE DISTRICT OF COLUMBIA

#### HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. DIGGS. Mr. Speaker, over the years the American Association of University Women has given thoughtful consideration to many of the problems of national importance that have come before the Congress for legislative action. Positions on issues are adopted by the association only after much research and well-informed discussion by its wide membership. I therefore take pleasure in presenting below, for the thoughtful attention of my colleagues, the statement on home rule for the District of Columbia that was recently submitted by the American Association of University Women to the House Committee on the District of Columbia.

The statement follows:

STATEMENT ON HOME RULE FOR THE DISTRICT OF COLUMBIA, SUBMITTED TO THE HOUSE COMMITTEE ON THE DISTRICT OF COLUMBIA, FEBRUARY 16, 1972

(By Mrs. Sherman Ross, Chairman, Legislative Program Committee, American Association of University Women)

As we have done before, the American Association of University Women urges enactment of legislation by the Congress which would provide the sovereignty of local government to the residents of the District of Columbia. Support for Home Rule for the residents of the District of Columbia has been supported by the Association's membership and has been approved by the delegates to our biennial Conventions as an item in our national—Convention adopted—program for over three decades.

Visitors to the capital of the United States are appalled by the conditions which exist under the present form of government. Residents of this city that is so poorly governed; that has such serious inadequacies in its schools, its hospitals and other public services, cannot help resenting the fact that they pay such vast sums in federal income taxes when, compared to the states, the District has so little returned in dollars through federal programs that are available to state and other municipal governments. Yet this city has a greater population than any one of a dozen states.

It is a shocking fact to us in the American Association of University Women that for some years District residents have been paying approximately 87% of the District's operating costs through a city income tax upon residents and through taxes upon the fifty per cent of the property within the city limits which is left eligible to taxation.

We cannot help but wonder what the motive can be that lies behind the failure of Congress to end this taxation without representation which is so uncharacteristic of this nation's history—and of its current protestations of being a democratic state.



It is strange to us that the same Congress, which will not share equally the operating cost of this city with its already heavily taxed citizens; which denies the right of self-government to D.C., so recently saw fit to grant statehood to Alaska and Hawaii.

We believe the District should be permitted by an act of Congress to elect its own city council; be given the authority to pass its own laws, to set its own taxes and spend its own money.

We also believe such an act should set a specific percentage as the federal share of the cost of operating this Capital city and that annual appropriations in line with that percentage should be made from federal revenue.

We thank you for the privilege of having our views incorporated in the record of the current hearings of the House District Committee on Home Rule.

#### A HOME AWAY FROM HOME

### HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. DERWINSKI. Mr. Speaker, the necessary steps taken by the administration to reach an agreement for home port facilities for our 6th Fleet in the Greek seaport of Piraeus has been subject to criticism and second-guessing. A very sound and reasonable commentary on this situation appeared in the Chicago Tribune of February 18 which I insert into the RECORD at this point:

#### A HOME AWAY FROM HOME

When the United States announced Feb. 5 it had reached an agreement in principle to make the Athens seaport of Piraeus the home port for the 6th fleet carrier task force, it was inevitable that there would be criticism from both liberals at home and the Soviet Union.

Firing the first salvos, Rep. Shirley A. Chisholm [D., N.Y.] called the agreement made with the ruling Greek military junta evidence of the "malignant" intent of the Nixon administration to depend upon "reactionary authoritarian" regimes to further American interests. She brushed off an official explanation that the purpose was to move 3,500 U.S. dependents to the new home port and thus to boost fleet morale.

Moscow has now followed suit with protests filed by Russian ambassadors in Washington and Athens. The Kremlin couldn't care less about the character of the Greek government. What concerns Moscow is the establishment of what it terms an American naval base in close proximity to the Soviet Union and "other Socialist" countries. Russia threatens to make a countermove in the Mediterranean Sea.

We can't help wondering what Russia can do that it hasn't already done. Its own Mediterranean fleet already has the use of naval facilities in Egyptian and Syrian ports. Indeed, Alexandria, Egypt, has become almost a Russian port complete with a Russian harbor-master. Soviet war planes based in Egypt—along with a large contingent of Russian troops—constantly fly surveillance of the 6th fleet.

In contrast, as the State Department has been careful to point out, the proposed home port of Piraeus would in no way constitute a "formal naval base." The arrangement with Greece, said Charles W. Bray III, a State Department spokesman, involves "no increase in military personnel or combatant vessels." All it means is a chance to move servicemen's

families closer to them during lengthy tours of sea duty, as is done for sailors of the 7th fleet destroyers which have home ports in Japan.

The separation of families during long sea duty tours is one of the Navy's biggest morale problems. Providing a home port near Athens is certainly a big step forward in making Navy life more attractive. The Russians should be able to understand that, even if American liberals do not. And even if they don't they are in no position to complain.

#### LEARNING TO DO BUSINESS WITH RADICAL NATIONALISTS

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. HAMILTON. Mr. Speaker, despite our displeasure with some of the international role-playing and posturing by leaders of some developing countries, we often do have mutual economic interests with such nations that can transcend other international goals.

The United States relations with Algeria are a case in point. After years of friction between Algeria and the United States, we adopted a relatively relaxed posture toward Algeria in about 1969. Both countries have since acquired modest expectations about each other and have tried to separate economics and politics. Algeria will continue to oppose the United States on the Middle East and on Vietnam, but we can continue to live with that. Trade, the transfer of technology, and Algeria's abundant supply of natural gas which we need all can provide the basis for important relations in the future.

This recognition of mutual interests by both Algeria and the United States serves as an excellent example of the kind of strategy the United States might fruitfully pursue in its dealings with radical nationalists who seek dignity and independence on their own terms.

The issue of dealing with radical nationalists in general and Algeria-United States relations in particular are the subject of a very perspective essay by Dr. William B. Quandt of the Rand Corp. This paper was delivered to a southern California working group on U.S. relations with leftist regimes. I recommend Dr. Quandt's article to my colleagues and endorse his conclusions:

[Arms Control and Foreign Policy Seminar, southern California, October 1971]

#### U.S. RELATIONS WITH ALGERIA: LEARNING TO DO BUSINESS WITH RADICAL NATIONALISTS

(By William B. Quandt)

#### SUMMARY

The United States and Algeria have had a wide variety of experiences with one another over the past decade. Behind the ups and downs that have characterized U.S.-Algerian relations stands a great disparity in power which makes the United States at times insensitive to Algerian interests and the Algerians suspicious of U.S. motives.

This paper examines the brief early period of good feeling following Algerian independence, and traces the subsequent decline to waning interest on the part of the

United States and chronic instability in Algeria. By the time Ben Bella was overthrown in 1965, the United States was on the verge of suspending further aid to a regime which was commonly viewed as a second Cuba in the making.

Boumedienne's coming to power led initially to an improvement in relations, but a seemingly minor issue of compensation for nationalized properties became the focus of bitter acrimony by spring 1967. When the Arab-Israeli war of June 1967 occurred, Algeria broke diplomatic ties with the United States. This subsequently provided the opportunity for both sides to take a new look at their relations and to rebuild them on a modest scale around a few areas of common interest. The Algerians have shown a keen desire for U.S. technology and for access to the American market for their exports. The keystone in these evolving economic relations is the El Paso-Sonatrach agreement, which, if successfully implemented, will have a major impact on improving political relations between the two countries.

#### INTRODUCTION

The United States and Algeria, after nearly a decade of dealing with one another, are finally beginning to lay the foundations for a relatively stable and mutually profitable long-term relationship. The key to the emerging pattern of interaction is a complex network of economic ties, most important of which will be the delivery of large quantities of Algerian liquefied natural gas to the United States. Both parties expect to benefit from this arrangement and both anticipate that improved political relations may be one consequence of closer economic ties. What is most remarkable about U.S.-Algerian relations today is how implausible it would have seemed only four or five years ago that the two countries would be on such comparatively good terms.

For a brief period after Algerian independence, the United States had taken a tolerant and even helpful posture toward the new regime of Ahmed Ben Bella. Algeria's revolutionary rhetoric and chronic instability in its first years of independence, however, led to a deterioration of relations, which were only partially improved when Ben Bella was ousted by Houari Boumedienne. When the Arab-Israeli war of June 1967 broke out, Algeria was quick to believe UAR President Nasser's accusation of American military involvement on Israel's behalf, and diplomatic relations were broken. It was not until 1969 that U.S.-Algerian ties began to improve as a result of several important factors. First, by 1968 Algeria was beginning a period of unprecedented stability following a major internal crisis in late 1967. Stability bred greater self-confidence and provided the Algerian government with the opportunity to face seriously economic and social problems in the country. Second, as the regime decided to push for rapid economic growth based on an ambitious plan of industrialization, it found that U.S. private business was willing and able to provide goods and services required by the Algerians. Following the lead of U.S. businessmen, the American government began to look for ways in which Algeria's interest in U.S. technology could serve to improve relations between the two governments. While U.S.-Algerian relations have much that is peculiar to them, they nonetheless provide a revealing example of how two very different societies and governments can learn to develop limited areas of mutual benefit that serve the long-term objectives of both parties.

U.S.-Algerian relations have evolved against the inevitable backdrop of an immense power disparity, a fact that influences U.S. conduct everywhere in the Third World. The simple reality is that the United States Government does not generally view its relations with the weak and impoverished countries of

Africa, Asia, and Latin America as matters of great importance, whereas for these latter, the United States often looms very large in their set of concerns, either as potential benefactor or dangerous opponent. Algerians, in particular, are very sensitive to unequal treatment, to signs of discrimination, and to veiled or explicit political pressure. U.S. power and Algerian suspicions combined to produce some awkward moments in the early phase of relations when neither government knew the other very well. As the United States shifted from its initial mild enthusiasm toward Ben Bella to disenchantment and indifference, the Algerians invariably saw U.S. actions as sinister, ideologically motivated efforts to manipulate Algerian political life. In fact, the United States was merely losing interest in doing favors for a regime that maintained a posture of denouncing U.S. imperialism on every possible occasion. Despite a brief improvement in atmosphere between the two countries when Boumedienne came to power, by early 1967 relations were strained again. Algeria's breaking diplomatic ties to the United States in June 1967 proved to be a therapeutic in that it removed illusions on both sides and allowed a period of rebuilding relations on an improved basis, this time with fewer possibilities of major misperceptions caused by the inevitable asymmetry in power. The ability of both countries to learn to deal with one another fairly effectively, despite overt ideological differences on major world issues, provides an important case study of U.S. relations with radical regimes.

#### THE EARLY YEARS: KENNEDY AND BEN BELLA

Contacts between the U.S. Government and the Algerian FLN were made prior to Algerian independence in 1962. From these early ties, Algerians came to expect friendly treatment from Washington after independence, a condition not commonly true for radical regimes. The basis for U.S.-Algerian good relations after independence stemmed from two prior sets of events. First, John F. Kennedy, as Senator and member of the Committee on Foreign Relations, had delivered a speech in July 1957 calling for Algerian independence. Most American officials at the time were outraged by the speech, fearing its impact on U.S.-French relations. Although Kennedy was in later years to back away somewhat from his strong stand of 1957, the Algerians nonetheless remembered him with unusual warmth. Second, when Kennedy became President in 1961, U.S. concern with Algerian issues increased noticeably. Knowing that Kennedy had a personal interest in Algerian affairs, members of the U.S. foreign affairs bureaucracy who favored expanding contacts with the FLN, especially the Bureau of African Affairs in the Department of State, took several initiatives in 1961 and 1962. The French desk in the European Bureau at State, reflecting opinion in Paris, became the strongest bureaucratic opponent of these moves. Despite considerable criticism, the United States Government sent the former director of North African Affairs at the State Department, and the man who had helped Kennedy to prepare his 1957 speech, William Porter, to Algiers in May 1961 as Consul General. That same year, the then current head of North African Affairs, William Witman, was quietly directed to meet with Algerian representatives at the U.N. Late in 1961, a "Special Assistant" to Witman was named whose real functions were those of a country director for Algerian Affairs. A major task was to prepare an aid program for Algeria that could go into effect immediately after independence at a level of perhaps \$50 million yearly.

When Algeria became independent in July 1962, the United States had already developed some momentum in its relations with the Algerians. Once Ben Bella had officially come to power in September 1962, the United States recognized his government and Porter was named Ambassador. Assistance programs,

which had been worked out over serious AID opposition, [1] were ready for implementation. Ben Bella's first trip outside of Algeria as President was to the United States, first to the U.N. and then to Washington for a cordial meeting with Kennedy.

During and immediately following Ben Bella's trip to the United States, signs appeared that Algeria's "radicalism" might lead to frictions between the two governments. While in Washington, Ben Bella refused to observe normal protocol in greeting the head of the diplomatic corps, the Ambassador from South Vietnam. Next, on leaving Washington, Ben Bella flew directly to Havana, where he joined Castro in calling for the elimination of the U.S. base at Guantanamo. This occurred on the eve of what was to become the Cuba missile crisis, and had the effect in some U.S. circles of identifying Algeria with Cuba. From that time on, the image of Algeria's becoming a second Cuba was frequently evoked in U.S. policy circles, despite efforts by North African specialists to combat the misleading analogy. [2]

During 1963, further incident, occurred that cooled U.S.-Algerian relations. In March, Ben Bella dramatically announced the nationalization of "vacant properties," most of which had been left behind by former French owners. A few U.S. citizens were affected by the measures, which eventually led to the filing of a number of private U.S. claims for compensation, totaling perhaps several million dollars in all. Although the amount of money involved was minor, this issue came to be an important point of contention in U.S.-Algerian relations in later years.

A more troublesome problem than nationalization of property owned by U.S. citizens was the border dispute between Algeria and Morocco, the latter a country with close ties to the United States. Even prior to Algerian independence, the Moroccan nationalist party, the Istiqlal, had made clear its claims to parts of Algeria's territory. During the war for independence, the Algerian Provisional Government had even agreed to discuss these historically disputed areas with Morocco once French rule had ended. But in the chaotic first year of Ben Bella's regime, the Algerians were in no mood to relinquish any territory under their control.

The issue of borders remained in dispute, and finally in the fall of 1963, in the midst of an Algerian domestic crisis involving an insurrection in Kabylia, war broke out along the Moroccan frontier. The Algerians were still in the process of converting their army into an integrated, modern force, and in the fighting the Moroccans acquitted themselves well, although no lasting territorial changes were registered by either side. Despite the rapid end to the war and the inconclusive results, the Algerians suspected that the creditable Moroccan performance could be at least partly explained by American assistance, including the transport of Moroccan troops to the front. Earlier Algeria had tried to acquire arms from the United States and had been turned down, and this fact too could be seen as part of a plan to keep Algeria weak in order to permit the Moroccans to realize their irredentist ambitions. While the United States position during the war was officially that of neutrality and an expressed desire to see the war end rapidly, the net impact of the conflict on U.S.-Algerian relations seems to have been to increase suspicions on both sides. [3]

In the United States, some observers felt that the Algerian-Moroccan war showed that Algeria, like Cuba, was seeking to export revolution to its more moderate neighbors. In Algiers, the idea that "U.S. imperialism" was backing the Moroccan "reactionary" forces in order to undermine the Algerian revolution was heard in the press and was doubtless believed by some officials as well. One concrete result of the border war was to accelerate Algeria's search for modern mili-

tary equipment, particularly from the Soviet Union. This also added a sour note to U.S.-Algerian relations as the Soviet presence in Algeria began to grow along with heavy doses of Marxist jargon in the Algerian press.

Shortly after President Kennedy's death, during the spring of 1964 the United States expressed its concern over events in Algeria in an official State Department report that warned of "disturbing evidence of pro-Communist influence in important opinion-making positions" in Algeria and called Algeria a cold war "danger point" in Africa. [4] The Algerian ambassador in Washington met with Secretary of State Dean Rusk to express his concern over the report and to ask for clarifications. The incident quickly passed into oblivion, but indicated prevalent perceptions of Algeria in U.S. circles early in 1964.

Despite occasional irritations with Ben Bella's revolutionary zeal, especially among high-level U.S. policymakers, State Department specialists were generally willing to give Algeria the benefit of the doubt during the period of instability and uncertainty following independence. The keystone to U.S.-Algerian relations during these years was the PL 480 wheat program. With immense needs for imported wheat, particularly following the drought of 1963, Algeria became a major recipient of PL 480 grant aid during Ben Bella's rule. Algerians were glad to receive the wheat, but seemed to expect it as something due them as a matter of course to help compensate for the ravages of the war for independence. During the program's six years of existence in Algeria, wheat valued at over \$175 million was provided.

Problems periodically arose in Washington over the continuation of the PL 480 aid to Algeria, and shipments were at times delayed, as in late 1963. By early 1965, the feeling was widespread in Washington that the aid program had outlived its usefulness. Among other problems, AID officials were confronted with a legal obligation under the Hickenlooper Amendment of January 1962 to suspend aid to any country that had failed to take "appropriate steps" within a "reasonable amount of time" to compensate U.S. citizens for nationalized or expropriated property. Claims stemming from the nationalizations of March 1963 had been formally received by the U.S. Government toward the end of 1964. The United States did not insist that the amounts in question or even the facts of ownership be fully accepted by the Algerian government, but it did demand that the claims be dealt with according to acceptable legal procedures. The handling of these cases, which were later to become a sore point of controversy between the two governments, contributed to the general atmosphere of disenchantment with the Ben Bella regime in Washington, and by late spring 1965, the U.S. Government had apparently decided not to renew PL 480 aid for the coming fiscal year. [5]

#### BOUMEDIENE AND THE BREAK IN RELATIONS

In June 1965, Ben Bella was overthrown in a surprise coup d'état led by his Minister of Defense and Vice President Houari Boumedienne. While U.S. officials were generally pleased with Ben Bella's ouster, few knew anything about the austere and remote figure who now spoke on behalf of the Council of the Revolution. Boumedienne was thought to be more deeply influenced by Arab-Islamic culture than Ben Bella, but his trips to Moscow and the dependency of Algeria on Soviet arms led some observers to think that Algeria under President Boumedienne would continue its drift toward becoming another Cuba. This image, however, was soon weakened as Boumedienne moved against his domestic Marxist critics and engaged in a public quarrel with the Soviet Union. Combined with the serious, non-demagogic tone of Boumedienne's early speeches, these acts gave rise to modest hopes that U.S.-Algerian relations might im-



prove now that Ben Bella was out of the picture.

Shortly after the coup against Ben Bella, Ambassador Porter was transferred from Algiers and several months passed before he was replaced by a professional diplomat with former experience in the Arab world, John Jernegan. During the interlude between ambassadors, few initiatives were taken toward the new regime. By the end of the year, however, the Algerians had been presented with the still unsettled claims from 1963, and after agreeing to take up these cases, the Algerians received the welcome news early in 1966 that the PL 480 program was being resumed on a modest scale. Out of a desire to keep this aid flowing, the Algerians continued to report throughout 1966 that progress was being made in the processing of these claims and that they were "not gathering dust."

Despite these few positive signs, U.S.-Algerian relations were beginning to deteriorate as early as mid-1966. In June, the Algerians accused the United States of building secret military bases in Morocco and Tunisia. This atmosphere of distrust and suspicion was reinforced in August when an incident occurred involving the USIS branch office in Constantine. Late in August, the Constantine office had provided a USIS film to a Quaker group operating in Skikda. The film, which was to be shown to a group of Algerian peasants, had mistakenly been picked up from the discard pile and contained scenes of former President Ben Bella. To the chagrin and embarrassment of the Quakers, Ben Bella's brief appearance on the screen set off a noisy demonstration among the former President's supporters. The Algerian authorities immediately learned of the incident, and despite the obvious lack of any U.S. desire to see Ben Bella return to power, the USIS branch office in Constantine was closed for its alleged subversive activities.

During the fall of 1966, the Algerian press, always quick to criticize "U.S. imperialism" in Vietnam and the Middle East, extended its attack on the United States, blaming Washington for most of the world's ills. U.S. officials in Algiers had long resented the behavior of the press, and finally in early 1967 Ambassador Jernegan wrote a letter to the Algerians protesting the distortions and errors in the mass media concerning the United States. The Party newspaper defiantly published this supposedly confidential letter, accusing the United States of trying to pressure Algeria into abandoning its support for various progressive and revolutionary causes. It was even suggested that Jernegan had implied that future aid would depend upon a more restrained attitude in the press. The specter of blackmail seemed to be rearing its head, and the Algerians were very much on their guard as negotiations began for a new PL 480 program for fiscal year 1968.

The Algerians depended upon the continued supply of U.S. wheat and were anxious to conclude a new agreement, even on the stiffer terms of Title IV credit sales instead of grants, as in former years. With the legal requirements of the Hickenlooper Amendment always in the background, the United States urged Algeria to settle the outstanding claims as a precondition for the aid. Meanwhile, at the expert level the details of a new agreement were being negotiated, with scant attention paid to awkward political considerations. By May, the text of an agreement was ready for signatures, and neither the Algerians nor U.S. embassy personnel in Algiers anticipated any last minute difficulties, despite long-standing contentions over the tone of the press and the unsettled private U.S. claims. The Algerians had suggested that once the aid agreement was concluded, then the matter of the claims could be dealt with. The U.S. Government, however, held out for the opposite order of priority. Privately, the Algerians explained their reluctance to act on the claims for compensation by the fact that

any agreement with the United States might be seen as a precedent for the much more extensive French claims stemming from the 1963 nationalizations.

On the eve of the Arab-Israeli war of June 1967, the U.S. Embassy in Algiers received firm instructions from Washington that there could be no aid agreement without continuing progress on the settlement of the claims. Embassy officials, who had been minimizing the chances of such a decision in talks with their Algerian counterparts, were faced with the unpleasant task of informing the Algerians that no agreement was possible because of the terms of the Hickenlooper Amendment. The Algerians saw in this unexpected announcement the confirmation of their fears that the United States was trying to pressure them into abandoning their militant stand on such issues as Vietnam and the Middle East. Surely the issue of the claims was a mere disguise for the more sinister purposes of U.S. policy. And to bargain over food supplies at a time of great need in Algeria was seen as particularly unsuitable. The handling of the entire question left bad feelings on both sides, and in this atmosphere the Algerians needed little encouragement to break diplomatic relations with the United States, although the ostensible reason given was the Egyptian allegation of U.S. participation in the war on Israel's behalf. With the suspension of diplomatic ties, U.S. aid to Algeria was automatically prohibited under the terms of the Gruening Amendment which forbids all but minor humanitarian assistance for countries that break relations with the United States. Since June 1967, then, the United States, by the terms of both the Hickenlooper and Gruening Amendments, has been unable to offer economic aid to Algeria. Without this major lever of policy, new bases of common interest had to be found if U.S.-Algerian relations were to be improved.

#### RECOVERY AND PROGRESS: 1968-71

Even when diplomatic relations reached their low point in 1967, the Algerians stopped short of total estrangement from the United States. For example, although breaking diplomatic relations, they nonetheless allowed a small staff to maintain a U.S. interests section under Swiss protection in the U.S. Embassy. In addition, Consular relations were not broken, which left two American Consulates operating in Oran and Constantine. Finally, the Algerians made it clear that they were interested in maintaining some ties to the United States despite the current political-diplomatic crisis. These gestures of continuing interest in relations of some sort were only partially offset by measures taken against several U.S. companies, most of which were involved in oil production. These companies, including Esso, Mobil, Sinclair, El Paso, Phillips, Getty Petroleum, and Newmont Mines were eventually all nationalized, with each company negotiating for compensation on its own.

An important development in Algerian domestic politics indirectly contributed to the improvement of U.S.-Algerian relations after 1968. An internal power-struggle had been brewing during 1966-67 between the group around Boumediene, consisting of professional military men, technocrats, and intellectuals, and a rather mismatched coalition of former guerrilla leaders and Marxist ideologues. By the end of 1967, the conflict took the form of an attempted coup d'état, led by the Chief of Staff of the armed forces, Tahar Zbiri. The coup was rapidly thwarted by the use of air power against the advancing tank columns. Boumediene then moved swiftly to eliminate his opponents from positions of influence. The result was a relatively homogeneous government with good prospects of long-term political stability. [6]

During 1968, the Algerian Government, for the first time relatively free of internal security threats, began to concentrate on improv-

ing its relations with Morocco and Tunisia and on domestic economic development. This turning inward was in no sense a result of U.S. policies, but was very much in line with American preferences. In addition, the serious developmental effort launched by the Algerians, especially as part of their Four Year Plan begun in 1970, led them to desire American technology and products, both of which they were able to pay for in hard currency as a result of their profits from oil production. Algeria took the lead in seeking out the U.S. private sector and U.S. business responded with considerable enthusiasm. Between 1967 and 1969, U.S. trade with Algeria nearly doubled, from \$33 million in U.S. exports to almost \$64 million. [7]

With the private sector having taken the lead, the U.S. Government sought to capitalize on this area of obvious common interest between the two countries. During 1968, U.S. policy became that of maintaining correct political relations and encouraging the growth of economic relations by adopting a liberal position on granting export licenses. As part of the political strategy, it was decided to try to reach the center of the Algerian policymaking structure, which increasingly seemed to consist of Boumediene himself. After an assassination attempt against Boumediene in the spring of 1968, the United States sent a note expressing the relief of the U.S. Government on learning of his well-being. In time, a dialogue on political-diplomatic issues was reopened. The United States did not initially push for the resumption of diplomatic relations, but at the same time decided not to try to exact any price from the Algerians for the restoration of relations. The initiative, however, would have to come from them. In the absence of diplomatic relations, the American presence was bolstered somewhat through a variety of educational and cultural programs and a small amount of humanitarian aid.

In October 1968, Getty Petroleum Company signed a precedent-setting agreement with Sonatrach, whereby Sonatrach acquired 51 percent ownership of Getty's operations, while Getty agreed to provide capital for further exploration and production in return for a specified percentage of realized profits. The Algerians were pleased with the terms of this joint venture and subsequently, in February 1971, imposed similar conditions on French oil companies operating in Algeria.

In mid-1969, an important turning point was reached in U.S.-Algerian economic relations with the signature of a preliminary agreement between El Paso Natural Gas and the Algerian petroleum monopoly, Sonatrach, for the annual delivery of 10 billion cubic meters of liquefied natural gas to the United States over a period of twenty-five years. (In early 1971, the amount was increased by 50 percent.) The United States was entering a period of scarcity with respect to natural gas and Algeria possessed enormous reserves as well as proven capacity for economically liquefying and transporting the gas. The scale of the project was immense, requiring the construction in Algeria of a new liquefaction plant and of a tanker fleet. El Paso agreed to handle the marketing of the gas in the United States as well as the construction of the tankers, while Algeria undertook to cover all operations within its own borders. Two major obstacles, however, remained in the path of full implementation of the agreement. First, the Federal Power Commission (FPC) in the United States had to approve the importation of the gas. Second, the Algerians needed to find financial assistance to cover part of the envisaged \$500-\$600 million in expenditures required of them. Prominent among possible creditors was the Export-Import Bank in Washington.

With the prospect of a long-term economic relationship of considerable magnitude before them, both the United States and Al-

gerian governments took steps to improve their dialogue. Algerians had expressed their regret to U.S. officials that they had broken relations with the United States on the basis of false information provided by Cairo and mentioned the hope that future developments in Vietnam and the Middle East would allow Algeria to renew its ties to Washington. During the U.N. General Assembly session in the fall of 1969, Foreign Minister Bouteflika met with Secretary of State Rogers to discuss U.S.-Algerian relations. The following month the El Paso contract was formally signed, thus providing the United States and Algeria with a potentially important point of common interest, something that had been noticeably lacking in earlier years.

In order to clear the way for approval and financing of the El Paso deal, the Algerians made further efforts to settle the issues arising from the post-1967 nationalizations of several U.S. companies. During 1970, several U.S. companies agreed to settle their claims with the Algerians, leaving only Esso and Newmont Mines as outstanding cases from the post-1967 nationalizations. The minor claims from 1963 were still on the books as well. Neither party wanted to make a major issue of these formerly troublesome cases, but it was clear that if Algeria and the United States were going to enter into serious long-term economic transactions, it would be helpful to dispose of all such claims in order to avoid a possible repetition of the 1966-1967 experience.

To improve the dialogue between Algiers and Washington, in December 1970 Boumediene sent to the United States the former head of Algerian protocol, Abdelkader Bouselham, as Minister in charge of Algerian interests. A close aide to Boumediene, Small Hamdani, had already been given special responsibility in Algiers for U.S.-Algerian relations. Through these and other channels, the issues of financing and implementing the El Paso deal were discussed at length. [8]

In mid-February 1971, the head of the Export-Import Bank, Henry Kearns, visited Algeria to discuss the financing of the Algerian part of the El Paso contract. He met with virtually all top Algerian officials, including President Boumediene, and was apparently favorably impressed with the prospects for financing the construction of the liquefaction plant. Within several weeks of Kearns' visit, Algeria, then in the midst of a serious crisis with France concerning the nationalization of French oil companies, took the important step of settling its disputes with both Esso and Newmont Mines. This may have been a tacitly understood *quid pro quo* for Ex-Im Bank credits. Shortly after these settlements, the Bank did tentatively offer to finance virtually all of the Algerian costs of the El Paso projects, with the stipulation that the credits be used for the purchase of U.S. equipment. [9] The surprising ease and generosity of the offer was greatly welcomed by the Algerians. Full agreement on the El Paso contract now depended only on a favorable Federal Power Commission ruling and prior approval of the various concerned branches of the U.S. Government.

In June 1971, both the State Department and the Defense Department were prepared to inform the Federal Power Commission that they had no objection to the El Paso project on foreign policy or national security grounds. At the last minute, however, the White House, perhaps under pressures from domestic gas producers, the French oil companies, and conservative Republican interests, asked for a delay in the announcement pending a high-level review. [10] A month later the White House let it be known that it had no objection to the contract. Despite some concern over these delays, U.S. and Algerian officials both expected positive implementation of the El Paso agreement. [11] In U.S. circles, it was hoped that a favorable

FPC ruling in 1972 would lead to the prompt resumption of diplomatic relations.

#### UNITED STATES AND ALGERIAN INTERESTS

American policymakers have generally argued that the United States has three of four major interests in Algeria and in North Africa more generally. First, a number of military security issues involving Algeria have caused some concern in the U.S. Government. As former Secretary of Defense Robert McNamara saw the problem:

"The Soviet thrust into the Mediterranean and Middle East . . . represents a potentially serious threat to the equilibrium of both that area and Western Europe. The Maghreb and the Horn are the areas of Africa of most immediate strategic concern to the United States—North Africa covering the southern flank of NATO and the Horn standing at the approaches to the Red Sea and Indian Ocean. The Arab-Israeli crisis and the continued Soviet-sponsored Algerian military build-up have added to the basic instability of the area. The delivery of over \$200 million worth of Soviet equipment to Algeria since 1965 continues to alarm her moderate neighbors . . ." [12]

To prevent Algeria from providing the Soviet Union with a strong military presence in North Africa, and to prevent polarization between a U.S.-supported Morocco and a Soviet-supported Algeria, the United States has sought to provide something of an alternative to exclusive economic reliance on the Soviet Union as Algeria moves to reduce her exceedingly heavy dependence on France. One area in which the United States has been able to play a particularly effective role is the provision of advanced technology, especially for Algeria's petroleum industry. In addition to the objective of maintaining a strong Western presence in Algeria to counter possible Soviet influence, the United States has developed modest economic interests of value in Algeria. The favorable trade balance in the U.S. favor of over \$50 million is not of great importance, but the growing need for natural gas imports to the United States is contributing to American economic interests in Algeria.

While the strategic and economic interests of the United States in Algeria have been generally acknowledged without much controversy, an earlier desire to gain intangible political benefits from ties to Algeria has disappeared. During the Kennedy years, there seems to have been a desire to identify the United States with non-communist but progressive Third World countries. Because of Kennedy's early interest, Algeria for a brief period was seen as a country to be courted in the hope of convincing neutral governments throughout the world that the Cold War mentality of the Dulles era was over. This "New Frontier" philosophy does not seem to have survived long after Kennedy's death.

Algeria's interests in dealing constructively with the United States have varied somewhat over time, but generally have complemented U.S. interests reasonably well. Initially, Algeria had need of wheat to feed a substantial part of its population, and the United States was willing to provide large amounts at virtually no cost. Second, Algeria, particularly in recent years, has sought to diversify its foreign relations in order to maximize its own independence. This has led to the development of close relations with the Soviet Union in some areas, and more recently with the United States and a host of middle-range powers such as Canada. Third, the Algerians hope to gain access to U.S. technology to further their development efforts, as well as to tap U.S. financial resources and markets. The El Paso agreement is a case in point. Finally, Algerian leaders probably hope to forestall overt U.S. hostility that might take the forms of internal interference in Algerian affairs, strong backing of Morocco and

Tunisia against Algeria, or United States support of French claims against Algeria arising out of nationalizations such as those of February 1971. This latter objective in particular has required the maintenance of a constant political dialogue with the United States, which from time to time is complemented by high-level contacts. As the El Paso contract nears implementation, it is fair to say that both Algeria and the United States are relatively pleased with the manner in which their respective interests in each other have been progressing in recent years.

#### REMAINING OBSTACLES TO IMPROVED UNITED STATES-ALGERIAN COMMUNICATION

Between societies and governments as different as those of Algeria and the United States, the difficulty of communicating effectively is frequently important. Both parties find certain characteristics of the other somewhat irritating or troublesome. While in most cases this problem remains in the background, it nonetheless seems to place an outer limit on how far relations between the two countries can develop smoothly.

For U.S. officials in Algiers, the tone and content of the Algerian press is one of the most disturbing elements they have to contend with. Nearly every day the Party newspaper finds some reason to attack "U.S. imperialism" for its misdeeds around the world. Only in the field of science and technology is the United States mentioned with admiration in the press. Some Americans find it incongruous that Algeria should make major efforts to develop close economic relations while maintaining an attitude of such unreserved hostility on political and diplomatic issues. This has been a long-standing issue of dispute between Algeria and the United States, and American officials in Algiers continue to hope that eventually the press will begin to treat the United States like a respectable member of the international community, despite obvious policy differences between the two countries.

Next to the tone of the Algerian press, Americans seem most bothered by the inefficiency and incompetence of the Algerian bureaucracy. Annoying delays and excessive paperwork are expected in any French-influenced bureaucracy, but at times important projects are undermined by the failure of the administrative apparatus to produce authoritative decisions. Thus a promising program for recruiting English teachers for Algerian secondary schools was sabotaged by the inability of the Ministry of Education to process the dossiers of the American applicants in time for the school term. At the same time, Algerians profess their interest in expanding the teaching of English in the schools and request U.S. help to do so. Not surprisingly, the frustrated USA officials lose their enthusiasm for meeting their requests as they observe the results of earlier efforts.

U.S. officials often find their Algerian counterparts to be bright and competent, and cordial personal relations are at times achieved. More frequently, however, Americans feel that Algerians are excessively suspicious, uncompromising, quick to take offense at suspected slights, and generally rather touchy and aggressive. Bargaining and negotiating become difficult tasks given these Algerian characteristics and susceptibilities. At best U.S. officials hope that time, experience and greater security will soften the rather harsh contours of the Algerian personality, thereby opening the way for an easier exchange of ideas and information.

Finally, the United States would like to see Algeria take the step of restoring diplomatic relations. While considerable progress has been made even without full diplomatic ties, the normalization of relations is seen as necessary at some point as U.S.-Algerian economic contacts expand. Thus far the Algerians have been hesitant to take this step, arguing that U.S. policy in Vietnam and the



Middle East makes it difficult to restore relations at the present time.

For the Algerians, the United States is an enigma. They genuinely dislike and oppose U.S. policies in Vietnam and the Middle East, and suspect U.S. intentions elsewhere in the world. At the same time, they have been quick to appreciate the advantages of U.S. technology and have proved themselves to be skillful at dealing with private U.S. business. In fact, they have hired U.S. consulting firms to help draw up their four year plan and to search out U.S. products and services. The Algerians justify this behavior by claiming to keep economic and political considerations separate.

In some Algerian circles, the dislike of U.S. international policies is complemented by an aversion to western values and practices. A conservative, Islamic current of opinion worries about western influences on Algeria's youth, condemns mixed marriage, long hair, mini-skirts and alcohol. Even when this school of thought is out of favor, as it usually is, one may encounter among Algerian "socialists" a certain distaste for the alleged inequities of capitalist society. Naturally, the United States, along with France, figures prominently as the purveyor of both the corrupting western values and of the capitalist style of economics. For the French-educated, cosmopolitan technocratic elite in Algeria, these are not serious problems, but for a minority of vocal ideologues along various parts of the political spectrum they evoke genuine emotion that may at times take the form of opposition to the United States.

More serious than the corrupting influence of Western ideas for most Algerian officials is the fact that the United States, with its immense economic and military power, may somehow threaten Algeria directly or indirectly. To forestall such a possibility, the Algerian government has publicly called for the withdrawal of the U.S. Sixth Fleet from the Mediterranean, along with the Soviet squadron. The Algerian emphasis on the withdrawal of both Great Power fleets, however, suggests that for the present they would not welcome the unilateral departure of U.S. military power because of the possibility that Soviet influence might thereby spread more rapidly in the Mediterranean.

On the economic front, Algeria would like to correct its substantial trade imbalance with the United States, partly to reduce the possibility that Algeria's economic well-being can be manipulated from the United States. The completion of the El Paso agreement will have the result of improving the trade balance, which may reduce sensitivity on this issue.

Finally, the Algerians are somewhat wary of the workings of the American political system. They understand and profit from U.S. economic decentralization and pluralism, but find it difficult to be sure of how to deal with the U.S. Government. The arguments raised by U.S. officials that compensation claims, for example, must be settled so that future aid agreements will not be subject to Congressional veto strike some Algerians as barely disguised effort at blackmail. The role of domestic pressure groups and public opinion in shaping U.S.-foreign policy is little understood in Algerian circles.

Despite these obstacles to mutual comprehension, Americans and Algerians are learning each other's peculiarities and adapting to them reasonably well. Some useful bridges have been laid by U.S. educational and cultural efforts. Nearly 150 Algerian students have received U.S. Government scholarships in the past to study in the United States, and many of these graduates are now in prominent positions in the Ministry of Foreign Affairs or Sonatrach. Current U.S. cultural programs, amounting to a modest \$75-\$80,000 per year, have concentrated on travel grants for a small number of Algerians to visit the United States and English teaching

programs in Algeria. Two Fulbright professors also teach at the Universities of Oran and Constantine.

#### CONCLUSIONS

The policies adopted by the United States in dealing with a radical nationalist regime may have considerable impact on whether the government in question becomes a threat to U.S. interests or whether limited areas of cooperation can be established. The worse fears of U.S. officials concerned with Algeria have not come true. Algeria has not become a second Cuba, has not vigorously exported revolution to the rest of Africa, and has not provided bases to the Soviet Union from which Europe or the Sixth Fleet might be threatened. It is not implausible, however, to believe that if the United States had adopted an uncompromisingly hard line toward Algeria, some of these fears might have become reality. Strong U.S. pressure against them could easily have encouraged Algerians to respond by threatening U.S.-backed regimes on their borders and calling for attacks on U.S. interests throughout the Arab world. By adopting a relatively relaxed posture toward Algeria, the United States insured that the door to good relations would be open whenever common interests brought the two countries together. By 1969, this policy began to pay dividends, as the Algerians, feeling relatively secure for the first time since independence, were able to approach the United States on a basis of equality, rather than as seeker of aid without strings. U.S. officials by this time had also abandoned some of their simplistic views of "revolutionary" Algeria and were prepared for business-like relations.

The key to successful U.S.-Algerian relations in recent years has been the adoption of modest, and therefore possibly realistic, expectations about each other in Washington and Algiers. Neither side believes it can manipulate the internal or foreign policies of the other. Algeria will continue to oppose the United States on Vietnam and the Middle East, and the United States will continue to live quite easily with such criticism. [13]

The Algerians would like to keep economics and politics separate, and up to a point this may be feasible. Trade, the transfer of technology, and joint ventures like the El Paso deal seem to provide a fairly sound basis for good relations. These economic ties are less susceptible to political strains than direct U.S. investment, which the Algerians do not seem to want, and operations in the host country. They are also less vulnerable to U.S. domestic politics than aid programs, which require periodic Congressional approval. Neither side is likely to be tempted to use economic levers stemming from trade and joint ventures for political purposes. By way of contrast, aid programs are likely to have strong political overtones, and private U.S. companies can be held hostage by the host country in the hope of political gain. Unlike the cases in other parts of the world where U.S. business activities cause political problems for the United States, in Algeria improved political relations have been a consequence of vigorous U.S. private sector activity involving trade and the transfer of technology.

The absence of diplomatic relations has not thus far been a major impediment to the improvement of U.S.-Algerian relations. A good dialogue has been possible even without formal ties. The United States cannot, however, offer aid to Algeria or investment guarantees to U.S. companies operating in Algeria in the absence of diplomatic relations. While Algerians have disclaimed interest in aid programs, they would nonetheless like to purchase wheat on concessional terms which is only possible now through the PL 480 program. Thus, diplomatic relations might lead to a restoration of some U.S. economic assistance to Algeria,

although not on the terms or scale of earlier years.

Extensive economic relations with Algeria in the future seem likely to produce favorable political side-benefits. Algeria will continue to see itself as a "nationalist, socialist and anti-imperialist" state, but if provided an alternative to heavy dependence on France or the USSR, she will remain independent in foreign policy and probably interested above all in regional stability and rapid economic development. As the scale of U.S.-Algerian relations increases, and as the stakes involved grow on both sides, it is possible that points of frictions and temptations to try to manipulate each other will also grow, although current expectations all run in the opposite direction. In any case, both countries are starting from a fairly realistic base-line in 1971, and it seems unlikely that major changes in the quality of relations will take place in the near future.

The U.S.-Algerian case suggests that countries with quite different political systems and foreign policy objectives may take some time to adapt to each other. This process of accommodation and maturation may be greatly facilitated by a relaxed attitude on the part of the stronger, and potentially more threatening of the partners. It is also aided by the absence of crises and the acceptance of limited objectives by both governments. In contrast to its dealings with the UAR, where Americans have sought major goals in the midst of periodic crises, the United States is likely to be able to sustain relatively good relations with Algeria at low cost and with modest benefits, over a long period based on expanding economic ties. Such a result would have the welcome advantage for the United States of preventing North Africa from becoming an area of U.S.-Soviet tension on the pattern of the Middle East.

#### SOURCE NOTES

1. A major program of health care, involving the creation of an eye disease treatment center at Beni Messous, was opposed by AID because it was not "developmental." It was, however, much needed and appreciated by the Algerians.
2. Arthur Schlesinger has reported that . . . "Kennedy's disappointment over Ben Bella's erratic behavior did not divert him from his course. He felt that the antimperialist extravagance of Algeria was more the result of mood than of doctrine or discipline; that the present state of affairs was not necessarily permanent; that the United States should maintain a presence and help direct Ben Bella's energies toward the welfare of his own people." *A Thousand Days* (Boston: Houghton Mifflin Co.; 1965), p. 565.
3. *The New York Times*, November 11, 1963.
4. *Ibid.*, April 12, 1964.
5. *The New York Times*, January 5, 1966.
6. More information on internal Algerian developments can be found in my *Revolution and Political Leadership: Algeria 1954-1968* (Cambridge: The M.I.T. Press, 1969), and "Algeria, The Revolution Turns Inward," *Mid East*, August 1970.
7. From 1966 to 1968 the United States was the second largest provider of goods to Algeria and third in overall trade, well ahead of the USSR.
8. On the political front, the Algerians responded to U.S. requests to help obtain information from Hanoi on U.S. prisoners in Vietnam. Two lists were eventually communicated to Washington.
9. By fall 1971, the Export-Import Bank was considering financing projects in Algeria totalling nearly \$800 million.
10. *The New York Times*, June 16, 1971.
11. For both El Paso and the Algerians, the delays were more than just an annoyance. El Paso faced important decisions over the purchase of liquid natural gas tankers that could not be made until the FPC approval was certain. Algeria, because of clauses in

the contract for the construction of the liquefaction plant, had to submit to penalties which increased the cost of the plant by one and one-half million dollars per month agreed to absorb these losses without passing on the cost to El Paso for a period up to six months. If the FPC does not rule by April 1972, the likelihood of successful completion of the El Paso-Sonatrach deal would be jeopardized, and with it the whole fabric of U.S.-Algerian relations.

12. Robert S. McNamara, *The Essence of Security* (New York: Harper and Row, 1968), p. 28. McNamara earlier states that he does not believe Algeria will give "full base rights" to the Soviets.

13. As the war in Vietnam comes to an end, however, and as a new American policy in Asia is developed, and as the Middle East crises stagnates in its unresolved state, these points of contention may take on less importance in any case.

## CHINA TRADE ACT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES  
Wednesday, February 23, 1972

Mr. RARICK. Mr. Speaker, a review of the China Trade Act of 1922, 15 U.S.C. 141, and so forth, along with the many tax shelters found in title 26, sections 246, 901, 941, 942, 943, 1504, 6072, and 6091 may offer some insight into the great expectations sought to be gained by a few through renewed trade with the mainland China.

The China Trade Act has not been rescinded nor repealed but was only restricted by 22 U.S.C. 2370(f) "unless the President finds and promptly reports to Congress that: First, such assistance is vital to the security of the United States."

All that now needs be decided is that our President's quest for peace with the Red Chinese leaders is buyable as "vital to the security of the United States" and "in the national interest."

I insert 15 U.S.C. 141, and so forth, the China Trade Act of 1922, as of January 20, 1971, and 22 U.S.C. 2370 (f) and (i) after my remarks:

[From the United States Code, 1970 edition]

### CHAPTER 4.—CHINA TRADE

- Sec.
- 141. Short title.
- 142. Definitions.
- 143. Registrar; designation; station; supervision by Secretary of Commerce.
- 144. Incorporation; articles; business prohibited; subscription to stock.
- 144a. Same; perpetual existence fee.
- 145. Certificate of incorporation.
- 146. General powers of corporation.
- 146a. Jurisdiction of suits by or against China Trade Act corporation.
- 147. Stock; issuance at par value.
- 148. Same; payment in real or personal property.
- 149. Bylaws.
- 150. Stockholders' meetings.
- 151. Directors.
- 152. Reports; records for public inspection.
- 153. Dividends.
- 154. Investigations by registrar; revocation of certificate of incorporation.
- 155. Authority of registrar in obtaining evidence.
- 156. Dissolution of corporation; trustees.
- 157. Regulations and fees; disposition of fees and penalties.

- 158. False or fraudulent statements prohibited; penalties.
- 159. Unauthorized use of legend; penalty.
- 160. Maintenance of agent for service.
- 161. Alteration, amendment, or repeal.
- 162. Creation of China corporations restricted.

### CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 26 sections 246, 901, 941, 942, 943, 1504, 6072, 6091, § 141. Short title.

This chapter may be cited as the "China Trade Act, 1922." (Sept. 19, 1922, ch. 346, § 1, 42 Stat. 849.)

### CROSS REFERENCES

Assistance under foreign assistance provisions to Peoples Republic of China, Tibet, Outer Mongolia-Mongolian Peoples Republic prohibited except upon express findings of the President, see section 2370 of Title 22, Foreign Relations and Intercourse. § 142. Definitions.

When used in this chapter, unless the context otherwise indicates—

(a) The term "person" includes individual, partnership, corporation, and association;

(b) The term "China" means (1) China including Manchuria, Tibet, Mongolia, and any territory leased by China to any foreign government, (2) the Crown Colony of Hongkong, and (3) the Province of Macao;

(c) The terms "China Trade Act corporation" and "corporation" mean a corporation chartered under the provisions of this chapter;

(d) The term "Federal district court" means any Federal district court, and the United States District Court for the District of Columbia;

(e) The term "Secretary" means the Secretary of Commerce; and

(f) The term "registrar" means the China Trade Act registrar appointed under section 143 of this title. (Sept. 19, 1922, ch. 346, § 2, 42 Stat. 849; June 25, 1936, ch. 804, 49 Stat. 1921; Treaty Jan. 11, 1943, 57 Stat. 767; June 25, 1948, ch. 446, § 32(a), 62 Stat. 991; May 24, 1949, ch. 139, § 127, 63 Stat. 107.)

### CODIFICATION

Words "the United States Court for China" were deleted from the definition of term "Federal district court" under the authority of Treaty between the United States and the Republic of China, 57 Stat. 767, which was signed in Washington, Jan. 11, 1943, ratified by the United States Senate on Feb. 11, 1943, ratified by the President on May 4, 1943, and ratified by the Republic of China on Feb. 4, 1943, by which the United States relinquished all extraterritorial jurisdiction and rights in China.

Congress by private act Dec. 22, 1944, ch. 691, 58 Stat. 1086, provided for the relief of certain former employees of the United States Court for China for the period of July 1, 1942 to May 20, 1943, on which date the Court ceased to exist.

### CHANGE OF NAME

Act June 25, 1948, eff. Sept. 1, 1948, as amended by act May 24, 1949, substituted "United States District Court for the District of Columbia" for "district court of the United States for the District of Columbia".

Act June 25, 1936, substituted "district court of the United States for the District of Columbia" for "Supreme Court of the District of Columbia".

§ 143 Registrar; designation; station; supervision by Secretary of Commerce.

The Secretary of Commerce may authorize such Foreign Service officer as Secretary of State shall make available to perform duties of China Trade Act Registrar under his direction. The official station of the registrar shall be in China at a place to be designated by the Secretary. All functions vested in the registrar by this chapter shall be admin-

istered by him under the supervision of the Secretary; except that upon appeal to the Secretary in such manner as he shall by regulation prescribe, any action of the registrar may be affirmed, modified, or set aside by the Secretary as he deems advisable. (Sept. 19, 1922, ch. 346, § 3, 42 Stat. 850; 1939 Reorg. Plan No. II, § 1(d), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1431.)

### TRANSFER OF FUNCTIONS

Secretary of Commerce may authorize such Foreign Service officer as Secretary of State shall make available to perform duties of China Trade Act Registrar under direction of Secretary of Commerce to conform to 1939 Reorg. Plan No. II, set out in the Appendix to Title 5, Government Organization and Employees.

### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 18 section 6001.

§ 144. Incorporation; articles; business prohibited; subscription to stock.

(a) Three or more individuals (hereinafter in this chapter referred to as "incorporators"), a majority of whom are citizens of the United States, may as hereinafter in this chapter provided, form a District of Columbia corporation for the purpose of engaging in business within China.

(b) The incorporators may adopt articles of incorporation which shall be filed with the Secretary at his office in the District of Columbia and may thereupon make application to the Secretary for a certificate of incorporation in such manner and form as shall be by regulation prescribed. The articles of incorporation shall state—

(1) The name of the proposed China Trade Act corporation, which shall end with the legend, "Federal Inc. U.S.A.", and which shall not, in the opinion of the Secretary, be likely in any manner to mislead the public;

(2) The location of its principal office, which shall be in the District of Columbia;

(3) The particular business in which the corporation is to engage;

(4) The amount of the authorized capital stock, the designation of each class of stock, the terms upon which it is to be issued, and the number and par value of the shares of each class of stock;

(5) The duration of the corporation, which may be perpetual or for a limited period;

(6) The names and addresses of at least three individuals (a majority of whom, at the time of designation and during their term of office, shall be citizens of the United States), to be designated by the incorporators, who shall serve as temporary directors; and

(7) The fact that an amount equal to 25 per centum of the amount of the authorized capital stock has been in good faith subscribed to.

(c) A China Trade Act corporation shall not engage in the business of discounting bills, notes, or other evidences of debt, or receiving deposits, or of buying and selling bills of exchange, or of issuing bills, notes, or other evidences of debt, for circulation as money; nor engage in any other form of banking business; nor engage in any form of insurance business; nor engage in, nor be formed to engage in, the business of owning or operating any vessel, unless the controlling interest in such corporation is owned by citizens of the United States, within the meaning of section 802 of Title 46.

(d) No certificate of incorporation shall be delivered to a China Trade Act corporation and no incorporation shall be complete until at least 25 per centum of its authorized capital stock has been paid in cash, or, in accordance with the provisions of section 148 of this title, in real or personal property which has been placed in the custody of the directors, and such corporation has filed a statement to this effect under



oath with the registrar within six months after the issuance of its certificate of incorporation, except that the registrar may grant additional time for the filing of such statement upon application made prior to the expiration of such six months. If any such corporation transacts business in violation of this subdivision of this section or fails to file such statement within six months, or within such time as the registrar prescribes upon such application, the registrar shall institute proceedings under section 154 of this title for the revocation of the certificate. (Sept. 19, 1922, ch. 346, § 4, 42 Stat. 850; Feb. 26, 1925, ch. 345, §§ 1-5, 43 Stat. 995; June 25, 1938, ch. 696, § 1, 52 Stat. 1195.)

#### CODIFICATION

Sections 1-5 of act Feb. 26, 1925, amended subsecs. (a), (b) (6), (7), and (c) of section 4 of act Sept. 19, 1922, and added subsec. (d).

#### AMENDMENTS

1938—Subsec. (b) (5). Act June 25, 1938, amended subsec. (b) (5) generally.

#### EFFECTIVE DATE OF 1938 AMENDMENT

Act June 25, 1938, provided that the amendment shall apply to China Trade Act corporations created after the date of enactment of the act.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 148 of this title.

§ 144a. Same; perpetual existence fee.

Any China Trade Act corporation existing on June 25, 1938, may make its existence perpetual only upon application to the Secretary of Commerce to amend its charter in that respect and upon payment of a fee equivalent to the incorporation fee. Upon receipt of such application and the payment of such prescribed fee, the Secretary shall approve such application and the charter of the corporation shall be amended accordingly. (June 25, 1938, ch. 696, § 2, 52 Stat. 1196.)

#### CODIFICATION

Section was not enacted as part of the China Trade Act, 1922, which comprises this chapter.

§ 145. Certificate of incorporation.

The Secretary shall, upon the filing of such application, issue a certificate of incorporation certifying that the provisions of this chapter have been complied with and declaring that the incorporators are a body corporate, if (a) an incorporation fee of \$100 has been paid him; (b) he finds that the articles of incorporation and statements therein conform to the requirements of, and that the incorporation is authorized by, this chapter; and (c) he finds that such corporation will aid in developing markets in China for goods produced in the United States. A copy of the articles of incorporation shall be made a part of the certificate of incorporation and printed in full thereon. Any failure, previous to the issuance of the certificate of incorporation, by the incorporators or in respect to the application for the certificate of incorporation, to conform to any requirement of law which is a condition precedent to such issuance, may not subsequent thereto be held to invalidate the certificate of incorporation or alter the legal status of any act of a China Trade Act corporation, except in proceedings instituted by the registrar for the revocation of the certificate of incorporation. (Sept. 19, 1922, ch. 346, § 5, 42 Stat. 850.)

§ 146. General powers of corporation.

In addition to the powers granted elsewhere in this chapter, a China Trade Act corporation—

- (a) Shall have the right of succession during the existence of the corporation;
- (b) Shall have a corporate seal and may, with the approval of the Secretary, alter it;
- (c) May sue and be sued;

(d) Shall have the right to transact the business authorized by its articles of incorporation and such further business as is properly connected therewith or necessary and incidental thereto;

(e) May make contracts and incur liabilities;

(f) May acquire and hold real or personal property, necessary to effect the purpose for which it is formed, and dispose of such property when no longer needed for such purposes;

(g) May borrow money and issue its notes, coupon or registered bonds, or other evidences of debt, and secure their payment by a mortgage of its property; and

(h) May establish such branch offices at such places in China as it deems advisable. (Sept. 19, 1922, ch. 346, § 6, 42 Stat. 851; Feb. 26, 1925, ch. 345, § 6, 43 Stat. 996.)

#### CODIFICATION

Act Feb. 26, 1925, amended section 6 of act Sept. 19, 1922, by substituting "Shall" for "May" in par. (b).

#### TREATY

Par. (h) of this section has been affected by the 1943 Treaty between United States of America and the Republic of China, 57 Stat. 767, in which the United States relinquished all extraterritorial jurisdiction and rights in China. See note set out under section 142 of this title.

§ 146a. Jurisdiction of suits by or against China Trade Act corporation.

The Federal district courts shall have exclusive original jurisdiction of all suits (except as provided by sections 191 to 197, 199, 200, and 202 of Title 22, as amended) to which a China Trade Act corporation, or a stockholder, director, or officer thereof in his capacity as such, is a party. Suit against the corporation may be brought in the United States District Court for the District of Columbia or in the Federal district court for any district in which the corporation has an agent and is engaged in doing business. (Sept. 19, 1922, ch. 346, § 20 (a), 42 Stat. 855; Feb. 26, 1925, ch. 345, § 10, 43 Stat. 996; June 25, 1938, ch. 804, 49 Stat. 1921; Treaty of Jan. 11, 1943, 57 Stat. 767; June 25, 1948, ch. 646, § 32 (a), 62 Stat. 991; May 24, 1949, ch. 139, § 127, 63 Stat. 107.)

#### REFERENCES IN TEXT

Sections 191 to 197, 199, 200 and 202 of Title 22, referred to in the text, related to the United States Court for China. These sections were omitted from the Code and were subsequently repealed by act June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948.

#### CODIFICATION

Section comprises subsec. (a) of section 20 of act Sept. 19, 1922, as amended by act Feb. 26, 1925. Subsec. (b) of section 20 is classified to section 160 of this title.

The provision that suits against the China Trade Act corporation might also be brought in the United States Court for China was omitted as that court is no longer in operation. By the treaty of Jan. 11, 1943, between the United States and China, the United States relinquished extraterritorial rights in China.

#### CHANGE OF NAME

Act June 25, 1948, eff. Sept. 1, 1948, as amended by act May 24, 1949, substituted "United States District Court for the District of Columbia" for "district court of the United States for the District of Columbia".

Act June 25, 1936, changed name of "Supreme Court of the District of Columbia" to "district court of the United States for the District of Columbia".

§ 147. Stock; issuance at par value.

Each share of the original or any subsequent issue of stock of a China Trade Act corporation shall be issued at not less than par value, and shall be paid for in cash, or in accordance with the provisions of section

148 of this title, in real or personal property which has been placed in the custody of the directors. No such share shall be issued until the amount of the par value thereof has been paid the corporation; and when issued, each share shall be held to be full paid and nonassessable; except that if any share is, in violation of this section, issued without the amount of the par value thereof having been paid to the corporation, the holder of such share shall be liable in suits by creditors for the difference between the amount paid for such share and the par value thereof. (Sept. 19, 1922, ch. 346, § 7, 42 Stat. 851; Feb. 26, 1925, ch. 345, § 7, 43 Stat. 996.)

#### CODIFICATION

Act Feb. 26, 1925, amended section 7 of act Sept. 19, 1922, by substituting "not less than par value" for "par value only".

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 148 of this title.

§ 148. Same; payment in real or personal property.

No share of stock of a China Trade Act corporation shall, for the purposes of section 147 of this title or of subdivision (d) of section 144 of this title, be held paid in real or personal property unless (1) a certificate describing the property and stating the value at which it is to be received has been filed by the corporation with the Secretary or the registrar in such manner as shall be by regulation prescribed, and a fee to be fixed by the Secretary or the registrar, respectively, to cover the cost of any necessary investigation has been paid, and (2) the Secretary or the registrar, as the case may be, finds and has certified to the corporation that such value is not more than the fair market value of the property. (Sept. 19, 1922, ch. 346, § 8, 42 Stat. 851.)

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 144, 147 of this title.

§ 149. Bylaws.

The bylaws may provide—

(a) The time, place, manner of calling, giving notice, and conduct of, and determination of a quorum for, the meetings, annual or special, of the stockholders or directors;

(b) The number, qualifications, and manner of choosing and fixing the tenure of office and compensation of all directors; but the number of such directors shall be not less than three, and a majority of the directors, and the president and the treasurer, or each officer holding a corresponding office, shall, during their tenure of office, be citizens of the United States resident in China.

(c) The manner of calling for and collecting payments upon shares of stock, the penalties and forfeitures for nonpayment, the preparation of certificates of the shares, the manner of recording their sale or transfer, and the manner of their representation at stockholders' meetings. (Sept. 19, 1922, ch. 346, § 9, 42 Stat. 852; Feb. 26, 1925, ch. 345, § 8, 43 Stat. 996.)

#### CODIFICATION

Act Feb. 26, 1925, amended section 9(b) of act Sept. 19, 1922.

§ 150. Stockholders' meetings.

(a) Within six months after the issuance of the certificate of incorporation of a China Trade Act corporation there shall be held a stockholders' meeting either at the principal office or a branch office of the corporation. Such meeting shall be called by a majority of the directors named in the articles of incorporation and each stockholder shall be given at least ninety days' notice of the meeting either in person or by mail. The holders of two-thirds of the voting shares, represented in person or by proxy, shall constitute a quorum at such meeting authorized to transact business. At this meeting or an adjourned meeting thereof a code of bylaws

for the corporation shall be adopted by a majority of the voting shares represented at the meeting.

(b) The following questions shall be determined only by the stockholders at a stockholders' meeting:

(1) Adoption of the bylaws;

(2) Amendments to the articles of incorporation or bylaws;

(3) Authorization of the sale of the entire business of the corporation or of an independent branch of such business;

(4) Authorization of the voluntary dissolution of the corporation; and

(5) Authorization of application for the extension of the period of education of the corporation.

(c) The adoption of any such amendment or authorization shall require the approval of at least two-thirds of the voting shares. No amendment to the articles of incorporation or authorization for dissolution or extension shall take effect until (1) the corporation files a certificate with the Secretary stating the action taken, in such manner and form as shall be by regulation prescribed, and (2) such amendment or authorization is found and certified by the Secretary to conform to the requirements of this chapter.

(d) A certified copy of the bylaws and amendments thereof and of the minutes of all stockholders' meetings of the corporation shall be filed with the registrar. (Sept. 19, 1922, ch. 346, § 10, 42 Stat. 852; Feb. 26, 1925, ch. 345, § 9, 43 Stat. 996.)

#### CODIFICATION

Act Feb. 26, 1925, amended section 10(a) of act Sept. 19, 1922, by inserting "representative in person or by proxy," in third sentence after "voting shares".

#### § 151. Directors.

The directors designated in the articles of incorporation shall, until their successors take office, direct the exercise of all powers of a China Trade Act corporation except such as are conferred upon the stockholders by law or by the articles of incorporation or bylaws of the corporation. Thereafter the directors elected in accordance with the bylaws of the corporation shall direct the exercise of all powers of the corporation except such as are so conferred upon the stockholders. In the exercise of such powers the directors may appoint and remove and fix the compensation of such officers and employees of the corporation as they deem advisable. (Sept. 19, 1922, ch. 346, § 11, 42 Stat. 852.)

#### § 152. Reports; records for public inspection.

(a) For the purposes of this chapter the fiscal year of a China Trade Act corporation shall correspond to the calendar year. The corporation shall make and file with the registrar, in such manner and form and at such time as shall be by regulation prescribed, a report of its business for each such fiscal year and of its financial condition at the close of the year. The corporation shall furnish a true copy of the report to each of its stockholders.

(b) The registrar shall file with the Secretary copies of all reports, certificates, and certified copies received or issued by the registrar under the provisions of this chapter. The Secretary shall file with the registrar copies of all applications for a certificate of incorporation, and certificates received or issued by the Secretary under the provisions of this chapter. All such papers shall be kept on record in the offices of the registrar and the Secretary, and shall be available for public inspection under such regulations as may be prescribed. (Sept. 19, 1922, ch. 346, § 12, 42 Stat. 853.)

#### § 153. Dividends.

Dividends declared by a China Trade Act corporation shall be derived wholly from the surplus profits of its business. (Sept. 19, 1922, ch. 346, § 13, 42 Stat. 853.)

#### § 154. Investigations by registrar; revocation of certificate of incorporation.

The registrar may, in order to ascertain if the affairs of a China Trade Act corporation are conducted contrary to any provision of this chapter, or any other law, or any treaty of the United States, or the articles of incorporation or bylaws of the corporation, investigate the affairs of the corporation. The registrar, whenever he is satisfied that the affairs of any China Trade Act corporation are or have been so conducted, may institute in the United States Court for China proceedings for the revocation of the certificate of incorporation of the corporation. The court may revoke such certificate if it finds the affairs of such corporation have been so conducted. Pending final decision in the revocation proceedings the court may at any time, upon application of the registrar or upon its own motion, make such orders in respect to the conduct of the affairs of the corporation as it deems advisable. (Sept. 19, 1922, ch. 346, § 14, 42 Stat. 853.)

#### REFERENCES IN TEXT

The United States Court for China, referred to in the text, has been abolished. See note under section 142 of this title.

#### § 155. Authority of registrar in obtaining evidence.

(a) For the efficient administration of the functions vested in the registrar by this chapter he may require, by subpoena issued by him or under his direction, (1) the attendance of any witness and the production of any book, paper, document, or other evidence from any place in China at any designated place of hearing in China, or, if the witness is actually resident or temporarily sojourning outside of China, at any designated place of hearing within fifty miles of the actual residence or place of sojourn of such witness, and (2) the taking of a deposition before any designated person having power to administer oaths. In the case of a deposition, the testimony shall be reduced to writing by the person taking the deposition or under his direction, and shall then be subscribed by the deponent. The registrar, or any officer, employee, or agent of the United States authorized in writing by him, may administer oaths and examine any witness. Any witness summoned or whose deposition is taken under this section shall be paid the same fees and mileage as are paid witnesses in the courts of the United States.

(b) In the case of failure to comply with any subpoena or in the case of the contumacy of any witness before the registrar or any individual so authorized by him, the registrar or such individual may invoke the aid of any Federal district court. Such court may thereupon order the witness to comply with the requirements of such subpoena and to give evidence touching the matter in question. Any failure to obey such order may be punished by such court as a contempt thereof.

(c) Repealed. Pub. L. 91-452, title II, § 217, Oct. 15, 1970, 84 Stat. 929.

(d) For the efficient administration of the functions vested in the registrar by this chapter, he, or any officer, employee, or agent of the United States authorized in writing by him, shall at all reasonable times, for the purpose of examination, have access to and the right to copy any book, account, record, paper, or correspondence relating to the business or affairs of a China Trade Act corporation. Any person who upon demand refuses the registrar, or any duly authorized officer, employee, or agent, such access or opportunity to copy, or hinders, obstructs, or resists him in the exercise of such right, shall be liable to a penalty of not more than \$5,000 for each such offense. Such penalty shall be recoverable in a civil suit brought in the name of the United States. (Sept. 19, 1922, ch. 346, § 15, 42 Stat. 853; Oct. 15, 1970, Pub. L. 91-452, title II, § 217, 84 Stat. 929.)

#### AMENDMENTS

1970—Subsec. (c). Pub. L. 91-452 struck out subsec. (c) which granted immunity from prosecution for any natural person testifying in obedience to a subpoena.

#### EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-452 effective on the sixtieth day following Oct. 15, 1970, see section 260 of Pub. L. 91-452, set out as a note under section 6001 of Title 18, Crimes and Criminal Procedure.

#### SAVINGS PROVISION

Amendment by Pub. L. 91-452 not to affect any immunity to which any individual is entitled under this section by reason of any testimony given before the sixtieth day following Oct. 15, 1970, see section 260 of Pub. L. 91-452, set out as a note under section 6001 of Title 18, Crimes and Criminal Procedure.

#### CROSS REFERENCES

Immunity of witnesses, see section 6001 et seq. of Title 18, Crimes and Criminal Procedure.

Treaty between United States and China nullifying extraterritorial rights, see note set out under section 142 of this title.

#### FEDERAL RULES OF CRIMINAL PROCEDURE

Application of section under rule 42, see note by Advisory Committee under rule 42, Title 18, Appendix, Crimes and Criminal Procedure.

#### § 156. Dissolution of corporation; trustees.

In case of the voluntary dissolution of a China Trade Act corporation or revocation of its certificate of incorporation, the directors of the corporation shall be trustees for the creditors and stockholders of the corporation; except that upon application to the United States Court for China by any interested party, or upon the motion of any court of competent jurisdiction in any proceeding pending before it, the court may in its discretion appoint as the trustees such persons, other than the directors, as it may determine. The trustees are invested with the powers, and shall do all acts, necessary to wind up the affairs of the corporation and divide among the stockholders according to their respective interests the property of the corporation remaining after all obligations against it have been settled. For the purposes of this section the trustees may sue and be sued in the name of the corporation and shall be jointly and severally liable to the stockholders and creditors of the corporation to the extent of the property coming into their hands as trustees. (Sept. 19, 1922, ch. 346, § 16, 42 Stat. 854.)

#### REFERENCES IN TEXT

The United States Court for China, referred to in the text, has been abolished. See note under section 142 of this title.

#### § 157. Regulations and fees; disposition of fees and penalties.

(a) The Secretary is authorized to make such regulations as may be necessary to carry into effect the functions vested in him or in the registrar by this chapter.

(b) The Secretary is authorized to prescribe and fix the amount of such fees (other than the incorporation fee) to be paid him or the registrar for services rendered by the Secretary or the registrar to any person in the administration of the provisions of this chapter. All fees and penalties paid under this chapter shall be covered into the Treasury of the United States as miscellaneous receipts. (Sept. 19, 1922, ch. 346, § 17, 42 Stat. 854.)

#### § 158. False or fraudulent statements prohibited; penalties.

No stockholder, director, officer, employee, or agent of a China Trade Act corporation shall make, issue, or publish any statement written or oral, or advertisement in any form, as to the value or as to the facts af-



fecting the value of stocks, bonds, or other evidences of debt, or as to the financial condition or transactions, or facts affecting such condition or transactions, of such corporation if it has issued or is to issue stock, bond, or other evidences of debt, whenever he knows or has reason to believe that any material representation in such statement or advertisement is false. No stockholder, director, officer, employee, or agent of a China Trade Act corporation shall, if all the authorized capital stock thereof has not been paid in, make, issue, or publish any written statement or advertisement, in any form, stating the amount of the authorized capital stock without also stating at the amount actually paid in, a sum not greater than the amount paid in. Any person violating any provisions of this section shall, upon conviction thereof, be fined not more than \$5,000 or imprisoned not more than ten years, or both. (Sept. 19, 1922, ch. 346, § 18, 42 Stat. 855.)

§ 159. Unauthorized use of legend; penalty.

No individual, partnership, or association, or corporation not incorporated under this chapter or under a law of the United States, shall engage in business within China under a name in connection with which the legend "Federal Inc. U.S.A." is used. Any person violating this section shall, upon conviction thereof, be fined not more than \$1,000 for each violation. (Sept. 19, 1922, ch. 346, § 19, 42 Stat. 855.)

§ 160. Maintenance of agent for service.

Every China Trade Act corporation shall maintain in the District of Columbia a person as its accredited agent, upon whom legal process may be served, in any suit to be brought in the United States District Court for the District of Columbia, and who is authorized to enter an appearance in its behalf. In the event of the death or inability to serve, or the resignation or removal, of such person, such corporation shall, within such time as the Secretary by regulation prescribes, appoint a successor. Such corporation shall file with the Secretary a certified copy of each power of attorney appointing a person under this section, and a certified copy of the written consent of each person so appointed. (Sept. 19, 1922, ch. 346, § 20 (b), 42 Stat. 855; Feb. 26, 1925, ch. 345, § 10, 43 Stat. 996; June 25, 1936, ch. 804, 49 Stat. 1921; June 25, 1948, ch. 646, § 32 (a), 62 Stat. 991; May 24, 1949, ch. 139, § 127, 63 Stat. 107.)

#### CODIFICATION

Section comprises subsec. (b) of section 20 of act Sept. 19, 1922, as amended by act Feb. 26, 1925. Subsec. (a) of section 20 is classified to section 146a of this title.

#### CHANGE OF NAME

Act June 25, 1948, eff. Sept. 1, 1948, as amended by act May 24, 1949, substituted "United States District Court for the District of Columbia" for "district court of the United States for the District of Columbia."

Act June 25, 1936, changed name of "Supreme Court of the District of Columbia" to "district court of the United States for the District of Columbia".

§ 161. Alteration, amendment, or repeal.

The Congress of the United States reserves the right to alter, amend, or repeal any provision of this chapter. (Sept. 19, 1922, ch. 346, § 28, 42 Stat. 856.)

§ 162. Creation of China corporations restricted.

No corporation for the purpose of engaging in business within China shall be created under any law of the United States other than this chapter. (Sept. 19, 1922, ch. 346, § 29, as added Feb. 26, 1925, ch. 345, § 13, 43 Stat. 997.)

#### 22 § 2370—FOREIGN RELATIONS PROHIBITION AGAINST ASSISTANCE TO COMMUNIST COUNTRIES; CONDITIONS FOR WAIVER OF RESTRICTION BY PRESIDENT; ENUMERATION OF COMMUNIST COUNTRIES

(f) No assistance shall be furnished under this chapter (except section 2174(b) of this title) to any Communist country. This restriction may not be waived pursuant to any authority contained in this chapter unless the President finds and promptly reports to Congress that: (1) such assistance is vital to the security of the United States; (2) the recipient country is not controlled by the international Communist conspiracy; and (3) such assistance will further promote the independence of the recipient country from international communism. For the purposes of this subsection, the phrase "Communist country" shall include specifically, but not be limited to, the following countries:

Peoples Republic of Albania,  
Peoples Republic of Bulgaria,  
Peoples Republic of China,  
Czechoslovak Socialist Republic,  
German Democratic Republic (East Germany),  
Estonia,  
Hungarian Peoples Republic,  
Latvia,  
Lithuania,  
North Korean Peoples Republic,  
North Vietnam,  
Outer Mongolia-Mongolian Peoples Republic,  
Polish Peoples Republic,  
Rumanian Peoples Republic,  
Tibet,  
Federal Peoples Republic of Yugoslavia,  
Cuba, and  
Union of Soviet Socialist Republics (including its captive constituent republics).

#### DENIAL OF ASSISTANCE TO COUNTRIES PREPARING FOR AGGRESSIVE MILITARY EFFORT

(1) No assistance shall be provided under this chapter or any other Act, and no sales shall be made under the Agricultural Trade Development and Assistance Act of 1954, to any country which the President determines is engaging in or preparing for aggressive military efforts, or which hereafter is officially represented at any international conference when that representation includes the planning of activities involving insurrection or subversion, which military efforts, insurrection, or subversion, are directed against—

(1) the United States,  
(2) any country receiving assistance under this chapter or any other Act, or  
(3) any country to which sales are made under the Agricultural Trade Development and Assistance Act of 1954,  
until the President determines that such military efforts or preparations have ceased, or such representation has ceased, and he reports to the Congress that he has received assurances satisfactory to him that such military efforts or preparations will not be renewed, or that such representation will not be renewed or repeated. This restriction may not be waived pursuant to any authority contained in this chapter.

PUBLIC LAW 92-126, 92ND CONGRESS, S. 581,  
AUGUST 17, 1971

An Act to amend the Export-Import Bank Act of 1945, to eliminate certain export credit controls, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Export Expansion Finance Act of 1971".

(b) The Export-Import Bank Act of 1945 (12 U.S.C. 635 and following) is amended as follows:

(5) Section 2(b)(3) of such Act is amended to read as follows:

"(3) The Bank shall not guarantee, insure, or extend credit, or participate in the extension of credit in connection with (A) the purchase of any product, technical data, or other information by a national or agency of any nation which engages in armed conflict, declared or otherwise, with the Armed Forces of the United States, or (B) the purchase by any nation (or national or agency thereof) of any product, technical data, or other information which is to be used principally by or in any such nation described in clause (A). The Bank shall not guarantee, insure, or extend credit, or participate in the extension of credit in connection with the purchase of any product, technical data, or other information by a national or agency of any nation if the President determines that any such transaction would be contrary to the national interest."

SEC. 2. In connection with section 2 of Executive Order Number 11387, dated January 1, 1968, and any rule, regulation, or guideline established by the Board of Governors of the Federal Reserve System in connection with a voluntary foreign credit restraint program, there shall be no limitation or restraint, or suggestion that there be a limitation or restraint, on the part of any bank or financial institution in connection with the extension of credit for the purpose of financing exports of the United States.

Approved August 17, 1971.

#### LEGISLATIVE HISTORY

House Reports No. 92-303 accompanying H.R. 8181 (Comm. on Banking and Currency) and No. 92-435 (Comm. of Conference).

Senate Report No. 92-51 (Comm. on Banking, Housing and Urban Affairs).

Congressional Record, Vol. 117 (1971):

Apr. 5, considered and passed Senate.

July 8, considered and passed House, amended, in lieu of H.R. 8181.

Aug. 2, Senate agreed to conference report.

Aug. 5, House agreed to conference report.

#### ESTONIAN INDEPENDENCE DAY

#### HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mrs. GRASSO. Mr. Speaker, it is certainly in keeping with the American tradition and that of freedom-loving people throughout the world to pay tribute to the 54th anniversary of Estonian Independence Day.

Since early in the 13th century, the proud and courageous people of Estonia have sought to combat invasion and foreign domination. Unfortunately, history has not been kind to Estonia, though her people remain full of zeal in their quest for self-determination.

February 24, 1918, marked the proclamation of Estonian independence from all foreign rule. The Soviet Union capitalized on the German withdrawal in 1918 to impose their will upon the Estonian nation. Later, the persistence and desire of the Estonian people resulted in a peace treaty with the Soviet

Union in 1920, after which Estonia again enjoyed freedom and sovereignty.

After its admission into the League of Nations in 1921, Estonia assumed a prominent role in the world community of nations. Its contributions to that world organization as spokesman for the small democratic states and as an advocate of peace were noteworthy.

That leadership was short lived, however, for by 1940, the Soviets again exercised complete domination over Estonia. Except for the brief interlude of Nazi occupation between 1941 and 1944, Estonia has remained in the clutches of Soviet influence.

Estonians have suffered tremendously under Soviet Communist rule, yet they remain brave and steadfast in their will to endure hardship until freedom and liberty can again be restored. It is my hope, Mr. Speaker, that the Estonian people will soon once again join the ranks of the free nations of the world.

#### CONSERVATION OF ANTARCTIC SEALS

### HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. DINGELL. Mr. Speaker, earlier this month a number of representatives of nations involved in Antarctic research met to negotiate a treaty for the conservation of Antarctic seals. While it has been generally supposed that the waters of Antarctica were a form of sanctuary for Antarctic seals, just as the lands and shelf ice of Antarctica are protected from commercial exploitation, that supposition is incorrect. Right now, citizens from any nation could descend upon the Antarctic and kill every seal there without violating the language or intent of any treaty.

It was to prevent such an occurrence that a treaty has been proposed to regulate the taking of Antarctic seals. At the conclusion of the conference, the representatives of the nations concerned agreed upon a draft treaty, and in order to have this given the widest possible review, I insert the texts of the final act of the meeting, and the draft convention to appear at this point in the CONGRESSIONAL RECORD:

FINAL ACT OF THE CONFERENCE ON THE CONSERVATION OF ANTARCTIC SEALS, FEBRUARY 3-11, 1972, WITH CONVENTION FOR THE CONSERVATION OF ANTARCTIC SEALS

I

The Governments of Argentina, Australia, Belgium, Chile, the French Republic, Japan, New Zealand, Norway, the Republic of South Africa, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, and the Food and Agriculture Organization of the United Nations represented by an observer delegation;

Having accepted the invitation extended to them by the Government of the United Kingdom of Great Britain and Northern Ireland to participate in a Conference on the Conservation of Antarctic Seals;

Appointed their representatives, advisers and observers who are listed below by countries in the order of alphabetical precedence:

#### Argentina

Representative: Señor Juan Carlos M. Beltramo, Minister Plenipotentiary, Argentine Embassy, London.

Alternate: Dra. Graciela Leonor Grandi, Second Secretary, Argentine Embassy, London.

#### Australia

Representative: His Excellency Mr. R. L. Harry, CBE, Australian Ambassador, Bonn.

Adviser: Mr. E. L. Jenkins, Agricultural Representative, Australian High Commission, London.

Adviser: Mr. W. J. Farmer, Second Secretary, Australian High Commission, London.

#### Belgium

Representative: M. Alfred van der Essen, Ministre Plenipotentiaire, Directeur d'Administration au Ministère des Affaires étrangères et du Commerce extérieur, Bruxelles.

Alternate: Baron de Gerlache de Gomery, MVO, Shipping Counsellor, Belgian Embassy, London.

#### Chile

Representative: Señor Jorge Berguño, Minister-Counsellor, Embassy of Chile, London.

Alternate: Dr. W. Hermosilla, Adviser in Biology, Instituto Antártico Chileno, Santiago.

Alternate: Señor H. Montealegre, Second Secretary, Embassy of Chile, London.

#### The French Republic

Representative: M. J-F Miquel, Scientific Counsellor, French Embassy, London.

Alternate: Mme. Nicole Glynn, Scientific Service, French Embassy, London.

#### Japan

Representative: Mr. N. Nakashima, Minister, Plenipotentiary, Japanese Embassy, London.

Adviser: Professor Masaharu Nishiwaki, Tokyo University.

Member: Mr. Tatsuo Saito, Deputy Head of the First Maritime Division of the Fisheries Agency.

Member: Mr. Hakubi Sasaki, First Secretary (Scientific), Japanese Embassy, London.

#### New Zealand

Representative: Mr. N. V. Farrell, Minister, New Zealand High Commission, London.

Alternate: Dr. V. Armstrong, Scientific Adviser, New Zealand High Commission, London.

Alternate: Mr. A. C. Doyle, Second Secretary, New Zealand High Commission, London.

#### Norway

Representative: Mr. Tore Bogh, Minister-Counsellor, Ministry of Foreign Affairs, Oslo.

Alternate: Mr. J. H. Bernes, Director-General, Ministry of Fisheries, Oslo.

Alternate: Mr. T. Oristland, Oceanographer, The Marine Research Institute of the Directorate of Fisheries, Bergen.

#### The Republic of South Africa

Representative: Mr. R. W. Rand, Division of Sea Fisheries, Department of Industries, South Africa.

Adviser: Mr. W. Scholtz, Second Secretary, South African Embassy, London.

#### The Union of Soviet Socialist Republics

Representative: Mr. I. I. Ippolitov, Minister-Counsellor, Embassy of the Soviet Union, London.

Alternate: Mr. L. A. Popov, Ministry of Fisheries.

Alternate: Mr. V. S. Kotlyar, Ministry of Foreign Affairs.

Adviser: Mr. V. Y. Faekov, Embassy of Soviet Union, London.

#### The United Kingdom of Great Britain and Northern Ireland

Representative: Mr. H. G. Balfour Paul, CMG, (Chairman).

Alternate: Dr. Brian Roberts, CMG Polar

Regions Section, Latin America Department, Foreign and Commonwealth Office.

Alternate: Mr. David M. Edwards, Assistant Legal Adviser, Foreign and Commonwealth Office.

Alternate: Miss Charlotte Rycroft, Latin America Department, Foreign and Commonwealth Office.

Alternate: Mr. W. Nigel Bonner, Seals Research Division, Institute for Marine Environmental Research.

Alternate: Dr. Richard M. Laws, Life Sciences Division, British Antarctic Survey.

Alternate: Dr. T. E. Armstrong, Scott Polar Research Institute.

#### The United States of America

Representative: The Honourable Donald L. McKearn, Ambassador, Special Assistant to the Secretary of State for Fisheries and Wildlife and Coordinator of Ocean Affairs, Department of State.

Alternate: Mr. Alanson G. Burt, Office of the Special Assistant to the Secretary of State for Fisheries and Wildlife and Coordinator of Ocean Affairs, Department of State.

Alternate: The Honourable Wymberley DeR. Coerr, Special Adviser to the Special Assistant to the Secretary of State for Environmental Affairs, Department of State.

Adviser: The Honourable Mario Biaggi, Congressional Adviser, United States House of Representatives.

Adviser: The Honourable Edwin B. Forsythe, Congressional Adviser, United States House of Representatives.

Adviser: Mr. Frank M. Potter, Jr., Congressional Staff Adviser, Committee on Merchant Marine and Fisheries, United States House of Representatives.

Adviser: Mr. Bryan H. Baas, American Embassy, London.

Adviser: Mr. David E. Birenbaum, National Parks and Conservation Association, Washington, DC.

Adviser: Mrs. Prudence I. Fox, Office of International Affairs, National Oceanic and Atmospheric Administration Department of Commerce.

Adviser: Mr. Thomas R. Garrett, Friends of the Earth, Washington, DC.

Adviser: Mr. William A. Hayne, Senior Staff Member for International Affairs, Council on Environment Quality, Executive Office of the President.

Adviser: Captain James E. Heg, USN, Chief of Polar Planning and Coordination, Office of Polar Programmes, National Science Foundation.

Adviser: Mr. Walter Kirkness, Acting Deputy Associate Director for Resource Management, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce.

Adviser: Mr. George A. Llano, PH.D., Programme Manager, Polar Biology and Medicine, Office of Polar Programmes, National Science Foundation.

Adviser: Mrs. Eleanor C. McDowell, Office of the Assistant Legal Adviser for Treaty Affairs, Department of State.

Adviser: Mr. Addison E. Richmond, Jr., PH.D., Deputy for Polar and Technological Affairs, Office of General Scientific Affairs, Bureau of International Scientific and Technological Affairs, Department of State.

Adviser: Mr. Donald B. Siniff PH.D., University of Minnesota, Minneapolis, Minnesota.

Adviser: Mrs. Frances K. Wein, Sierra Club, San Francisco, California.

Adviser: Mr. Robert L. Horstman, Sea Mammal Motivational Institute, Key Largo, Florida.

#### The food and agriculture organization of the United Nations

Observer: Mr. L. K. Boerema.

Observer: Dr. J. A. Gulland.

The Conference met at London on 3 February 1972 under the Chairmanship of Mr. H. G. Balfour Paul, representative of the



delegation of the United Kingdom of Great Britain and Northern Ireland.

The committees established under the Rules of Procedure of the Conference were constituted as follows:

#### Committee on drafting

D. M. Edwards (UK—Chairman).  
J. C. M. Beltramo (Argentina).  
HE Mr. R. L. Harry (Australia).  
J. Berguno (Chile).  
T. Saito (Japan).  
A. C. Doyle (New Zealand).  
T. Bogh (Norway).  
V. S. Kotlyar (USSR).  
T. E. Armstrong (UK).  
Mrs. E. C. McDowell (US).  
Mrs. P. Fox (US).

#### Committee on the annex

R. M. Laws (UK—Chairman).  
E. L. Jenkins (Australia).  
W. Hermosilla (Chile).  
M. Nishiwaki (Japan).  
T. Saito (Japan).  
T. Oritsland (Norway).  
R. W. Rand (South Africa).  
V. Y. Faekov (USSR).  
V. S. Kotlyar (USSR).  
L. A. Popov (USSR).  
W. N. Bonner (UK).  
W. Kirkness (USA).  
G. A. Llano (USA).  
L. K. Boerema (FAO).  
J. A. Gulland (FAO).

The final session was held on 11 February 1972.

As a result of its deliberations the Conference has established and drawn up for signature a "Convention for the Conservation of Antarctic Seals", the text of which is annexed hereto.

#### II

The Conference on the Conservation of Antarctic Seals Resolves: (1) To express its gratitude to Her Majesty's Government in the United Kingdom for their initiative in convening the present Conference and for its preparation; (2) To express to its Chairman, Mr. H. G. Balfour Paul, its deep appreciation for the admirable manner in which he has guided the Conference; (3) To express to the officers and staff of the Secretariat and to the Interpreters and Translators its appreciation for their untiring services and diligent efforts in contributing to the attainment of the objectives of the Conference.

#### III

The Conference on the Conservation of Antarctic Seals Resolves: That the Government of the United Kingdom of Great Britain and Northern Ireland be authorized to publish the Final Act of this Conference (together with an Addendum containing statements by the Representatives of Chile and the United States of America) and the text of the Convention annexed hereto.

#### IV

The Conference on the Conservation of Antarctic Seals Recommends that when meetings of the Contracting Parties are convened by the Government of the United Kingdom of Great Britain and Northern Ireland as Depositary, such meeting should be held in the Capitals of each of the Contracting Parties in rotation and proceeding in alphabetical order in the English language.

In witness whereof, the following Representatives have signed this Final Act.

Done at London, this eleventh day of February 1972, in a single original copy to be deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland, which shall transmit a certified copy thereof to all the other Governments participating in the Conference.

Signatures of representatives and alternates

Argentina: J. C. M. Beltramo and G. L. Grandi.

Australia: R. L. Harry.  
Belgium: Alfred v. d. Essen and de Gerlache de Gomery.  
Chile: Jorge Berguño.  
The French Republic: J-F Miquel.  
Japan: N. Nakashima.  
New Zealand: N. V. Farrell and Alan C. Doyle.

Norway: Tore Bogh and Torger Oritsland.  
The Republic of South Africa: R. W. Rand.  
The Union of Soviet Socialist Republics: I. I. Ippolitov, V. S. Kotlyar, and L. A. Popov.  
The United Kingdom of Great Britain and Northern Ireland: H. G. Balfour Paul, Brian Roberts, R. M. Laws, D. M. Edwards, C. S. Rycroft, Terence Armstrong, and W. Nigel Bonner.

The United States of America: Donald L. McKernan and Alanson G. Burt.

#### ADDENDUM

The following statement was made by the Representative of Chile:

"The Delegation of Chile states that the reference to Article IV of the Antarctic Treaty contained in Article 1 of the present Convention signifies that nothing specified therein shall confirm, deny or impair the rights of the Contracting Parties as regards their maritime jurisdictions and their declared juridical position on this matter."

The following statement was made by the Representative of the United States of America:

"The Delegation of the United States of America believes that the Convention should contain stronger provisions for the observation of operations and enforcement of regulations, especially with regard to the use of observers of the Contracting Parties with each others' sealing expeditions. Opposition to stronger provisions has chiefly arisen not from commercial but from juridical interests.

"Nevertheless, the Convention is a new and valuable International Agreement, achieved in advance of the development of commercial sealing in the Antarctic, that contains many provisions important to the conservation of seals and their protection against over-exploitation. We understand exploratory commercial sealing ventures may be imminent.

"In order not to diminish the progress achieved by this Conference in international cooperation for effective conservation in the Antarctic, the delegation of the United States of America has decided to sign the Final Act and will submit the Convention for its Government's consideration.

#### CONVENTION FOR THE CONSERVATION OF ANTARCTIC SEALS

The Contracting Parties,  
Recalling the Agreed Measures for the Conservation of Antarctic Fauna and Flora, adopted under the Antarctic Treaty signed at Washington on 1 December 1959;

Recognizing the general concern about the vulnerability of Antarctic seals to commercial exploitation and the consequent need for effective conservation measures;

Recognizing that the stocks of Antarctic seals are an important living resource in the marine environment which requires an international agreement for its effective conservation;

Recognizing that this resource should not be depleted by over-exploitation, and hence that any harvesting should be regulated so as not to exceed the levels of the optimum sustainable yield;

Recognizing that in order to improve scientific knowledge and so place exploitation on a rational basis, every effort should be made both to encourage biological and other research on Antarctic seal populations and to gain information from such research and from the statistics of future sealing operations, so that further suitable regulations may be formulated;

Noting that the Scientific Committee on Antarctic Research of the International

Council of Scientific Unions (SCAR) is willing to carry out the tasks requested of it in this Convention;

Desiring to promote and achieve the objectives of protection, scientific study and rational use of Antarctic seals, and to maintain a satisfactory balance within the ecological system,

Have agreed as follows:

#### ARTICLE 1

##### Scope

(1) This Convention applies to the seas south of 60° South Latitude, in respect of which the Contracting Parties affirm the provisions of Article IV of the Antarctic Treaty.

(2) This Convention may be applicable to any or all of the following species: Southern elephant seal, *Mirounga leonina*; Leopard seal, *Hydrurga leptonyx*; Weddell seal, *Lep-  
tonychotes weddelli*; Crabeater seal, *Lobodon  
carcinophagus*; Ross seal, *Ommatophoca  
rossi*; and Southern fur seals, *Arctocephalus  
sp.*

(3) The Annex to this Convention forms an integral part thereof.

#### ARTICLE 2

##### Implementation

(1) The Contracting Parties agree that the species of seals enumerated in Article 1 shall not be killed or captured within the Convention area by their nationals or vessels under their respective flags except in accordance with the provisions of this Convention.

(2) Each Contracting Party shall adopt for its nationals and for vessels under its flag such laws, regulations and other measures, including a permit system as appropriate, as may be necessary to implement this Convention.

#### ARTICLE 3

##### Annexed Measures

(1) This Convention includes an Annex specifying measures which the Contracting Parties hereby adopt. Contracting Parties may from time to time in the future adopt other measures with respect to the conservation, scientific study and rational and humane use of seal resources, prescribing *inter alia*:

- permissible catch;
- protected and unprotected species;
- open and closed seasons;
- open and closed areas, including the designation of reserves;
- the designation of special areas where there shall be no disturbance of seals;
- limits relating to sex, size, or age for each species;
- restrictions relating to time of day and duration, limitations of effort and methods of sealing;
- types and specifications of gear and apparatus and appliances which may be used;
- catch returns and other statistical and biological records;
- procedures for facilitating the review and assessment of scientific information;
- other regulatory measures including an effective system of inspection.

(2) The measures adopted under paragraph (1) of this Article shall be based upon the best scientific and technical evidence available.

(3) The Annex may from time to time be amended in accordance with the procedures provided for in Article 9.

#### ARTICLE 4

##### Special Permits

(1) Notwithstanding the provisions of this Convention, any Contracting Party may issue permits to kill or capture seals in limited quantities and in conformity with the objectives and principles of this Convention for the following purposes:

- to provide indispensable food for men or dogs;
- to provide for scientific research; or

(c) to provide specimens for museums, educational or cultural institutions.

(2) Each Contracting Party shall, as soon as possible, inform the other Contracting Parties and SCAR of the purpose and content of all permits issued under paragraph (1) of this Article and subsequently of the numbers of seals killed or captured under these permits.

#### ARTICLE 5

##### *Exchange of information and scientific advice*

(1) Each Contracting Party shall provide to the other Contracting Parties and to SCAR the information specified in the Annex within the period indicated therein.

(2) Each Contracting Party shall also provide to the other Contracting Parties and to SCAR before 31 October each year information on any steps it has taken in accordance with Article 2 of this Convention during the preceding period 1 July to 30 June.

(3) Contracting Parties which have no information to report under the two preceding paragraphs shall indicate this formally before 31 October each year.

(4) SCAR is invited:

(a) to assess information received pursuant to this Article; encourage exchange of scientific data and information among the Contracting Parties; recommend programmes for scientific research; recommend statistical and biological data to be collected by sealing expeditions within the Convention area; and suggest amendments to the Annex; and

(b) to report on the basis of the statistical, biological and other evidence available when the harvest of any species of seal in the Convention area is having a significantly harmful effect on the total stocks of such species or on the ecological system in any particular locality.

(5) SCAR is invited to notify the Depositary which shall report to the Contracting Parties when SCAR estimates in any sealing season that the permissible catch limits for any species are likely to be exceeded and, in that case, to provide an estimate of the date upon which the permissible catch limits will be reached. Each Contracting Party shall then take appropriate measures to prevent its nationals and vessels under its flag from killing or capturing seals of that species after the estimated date until the Contracting Parties decide otherwise.

(6) SCAR may if necessary seek the technical assistance of the Food and Agriculture Organization of the United Nations in making its assessments.

(7) Notwithstanding the provisions of paragraph (1) of Article 1 the Contracting Parties shall, in accordance with their internal law, report to each other and to SCAR, for consideration statistics relating to the Antarctic seals listed in paragraph (2) of Article 1 which have been killed or captured by their nationals and vessels under their respective flags in the area of floating ice north of 60° South Latitude.

#### ARTICLE 6

##### *Consultations between contracting parties*

(1) At any time after commercial sealing has begun a Contracting Party may propose through the Depositary that a meeting of Contracting Parties be convened with a view to:

(a) establishing by a two-thirds majority of the Contracting Parties, including the concurring votes of all States signatory to this Convention present at the meeting, an effective system of control, including inspection, over the implementation of the provisions of this Convention;

(b) establishing a commission to perform such functions under this Convention as the Contracting Parties may deem necessary; or

(c) considering other proposals, including:

(i) the provision of independent scientific advice;

(ii) the establishment, by a two-thirds ma-

jority, of a scientific advisory committee which may be assigned some or all of the functions requested of SCAR under this Convention, if commercial sealing reaches significant proportions;

(iii) the carrying out of scientific programmes with the participation of the Contracting Parties; and

(iv) the provision of further regulatory measures, including moratoria.

(2) If one-third of the Contracting Parties indicate agreement the Depositary shall convene such a meeting, as soon as possible.

(3) A meeting shall be held at the request of any Contracting Party, if SCAR reports that the harvest of any species of Antarctic seal in the area to which this Convention applies is having a significantly harmful effect on the total stocks or the ecological system in any particular locality.

#### ARTICLE 7

##### *Review of operations*

The Contracting Parties shall meet within five years after the entry into force of this Convention and at least every five years thereafter to review the operation of the Convention.

#### ARTICLE 8

##### *Amendments to the Convention*

(1) This Convention may be amended at any time. The text of any amendment proposed by a Contracting Party shall be submitted to the Depositary, which shall transmit it to all the Contracting Parties.

(2) If one third of the Contracting Parties request a meeting to discuss the proposed amendment the Depositary shall call such a meeting.

(3) An amendment shall enter into force when the Depositary has received instruments of ratification or acceptance thereof from all the Contracting Parties.

#### ARTICLE 9

##### *Amendments to the Annex*

(1) Any Contracting Party may propose amendments to the Annex to this Convention. The text of any such proposed amendment shall be submitted to the Depositary which shall transmit it to all Contracting Parties.

(2) Each such proposed amendment shall become effective for all Contracting Parties six months after the date appearing on the notification from the Depositary to the Contracting Parties, if within 120 days of the notification date, no objection has been received and two-thirds of the Contracting Parties have notified the Depositary in writing of their approval.

(3) If an objection is received from any Contracting Party within 120 days of the notification date, the matter shall be considered by the Contracting Parties at their next meeting. If unanimity on the matter is not reached at the meeting, the Contracting Parties shall notify the Depositary within 120 days from the date of closure of the meeting of their approval or rejection of the original amendment or of any new amendment proposed by the meeting. If, by the end of this period, two-thirds of the Contracting Parties have approved such amendment, it shall become effective six months from the date of the closure of the meeting for those Contracting Parties which have by then notified their approval.

(4) Any Contracting Party which has objected to a proposed amendment may at any time withdraw that objection, and the proposed amendment shall become effective with respect to such Party immediately if the amendment is already in effect, or at such time as it becomes effective under the terms of this Article.

(5) The Depositary shall notify each Contracting Party immediately upon receipt of each approval or objection, of each withdrawal of objection, and of the entry into force of any amendment.

(6) Any State which becomes a party to this Convention after an amendment to the Annex has entered into force shall be bound by the Annex as so amended. Any State which becomes a Party to this Convention during the period when a proposed amendment is pending may approve or object to such an amendment within the time limits applicable to other Contracting Parties.

#### ARTICLE 10

##### *Signature*

This Convention shall be open for signature at London from 1 June to 31 December 1972 by States participating in the Conference on the Conservation of Antarctic Seals held at London from 3 to 11 February 1972.

#### ARTICLE 11

##### *Ratification*

This Convention is subject to ratification or acceptance. Instruments of ratification or acceptance shall be deposited with the Government of the United Kingdom of Great Britain and Northern Ireland, hereby designated as the Depositary.

#### ARTICLE 12

##### *Accession*

This Convention shall be open for accession by any State which may be invited to accede to this Convention with the consent of all the Contracting Parties.

#### ARTICLE 13

##### *Entry into force*

(1) This Convention shall enter into force on the thirtieth day following the date of deposit of the seventh instrument of ratification, or acceptance.

(2) Thereafter this Convention shall enter into force for each ratifying, accepting or acceding State on the thirtieth day after deposit by such State of its instrument of ratification, acceptance or accession.

#### ARTICLE 14

##### *Withdrawal*

Any Contracting Party may withdraw from this Convention on 30 June of any year by giving notice on or before 1 January of the same year to the Depositary, which upon receipt of such a notice shall at once communicate it to the other Contracting Parties. Any other Contracting Party may, in like manner, within one month of the receipt of a copy of such a notice from the Depositary, give notice of withdrawal, so that the Convention shall cease to be in force on 30 June of the same year with respect to the Contracting Party giving such notice.

#### ARTICLE 15

##### *Notification by the depositary*

The Depositary shall notify all signatory and acceding States of the following:

(a) signatures of this Convention, the deposit of instruments of ratification, acceptance or accession and notices of withdrawal;

(b) the date of entry into force of this Convention and of any amendments to it or its Annex.

#### ARTICLE 16

##### *Certified copies and registration*

(1) This Convention, done in the English, French, Russian and Spanish languages, each version being equally authentic, shall be deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland, which shall transmit duly certified copies thereof to all signatory and acceding States.

(2) This Convention shall be registered by the Depositary pursuant to Article 102 of the Charter of the United Nations.

In witness thereof, the undersigned, duly authorized, have signed this Convention.

Done at — this — day of —, 19 —.



## ANNEX

## Permissible catch

The Contracting Parties shall in any one year, which shall run from 1 July to 30 June inclusive, restrict the total number of seals of each species killed or captured to the numbers specified below. These numbers are subject to review in the light of scientific assessments.

(a) in the case of Crabeater seals *Lobodon carcinophagus* 175,000

(b) in the case of Leopard seals *Hydrurga leptonyx* 12,000

(c) in the case of Weddell seals *Leptonychotes weddelli*, 5,000

## Protected species

(a) It is forbidden to kill or capture Ross seals *Ommatophoca rossi*, Southern elephant seals *Mirounga leonina*, or fur seals of the genus *Arctocephalus*.

(b) In order to protect the adult breeding stock during the period when it is most concentrated and vulnerable, it is forbidden to kill or capture any Weddell seal *Leptonychotes weddelli* one year old or older between 1 September and 31 January inclusive.

## Closed season and sealing season

The period between 1 March and 31 August inclusive is a Closed Season, during which the killing or capturing of seals is forbidden. The period 1 September to the last day in February constitutes a Sealing Season.

## Sealing zones

Each of the sealing zones listed in this paragraph shall be closed in numerical sequence to all sealing operations for the seal species listed in paragraph 1 of this Annex for the period 1 September to the last day of February inclusive. Such closures shall begin with the same zone as is closed under paragraph 2 of Annex B to Annex 1 of the Report of the Fifth Antarctic Treaty Consultative Meeting at the moment the Convention enters into force. Upon the expiration of each closed period, the affected zone shall reopen.

Zone 1—between 60° and 120° West Longitude.

Zone 2—between 0° and 60° West Longitude, together with that part of the Weddell Sea lying westward of 60° West Longitude.

Zone 3—between 0° and 70° East Longitude.

Zone 4—between 70° and 130° East Longitude.

Zone 5—between 130° East Longitude and 170° West Longitude.

Zone 6—between 120° and 170° West Longitude.

## Seal reserves

It is forbidden to kill or capture seals in the following reserves, which are seal breeding areas or the site of long-term scientific research:

(a) The area around the South Orkney Islands between 60° 20' and 60° 56' South Latitude and 44° 05' and 46° 25' West Longitude.

(b) The area of the southwestern Ross Sea south of 76° South Latitude and west of 170° East Longitude.

(c) The area of Edisto Inlet south and west of a line drawn between Cape Hallett at 72° 19' South Latitude, 170° 18' East Longitude, and Helm Point, at 72° 11' South Latitude, 170° 00' East Longitude.

## Exchange of information

(a) Contracting Parties shall provide before 31 October each year to other Contracting Parties and to SCAR a summary of statistical information on all seals killed or captured by their nationals and vessels under their respective flags in the Convention area, in respect of the preceding period 1 July to 30 June. This information shall include by zones and months:

(i) The gross and net tonnage, brake horse-power, number of crew, and number of days' operation of vessels under the flag of the Contracting Party;

(ii) The number of adult individuals and pups of each species taken. When specially requested, this information shall be provided in respect of each ship, together with its daily position at noon each operating day and the catch on that day.

(b) When an industry has started, reports of the number of seals of each species killed or captured in each zone shall be made to SCAR in the form and at the intervals (not shorter than one week) requested by that body.

(c) Contracting Parties shall provide to SCAR biological information concerning in particular

(i) Sex.

(ii) Reproductive condition.

(iii) Age.

SCAR may request additional information or material with the approval of the Contracting Parties.

(d) Contracting Parties shall provide to other Contracting Parties and to SCAR at least 30 days in advance of departure from their home ports, information on proposed sealing expeditions.

## Sealing methods

(a) SCAR is invited to report on methods of sealing and to make recommendations with a view to insuring that the killing or capturing of seals is quick, painless and efficient. Contracting Parties, as appropriate, shall adopt rules for their nationals and vessels under their respective flags on aged in the killing and capturing of seals, giving due consideration to the views of SCAR.

(b) In the light of the available scientific and technical data, Contracting Parties agree to take appropriate steps to insure that their nationals and vessels under their respective flags refrain from killing or capturing seals in the water, except in limited quantities to provide for scientific research in conformity with the objectives and principles of this Convention. Such research shall include studies as to the effectiveness of methods of sealing from the viewpoint of the management and humane and national utilization of the Antarctic seal resources for conservation purposes. The undertaking and the results of any such scientific research programme shall be communicated to SCAR and the Depositary which shall transmit them to the Contracting Parties.

## SEVENTH ANNIVERSARY OF THE INDEPENDENCE OF THE GAMBIA

## HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. DIGGS. Mr. Speaker, the Republic of The Gambia celebrated its seventh anniversary of independence on February 18. It gives me great pleasure to extend to President Sir Dawda K. Jawara and to The Gambia people best wishes for the future.

Our relations with The Gambian people predate their independence. The first visit to the African Continent by a U.S. President in office was to Bathurst, capital of The Gambia, when President Roosevelt stayed overnight there en route to and from the Casablanca conference. Also, during World War II, The Gambia contributed troops to the Allied

cause. Bathurst provided an airstrip for use by the U.S. Army Air Corps and was port of call for allied naval convoys.

The Gambia and the United States have enjoyed excellent relations since Gambian independence on February 18, 1965, and we are confident this will continue. I visited The Gambia in August of 1971 and met President Jawara and other Gambian officials. In Bathurst, I personally felt the dynamism which characterizes this progressive country. The Gambia is an outstanding example of a small country energetically registering steady progress in nation building. This steady and solid progress in nation building makes us confident of The Gambia's future.

On this, the seventh anniversary of its independence, I am happy to salute President Jawara and the people of The Gambia.

## SENATOR BUCKLEY ON NATIONAL DEFENSE

## HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. BIAGGI. Mr. Speaker, the distinguished Senator from New York (Mr. BUCKLEY) recently addressed the New York Council of the Navy League of the United States on the subject of national defense. His analysis of our current status vis-a-vis the Soviet Union is an excellent one. It carries the clear warning that the U.S.S.R. is fast outstripping our own defense position and may pose a serious threat to world peace.

In particular, this threat may not be exercised against the United States directly but against our allies. When the Soviet Union threatened world peace in the fifties in Berlin, our superior strength was responsible for preventing a third world war. Again in the sixties, when the Soviets sought a foothold in the Western Hemisphere at Cuba, the strong defense position of the United States forced a Soviet retreat back to the status quo.

Today the Soviets are again threatening world peace in the Middle East and elsewhere. Will the United States be able to hold the line once more?

In our efforts to necessarily reorder our priorities to solve pressing national problems such as mass transit, unemployment and crime, we have lost sight of the fact that a strong national defense is essential to a strong nation.

The Federal Government has the sole responsibility for providing for the common defense. The States share with the Federal Government the responsibility for health, education, and welfare expenditures. While the Federal Government must increase its expenditures in the latter human resource areas, we cannot do so by dismantling our defense system.

Senator BUCKLEY's remarks are most explicit on this point and I urge my colleagues to read his statement before making any decisions on national defense expenditures.

The statement follows:

I am awed at the abundance of stripes and ribbons which I see about me tonight. When I was discharged from the Navy some 25 years ago, having risen to the dizzying rank of Lieutenant Junior Grade while serving on an LST in the Western Pacific, it would have been impossible to foresee that I would one day have the temerity to address so august and knowledgeable a group on the subject of National Defense. On the other hand, in 1946, it would have been equally impossible to foresee how soon we would be losing sight of the lessons of Munich and its aftermath, the lessons which can be summed up in the single proposition that only the strong can remain free.

In simpler times, when it was somehow easier to maintain tough with reality than it is today, it was understood that the first priority of any society was to provide for its own survival. This fundamental principle ought to be as self-evident today as it ever has been in the past. Yet for some time now, we have been in the grips of a blind antimilitarism which has forced drastic cutbacks in large categories of defense spending which are essential to our security. As a result, we are not only falling critically behind in the necessary business of military research and development, but we have allowed our existing forces to deteriorate to a point where the ability of the President of the United States to assure the defense of vital national interests may soon be in jeopardy.

Because of the attrition caused by inflation, these cutbacks have been far more severe than would appear on the basis of dollar figures alone. We have not simply cut the fat out of military budgets, we have been hacking away at the sinews and muscles as well. By way of illustration, because of inflation and because payroll costs have risen from 40 per cent of the Defense Budget for fiscal 1964 to 60 per cent of the budget submitted for fiscal 1972, in the coming year we will be purchasing 40 per cent less military research and hardware than we did eight years ago before we became actively involved in the Vietnam War. These same figures have forced us, over the same eight-year period, to reduce the number of our Navy carrier wings from 24 to 15, and to reduce by almost 30 per cent the number of our active Naval vessels, from 932 vessels to 658. What is more, this budgetary decimation of our Naval forces has taken place in the face of an extraordinary and continuing build-up of the Russian Fleet which, according to the latest edition of the authoritative *Jane's Fighting Ships*, now has an active force of 1,899 combatants, a force three times larger than our own.

Now admittedly, there is no inherent virtue in maintaining a large and costly military establishment, or in developing increasingly sophisticated weapons. No nation with peaceful intentions requires or can justify a defense establishment which is larger than that which is necessary to meet the needs of her own security. But the adequacy or inadequacy of a nation's defenses is determined not by considerations of domestic priorities, but by the power relationships within which that nation must operate. And we must keep in mind that in the real world, no country can conduct an effective foreign policy without a military capability which is appropriate to its responsibilities.

In our case, our responsibilities since World War II have necessarily been international in scope as they have concerned themselves primarily with the need to contain the aggressive outward thrust of the Communist Powers.

These are responsibilities which we did not seek, but which we cannot escape as the only free world power capable of facing up to the Russian challenge. In the past we have succeeded time and again—witness, for example, the Berlin and Cuban crises—in causing

the Soviets to back away from confrontations which might have ignited a third world war precisely because we had the military power to back the positions we had to take. The Soviets simply could not risk a test of strength. Our military might, in other words, has been the critical factor in our ability to maintain the tenuous peace which by and large has existed since the end of the Second World War.

While the effectiveness of our foreign policy has ultimately rested on our power to unleash nuclear devastation on any enemy, it has long been an accepted fact at home and abroad that it is unthinkable that the United States should ever initiate an atomic strike. Therefore, the whole fabric of our defense policy has depended on our having sufficient strategic weapons to survive any attack and to assure us the ability to deliver a retaliatory strike which would inflict unacceptable losses. This is what our policy of nuclear deterrence has been all about. This is what has been called the Balance of Terror.

There is a growing body of evidence, however, to support the conclusion that we will soon find ourselves in a position where our deterrent capacity will no longer be sufficiently plausible to cause the Soviet Union to back away from future confrontations involving interests vital to the West. What this means, quite simply, is that we are rapidly approaching a point where no American President will be able to emerge from a political confrontation with the Soviet Union with our foreign policy objectives intact, whether that confrontation takes place in the Middle East or Western Europe or even in the Caribbean.

Since 1965, the Soviet Union has launched and sustained a truly extraordinary drive to increase and modernize every section of her strategic and conventional forces. As a result, the Soviet Union now has a payload capacity in her intercontinental and submarine-launched ballistic missiles which is capable of delivering eight times as many nuclear warheads as the United States. This buildup so far exceeds any plausible requirement for a policy of deterrence that we can only conclude that the Soviet Union has developed this extraordinary capacity for use in support of her own diplomacy, a diplomacy whose historic goals have always been aggressive.

The conventional wisdom states that any development of nuclear warheads beyond a certain point, whether by the United States or the Soviet Union, is simply superfluous—the disparity in warheads representing merely an "overkill" capacity. I suggest, however, that there is no evidence whatever that the Russians buy this analysis.

For an insight into what may be the Russian view, let us consider what might plausibly be the result of a hypothetical "First Strike" attack by the Soviets on our strategic forces. If we assume that Russia's production line technology is equal to our own—and we must—then the existing three equipped with between three and six independently targeted warheads having a yield of from two to five megatons. This would give their SS-9's the capacity to deliver between 900 and 1800 warheads, each capable of attacking and destroying one of our Minutemen ICBM's. If we assume further that the Russians employ guidance systems equivalent to those available to us for our Minuteman III and Poseidon missiles, then a "First Strike" attack by their SS-9's could destroy on the ground or in port about 90 per cent of our land-based ICBM's, 50 per cent of our aging B-52 bombers, and one-third of our Polaris submarines before we could even consider a retaliatory strike. And this destruction of our deterrent force could be significantly increased by advances in guidance technology which our own research has already shown to be feasible.

This assessment of the Soviet Union's strategic capabilities is not mine, and it can-

not be written off as scare-talk emanating from the Pentagon at Defense appropriation time. Rather, it represents the sober judgment of third party observers such as the editors of *Jane's*, who in a recent edition predicted that by 1975, the Soviet Union would have the capacity to destroy virtually all of our land based strategic forces in a preemptive strike.

Assuming such an attack, the Soviets would have left over sufficient missiles to pose a continuing threat to our remaining strategic forces and to our cities. This remaining capacity would include over 900 SS-11's, over 400 submarine launched ballistic missiles, and nearly 200 bombers. We would, as of the present, still have the suicidal capacity to inflict devastation on those Russian cities not protected by ABM systems; but even this remaining deterrence could be reduced to levels acceptable to the Communist mentality by either a major breakthrough in Russia's anti-submarine warfare capability or by a significant expansion of her ABM defenses.

There are many, of course, who are pinning their hopes on the Strategic Arms Limitation Treaty negotiations which are now taking place. In a sensible, rational, truly peace-seeking world, we could have high hopes for the success of these discussions; and the optimist in me believes that such success may in fact be possible, but only if the Soviets are satisfied that we will not deal away our strength in exchange for unenforceable promises. One thing which ought to be clear is that we cannot hope for success if we hide from the cold realities of life, if we let ourselves be carried away by euphoria at every small concession. Let us keep in mind that the SALT talks are now in their second year. And that we have experienced powerful pressures here at home to defer any buildup of our forces or of our purely defensive systems pending the outcome of these talks. Yet since the SALT negotiations began in early 1969, the Soviets have deployed 700 ICBM's, thus doubling the number which were deployed in late 1968.

Moreover, there is no evidence that the Soviets are relenting in their singular obsession with the development of an overwhelming strategic superiority. Last week, Secretary of Defense Laird reported that the Soviets have again enlarged the capacity of their submarine production yards with the result that their "Yankee" class submarines—the rough equivalent of our Polaris—are being produced at the rate of nearly one per month, a rate 50% higher than that observed just one year ago. This means that by 1973 the Soviets will have surpassed us in missile-launching submarines. Similarly, recent evidence indicates that the Soviets are continuing their deployment of ICBM's, including that of two or three new designs for which we have no counterparts.

In my judgment, we can no longer afford to defer further development of our strategic offensive and defensive capabilities in the hope that successful negotiations will have made the expenditures unnecessary. And we must take particular care that any agreement reached with the Russians will not have the effect of freezing them in a position of decisive superiority.

I submit that if we are to provide adequately for our own defense, and if we wish at the same time to create the conditions best calculated to assure the ultimate success of present and future efforts to negotiate an end to the arms race, then we must move on an urgent basis to preserve the credibility of our nuclear deterrence while at the same time restoring unquestioned superiority of our conventional arms.

We simply cannot afford any longer to ignore the fact that the Soviet Union is currently spending \$3 billion per year more than we are on military and space research and development, and that she is expanding these



expenditures at the rate of 13 per cent per annum while ours have been declining. Nor can we close our eyes to the significance of some of the dividends which she is already beginning to derive from this investment. Jane's All the World's Aircraft reports, for example, that the Soviets have now developed and tested a satellite-destroyer system which is capable of attacking any satellite which we may station in space. We have no comparable system at our disposal. There is also evidence which suggests that a recently developed Soviet bomber has been employed as a test vehicle for nuclear engines. If the Soviets succeed in developing such an engine, they will have an aircraft which is capable of remaining aloft for ninety days or more. The serious implications of such a development to anti-submarine warfare, maritime surveillance and other strategic missions are self-evident. Yet a similar program of our own was scrapped by former Secretary of Defense McNamara in 1961. We simply cannot fall further behind in our military research and development efforts, because to do so will be to invite a technological Pearl Harbor from which there may be no reprieve.

What is more, we cannot afford to be obsessed with our strategic capabilities at the expense of our conventional forces, because our strategic posture represents only part of the story. Under any philosophy of strategic defense, the objective has been to assure a balance of forces which will preclude a resort to nuclear warfare. But while the maintenance of such a balance might avert the horror of an atomic holocaust, it does nothing to eliminate recourse to more conventional forms of warfare; and to the extent that nuclear warfare becomes unthinkable, to that extent must we make certain that we maintain the conventional strength essential to our needs. But here again, while we have allowed our position to deteriorate, the Soviets have been overtaking us with astonishing determination and speed, with consequences which are far from academic.

In the field of Air Defense, for example, the Soviets have deployed several thousand highly effective surface-to-air missile launchers while we have allowed our own Air Defenses to deteriorate to a point which the Armed Forces Journal has described as their weakest condition since 1942.

In Europe, the Soviet Union is now capable of fielding over 15,000 modern tanks as compared with less than half that number available to the NATO forces. Yet in recent weeks, a strong effort was made on the floor of the Senate to kill plans for the production of an American tank of superior technical characteristics which will enable us to offset the Soviet Union's numerical superiority.

In still another area, the Russians have unveiled a whole new series of aircraft, such as the MIG 23 Foxbat, which have eroded away the once unchallengeable U.S. superiority in tactical air power.

But the dramatic advance which the Soviet Union has made has been in the astonishing expansion of her Navy from small coastal defense forces in 1965 to what is today a deep water Navy with an increasing capability for worldwide military action. And this modern, rapidly expanding fleet is being serviced by an ever larger structure of bases which have been established along the coast of North Africa, in the Caribbean and, more recently, in the Indian Ocean.

Thus, while we have been allowing our relative military strength to decline, the Russians have been moving rapidly to establish a position where they will at the very least have neutralized our strategic forces while bringing their conventional strength to a point where they will be able to challenge the West in areas which are of central importance to us.

Let me illustrate the dangers posed by these developments by focusing on just one

area in which the superiority of our Naval Forces has played a decisive role in protecting strategic interests which are generally conceded to be vital to the free world. I speak of the Middle East.

Because of the extreme danger to the interests and security of the West which is posed by Soviet expansionism in the Middle East, and because Israel sits athwart Soviet ambitions, we have had a special interest in Israel's continuing independence. American policy, therefore, has sought to assure Israel of the weapons required for her defense against her Arab neighbors, while at the same time we have sought to dissuade the Russians from the kind of adventurism which might escalate Arab-Israeli hostilities into an American-Soviet confrontation. To the latter end, we have relied on the United States Sixth Fleet to provide the credible threat required to deter the Soviets from any temptation to intervene on the side of the Arabs in an all-out attempt to crush Israel.

In the past, the United States has been able to achieve these twin objectives, and as a result she has helped to keep the Middle East from blowing apart. She has been able to avert, in other words, a crisis of the kind which might have triggered a third World War. But as a result of the persistent cuts in research and procurement which have been imposed on our military in recent years, it is no longer at all certain that the United States will continue to have the capability of meeting these objectives in the future.

The Soviet Union, for example, has recently introduced the MIG-23 Foxbat into Egypt's already formidable arsenal. This is an aircraft which can outshoot and outmaneuver anything the Israelis have, and we can do nothing about it because we simply have nothing in our existing military inventory which can challenge the Foxbat. The best we have on hand is the F-4 Phantom which is, of course, the primary aircraft utilized by the Sixth Fleet for its own defense and for support of ground operations. Yet it is typical of the blindness of our times that earlier this month there was an attempt in the Senate to eliminate the F-14 Tomcat from the Defense Procurement bill even though it is the only aircraft competitive with the Foxbat which we are in a position to deliver to the Navy at a reasonably early date.

But this isn't the only problem now facing the Sixth Fleet. The growing obsolescence of its combat vessels, the abandonment of NATO bases along North Africa, the rapid expansion of modern Soviet Naval Forces in the Mediterranean, and the deployment of Soviet fighter, bomber and reconnaissance squadrons at air bases in Egypt, Libya and Algeria are reducing to the vanishing point the effectiveness of the Sixth Fleet as an instrument of American policy.

Because the simple, quite inescapable fact is that unless action is taken to modernize and reinforce the Sixth Fleet; and unless we are able to develop and deploy weapons which can challenge those which the Soviets can provide to the Arab States, we will find our Mid-East options foreclosed. If our compulsive antimilitarism is not soon brought to heel, we will find that American foreign policy objectives in the Middle East will have become irrelevant because we will be without the means of implementing them. It will be irrelevant that the United States is committed to the survival of the State of Israel, or that the United States opposes a Russian hegemony in the area, because in a showdown the United States will have no choice but to back down.

And once we begin backing down under pressure here and there around the globe, we will court the disaster of a third World War. Because aggressor nations seem inevitably to overestimate the readiness of free men to

retreat. This was the lesson of the First and Second World Wars; a lesson which we will forget at our mortal peril.

Military forces are not a luxury but a necessity so long as we live in a world in which some nations feel a compulsion to dominate others, we have no choice but to maintain those levels of defense which are essential to our survival. We can find no escape in isolationism because great nations are not allowed the luxury of retiring from the world. For such nations, there can be no peace unless they have the power and the will to defend it.

#### FATHER AND SON: AN AMERICAN TRAGEDY TRIGGERED BY DRUGS

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. RODINO. Mr. Speaker, I am sure all of us are fully aware of the awesome proportions of the narcotics addiction epidemic confronting our Nation.

But in considering the horrifying statistics that describe the total problem, it is all too easy to become somewhat impersonal about the situation. It is when we understand the details of each individual's descent into the hell of drug addiction and the suffering experienced by their loved ones that we can truly realize the enormity of the drug tragedy. And when we multiply the tragedy of each individual addict and his family by thousands, we can clearly see the devastation to our society caused by drug addiction and the need to relentlessly pursue all possible solutions to the problem.

On February 13, the Newark Star-Ledger published a very sad and moving account by one father of his son's fall into drug addiction, and I include the article at this point in the RECORD:

#### FATHER AND SON: AN AMERICAN TRAGEDY TRIGGERED BY DRUGS

CHARLESTON, W. VA.—My son is in jail. Oddly enough, I take comfort in this.

He is addicted to heroin.

Call him Mark, but it is not his real name. He had dropped out of school and enlisted in the Army before his 18th birthday.

He weighed a hard-muscled 185, was clear-eyed. His officers told me he had the makings "of a real soldier."

It was at that camp where he started taking drugs, all available for a price. There were amphetamines to keep going, pot for relaxing, Doriden for sleeping.

After a time, he began overstaying weekend passes. There were disturbances and petty thievery in town. Mark began to return home and overstay his leave.

Determined to get to the bottom of what was happening to Mark, I flew back to his base and talked to his commanding officer. We discussed the possibility of drugs in the camp, but very little was admitted.

Once, when he had been picked up by Charleston police, he had been refused sedation while coming down off a high. He "freaked out" and slashed his wrist and arm wide open.

I called the adjutant general of West Virginia and explained the situation to him. I assured him that if he would have Mark released in my custody, I would fly back with him and deliver him to his commanding officer.

He agreed. At the camp, Mark assured his superiors he wanted another chance to com-

plete his enlistment. His good intentions lasted a little over 30 days.

Mark had been contacted by a friend, Rusty, who was an acid head and speed freak. The talk, as Mark recalled, went like this: Rusty: "Hey, man, have you tripped yet?"

Mark: "Only as far as marijuana would take me. I'd better stay clean for awhile."

Rusty: "Oh hell, man, you chicken or something? Ain't I your buddy? You'll like this; it's an easy rider."

Mark: "No, I ain't chicken . . . how do you know you can get it?"

Rusty: "You're putting me on, man. You can get everything right here on the base or right outside the gates."

Rusty and Mark became fairly regular users of LSD and soft drugs. Heroin was the next step.

Our son was discharged in early 1970 and returned to Charleston. About three weeks later the truth of Mark's problem was to become grimly apparent to me.

At about 2 a.m. one morning the telephone rang. It was Mark, his voice faint and shivering. Slipping pants and shirt over my pajamas, I drove to the place. He was standing in a shadow, leaning heavily against a telephone pole. His hand reached out falteringly for mine.

I got him into the car, and he fell over on the seat, shuddering violently. At home, I helped him up the stairs into my room. There in the full light I could see him clearly. My wife gasped and turned pale. His pallid skin was covered with a fine rash. He was soaking with clammy sweat.

He took my hand, turned toward the wall and said: "I had a few beers, smoked some pot and shot up on something called synthetic morphine."

I was torn between fear for his life and fear of notoriety if I took him to a hospital. Mark staggered to the bathroom, abdomen twisting and heaving. The sounds of his sickness produced nausea in my wife and myself. She cleansed his face with a cold washcloth as tears spilled down her cheeks.

I helped Mark back into bed and covered his twitching body with a blanket. He asked for a glass of water. He drank, retched and stumbled to the bathroom. His stomach could not even tolerate cool water.

Recalling a phrase from a book on drug studies, I said to Mark: "Hang tough, son, hang tough." He whispered: "Yeah, right on Dad, right on . . ." and almost smiled.

The doorbell's sudden, sharp tone shocked my wife and I into startled rigid postures. As she finally moved to answer it, I rasped: "Careful, check through the glass first."

I was beginning to learn caution in opening a door, to feel a deep gut response to telephones in the night. All were nudging primal instincts. But it was only the doctor I had called.

The doctor told us Mark had, indeed, taken a strong drug and had suffered an allergic reaction. He gave me a prescription and suggested a week's bed rest.

Mark was asleep, so I looked at his arms. I could see no needle punctures. My wife and I spent the rest of the night staring at each other over our coffee cups.

Several times after this Mark made efforts to kick his habit. But, like most, he thought he could do it easily by himself. Maybe one in 100,000 can.

Mark began leaving home for long periods. The addict becomes a master of manipulation, an actor and liar of the first water. He gets a lot of practice on gullible parents who live from one vain hope to another that everything will work out.

One evening, Mark showed up at the front door, clean and smiling. After dinner he said: "I have been on some hard stuff and I am going to kick it. I am not going to leave this house. I want out of this thing before I kill myself."

Mark ate some cookies and milk, said good-

night, took a couple of books to his room and shut the door. We finally went to bed, coming awake at the slightest noise.

When I returned home from work the next day, Mark was really beginning to be in bad shape. He was suffering from cold sweats, cramping and diarrhea. His temperature was 101. I was awake all that night with him.

Many times I caught myself staring at him—seeing the curly-haired baby, the toddler, the little boy and remembering the baptism, the first words, first steps, first days of school. I recalled watching one day when he was about 4, standing in the yard for long moments, staring at a rose—his nose almost in the petals and eyes almost crossed from being so close . . .

I remembered standing with him, when he was about 12, on the walkway along the Grand Canyon during a vacation. After studying the grandeur for a long time, it was a strangely quiet and subdued Mark who turned to me and said: "You would have to believe in God, wouldn't you?"

This was the same lad—my flesh and blood fighting for his life.

Mark apparently had been successful in his withdrawal. He remained around home for about 10 days, then went to another town and secured a job driving a delivery truck. We felt certain he was off hard drugs.

But after several weeks he returned home. One evening his mother was working in the kitchen, and I was in the living room cleaning out some old picture albums.

His mother came hurrying in and told me Mark had slipped a spoon into his pocket. "What does he want with a spoon?" she wondered:

I leaped from my chair and ran to the bathroom. The door was locked.

"Open this damned door!" I roared.

No answer . . . I raised my foot and smashed it against the door. Wood splintered, the door slammed against the bathtub . . . and there sat Mark.

There sat my son: Stripped to the waist with his belt knotted and twisted about his left bicep. His face was flushed from the strain and his eyes wide from the shock of the moment.

In his right hand was a plastic syringe. It was partially filled with a cloudy liquid. A scorched spoon and burnt matches were on the washbasin.

I smashed the needle from his hand and stomped it shapeless on the floor. Mark was stunned. I pushed him out into the living room.

"Get your butt on that chair, 'I choked out. 'I haven't touched you in a long time, but if you quiver even one finger, I'll slap you senseless."

Mark sat rigidly. My horror-stricken wife stood in the doorway. I stalked out onto the front porch, fighting to calm my racing heart. I knotted my fist and slammed it into the cold stone of the porch column.

The sudden pain cleared my mind a little but not enough to erase the images: The belted arm with its distended veins, the poised needle and Mark's eyes, those frightened eyes.

"God . . . God . . . God, where from here?" I sobbed.

Days later, Mark admitted to me that not only had he resumed taking heroin but that now he was up to eight bags a day at \$10 a bag. Meanwhile he had agreed to tests.

The doctor minced no words. Mark had contracted serum hepatitis, apparently from a contaminated syringe. The hepatitis had resulted in liver malfunction and damage, cardiac problems and chronic abdominal pain. We were told Mark should have absolute bed rest and a special diet. We asked what would happen if this were not done.

"Generally, death."

"How soon?"

"Depending on variables . . . six to 18 months."

After much trying, we found a hospital

that could and would treat Mark, but in spite of his good intentions to attempt rehabilitation, the withdrawal agonies became too much for him.

On the afternoon of the third or fourth day, Mark slipped out an unlocked window. He was picked up as he tried to make his way to town. He was returned to his ward and placed in a bare locked room.

The next day we went to see Mark—through a long corridor filled with people of all ages. Many of these were seated in rocking chairs, going slowly backward and forward. Some crooned as they rocked. Others just stared into their own nothingness.

Mark looked like he had not eaten for two or three days. Treatment had not yet begun. He begged to be taken home.

I no longer believe Mark's assurances, that he would change, take any cure.

"Mark, there just does not appear to be a place for treatment, a doctor, a hospital, for you. I don't believe any of this because you have said it all before. But I will take you out of here."

From here it was downhill all the way. Mark and his friends were said to be ripping off stealing from other addicts—drugs and money. We began to receive threatening phone calls. Weird characters came to the door wanting Mark or some of his buddies, wanting money, threatening to beat or kill Mark.

I bought a gun. Our doorbell was only answered when the gun was hanging on its nail in easy reach.

Mark was in and out of jail several times. He was continually wanted for questioning. He said he was going to turn himself in and see what they wanted. He never did.

Once I got a glimpse of him on the street, but he vanished before I could get my car turned around.

Eventually Mark stopped by the house and talked to his mother. He was so weary, sick and haggard that he swayed and staggered as he walked.

My wife was calling me when she heard Mark leave the house.

She ran to him and grabbed his arm. He twisted free and staggered away.

As he half-ran, half-walked, he turned and called over his shoulder: "I'm sorry, Mother, I'm sorry."

Several days afterwards, Mark was arrested again. He was unable to run any more.

He was taken to county jail to face cold-turkey withdrawal and multiple criminal charges—all piled up through feeding his habit.

On the second day in jail, without sedations, methadone or counseling, Mark ripped his arm open again with a piece of jagged metal.

We rushed to the jail. Mark was only in a pair of trousers, being searched.

"Are you okay?" I shouted.

He just looked around and nodded.

From there Mark was put in the "hole"—a solitary cell. We did not see him again for three days while he was going through whatever hell he had to face—alone.

Mark has been locked up for several weeks now. He has survived the painful, lonely withdrawal. His doctor has been in to examine him. A minister has been making regular visits. A lawyer is working on his case.

He says his addiction cost him \$25,000 for the past year. We've paid over \$5,000 so far, more than enough for a degree from a good college.

But who knows what the cure will be.

It will take more than condemnation by those as yet untouched by the horror.

It will take more than speeches at clubs or sermons in church.

It will take more than the current efforts of the mental health departments or law enforcement agencies or other branches of government.



It will take the combined effort of every one of us—from all walks of life.

Your child may very well be out there right now, like mine was . . . needing help . . . seeking answers . . . and whom will he turn to . . . a pusher?

My son is an addict. But he is your son, too, just as your son or daughter is also mine . . . to help as long as I have breath or strength. Or love.

#### A SKEPTICAL ECONOMY

### HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. HARRINGTON. Mr. Speaker, when the President proposed his program to stimulate the economy, many of us argued that it was both misdirected and inadequate; that the package of pro-business tax cuts which he proposed and which we unfortunately enacted with little change would fail to make a serious dent in our unemployment problem.

It is becoming more and more clear that this is the case. Recent downward revisions in economic projections confirm the fear that we will finish the year with unacceptably high unemployment—unless we move decisively to restimulate the economy in socially productive ways.

There will be a proposal forthcoming in the near future to provide more public-service jobs for men and women who want to work, but now cannot find jobs. The following article from the Wall Street Journal, quoting the view of Prof. Henry Wallich, makes clear the need for such programs.

The article follows:

**DOUBTS ON ECONOMY'S 1972 GROWTH OUTLOOK ARISING NEAR U.S. POLICYMAKING CENTERS**

WASHINGTON.—Skepticism about the economy's 1972 growth prospects is creeping closer to the government's policy-making centers.

The Treasury's top economic consultant openly asserted that the gross national product is more likely to rise \$85 billion than the \$98 billion officially forecast by the Nixon administration. And a Commerce Department revision left the last quarter's GNP—the dollar value of total private and governmental output of goods and services—flowing a little less assuringly.

The overriding concern at high levels in the Nixon camp is whether unemployment will be reduced significantly enough to remove it as a campaign handicap. While the present inclination is to hold off any fresh action until current budget and monetary policies have about three to six months to prove themselves, the contingency planning extends to such last-resorts as a new Works Progress Administration or WPA, for massive public employment.

#### GREATER PLAUSIBILITY

Henry C. Wallich, Yale professor and part-time senior economic consultant to Treasury Secretary John B. Connally, split from the optimistic official line in testifying to the congressional Joint Economic Committee on Friday. Instead of a GNP rise to \$1.145 trillion this year from the \$1.047 trillion of 1971 as the administration predicts, Mr. Wallich said, "a forecast of \$1.132 trillion has greater plausibility."

His own forecast is considerably less optimistic than the "consensus" of prominent private economists, too, Mr. Wallich noted.

But he has "some uneasiness" about this consensus, he explained, on grounds that it is based too narrowly on mathematical formulas and because it masks wide variations between high and low estimates for various sectors of the GNP.

Asked about Mr. Wallich's statement, a spokesman for the President's Council of Economic Advisers said that "we still have confidence in our forecast." While there are "uncertainties," he conceded, the elapse of one month since the council forecast was issued is too short a time to justify "jumping to another conclusion." Besides, he added, the January statistics for industrial production and other indicators "weren't all that bad."

The Commerce Department's latest revision of GNP figures wasn't nearly as sharp as the one it had made in January for the first three quarters of last year. This time it pared only \$100 million from the original version of a \$1,072,900,000,000 seasonally adjusted annual rate.

#### "REAL" RATE SLICED BACK

But the fourth quarter's "real" GNP growth rate—expressed in 1958 dollars to strip away the effects of inflation—was sliced back to 5.8% from the original version of 6.1%, which officials had hailed as the start of the 6% trend they're seeking for 1972. And the GNP price-inflation index, while still sharply reduced from other recent periods, was scaled up to a 1.7% annual rate from the original estimate of a 1.5% pace.

Two sectors of the GNP underwent major and largely offsetting changes, the department said. With dock strikes taking a larger toll than expected, the deficit on foreign trade in goods and services combined was revised to a \$4.6 billion annual rate from the earlier estimate of a \$2 billion deficit rate. But business fixed-investment was scaled up by "almost the same amount," the report added.

The consumer spending rate was reduced by \$500 million, it also showed, but business inventory accumulation was revised upward by a like amount to a \$2.4 billion annual rate. The saving rate was revised upward to 7.8% of after-tax personal income from the earlier version of 7.7%.

Also in testimony to the Joint Economic Committee, former Johnson administration chief economist Arthur M. Okun said his GNP forecast is \$5 billion below that of the Nixon administration estimate for 1972. The "important difference," though, he said, is that he expects the unemployment rate to be 5.4% around year-end, in contrast to the administration's estimate of the rate being in "the neighborhood of 5%."

#### TAX REBATE PROPOSED

Disputing the recently voiced fears of some private business economists, the Brookings Institution senior fellow said "I see no economic risk in applying more stimulus to the economy now or in the next few months," and suggested a \$100 one-time tax rebate on each 1971 individual income-tax return this spring. "The danger that the consumer might continue to refuse to climb on the bandwagon toward recovery is sufficiently serious to warrant contingency planning at this time," Mr. Okun said.

As part of its own contingency planning, the Treasury has sent a private memorandum to key officials of other agencies asking, among other things, "What is and can be done to put the unemployed to work for the government, a la WPA?" In recent public testimony, Nixon administration officials have bitterly criticized large-scale public-service-employment programs such as the Depression-era WPA, but congressional questioners have reminded them that they sounded just as adamant against wage-price controls and dollar devaluation prior to last Aug. 15.

While the dispute about how much unemployment will be reduced this year from the recent level of about 6% continues, so does

the dispute over whether the administration's "full employment" goal should continue to be a 4% jobless rate.

Mr. Wallich observed that "today, 4% unemployment unfortunately is more inflationary than in the past." While favoring "direct action" such as massive job-training to reduce disproportionately high unemployment among women and teen-agers, he asserted that "we must rid ourselves of the implication attached to the overall unemployment figure that the part-time unemployment of a high school teenager has the same social significance as the unemployment of a head of a family."

#### REDEFINED, DEVALUED CONCEPT

Expressing concern that the administration wants to "abandon the battle for non-inflationary full employment and seek shelter in a redefined, devalued concept of full employment," Mr. Okun estimated that the cost of having 6% instead of 4% joblessness is "about \$75 billion in lost production and lost income." In addition, he argued that it is important whether a recent high school graduate "is greeted by a society eager for his contribution to the productive process or rejected because of a shortage of jobs," and that "it is relevant whether a woman in her forties who has sent her youngest child off to college . . . finds something productive to do."

Also on Capitol Hill Friday, the Senate confirmed Marina Whitman as a member of the Council of Economic Advisers, and confirmed the reappointment of William B. Camp for a five-year term as Comptroller of the Currency, or regulator of U.S.-chartered banks. The Senate Commerce Committee cleared Peter G. Peterson to become Commerce Secretary, but the nomination hasn't yet reached the Senate floor.

#### YOUTH WITH A PURPOSE

### HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mrs. GRASSO. Mr. Speaker, this week we honor those fine young men and women who are members of the vocational agricultural education program known as Future Farmers of America.

The FFA program, open to youth between the ages of 14-21, has a current enrollment of nearly 550,000 high school students in 49 States, Puerto Rico, and the Virgin Islands. In Connecticut, there are 17 chapters of FFA with over 1,000 members—including five chapters in my Sixth District: Canaan, Litchfield, Southington, Suffield, and Woodbury.

The Future Farmers of America provides an opportunity for interested young men and women to study agriculture through seven related topics. These include: agriculture supplies and services; agricultural processing; ornamental horticulture; product agriculture; natural resources; agricultural mechanics and engineering-electrification, and forestry.

Providing adequate, nutritious food for our people is a vital responsibility, as the future unfolds and our young people play an increasingly important role. Today's young farmers, through FFA, are being given the opportunity to study this problem and help arrive at solutions. More and more, the young people

of today are being called upon to meet the challenges of the future, and through the Future Farmers of America program they have the chance to meet these challenges head on. The FFA helps these young people to foster creative ideas in the modern, complicated world of agriculture.

The Future Farmers of America deserves our support and our admiration. I am pleased to join my colleagues in saluting this great organization.

## **SOUTH GEORGIA LIMITED ACCESS HIGHWAY ASSOCIATION**

### **HON. JACK BRINKLEY**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. BRINKLEY. Mr. Speaker, I recently had the privilege of giving the welcoming address to a meeting of the South Georgia Limited Access Highway Association at Callaway Gardens in Pine Mountain, Ga. This meeting was attended by State highway officials from six States—Alabama, Mississippi, Tennessee, Arkansas, Missouri, and Georgia—and was concerned with construction of a proposed limited access highway which would stretch from Kansas City, Mo., to Brunswick, Ga. This proposed major highway would, in effect, connect the southeastern and midwestern United States. In view of the widespread interest as well as the importance of such a highway, I would like to bring to the attention of my colleagues excerpts of my remarks which were made at the meeting and those of Col. Kermit Blaney, retired, the executive director of the South Georgia Limited Access Highway Association. Colonel Blaney is also my good friend and neighbor from Columbus, Ga., and is providing excellent leadership to this much needed and deserving project.

The articles follow:

#### **ADDRESS BY REPRESENTATIVE JACK BRINKLEY**

Fourteen months ago near Cartersville, Georgia, on U. S. 41 Thomas Jenkins, his wife and their three children, in their 1962 Plymouth station wagon, were returning home from Marietta. They were northbound. Several miles beyond them, an elderly Missouri couple, Mr. and Mrs. John Jeter were proceeding southbound on that same highway, U. S. 41; intended destination, Orlando, Florida. They were never to make it.

Four minutes later, somehow, Mr. Jeter lost control of his 1970 Bonneville and the lives of seven people were snuffed out in a moment.

Thomas was only 34, his wife 31. He was a skilled craftsman with Lockheed. Their oldest son was nine, with bright eyes and a zest for living. The second child was a curly headed seven-year old girl. The baby was only three.

The Jeters were retired. Healthy, and with many of the best years of their life before them.

The tragedy didn't have to happen. Had I-75 been completed, Las Vegas would have given long odds against its happening. You see, I-75 is the parallel replacement road for U. S. 41.

To build the most modern highway known to man and connect it with a one-mile mud puddle link, reduces the efficiency of the highway to the mud puddle!

This is I-75. The portion of U.S. 41 still in use is the mud puddle. And, it is travesty that the U.S. Department of Transportation has not shown the willingness or ability to make a decision in this regard.

The story I have told you is a fictitious one. It is not true. But the statistics are even greater. In the past 14 months, 18 killed; 337 injured on that stretch of road.

Conservation? Doesn't the conservation of human life count for anything?

And who is there among us who ever saw an ugly interstate? Medians with trees; broad, sloping, grassy shoulders!

Who speaks for conservation? Ecology? The environment?

A pastor could hardly allow an imposter to occupy his pulpit. All of us should just as vigorously oppose the pre-emption of this field by those no more qualified than ourselves.

Of course, we care about aesthetic consideration. Of course, we are concerned with the surrounding terrain. Of course, we want quality control. And of course, good roads can be consistent with all of these things.

Our job as reasonable men and women is to be leaders, champions for conservation, for ecology, for the environment, for good roads. Each complements the other and we must not allow that good package to become contaminated by omission of any one item or a fetish for any one.

Reasonable men do not wish to go back to Adam and Eve. Nor to the caves; neither do we wish to spoil. Our motto should be, along with 4-H's, to make the best better.

Finally, on the question of limited access, may I quote several paragraphs from the following article which appeared in the *American Road Builder*:

"Controlled" or "limited" access actually is a guarantee that a highway will live, and not become obsolete in sections because of fringe development. More specifically, when access on a highway is "controlled," or "limited," it means simply that all access points have been designated in advance of construction, as the road was designed, and rights of way needed for its construction then acquired incorporating all access points into the land deeds and barring others.

"It means the prohibition of direct access to the through-traffic lanes from individual properties contiguous to the rights of way, thus reducing the number of potential congestion or accident points. It means no traffic intersections at grade, no stop lights, no stop signs and no left turns.

"Controlling access assures preservation of the highway investment, guaranteeing use of the right of way for travel in perpetuity. It means that you can get on and off the main roadway only at facilities designed especially for that purpose. It means safety, convenience, comfort and a minimum of traffic congestion for the user."

As Shakespeare once pointed out:

"There is a time in the affairs of man which taken at the flood leads on to fortune, omitted all the voyages of their lives are bound in miseries and in shallows; on such a full sea are we now afloat and we must take the current when it serves, or lose our ventures."

The best poverty program that could ever be developed would be to put people to work. What better way than by putting people to work as an investment in public works projects, whether it be dams, or buildings or roads?

#### **ABSTRACT OF REMARKS BY KERMIT B. BLANEY**

Interest has been growing for this highway corridor as is demonstrated in all communities along the route and it is easy to gain the impression that this is primarily based on selfish political interest. This, in my opinion, is like the cliché, put me in office and I'll get you the highway. If this was our justification for the highway, I would

not be a part of it and would not be here today.

The real justification and need for this highway corridor is far and beyond selfish interest. To point this up let us again look at the entire United States.

1. It is estimated there are over 205 million people in our nation—with over 30% or some 70 million concentrated in the northeast.

2. Ecology and contamination are fast becoming common household words and this is primarily because of the conditions that have developed in the over congested northeast area.

3. Our educators and learned writers are more than attempting to enlighten and at the same time caution us regarding future plans and developments. The recent runaway best seller *Future Shock* by Alvin Toffler, provides some interesting and enlightening facts on how rapidly we are progressing in all areas and changes are urgently needed to cope with conditions of tomorrow. Although I'm not a student of the megalopolis theory, wherein there will only be five large cities in the entire United States, in my opinion, the facts presented in support of this theory warrant more than cursory consideration. We should also become more aware of today's positions and advice from our modern urban geographers and civil engineers.

I'm sure many of you have read the quotation in our brochure attributed to the late Thomas H. McDonald, head of the Bureau of Public Roads for 34 years when he once said, "we were not a wealthy nation when we began improving our highways but the roads themselves helped us create a new wealth in business and industry and land values... So it was not our wealth that made our highways possible; rather, it was our highways that made our wealth possible."

In my opinion the United States must grow outward from the northeast area. To meet this growing need more modern land lines of communication are required outside that area. The highway corridor will go far to meet the initial expansion area required. It ties the heartland of the United States so the southeast coast—and here international deep water ports are available for expansion. A closer look at the corridor presents another factor. It is understood that traffic service here—Kansas City—Springfield, Mo.—and here between Memphis and Birmingham and here between Interstate 85 and Interstate 75 goes far toward justifying this highway need today.

We are honored that our highway officials from the six States would join with us in our meeting here today. The greatest majority of us came here for a common cause, we want this highway corridor evaluated—not only looking at it as to what it will mean to Waycross, Ga., Sylacauga, Ala., Tupelo, Miss., Newport, Ark., or Springfield, Mo.—more than that—we feel that this corridor goes far to meet one of the greatest needs in the central and southeastern United States—and in my opinion in the best interest of our planned highway network serving the United States.

Therefore we have a joint request to make, and here it is:

We wish to initiate a request to the respective state highway departments and to the federal highway administration to accomplish an overall survey analysis on the proposed highway corridor connecting the southeastern with the midwestern United States and to provide an official route or corridor designation for same.

Further, we request a reply report on the survey analysis at our next meeting in Memphis, Tennessee, Monday, October 9, 1972.

I'm sure that most anyone of us could go on expounding on this highway corridor for some time, but we do not feel we need to belabor the matter anymore among ourselves.

In summary, I wish to add that it is inspiring to me, in the day of dehumanized,



computerized programming, to be able to be a part of this project. Here's why: Everything these days seems mechanized and impersonal, yet this program brings together major cities like Birmingham and Memphis, and the smallest counties in Arkansas and Georgia, working hand in hand, on an equal basis, toward a common goal—the completion of this highway, which will be a vital link between the peoples of our great nation.

**TWELFTH ANNIVERSARY OF THE  
INDEPENDENCE OF THE REPUBLIC  
OF CHAD**

**HON. CHARLES C. DIGGS, JR.**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. DIGGS. Mr. Speaker, Tuesday, January 11, 1972, was the 12th anniversary of the independence of the Republic of Chad, and I wish to speak briefly about the progress made during these 12 years by the Government and people of Chad.

The people of Chad trace their lineage to several of the ancient empires of central Africa, including the magnificent kingdoms of Kanem-Bornou. Francois Tombalbaye, who became President of Chad at independence, endeavored to bring members of all religious and racial groups into his government. He encouraged the expansion of the Parti Progressiste Tchadien, hoping to use the party to stimulate a greater sense of national identity among Chad's peoples. During my visit to Chad in the spring of 1970, I noted the efforts of President Tombalbaye to weld his people together. He sought and obtained foreign assistance from abroad, principally from France, and he espoused the practice of regional cooperation among African states.

Development has not been easy. The subsistence nature of the Chadian economy permits little local capital formulation, and Chad thus remains highly dependent for economic improvement on increasingly scarce foreign assistance. Rebellion by bandits and political insurgents necessitated a call on France for military assistance in the late sixties. Conflicting national goals sometimes checked efforts at regional economic development.

Twelve years after independence, however, President Tombalbaye heads a civilian government which includes representatives from all parts of Chad. Government control has been reestablished over most of the country, amnesties have been granted political opponents, some of whom now are members of the government, and the modest French forces which helped Chad curb insurrection have begun their withdrawal. Within the party, there is vigorous debate, and all sectors of the population are represented in its leadership. Even dissident students have access to the President, who recently took a personal hand in correcting some of the problems which sparked student protests in Fort-Lamy. President Tombalbaye's role within Africa has been recognized by his peers, the other African Chiefs of State who have elected him President of OCAM, the African and

Malagasy Common Organization, for 2 successive years.

On this anniversary of Chad's independence, the progress made in national development by the President, his government and people merits commendation. Congratulations to President Tombalbaye and to the people of Chad, and best wishes for a development which I hope the United States will continue to support.

**TRANSPORTATION FOR THE  
ELDERLY AND HANDICAPPED**

**HON. BELLA S. ABZUG**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mrs. ABZUG. Mr. Speaker, this afternoon, I had the privilege of testifying before the Subcommittee on Housing of the Committee on Banking and Currency on urban mass transit in general and the transportation problems of the elderly and the handicapped in particular.

Under the 1970 amendments to the Urban Mass Transit Act, we have begun to move toward redesigning transportation facilities so as to make them accessible to elderly and handicapped persons. This work will take many years to accomplish, and we must provide some assistance in the interim.

H.R. 10909, which is sponsored by 20 Members plus myself, would permit the Secretary of Transportation to make grants to private nonprofit groups willing to undertake transportation of the elderly and the handicapped. It would also increase from 1½ to 2 percent the proportion of Urban Mass Transit Act funds available for elderly and handicapped programs in the field of transportation.

I include at the conclusion of my remarks the text of my statement before the subcommittee, the text of the bill, and a list of the 20 cosponsors:

TESTIMONY BEFORE THE SUBCOMMITTEE ON  
HOUSING OF THE COMMITTEE ON BANKING  
AND CURRENCY: URBAN MASS TRANSIT,  
TRANSPORTATION FOR THE ELDERLY AND  
HANDICAPPED

Mrs. ABZUG. Chairman Barrett, Members of the Subcommittee, it is a pleasure to appear before you this afternoon.

I think that you are all aware of the tremendous problems facing our urban areas with regard to mass transportation. Our existing mass transit facilities and systems are in large measure unable to cope with the demands made upon them. The facilities are often old and subject to breakdowns; the systems are uncoordinated and do not cover sufficiently either the central cities or the suburbs. Individuals who cannot afford automobiles are compelled to struggle with these shortcomings, enduring inhuman conditions just to get to and from work each day. Because we have failed to make mass transit as attractive as private cars, people who can afford cars are willing to suffer through rush hour traffic conditions; as a result, our ears are choked by noise and our lungs are choked by fumes.

It is apparent that massive infusions of capital are necessary to redesign and modernize our urban mass transportation systems and facilities as well as to meet day-to-day operating costs. Only the federal government has the financial wherewithal to do

this, and I am a co-sponsor of legislation which would make the Highway Trust Fund available for mass transportation purposes, as well as other legislation which reflects the great need for federal financial assistance in this area. We are all in this together, and it is a terrible mistake to take the parochial view that funds collected as highway use taxes should be used only for highway purposes.

**TRANSPORTATION FOR THE ELDERLY AND  
HANDICAPPED**

You have already heard from other witnesses about the general need for help in improving urban mass transit, so I will not dwell on that subject further. I would, however, like to discuss briefly a specific and very much needed program—transportation for the elderly and the handicapped—and a specific bill which I have introduced on this subject, H.R. 10909.

Ten percent of this country's population is over the age of 65. 70% of all single women and 32% of all single men in this category have incomes of less than \$2670 per year; one-quarter of all individuals in this category have incomes below the poverty line. After food and housing, transportation is the top expenditure in senior citizens' budgets, accounting for about 9 cents out of every dollar.

Three percent of our population—6 million individuals—is chronically handicapped, and an additional 4.6 million have short-term disabilities. More than half of the chronically handicapped have incomes below the poverty line.

The elderly and the handicapped are often isolated and unable to make full use of transportation services in their communities. Use of public mass transit systems is often impossible for persons confined in wheelchairs or needing individual assistance due to their physical or emotional handicaps. Without adequate transportation, these people are denied access to shopping areas, recreational facilities, gainful employment, and social contacts. Cut off from these life needs, many of the elderly and the handicapped find themselves in isolation, often leading to mental and physical deterioration.

Some movement toward alleviating this problem has been made. Section 16 of the Urban Mass Transit Act, added in 1970, permits the use of 1½% of the total funds allocated for mass transit programs for the provision of transportation services "which are planned, designed, and carried out so as to meet the special needs of elderly and handicapped persons." Plans and studies are being made with an eye toward modifying existing mass transit facilities to make them accessible to the elderly and the handicapped. Furthermore, efforts are being made to see to it that systems and facilities built in the future will be designed so as to be accessible to these people.

Section 16, as presently worded, is not sufficiently flexible to meet the transportation needs of the elderly and the handicapped. The modification of existing facilities and their replacement with better designed new facilities, will be an immensely costly undertaking and will doubtless take many, many years to accomplish. We cannot ignore the needs of these disadvantaged people until the far-off time when our regular facilities are able to handle them.

Last fall, I introduced H.R. 10909 (reintroduced, with 20 co-sponsors, as H.R. 11259), which would amend section 16 to enable the Department of Transportation to provide grants to private, nonprofit groups which are willing and able to provide transportation for the elderly and the handicapped here and now. The bill raises from 1½% to 2% the percentage of Urban Mass Transit Act funds available for transportation aid for the elderly and the handicapped; this represents an increase in the existing authorization of \$15 million. The groups re-

ceiving these funds would transport the disadvantaged to and from hospitals, clinics, shopping centers, recreation centers, and cultural activities, thus enabling them to enrich their lives and increase their independence.

I am not suggesting that we should eschew careful, long-range planning to adapt our mass transportation systems to the needs of the elderly and the handicapped, but only that we should recognize the needs as current ones. H.R. 10909 clearly provides that grants to private groups for transportation purposes would only be made in areas where the regular mass transit facilities are "unavailable, insufficient, or inappropriate" for the needs of this specialized group.

I am sure that we are all agreed as to the need to modify our transportation systems to take care of these people. I hope that we can also agree as to the need for some immediate relief, and that this bill—or at least this concept—will receive favorable consideration from this distinguished subcommittee.

Thank you.

#### H.R. 10909

A bill to amend the Urban Mass Transportation Act of 1964 to authorize grants and loans to private nonprofit organizations to assist them in providing transportation service meeting the special needs of elderly and handicapped persons

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 16(b) of the Urban Mass Transportation Act of 1964 is amended to read as follows:

"(b) In addition to the grants and loans otherwise provided for under this Act, the Secretary is authorized to make grants and loans—

"(1) to States and local public bodies and agencies thereof for the specific purpose of assisting them in providing mass transportation services which are planned, designed, and carried out so as to meet the special needs of elderly and handicapped persons, with such grants and loans being subject to all of the terms, conditions, requirements, and provisions applicable to grants and loans made under section 3(a) and being considered for the purposes of all other laws to have been made under such section; and

"(2) to private nonprofit corporations and associations for the specific purpose of assisting them in providing transportation services meeting the special needs of elderly and handicapped persons for whom mass transportation services planned, designed, and carried out under paragraph (1) are unavailable, insufficient, or inappropriate, with such grants and loans being subject to such terms, conditions, requirements, and provisions (similar insofar as may be appropriate to those applicable to grants and loans under paragraph (1)) as the Secretary may determine to be necessary or appropriate for purposes of this paragraph.

Of the total amount of the obligations which the Secretary is authorized to incur on behalf of the United States under the first sentence of section 4(c), 2 per centum may be set aside and used exclusively to finance the programs and activities authorized by this subsection (including administrative costs)."

#### COSPONSORS

Mr. Addabbo, Mr. Bingham, Mr. Burton, Mrs. Chisholm, Mr. Collins of Illinois, Mr. Dellums, Mr. Ellberg, Mr. Gude, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Helstoski, Mrs. Hicks of Massachusetts, Mr. Pepper, Mr. Pike, Mr. Podell, Mr. Rangel, Mr. Roe, Mr. Rosenthal, Mr. Ryan, and Mr. Scheuer.

## CONGRATULATIONS TO MAPLE HEIGHTS WRESTLING TEAM

### HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. JAMES V. STANTON. Mr. Speaker, I would like to extend my warmest congratulations to the Maple Heights High School wrestling team upon the achievement of their 100th consecutive victory. Their proud record reflects the great ability of Coach Mike Milkovich and his staff, who have caused high school wrestling in Maple Heights to become synonymous with diligent work and steadfastness in the pursuit of excellence. The many young men of Maple Heights who helped compile this record have had their lives immeasurably improved through the high standards of physical and mental fitness required for wrestling, but equally important is the sense of pride and excitement that the team has inspired in our community.

In honor of the achievements of Coach Milkovich and the Maple Heights wrestling team, I insert into the RECORD the following tribute from the Southeast Sun:

#### SUN OPINION—A GREAT RECORD

Maple Heights High and its "Mr. Wrestling," Coach Mike Milkovich, still are celebrating their mat teams' almost unbelievable string of 100 consecutive victories, and no one will resent their moment of pleasure.

The Southeast Sun joins in congratulating the school for its accomplishment, and extends a special salute to the man most responsible for the record—Mike Milkovich.

He has been the one constant factor in the school's phenomenal success in wrestling over the past 16 years, and tribute should be paid his ability to produce teams that consistently have led in state competition.

Milkovich himself was a great wrestler, reigning as a state high school champion in 1941 and northeast Ohio Amateur Athletic Union champion at Kent State University in 1948.

But being an outstanding athlete in any sport does not guarantee the individual will be an outstanding coach. Milkovich's record proves he has been both because he has been able to inculcate his vast knowledge of the sport in his squad members.

Perhaps Milkovich's most important trait is his ability to motivate his youngsters. He has done this by exhibiting a rare expertise in the sport and also gaining and maintaining the respect of the students.

He has successfully combined the two with a wise choice of assistant coaches to build a winning spirit at Maple Heights. He also has taught the boys that when defeat does come, the real athlete picks himself up after a loss and starts a winning streak anew.

In fact, in some circles his 186-3 overall record at Maple Heights High rivals closely the 100-victory string.

Nor does the general public know that Milkovich devotes untold hours to segments of the sport not primarily of benefit to the Maple team. He has held numerous offices in city and state wrestling organizations, and has shared his knowledge at many meetings and seminars.

In wrestling, Milkovich has had the best of two worlds. He has been able to demonstrate

to the individual athlete that his performance helps in the team effort, but the coach also can impress on his youngster something all persons, not just athletes, eventually must learn: that each is responsible for his actions, and how he makes out in life will depend mostly on him.

That Maple Heights High is fortunate in having Milkovich is self-evident; perhaps not so evident but immeasurably more important is that hundreds of Maple Heights High athletes have been exposed and influenced by a fine gentleman... CJR.

## HOUSTON NATIVE WINS WORLD CHAMPION RODEO TITLE

### HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. ARCHER. Mr. Speaker, I would like to pay tribute to a real cowboy, a native of Houston who has just capped his finest year on the professional cowboy rodeo tour by winning the world champion all-around title at the International Finals Rodeo in Tulsa, Okla.

Jack Wiseman, a resident of Missouri City, Tex., has for years been a top performer in rodeo with the International Rodeo Association, and this year he set a purse earnings record for IRA cowboys.

Wiseman is only 28 years old, yet he is already a veteran rodeo performer of 11 years standing, the last 4 with the International Rodeo Association. Versatility is the mark of a true cowboy, and Jack Wiseman is truly versatile. This year he was the only man to work a riding event and a timed event in the IFR, competing and winning the bull riding competition, and finishing third in steer wrestling. It is rare for a rodeo performer to compete in both riding and timed events, but the unusual combination has paid off handsomely for the talented Texan, as he added a second world championship title to the one he won in 1969.

Jack Wiseman is a true cowboy, having been raised on his father's ranch near Texas City where he learned firsthand and at an early age of the bumps and bruises attendant to riding bulls and bucking horses. Today, when not on the "Suicide Circuit," he still makes his living as a working cowboy on ranches in south Texas.

A fitting champion, Jack Wiseman is a model representative of a sport that has resisted exploitation and over-organization—one in which personal initiative and pride of performance are the marks of a man. The cowboy still sets his own schedule, pays his own fees and expenses, and arranges for his own future, fiercely resisting conformity and manipulation. The rodeo cowboy remains independent and self-reliant, doing "his own thing" in his own, unique, individual way—an example for all of us in an age of regimentation and follow the leader.



**TWENTY-THIRD CONGRESSIONAL DISTRICT'S COMMUNITY CONFERENCE—"MAKING GOVERNMENT WORK BETTER"**

**HON. JONATHAN B. BINGHAM**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. BINGHAM. Mr. Speaker, for the sixth year I have sponsored, with the cooperation of the New York University, a community conference to which all residents of the 23d Congressional District were invited. The theme of this year's conference, on November 14, 1971, was "Making Government Work Better." As usual, a great many citizens turned out to hear opening statements and panel discussions by a number of distinguished guests. The opening statement was made by Senator EDMUND MUSKIE, and four panel discussions were conducted, with the following participants:

**MAKING GOVERNMENT WORK BETTER**

Panel I—Is the consumer adequately represented?—Auditorium.

Chairman: Hon. Robert Abrams, Bronx Borough President.

Panelists: Ms. Betty Furness, Congressman Benjamin Rosenthal, Author—Consumer Protection Agency Act of 1971, Paul Dixon—Federal Trade Commissioner.

Reporter: Ms. Ruth K. Nezin.

Panel II—Can Congress do its job?—South Lounge.

Chairman: Congressman Jonathan Bingham.

Panelists: Former Senator Albert Gore, Congressman Herman Badillo, Congressman Charles Rangel, and Edward Hamilton, Deputy Mayor of New York City, and Councilwoman Aileen Ryan.

Reporter: David Condliffe.

Panel III—How can we humanize bureaucracy?—North Lounge.

Chairman: Councilwoman Aileen Ryan.

Panelists: Dr. Jewel Bellush, Professor of Political Science, Hunter College; Staff Director, City of New York Commission on State-City Relations, Victor Gotbaum, Executive Director, District Council 37, American Federation of State, County and Municipal Employees, Edward Hamilton, Deputy Mayor of New York City.

Reporter: Mrs. Shellagh Perry.

Panel IV—Does the military have too much influence?—Auditorium.

Chairman: Congressman Jonathan B. Bingham.

Panelists: Cyrus R. Vance, former Paris peace negotiator and Deputy Secretary of Defense, Adam Yarmolinsky, Author—The Military Establishment, and J. Daniel Mahoney.

Reporter: Mrs. Jerri Rose.

Conference Coordinator: Mrs. Lucille Felsenthal.

Mr. Speaker, it was not possible to take a verbatim transcript of the proceedings, except for Senator MUSKIE's opening statement. The following summaries, therefore, are based on rapporteurs' notes. I am pleased to submit them for the RECORD in view of the excellent observations and recommendations they contain on a subject of broad interest to the public and to the Members of this Congress:

**PANEL II—COMMUNITY LEADERSHIP CONFERENCE REPORT**

**CAN CONGRESS DO ITS JOB?**

Chairman: Congressman Jonathan Bingham.

Panelists: Former Senator Albert Gore, Congressman Herman Badillo, Congressman Charles Rangel, N.Y.C. Deputy Mayor Edward Hamilton, and N.Y.C. Councilwoman Aileen Ryan.

Reporter: David Condliffe.

Senator Gore argued for three reforms:

(1) a reform in the independence, in the responsibility and in the political courage of the men and women in Congress.

(2) American elections should be freed from private money

(3) The procedure of Congress should be brought to the American people on television and radio.

In arguing for a reform in the moral courage and responsibility of the members of Congress, Senator Gore stated that Congressmen must put the interests of the American people ahead of their own political fortune. What right does a senator have to vote to confirm the Supreme Court nomination of an unqualified man, no matter from whence he comes?

Secondly, American politics should be freed from money. The greatest threat to our democracy is money in politics. "We saw last week two events: 1) a United States Senator who had declared himself a candidate for President found he had to withdraw after six weeks, because he said 'I'm broke.' It cost him \$50,000 a month to run for President. 2) We saw a fund-raising event on closed-circuit T.V., an event which reportedly raised \$5 million in one night for President Nixon. Now how does a man of the people without the support of the money bags compete with a man who has access to virtually unlimited campaign funds? The inequality is glaring.

How does that affect the public interests? In this day of mass communications, a monied candidate for Congress, for the Senate or for the Presidency can buy up the time on television and radio to smear his opponent. Why, ladies and gentlemen, in this country of freedom should we allow the principle force of the decisive last days of a campaign to be the size of a candidates campaign chest?

Last year the Congress voted to place a limit on the usurpation of television time for political purposes. But it was vetoed. There has been a battle on all this year. I don't know what the outcome will be. But instead of a limitation we ought to eliminate private money in politics completely. If any candidate for Parliament of Great Britain spent one tenth as much as an average candidate for the U.S. Senate does in this country, he wouldn't be permitted to take his seat. That used to be the custom in our country. If a man corrupted the ballot box with vast amounts of money, he wouldn't be permitted to take his seat in the United States Senate. This is no longer true.

We are a nation of 200 million people. Yet we elect only 537 men and women to Federal office. Now one would think that when the whole system of freedom depends upon the integrity of such a small group that in filling these positions we would decide on the basis of merit. Rather we are now brainwashed by the amount of money which is spent.

Elections must be freed from both the money of politicians and the money of others. Let the government of the United States provide reasonable funds to conduct a regulated and a people-oriented campaign.

Thirdly, the proceedings of Congress should be brought to the American people. We have seen the growth of the power of the Presidency. We have seen the powers of the elected representatives of the people diminished, degenerated and denied. When the President speaks he has access to all the television channels and newspapers. There is no unified voice of the Congress and perhaps there never can be. There is however,

a place they hold their meetings. Newspapers have reporters in the Gallery, but the television cameras are not permitted there. I think the American people need to look in upon their representatives every time they meet.

Senator Gore cited two examples to clarify his point: the televised hearings on the Vietnam war and on the deployment of anti-ballistic missiles.

Before the Senate Foreign Relations Committee hearings on the Vietnam war, the American people were frightened to criticize our policy lest they be accused of disloyalty. When they heard eminent Americans question the morality, validity and legality of the war, then the American people stood up themselves. It caused President Johnson to alter his course.

The second development concerned the deployment of the Anti-Ballistic Missile System. We held televised public hearings. This was a very bitter and close battle. We lost by a tie vote. But we really didn't lose. This was the beginning of many battles to re-direct America. It led to the defeat of the SST. It led to the administration backing off on ABM. These were battles in the overall struggle to re-order priorities in our society.

These instances show what it means to the American people to be brought into the decision-making process. This was enlightened public opinion in participatory democracy. If we can do it on the big, the technical, the sophisticated issues, then we can do it on the other issues; tax policies, social security, the urban problems. This third reform, added to the other two, offers three fundamental steps which will bring Congress into a new order of effectiveness.

Mr. Hamilton made two additional points:

Mr. HAMILTON. (1) Congress can only do its job if the federal structure is changed. This means federal assumption of national problems such as: welfare, national health insurance, and general revenue sharing.

(2) Reform of the seniority system. New York City's obstacle with regard to revenue sharing is a single Congressman from Arkansas who sits on the Ways and Means Committee. It must be profitable for him politically to change his position. Presently the system is not structured to express popular will.

There is a serious danger of this nation falling apart if Congress does not treat the problems of our cities and states. Welfare, poverty and migration are national problems. General revenue sharing must be used to aid the cities and states in providing basic services like police, fire, sanitation and education. As long as seniority and money are the base of power in Congress, then cities will be underrepresented de facto if not in number.

Mr. BINGHAM. I couldn't agree more with Senator Gore. Elections are bought. Senator Gore knows whereof he speaks. His opponent bought T.V. and the newspapers.

I am presently in the middle of a fight on this problem in the Congress. The Corrupt Practices Act does no good. We have a reasonable chance this year of passing spending limits on television, radio and periodical advertising. Two committees are presently working on legislation on this problem. The Committee on House Administration is working on legislation to limit contributions and personal spending and to require more complete reporting. We also hope the President will recognize the importance of the litigation brought by Common Cause in this field.

Even if these controls are effective, it will still be possible to spend \$12 million in a Presidential campaign. These are very large amounts of money.

We must find a way to put an end to the powerful lobbies in Congress. In the issue of Highways versus Mass Transit we are not underrepresented numerically; rather, the high-

way lobby controls many members of the subcommittee on Public Works. Reform in this area is at least as important as reform of the seniority system.

The real question is what is to take the place of the current system. Will taxes pay for campaigns? Is this politically real? If so, does anyone running in a primary receive federal money?

Senator GORE. I would like to answer that by way of an illustration. I recently spoke in San Diego. A man I had never met rose to tell me of his travels in Latin America. While in Sao Paulo, Brazil and in Lima, Peru he had witnessed fund-raising events attended by officers of U.S. corporations based in Latin America. They were raising money to defeat me back in Tennessee. I knew that a similar event took place in the Carlyle Hotel in London for their counterparts in Western Europe. What is their money doing in a Tennessee election? When I asked that San Diego audience if public financing of campaigns could be sold to the American people, the audience applauded. Let the taxpayers preserve their freedom by financing these campaigns instead of permitting them to be subsidized by private interests.

In answering your question about primaries, we must recognize that in many instances the primary is for all intents and purposes the election. The question is how to prevent every Tom, Dick and Harry from receiving campaign funds. There are several solutions. If a candidate can collect say 1000 signatures on a petition, we have some indication of a serious candidacy. We also could have runoff elections.

Also we must emphasize that we are not talking about vast sums of money. The cost of one submarine is more than the cost of most national campaigns.

Mr. BINGHAM. This will be one of the central issues of the 1972 campaign. The Twentieth Century Fund has decided to launch a comprehensive study of campaign spending.

Mrs. RYAN. In discussing campaign spending, I must ask the question: What about all elections?

This is one of the most serious problems. Congressman Badillo discussed three issues which he felt prevent Congress from dealing effectively with our real problems:

- (1) the job of Congressmen,
- (2) the difference between appropriation and authorization,
- (3) the seniority system.

The main issue to be discussed is what is the job of a Congressman. An example of this issue is in this week's Congressional Record.

Mr. Montgomery of Mississippi reports that he took a poll on the prayer amendment issue. The response was 85% in favor of prayers. He found that he voted the way they wanted him to back home. Yet as Congressmen we should not be talking only about the rights of the majority, but the rights of the individual, also. It is the function of Congress to uphold the Bill of Rights. The majority doesn't care about the minority and the majority doesn't come from the cities.

A second issue to be understood is the division between authorization and appropriation. Few new laws need to be written. We have the Employment Act of 1946, the Housing Act of 1968, Acts on higher education and health care. The crunch comes because all Congressmen have pens to write bills, but few will appropriate the necessary money.

The final issue is the seniority system. An example of this one is Carl Albert, the present speaker of the House. He has been in Congress for 20 years. At one time, Albert was a Rhodes scholar and no doubt 20 years ago he pushed for great innovations. The point is that those in effective power today are the reformers of a different generation.

Senator GORE. There is another element I wish to discuss: the leadership element.

Should a Congressman represent the popular will or should he represent his best judgment? We are not a pure democracy. We are a representative democracy. When the people elect an official they invest in him their confidence. He owes them the benefit of his conscientious judgment.

Mr. BINGHAM. While many are dissatisfied with the seniority question, we must face the problem of what can replace it. Should the committee chairman be appointed by the speaker, elected by a majority caucus, elected by the committee itself, or should we stick to the seniority system but limit the terms to eight years?

Mr. BADILLO. Chairmen now are theoretically elected by the caucus. I believe we need the effort of a real election. This would be the beginning of a responsive committee structure. He should be elected by committee members of the majority party. The method of selection should be geared to the Committee system.

Senator GORE. In considering alternatives, I must be frank to say that the longer I stayed in Congress the more I thought of the seniority system. Now that I have been promoted to private life, I view the seniority system as a tradition of American society. It exists in labor unions, in high school football teams, in the postal system, etc. I believe we should modify the seniority system but not abolish it. There is some value in experience, from having served over the years. Nevertheless it should not be the sole test. We should limit the selection of committee chairmen to the senior three members with the stipulation that once he is past 70 years of age, someone else should serve.

Mr. BINGHAM. Senator Gore spoke of the need to televise our sessions of Congress. I don't happen to agree with him on this point, I believe that if proceedings of Congress were televised, we'd just never get our work done, because the members' chief concern would be to get on camera. I think we should have cameras in committees and at special debates. In any case I recognize that this is a debatable point.

(At this point Congressman Rangel was introduced.)

Mr. RANGEL. On the question of seniority, I feel the seniority system should be abolished. The fact that a Congressman has sat on a committee for twenty years does not necessarily mean that he has become an expert in that field. It does mean that often marriages have been formed with certain powerful lobbies.

I used to be a member of the New York State Assembly. When I arrived in Congress, I was appalled at how disrespectful the Members are to one another. It is, indeed, shocking to stand in the gallery and see a Congressman reading a statement to an empty hall. Congressmen should be in their seats and should get to know one another. The only way they can understand each other's problems and better serve their constituents is to work together. In the N.Y. State Assembly we were assigned specific seats. Thus when the press came around they knew exactly who was there.

The most disappointing thing that I found upon arriving in Washington is that there is no Democratic party. Many Democratic Congressmen don't really care who the next President will be. Congress might be more effective if we could go to the party leaders and explain the problems of our constituents and then arrive in a caucus where we could depend upon a sympathetic reception because we shared political philosophies. (Councilwoman Ryan took over the chair at this point.)

Question: I read recently that Ralph Nader plans a series of lawsuits to change the direction of Congress. I'd like the panel to comment on this.

Mr. RANGEL. It is my understanding that

Mr. Nader will be studying the activities of Congressmen in committee, on the floor, and in the district. I think this is very healthy and should have been done a long time ago.

Mr. BADILLO. I'd like to address the problem of obtaining information on Congress within the city delegation, because there are members who won't even talk to their fellow Congressmen. If they won't even talk with each other, never mind what they'll do to Ralph Nader.

Question: How can Congressmen justify granting themselves salary increases?

Mr. BADILLO. Congressmen don't like to vote for salary increases for themselves so they are now attempting to give the authority to the chairman of the House Administration Committee.

Question: Does Congress have any real power to affect foreign and domestic policy?

Senator GORE. Under the constitution the power is there, but the power has been eroded and degraded. In the Senate we have seen a reassertion of the power in the votes on the ABM, the SST, and recently on Foreign Aid. The problem is that the Administration has deceived and misled the public about the intent of Congress. Last year the Senate voted that no public funds could be used for advisors in Laos. This year they are still there, but the Administration calls them military aid supervisors. The Congress has a great deal of power. It has the power of the purse. The Congress must now reassert its power until we once again have three coordinate branches of government with checks and balances one upon the other.

Question: I'd like to ask Mr. Hamilton a question. Since Congress needs restructuring, do you have any specific suggestions which would make Congress more responsive to our cities?

Mr. HAMILTON. Evidence that the problem is as serious as I have stated it lies in the fact that the notion of statehood has become serious discussion among serious people. That does not mean it is an ideal solution. There are serious problems with it. The fact of the issue is important, however: the Congress, as presently structured, is not delivering solutions to the problems of our cities. My argument is that if we were to change the seniority system, there would be a difference in the character of the committees which operate in the Congress. We need a Congress that can deliver concepts such as "National Cities" where, say, the twenty-five largest cities will share some of a states power so that with certain local problems they can get help directly from the Federal government.

Secondly, we face the problem of the difference between appropriation and authorization. I agree with Herman Badillo that, technically, Congress has authorized enough benefits to solve our major problems. But we need a Congress which is structurally responsive enough to express the true priorities of the majority of the people.

Mr. BADILLO. I think that we have to be very precise when we talk about what the majority really wants. The majority of Americans do not want to help our central cities. The divisions within our cities reflect this.

What we must ask is how are majorities made up. There is a famous poll that says 72% of Americans want us to pull out of Vietnam. With this we say Congress is unresponsive for not passing the Mansfield amendment. Yet the very same poll points out that 52% of Americans agree with the way Nixon is doing the job. Thus I question whether the majority really will help our central cities.

Question: Would the panel please comment on the proposal that a President serve one six-year term instead of two four-year terms.

Mr. RANGEL. I have been in favor of a two year term for Congressmen. Yet, after ob-



serving the performance of President Nixon, it seems that perhaps the President should run every two years. I would oppose a 6 year term.

Senator GORE. I oppose the idea. I would not place any limitation on the ability of the people to select their leadership.

Question: I would like to ask the other panelists if they agree with Senator Gore's highly aristocratic stance which allows him to determine what is good for a majority of his constituents.

Senator GORE. I don't think my action or my attitude was aristocratic. Had I voted what appeared to be the loudest voice of my constituency, I would have voted for Carswell, but such a vote would not have served the people. That simply is voting for one's own political interest.

Further how does a senator know what the majority opinion is on an issue. Practically, a Senator or Representative has no choice but to vote his judgment and conscience when the roll is called. It is not aristocratic to say that he owes the people the benefit of his best judgment. That is his highest responsibility.

#### POW/MIA WEEK OF CONCERN

### HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 22, 1972

Mr. ANDERSON of Illinois. Mr. Speaker, I wish to associate myself with the action taken by this body yesterday in passing Senate Joint Resolution 189 which designates the week of March 26 through April 1 as a "National Week of Concern for Prisoners of War/Missing in Action," and to designate Sunday, March 26, as a national day of prayer for the lives and safety of these men. This resolution is nearly identical to one introduced by the gentleman from Indiana (Mr. MYERS) and myself on February 2 of this year and to Public Law 92-6 which we authored in the last session of this Congress.

Mr. Speaker, the purpose of this national week of concern is to focus public attention, both at home and abroad, on the plight of these men, many of whom have been held for over 7 years now. The significance of this week is that on March 26, 1964—8 years ago—U.S. Army adviser Capt. Floyd J. Thompson was captured in South Vietnam, thus becoming the first American POW in that conflict. Since that time, over 1,600 Americans have been added to the list of POW/MIA. Because North Vietnam has flagrantly violated the provisions of the Geneva Convention on the treatment of prisoners, we do not have a full listing of those Americans actually being held. The North Vietnamese have also prevented the free exchange of mail between these prisoners and their families, the release of the seriously sick and wounded, and international inspection of POW facilities. By ignoring the Geneva Convention, the North Vietnamese have inflicted cruel and inhumane punishment on both the prisoners and their families. Hopefully the week of concern will help to bring the pressures of world opinion to bear on this problem and it will be rectified.

#### PONY EXPRESS CARRIES VOLUNTEER BLOOD ACROSS NEW JERSEY

### HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. VEYSEY. Mr. Speaker, the attitude that human blood is no more than some venal product, easily bought and sold, has crept across America. This attitude keeps healthy people from volunteering their blood and forces hospitals to get blood from commercial blood banks.

In light of this trend, I am particularly pleased to hear of blood programs vigorously dedicated to volunteerism. One such program operates under the New Jersey Blood Exchange, centered in Princeton, N.J. A new project to organize hospital auxiliaries in a three-part volunteer program is now underway. The idea is to coordinate a statewide "Pony Express" to transport needed blood from member blood banks to hospitals when and where it is needed. This invaluable service is proving very successful.

The volunteers will also be recruiting new donors and seeking replacement of blood used by hospital patients. These two projects are essential to voluntary blood programs. They are primarily educational and can be successfully carried out by hard-working volunteers.

We need more of the kind of spirit that this program demonstrates. I commend the New Jersey Blood Exchange and its many volunteers for their fine efforts, as well as the Trenton Sunday Times Advertiser, which carried the following article on this vital project:

"PONY EXPRESS" OF VOLUNTEERS TO CARRY BLOOD ACROSS STATE  
(By Sharon Schlegel)

A Cape May hospital has a blood emergency. A phone call alerts the New Jersey Blood Exchange in Princeton that a rare type of blood is needed. The exchange administrator, Fay Scudder, checks through her inventory and finds that the blood is available in a Summit community blood bank.

Now the problem is getting it to Cape May.

A few months ago, that problem might have been unsurmountable. Hospitals, overcrowded and understaffed, cannot allocate personnel to chauffeur blood. Blood banks have no personnel available to deliver blood and according to an agreement between hospitals and member blood banks, it is the recipient hospital which is responsible for transportation of the blood it needs.

DIRECTED BY TRENTON WOMAN

But very soon a "pony express" of volunteers set up across the state to transport life-saving blood 24 hours a day at a few minutes notice will help eliminate the problem. This network of community members, dedicated to making sure that a blood emergency never arises due to lack of transportation, is being put together under the direction of Mrs. Miles Wilson of Trenton. Her job, and not a small one, is to coordinate a three-part program involving the 112 hospital auxiliaries totalling among them 76,000 members. It is from this group, as well as any interested community volunteers, that the blood transportation set-up will be comprised.

Mrs. Wilson, a volunteer herself for a quarter of a century, remembers hearing someone insist that the plan to utilize the auxiliaries as the base for the program would be im-

possible to organize. She recalls the remark with a smile and has complete confidence that "as far as the volunteer is concerned, when the need arises, the help is there."

So far her optimism has been accurate. She has already met with area chairmen representing the four sections of the state and their interest has been confirmed.

#### COMMUNITY NETWORK

"Our plan is to have each local auxiliary appoint a blood chairman who will work with area chairmen to set up a transportation network in her community, utilizing community volunteers."

On January 31 a seminar will be held at the Essex County Blood Bank at which all the blood chairmen will be present. Further inter-coordination will be worked out.

"It is very important to us to make the point that volunteers are by no means limited to auxiliary members," affirmed Mrs. Wilson. "This kind of program should have appeal to all segments of the population. Retired men who are willing to drive a bag of blood to a hospital, housewives who want to contribute to the community, senior citizens, everyone can get in touch with their hospital's blood auxiliary and find out how they can help. "Conceivably, thousands of people all across the state will be on tap to help carry that bag of blood from Cape May to Summit when the 3 a.m. phone call comes."

#### FIRST IN COUNTRY

The central clearinghouse for the operation is the New Jersey Blood Exchange, located in the New Jersey Hospital Association Building in Research Park, Princeton. The exchange which celebrates its first anniversary this month, is the first program of its kind anywhere in the country. It is composed of 25 member hospitals and community blood centers, ranging across every section of New Jersey, who participate in the program through the American Association of Blood Banks, a national non-profit organization of blood banks. What the exchange actually does is to keep a record of blood inventories among the member hospitals across the state in order to promote larger resources for emergency need and to insure against the outdating of blood, a substance only usable for 21 days unless frozen.

When a hospital needs a certain type of blood, it contacts the exchange which runs down the inventory to find out where the closest available blood is waiting. If there is no blood available at a member blood bank, Mrs. Scudder will turn to other sources, such as the American Red Cross, with whom the exchange has a reciprocal agreement or regional clearinghouses in nearby states. Once the blood has been located and allocated for use, the facility requesting it arranges to pick it up, after finding out from Mrs. Scudder exactly where the blood is located. Transportation then becomes the major concern. Thus enters the community blood volunteer, ready and able to see that precious time is not lost along the way.

#### NEED FOR BLOOD

But there is another huge concern among those involved in the blood program and it is one that the hospital auxiliaries plan to tackle with as much gusto as they have the "pony express."

That is the chilling fact that there may one day not be enough blood available when that phone call comes—not enough in a nearby blood bank, not enough in the state, not enough anywhere if voluntary blood donations continue to stay at the present level.

In New Jersey alone, more than 150,000 units of blood are needed every year. Yet, although one half of the population is eligible to donate blood according to age and physical condition, only three percent do so. It is because of this disappointing statistic that parts two and three of the auxiliary-

based volunteer program have evolved. These goals involve the recruitment of new blood donors and the replacement of blood used by hospital patients.

In order to accomplish the first of these tasks, each blood chairman will name blood donor recruiters in her area who will meet monthly to work on methods of recruitment. The bill recently passed permitting 18-year olds to donate blood without parental consent is one development which may prove a boon to the cause, enabling as it does college students away from home to participate in local blood drives. Such sources, as well as the recruitment of individuals and the commitment of organizations are prime targets.

#### ROOM REMINDER

The third part of the volunteer program will aim at the many hospitals which have no plan for seeking blood replacements from the families or friends of patients. One possibility being considered is the placing of a sign in every patient's room reminding visitors who might wish to help that an alternative to candy and flowers might be donating blood.

As Jim Williams, director of the Mercer County Blood Center, summarizes the situation, "The volunteer program is one big step in the right direction. But the community must begin to really care about the need—to stop thinking 'I don't need blood—I'm not sick and nothing's going to happen to me.' People are obliged to protect their families and to remember that giving blood is the last personal act of charity left to us. No one can cover that obligation by writing a check. It is an act of humanity that requires caring. With the country in a state of violence everywhere, the need is greater than the response."

"If we care at all about preserving human life, we have to care about giving blood."

#### BROTHERHOOD WEEK

#### HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mrs. GRASSO. Mr. Speaker, today I would like to extend my sincerest congratulations to the National Conference of Christians and Jews as we observe the 38th anniversary of Brotherhood Week.

The origins of Brotherhood Week date back to the initial observance of Brotherhood Day on April 29, 1934. This observance was suggested by a Catholic priest, Father Hugh L. McMenamin, who saw the value in setting a specific day on which to celebrate our human interdependence and to focus on the need for understanding friendship and respect among all men.

The idea for such a celebration was expanded in 1940 when Dr. Everett R. Clinchy, president of the conference, proposed to lengthen Brotherhood Day to Brotherhood Week, calling it "America's big idea." After receiving the support of President Franklin Roosevelt, many organizations, including churches, schools, Government agencies, and the news media, conducted special programs, dedications, and sermons as evidence of community support.

The commitment to brotherhood program in 1972 is dedicated to furthering fellowship and brotherhood with Americans who are of Spanish origin. As always, the dominant theme of this orga-

nization is "rededication to the basic ideals of respect for individuals and peoples," and "the practical steps which people can take to promote an understanding and realization of these ideals." These aims are highly consistent with the philosophy of the National Conference of Christians and Jews to combat prejudice and discrimination wherever it exists.

I am pleased to join in tribute to Brotherhood Week, which most assuredly must be celebrated each week in the year. Indeed, our commitment to brotherhood is our commitment to each other.

In observance of this event I am proud to note that the Connecticut-Western Massachusetts Region Chapter of the N.C.C.J. have designated as recipients of the 1972 award the Honorable Gloria Schaffer, secretary of the State of Connecticut, and William P. Gwinn, chairman of United Aircraft. These distinguished Connecticut citizens by their lives and by their actions exemplify the high standards of the N.C.C.J. It is an honor to salute them on this auspicious occasion.

#### CAB ENFORCES LAW BANNING UNAUTHORIZED CHARTER FLIGHTS

#### HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. STEIGER of Wisconsin. Mr. Speaker, of all the laws in our Federal books, among the most flagrantly violated and difficult to enforce are the Civil Aeronautics Board regulations concerning transatlantic charter flights.

Historically, the problem is rooted in the cost of running an airline. A scheduled plane must fly on time whether or not its seats are half empty. A nonscheduled plane can delay departure for hours and days until the seats are filled. The cost and fares of a "nonsked" flight are therefore lower than those of a scheduled airline.

To promote the existence of nonscheduled as well as scheduled airlines, present law limits a charter trip on any airline to people who have been members of a bona fide organization—not one merely formed to cut travel expenses—for at least 6 months.

Unfortunately, the law is violated by a number of airlines who are soliciting the general public for illegal charter flights. Their routine is well known. A boarding passenger is asked to cooperate by assuming "membership" in a phantom club or professional organization.

By circumvention of the law, black-market charters are filling most seats and making profits on transatlantic travel while the airlines who strictly abide by the law are suffering financially.

The situation is unfair, and I am encouraged by recent news reports of bold initiatives on the part of the CAB Bureau of Enforcement and its Director, Richard J. O'Melia.

It seems to me the CAB regulations should be strictly enforced or we should consider ways to change them. For the

information of my colleagues I insert as part of my remarks a recent speech by Director O'Melia, who describes in detail some of the inspections and actions that his department has been undertaking.

In acting to uphold the law on charter flights, Director O'Melia has my support and commendation.

The speech follows:

REMARKS OF RICHARD J. O'MELIA, DIRECTOR, BUREAU OF ENFORCEMENT

It has been about two years since I had the pleasure of speaking before the Central Regional ASTA Chapter in Chicago, but in the relatively short span of time since then, there have been many significant developments in the enforcement area of the air transport industry. Many of these are of vital interest to you as ASTA members and, in fact, ASTA has played an important role in some of them. At the time I spoke to you—in January 1970—I was in my freshman year as Director of the Bureau of Enforcement, and we were just initiating what we hoped would be a bold and more productive program of enforcement. I want to review with you today some of the Bureau's activities of the past two years which I hope will persuade you that our efforts have met with some success.

But, first, let me say that we appreciate the opportunity to participate in your meeting here in Chicago. I believe this interchange of views can be of mutual benefit to us in our endeavors. I also want to express my appreciation to ASTA at large for the resolutions it adopted at your Tokyo, Amsterdam and Sydney meetings endorsing the enforcement action taken by the Bureau with respect to charter flight violations.

#### CHARTER FLIGHTS

Although charter operations are only a part of the air transport activities requiring our attention, they have, in recent years, absorbed a large part of our time and energy. Because of your interest in this area, my remarks will deal principally with charters. Since I spoke to you last, the Bureau of Enforcement has taken legal action unprecedented in scope with respect to North Atlantic charter flights, against air carriers, travel agents and chartering organizations.

It should be clear to all in the industry that this program of legal action is the Board's declaration that fraudulent charter activities will not be tolerated. Its purpose is to restore order to a segment of the air transport industry in which illegal practices have been rampant and unscrupulous people have pursued unlawful operations as a way of life. Let me tick off what we have done. We have filed no less than 20 formal complaints before the Board against 16 U.S. and foreign, scheduled and supplemental air carriers. We have obtained cease and desist orders—which operate like injunctions—against carriers, agents and chartering organizations. In an appendix to this speech, copies of which are available for you, I list these airlines, travel agencies and charter organizations.

In addition, the Board has sought civil penalties in amounts substantial enough to remove much of the profit incentive from unlawful activities. Since last July, the Board has accepted settlements with two direct air carriers which alone have resulted in civil penalties in the total amount of \$142,000. In the last six months a total of \$176,000 in civil penalties has been imposed and several other substantial settlements including civil penalties are imminent. By conservative estimate, the Bureau may be expected to collect a quarter of a million dollars or more in civil penalties for charter flight violations during the current fiscal year.

These civil penalties were negotiated with



the respondents. However, whenever a negotiated settlement cannot be reached, the Bureau is prepared to go to trial, as it did in June of last year against American Flyers Airline Corporation, now Universal Airlines, Inc. That proceeding resulted in a Board order to cease and desist which has been appealed to the Court of Appeals by the respondent. This order may form the predicate for a federal court suit for collection of civil penalties in the absence of a satisfactory money settlement.

Faced with wide-spread enforcement problems arising out of charter flight violations, the Bureau has found it necessary to take other judicial actions in addition to the formal proceedings before the Board, and to resort to the courts. Let me highlight for you the most significant actions.

First, most importantly, in September 1971, the Board filed suit in the United States District Court for the Eastern District of New York against sixteen (16) individuals and organizations charging violations of the Board's charter regulations and the Federal Aviation Act. This suit seeks injunctions to prevent the defendants from acting as indirect air carriers or indirect foreign air carriers in violation of the Act. This action represents the first time that the Board has taken direct Federal court action against persons allegedly involved in illegally soliciting members of the general public for passage on transatlantic charter flights.

As I am sure you can appreciate, this suit represents the culmination of a comprehensive investigation and trial preparation. Although certain procedural delays have ensued which have kept the court from passing down a decision on the merits of the case, the court has taken action to join six (6) direct carriers, three (3) U.S. and three (3) British, as parties to the suit and every effort is being made to set this case for trial as quickly as possible.

In this action, as well as in other charter complaints, we have worked very closely with the air transport industry, including various ASTA members. I would also like to mention that your General Counsel, Paul Quinn, in Washington has given us valuable assistance and advice. Reciprocally, we have cooperated with the industry in its efforts. As an example, a complaint was filed in 1971 in the U.S. Court for the Southern District of California by two ASTA members seeking an injunction against an individual and a charter organization alleged to be engaging in unauthorized indirect air transportation through charter flights. During the course of that proceeding, it was learned that the Court was experiencing difficulty in determining the definition of an "indirect air carrier". When ASTA brought this to our attention, we submitted, through the Department of Justice, an *amicus* brief covering the matter. In addition, we sent an Enforcement Attorney to California to be present at the hearing in the event the Court had any further questions on this use. A favorable decision was obtained in this case.

We feel that our part in this proceeding contributed to the favorable decision in the lower court. As you undoubtedly know this decision has been appealed. We are also filing an *amicus* brief in the Circuit Court of Appeals.

A third example illustrates that our actions have not been directed solely against domestic carriers and operators. Although enforcement action against foreign parties is more difficult because of limited inspection authority, the Board has shown that it will move with equal vigor against them. One particularly significant action, of which you have all heard, was the Bureau's filing for an injunction against Alitalia last June in the U.S. District Court for the Eastern District of New York. This case did not involve charters but rather the sale of youth fare tickets prior to the tariff's effective date, in defiance of the Board's denial of Alitalia's request for short-notice tariff approval. Upon

an indication by the court that it was prepared to enjoin further sale of tickets, Alitalia agreed to discontinue immediately the unauthorized sales. This action was accomplished in less than one week.

Now, information and documentation establishing the factual situation is essential to effective enforcement action against both U.S. and foreign carriers. In recognition of this, the Board on March 5, 1971, took action never before taken—to vest the Bureau with delegated authority to issue Board orders requiring the submission of documents, reports and information by U.S. carriers. Pursuant to this delegation, the Director of the Bureau on March 26, 1971, issued the first such order against Capitol International Airways, directing them to submit specified information and documents within 30 days. Capitol complied with this order.

While this delegated authority cannot extend to foreign carriers under the provisions of the Act, foreign carriers are nevertheless required to furnish certain information under the Regulations of the Board. In a very recent case, a foreign carrier, Laker Airways, refused to submit required information. Faced with this intransigence, the Board on December 27, issued an order requested by the Bureau requiring Laker Airways to submit charter documentation. The order declared that this action was taken because of Laker's indifference to previous informal requests of the Board's staff for information.

Even with the efforts taken by the Bureau, charters continue to be the major enforcement problem for our industry. As quickly as the Bureau moves to plug one hole in the dike, the ingenious mind of the black-market charter consolidator seeks new ways to scrounge illegal charter profits.

It must be remembered that the Bureau has undertaken these unprecedented enforcement actions before the Board, and in the Federal courts, with a staff virtually unchanged in size from what it was twenty years ago.

Indeed, the Board's staff as a whole, as you may be aware, has not varied substantially in size since the early 1950's. It is significant that the Bureau's investigation staff, numbering eight men, has acquired only two additional positions since the 1952 era. The legal staff, now numbering 12 attorneys, remains smaller than the in-house legal staffs of several individual airlines. During the same two decades the air transport industry in the United States has experienced at least a three fold growth. To cope with the enlarged responsibilities we have streamlined our operations and restructured our organization, with the strong support, encouragement and direction of the Chairman and the Members of the Board.

When I last spoke to this organization, I stressed the importance of educating the public on the do's and don'ts of charter travel. That affinity charter travelers must be bona fide member of the chartering organization, that six months membership is required, that charges must be truly pro rata, that passengers cannot be indiscriminately intermingled, etc. I still feel that you, as responsible and established travel agents, can play an important role in this essential education of the traveling public. I am well aware that ASTA members have been active in educating the public on charter requirements, and welcome your continuing efforts.

#### CHARTER REGULATIONS

In the last two years, the Board's enforcement program disclosed the need for changes in the charter flight regulations. As you know, the Board's revision of the charter regulations in the Spring of 1971 were far-reaching. That revision brought all U.S. and foreign, scheduled and supplemental car-

riers—for the first time—under uniform charter regulations governing both on-route and off-route charters.

Another change, prompted by the unfortunate stranding of students by World Academy in 1970, was the Board's issuance in 1971 of Study Group Charter Regulations imposing financial requirements on study group charter operators. As a result, we had no instances of strandings of study groups in the Summer season of 1971.

As you know, however, there were strandings of pro rata groups last summer, principally in London. In an effort to prevent a recurrence of such strandings, the Board—as the Chairman stated in recent testimony before Senator Inouye's Subcommittee—is considering an amendment to the regulations requiring that the full round-trip charter price be paid to the carrier prior to departure.

Another regulatory proposal that I know is of great interest to you is the new proposal of the Board to adopt regulations providing for "Travel Group Charters". The Board's announcement on December 30, 1971 of this precedential proposal will undoubtedly arouse strong feelings by various segments of the air transport industry. Essentially, the proposal would set up a new class of charters—to be known as "Travel Group Charters"—free from affinity requirements. Under this proposal any group of 50 or more persons will be permitted to participate in a charter if the group is formed six months prior to flight departure and each member pays by that time a non-refundable deposit equal to not less than 25 percent of the transportation charge. The proposed rule sets up bonding and escrow requirements and other conditions including filing of documents with the Board to ensure that the passenger is protected.

Interested persons may submit their comments to the Board by February 7, and established rule making procedures will be followed to insure that all pertinent views are given full consideration. This action of the Board is another manifestation of the Board's awareness of the charter problem and of its efforts to provide an effective and orderly environment for charter travel. This new proposal, if adopted, will not affect the continued vigorous enforcement by the Bureau of the affinity regulations.

Before moving on to another aspect of enforcement, let me say that the Board's rule making actions and its tough new policy of the last two years—particularly its willingness to take violators to court—has already resulted in a significant change in the industry's responsiveness to our program. Carriers know that they will have to pay heavy civil penalties if they violate the Act. Shady passenger consolidators now know that they will be ferreted out and made to answer for their sins.

Because of this tough new policy, our informal measures to obtain compliance are now more effective. As you may imagine, over 90 percent of the suspected violations that come to our attention are dealt with through informal procedures without resort to formal administrative or judicial proceedings. It is gratifying to find that more and more the Bureau's telegrams and warning letters to suspected violators lead to prompt voluntary corrective action. This is as it should be.

#### OTHER ACTIONS

So much for our recent efforts to deal with some of the more flagrant charter violations. Of related interest is the recent notice that the United Kingdom proposes to require clearance of charters three months prior to departure. This should help curb the activities of many of the illicit charter operators. In addition, the U.K. has deferred the renewal of charter licenses for the coming year to certain British supplemental carriers involved in the transatlantic charter market.

And the United Kingdom is not the only

country actively seeking to control charter irregularities. To cite but one example, Italy has imposed requirements for advanced filing of documents to make sure that affinity charters are legitimate. Indeed, it is encouraging that the European countries as a whole are jointly and separately seeking solutions to the illegal charter problem.

#### BOWL GAME CHARTER FLIGHTS

Moving to another item of current interest, bowl game charter flights have been a perennial enforcement problem, as many of you ASTA members are well aware. In fact, two years ago ASTA sent its own investigator to one of the principal areas involved in bowl game charter activities to conduct investigations both by field trips and through inquiries by correspondence. Industry letters have been sent to all carriers putting them on notice as to bowl game enforcement problems and requesting close scrutiny to insure that charters fully comply with all of the applicable regulations.

During the latter part of 1971, we sent a similar industry notice and conducted field investigations on bowl game charters. During representative checks recently, we found that the college bowl charters were being properly limited to students eligible to participate in these flights. However, we have been concerned with certification as to the eligibility of such participants by responsible college officials and have made our views known to the carriers. The pro bowl game charters may present a different story. We are keeping our eyes on them, and will appreciate any information or help you can give us on irregularities that come to your attention.

#### DISCOUNT TICKETS

Discounting of transportation on individually-ticketed flights of scheduled carriers has also been a matter of considerable interest in recent months. Although I am not at liberty to disclose names publicly at the informal stage of this matter, I can say that the Bureau is actively pursuing complaints involving the sale of discount tickets. As you know, such illegal rebating would subject not only the carrier but the agent involved to the sanctions set forth in the Federal Aviation Act including possible criminal sanctions.

#### FLYING CLUBS

Finally, let me say just a word about problems raised by flying clubs. As you know, flying clubs which purport to be private entities operating their own aircraft for the benefit of their members, have been in existence for approximately 10 years. The failure rate on these clubs has been quite high and there have been many clubs that have gone in and out of business during this period of time.

However, several of the clubs that have survived have recently experienced tremendous membership growth, and have acquired large aircraft, including jets. These large aircraft are now available because the certified carriers are converting to wide-bodied jets. As the size and number of flying clubs grow, so grows the Bureau's concern with both the manner in which the clubs solicit new members and the nature of that membership—i.e., is membership merely used as a device whereby such a flying club can provide common carrier air service to the general public?

In the absence of specific regulations concerning the legitimate scope of flying club operations, the Bureau must rely on the general principles governing air transportation in order to determine, on a case-by-case basis, whether a particular flying club has gone over the line into unauthorized common carrier operations in violation of the Federal Aviation Act. We think that many of these clubs have crossed over the line. Accordingly, we have recently filed a complaint against Voyager 1000, an Indianapolis, Indiana travel club, alleging that it

is engaging in air transportation without Board authority. The outcome of this case will provide guidance in future flying club cases, and we intend to pursue this problem vigorously.

#### CONCLUSION

To summarize, we think progress has been made during the past two years. While we cannot say that the time is near when all of the violators will be brought to bay, there should be no doubt that violations will be pursued through all channels and with all the tools available to us. That message should be clear and I hope you will pass it on.

There should also be no doubt that we are feeling more confident that the job can be done and that there is light at the end of the tunnel. This confidence rests to a considerable degree on the knowledge that the Board fully supports an energetic enforcement program, and that the air travel industry, organizations like ASTA, can be counted on to do their part. I compliment you for this, and thank you again for this opportunity to discuss our mutual problems.

#### APPENDIX

I. Formal affinity charter or group flight complaints against carriers.

##### U.S. Scheduled Carriers:

1. Pan American.
2. Trans World Airlines.

##### Foreign Scheduled Carriers:

3. Air France.
4. Alitalia.
5. KLM.
6. Lufthansa.
7. Sabena.
8. SAS.

##### U.S. Supplemental Carriers:

9. American Flyers (Universal).\*
10. Capitol.
11. Overseas National.\*
12. Saturn.
13. Trans International.
14. World.

##### Foreign Supplemental Carriers:

15. Atlantis.
16. Caledonian.

II. Cease-and-desist orders entered against five travel agents.

1. Continental Express (Anthony Stute).
2. Sea and Sky Travel (Irving Papermaster).
3. Siyor Travel (Robert Logan).
4. Charter Consultants (Fred Meyrow).
5. Group Travel Associates (Howard McConnell).

III. Cease-and-desist orders entered against four charterers.

1. American British Canadian Club.
  2. United European American Club.
  3. International Cultural Exchange Program—Educational Student Exchange Program.
  4. United California Social Club.
- IV. Air Carriers cited in C.A.B. case in eastern district of New York.
1. Dan-Air Services, Ltd.
  2. Donaldson International Airway.
  3. Laker Airways, Ltd.
  4. Pan American World Airway.
  5. Trans International Airlines Corp.
  6. Universal Airlines, Inc.

#### MAN'S INHUMANITY TO MAN—HOW LONG?

##### HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks:

\* Indicates cease-and-desist order entered.

"How is my son?" A wife asks: "Is my husband alive or dead?"

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

How long?

#### FREDERICK COUNTIANS RISE TO THE OCCASION

##### HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. BYRON. Mr. Speaker, recently a severe winter storm struck the east coast of the United States including my home county of Frederick. Hundreds of motorists were stranded by the heavy snowfall in the county, but I am proud to say that the local people immediately rose to the emergency and pulling together they performed numerous unselfish deeds of public service and personal sacrifice. As a tribute to the citizens of Frederick County I would like to take this time to recognize the lead editorial in the February 22 issue of the Frederick News-Post. The closing paragraphs aptly summarize my feelings on this occasion:

##### WINTRY TEST MET

A grateful Frederick County and surrounding area certainly owes a well merited salute to all of the many official and volunteer groups who worked around the clock to keep highways open, rescue stranded motorists, and restore order during the weekend's heavy snowfall.

It is in times of great stress that that great intangible—completely dedicated public service regardless of personal exhaustion—is brought sharply into relief.

Certainly this was never more tellingly spelled out than in the early evening and darkness of Friday night and continuing through Saturday and Sunday. One death marred the weekend, but it was apparently a freak incident that should never have happened.

According to Lieut. Col. W. W. Corbin of the State Police, in addition to the hundreds of stranded motorists finding succor at Frederick City's hotels and motels, some 600 to 700 individuals were afforded temporary shelter through the united efforts of State Troopers of the Frederick Barracks, the National Guard, Fort Detrick and scores of volunteer citizens.

What could have been a freezing wintry catastrophe of great magnitude was averted through the combined efforts of police, rescue teams, forest rangers, national guardsmen, citizen volunteers, deputies, members of the area fire companies, plowing crews both of the State Roads Commission, Brunswick, Frederick County and Frederick City, the Salvation Army and other groups.

Many of the volunteer and paid local and State Roads Commission plowing crews battled unceasingly for as long as 30 hours a snowfall exceeding a foot in depth whipped by gale-like winds exceeding 50 miles an hour.

Every possible weapon was mustered into service. This included snowmobiles, helicopters, National Guard trucks, and Forest Rangers' sleds.

Between 200 and 300 stranded autoists were rescued from their stalled cars on local and state highways and rushed to the State Armory, where store owners, the Salvation Army, firemen and guardsmen brought them nourishing and badly needed hot meals and



rounded up cots so that they could enjoy a night's sleep.

We gratefully tip our editorial hat to all of these unselfish men and women who either in the line of duty, or voluntarily mastered a blizzard which could have easily been one of the greatest catastrophes in the history of Frederick County.

In this wholly inadequate but sincere tribute to their dedicated efforts far beyond their normal obligations, we are confident that all of the Frederick County area will gladly join.

# RESOLUTION TO RESTORE SELF-GOVERNMENT TO BALTIC PEOPLES

**HON. LESTER L. WOLFF**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. WOLFF. Mr. Speaker, during the second half of February, Americans of Lithuanian origin and descent will commemorate Lithuanian Independence Day and Lithuania's long struggle for freedom and independence from Communist control. As an expression of our belief in the principle of self-determination, I think it most appropriate that the House of Representatives take part in the commemoration of Lithuania's fight for liberty and self-government. I submit for the RECORD the text of House Resolution 416 adopted by the 89th Congress calling for freedom for Lithuania, Estonia, and Latvia:

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its efforts to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

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## FURTHER WORDS ON MARIE ANTOINETTE AND HER PAL, KING GEORGE III

**HON. TENO RONCALIO**

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. RONCALIO. Mr. Speaker, I have long been fascinated with the career of Marie Antoinette—with her comings and goings—as well as those of a man with whom she shared a great affinity in one respect: Her lack of concern for the welfare of the people. I speak, of course, of King George III—a remarkable man, who more than any other was responsible for the birth of democracy in this country coming just when it did. Both of these famed monarchs came to a sad, though fitting end, precisely because of this lack of concern. Poor George went mad with self-concern, while Marie lost her head over the belief that her people should eat cake rather than bread.

Neither would tolerate the petition of grievances by their own people; yet when their people finally rose up against them, it apparently came as a very great shock indeed. I would think that one job of all Congressmen at this point in our Nation's history would be to work against such a form of future shock. For that reason, I would like to insert into the RECORD a petition of local District of Columbia citizens who are opposed to the proposed convention and sports arena center which, if the threat is ever carried out, will shortly take up regal residence just below Mount Vernon Square.

I believe that the project is unwise. I think that Washington already has too many white elephants to make room for another, and I believe that the suffering associated with relocation and the razing of numerous well-known businesses and churches would not be worth whatever benefits are promised, much less actually gained. For that reason, all my colleagues would do well to pay close attention to the following petition, the fulfillment of which sacred right is guaranteed by the first amendment; yet one which too often falls short of its original purpose because it is now so hard to hear the small voice of the people speaking amid all the noise and clatter of modern communications.

This is one petition, at any rate, which should be heard:

A PETITION TO THE CONGRESS OF THE UNITED STATES AND AMERICAN REVOLUTION BICENTENNIAL COMMISSION

MT. VERNON RELIGIOUS, CIVIC, CHINESE, AND BUSINESS ASSOCIATIONS,

Washington, D.C., February 22, 1972.

HON. KENNETH J. GRAY, Chairman, Public Buildings Subcommittee, Committee on Public Works, House of Representatives, Washington, D.C.

DEAR CHAIRMAN GRAY: Our motto is: Not one more cent for sports arenas and convention centers to be paid by D.C. citizens.

"We have to give up our Church, but the question in my heart and the hearts of my congregation is where do we go from here?"—Rev. C. H. Hamilton, Pastor, Greater New Hope Baptist Church to be bull-dozed for a

sports arena-convention center, in testimony to your Subcommittee.

Is a 599,000-square-foot convention hall, a 295,000-square-foot sports arena, and parking for 5,000 cars a worthy American Bicentennial Project? Are there worthier projects to celebrate the Nation's Bicentennial? If not, why not?

Another Declaration of Independence is needed now. Therefore, We, the undersigned concerned citizens, businessmen, Chinese, owners, tenants, and others ask you and the other Members of the House Public Works Committee, and the Congress, if the proposed convention center-sports arena-parking garage is the most appropriate project for the celebration of the Nation's Bicentennial in the Nation's Capital City? We ask the American Revolution Bicentennial Commission to hear our plea.

We ask you all if the destruction of the Greater New Hope Baptist Church, the Turner AME Church, the 129 large and small businesses, and the historic Chinatown business and residential community, the loss of 3,000 jobs, and the erosion of the city's tax base, the denial of basic Constitutional rights such as due process, and Fifth and Fourteenth Amendments—which guarantee due process, just compensation, and equal protection of the laws, the destruction of religious youth centers and hundreds of homes, the destruction and violation of the principle that all men are created equal, that each man must have one vote, the tenant as well as the landlord and owner, the denial of the very issues for which the American Revolution was fought—can all this be in accord with the American Revolution Bicentennial? Your Subcommittee polled the land owners, but did not poll the business and residential tenants, a discrimination which immediately made these tenants, many of them Chinese who are old, poor, and defenseless, second and third class citizens. Why should Congress help landlords, and fight tenants in support by taxes?

What priority does or should sports have over other matters? The Rev. S. Everette Guiles of Turner Memorial AME Church in his testimony to your Subcommittee said: "I plead for preserving not only our churches, but the 129 large and small businesses, the 3,000 jobs they provide, the city's tax base, the historic Chinatown area, the employees, the families, the residents of our area. We all ask, why destroy 3,000 good jobs to provide 1,500 jobs where our Black employees can hawk beer, sell peanuts, and park cars? We ask, isn't fulfilling the needs of the people, many of whom are still without enough to eat and lacking job opportunities and decent housing, more important than building a place to shoot hoops, blow noise-makers, and park 5,000 cars? Why not avoid the displacement and heartbreak by building the project on government land, at Union Station, or in the suburbs? We ask this Subcommittee and Congress to give mature, responsible study to our side of this issue. I cannot understand how your committee can see only good in the proposed convention center-sports arena, which is the latest instance of 'Negro removal by urban renewal.'" Will Congress support this instance of Negro removal?

The Brookings Institution, a highly-regarded research institution, says few if any stadiums generate enough income to cover costs of operation and debt service. The Kennedy Stadium in Washington, D.C. has not paid off one cent of its construction bonds, and President Nixon has provided funds in his budget to help the District of Columbia pay off these bonds. The Kennedy Stadium was promoted in 1958 as a sure and certain bonanza for the Nation's Capital but it has been a "red ink elephant" ever since. The *Evening Star* reported recently that the Ken-

nedy Stadium has reported operating losses of \$831,871 this past year while the city still had the Senators as a baseball team. The *Star* reported there will be an additional \$450,000 deficit this year as a result of losing the baseball team. The *Star* also reported that Arthur J. Bergman, D.C. Armory manager, conceded that the construction of the new convention center-sports arena would probably "spell the end" of the Armory's years as a self-supporting facility. *Will Congress help pay off the Kennedy Stadium bonds, or not?*

The D.C. Bicentennial Commission chairman, James Gibson, strongly supported the sports arena-convention center at your February 17 hearings, yet none of the people affected have ever been invited to, or been given the opportunity to, be heard by the D.C. Bicentennial Commission, or the national American Revolution Bicentennial Commission.

Now, the *Star* commented that "Some members of Congress, made wary by the RFK Stadium woes, are sure to question the reliability of forecasts that the convention center-sports arena will show a profit once it is fully operational."

And, we believe such wariness is vital in view of the Brookings Institution study titled "Direct and Indirect Subsidies to Professional Sports", published in December, 1971, which states that: "Government subsidies to professional sports teams take various forms. At the local level, we find explicit subsidies resulting from stadium rentals that are below the economic value of such facilities as well as implicit subsidies from property taxes foregone on stadium property. . . . A realistic figure for total subsidies is probably \$45 to \$50 million per year. . . . Although the justification offered for public ownership of sports facilities is shaky, vast amounts of government resources have been (and continue to be) devoted to these 'monuments of civic pride'. At the same time, the local property tax base continues to shrink and sorely needed public services normally provided by local governments continue to go begging for funds."

And, Rep. M. Gene Snyder, who cast a "no" vote in your Subcommittee when it reported the convention-sports complex to the full House Public Works Committee, cited an inconsistency in the proposed financing of the Center according to a report in the *Evening Star* (February 3, 1972). The *Star* report said: "If representations that the center would pay its own way are correct, he said, there is no need for a government guarantee as suggested in several of the proposed financing methods. 'We don't need another drain on the revenues of the government', Snyder said. Referring to experience with RFK Stadium and the Kennedy Center for the Performing Arts, he said: "We need additional evidence of economic feasibility this time—let's not go down that road again.'"

#### THE CHINESE BUSINESS, RESTAURANT, AND RESIDENTIAL COMMUNITY

Now, Members of Congress in both the Senate and House have expressed grave concern over the proposed convention-sports center and tell us that a number of cities across the country have expressed alarm that Federal funds will be used to build it, and that it will compete unfairly with convention centers, hotels, and other facilities built without Federal financial assistance in cities back home.

And, The Chinese Youth Club of Washington, D.C. issued a statement in connection with the celebration of the Chinese New Year which said that—

"We, the Chinese Youth of the Metropolitan area, are against the proposed plans to build the Convention and Sports Center in the Mount Vernon Square area. Our opposition to the choice of the site is due to the fact that a large portion of our community, which is Chinatown, will be destroyed.

"Even though it is true that many families have moved to the suburbs, Chinatown still provides a cohesive medium to maintain a social and cultural identity of which we are proud. Without Chinatown, it would be difficult for the Chinese people to be with others of the same ethnic background.

"The building of the Center in this area will not only mean the displacement of Chinese residence and business, but also the destruction of the Chinese culture and traditions in Washington. The Chinese people place great value in their heritage, and Chinatown, being the center of our community, plays an important role in the continuance of that heritage.

"President Nixon has said the following concerning the Chinese American Citizens Alliance, 'Your Patriotic organization has been in the forefront of Chinese American contributions to our heritage and way of life. You have encouraged the diligence, the family unity and the devotion to country which come to mind in any salute to your community.'

"If you cherish something as much as we cherish our community then you will know what we stand for and sympathize with us, in saving Chinatown."

George Moy, of the Joy Inn Restaurant at 609 H Street, NW in the heart of the city's historic Chinatown section, pled for the preservation of the Chinese community in his testimony to your Subcommittee at its February 17, 1972 hearing. He said that: "Prior to 1930, the Chinese community was located on Pennsylvania Avenue. With the construction of the Federal Triangle, the people of this community were dispersed in many different directions (He did not point out the callousness of such dispersal). After a period of years, the Chinese were finally able to establish another community in the area of Sixth and H Streets Northwest where they could relocate their homes and their businesses. This community is continually growing. New Businesses are being opened in this area each year.

"Now the planning commission (and your Subcommittee) wants to split the Chinese community again. Six of the nine restaurants would be destroyed. Four of the eight grocery stores would also be destroyed with the many homes in the area of this proposed arena.

"Relocation of half of the Chinese community would be very difficult for the many families and businesses. This change would be even more difficult for those who speak very little or no English.

"Almost all of the large cities do have a Chinese community which is a tourist attraction for many people. If this sports arena is built on the site, the Chinese community would gradually become nonexistent."

George Moy told your Subcommittee in his testimony at the hearings at Greater New Hope Baptist Church that most of the city's Chinese residents live on Eye Street, between 5th and 10th Streets NW, four blocks of which would be bulldozed for the sports arena-convention center.

#### RACIAL OVERTONES

The *Washington Daily News* reported February 18, 1972 in part as follows: "Altho there were occasional racial overtones in the testimony, it was not made explicit until Attorney King David said they (the Government and Congress) would not build the center there (between 6th and 10th and H Streets and Mt. Vernon Square) if the area was predominantly white. 'It's always, let's take it from the Blacks, poor and Chinese'. He said if he was hired by someone in the area, he would take the issue all the way to the Supreme Court." Later, in this letter, we will cite possible legal challenges.

#### THE AREA WILL REHABILITATE ITSELF IF ALLOWED TO

The *Evening Star* Rambler column on February 18, 1972 said this: "Rolling through

Chinatown and having a look at the furniture stores, the book stores and all the other modest places of commerce, I found it hard to imagine the proposed sports arena and its neighbor, a convention center. I realized how fortunate I was not to be faced with such an uncertain future as the merchants of the area are. They probably have enough troubles as it is. But all is not lost. The National Collection of Fine Arts and the National Portrait Gallery have added class to the neighborhood. And the new public library, at 9th and G Streets NW, is magnificent. And with the subway coming in, perhaps the area would come to life again, and people would throng downtown. . . . While feeling sorry for the merchants, I came across an item which, once again, discussed the possibilities of a new Lion House at the zoo. . . . We could build the sports arena on the site of the old Lion House and build the convention hall on stilts over the duck pond."

The Chairman of the D.C. City Council, Gilbert Hahn, Jr. has helped to hold up renewal of the area by pushing for the convention-sports complex which has stymied the new \$9-million office building. The National Capital Planning Commission, by locating the convention-sports center in the area, has also prevented private rehabilitation and new buildings from being located in this area. The affected businessmen were never consulted and hearings were not held by the NCPC, or the City Council, or RLA. What justice is there for your Subcommittee to try to condemn and seize the land and improvements because there has been no private development. How could there be under such circumstances? There are other examples of private renewal being held up by the convention-sports center.

Congress and the American Revolution Bicentennial Commission have a responsibility to pick a site which will not do violence to basic constitutional rights for which the American Revolution was fought.

Now, the church, business, and Chinese community, leaders have suggested through the Rev. King David, a leading Negro attorney, that the convention center be located in the area bounded by 7th Street on the East, 9th Street on the West, Eye Street on the South, and Mt. Vernon Square on the North. It could be on several levels, just as the convention facilities are at the Shoreham, Sheraton Park, and Washington-Hilton hotels, and this would provide enough space for the convention center. A convention center built on one or two levels is not good use of land in a mid-town area, as the Shoreham, Washington Hilton, and Sheraton Park Hotels prove. If this downtown site is chosen, then housing should be built above the convention center, otherwise there is no possible justification to use urban renewal funds to help build the convention center in view of the desperate need to use urban renewal funds to rebuild the burned-out areas which should have a far higher priority in use of Federal funds. Office buildings and hotels should be built north of Mt. Vernon Square to help rebuild the Shaw Project and give Federal City College attractive surroundings.

Probable legal basis for lawsuits to prevent confiscation of church, Chinese community, residential, and business properties for the convention center-sports arena in case the Senate and House Public Works Committees adopt the site recommended by the House Public Buildings Subcommittee on February 1, 1972, to the full House Public Works Committee.

Now, The Mt. Vernon Religious, Civic, Chinese, and Business Associations presented testimony to your Subcommittee on February 17, 1972 through Harry Hahn, an able attorney, which outlined in some detail the probable legal basis for lawsuits to prevent confiscation of church, Chinese, and business properties for the convention-sports center in the unlikely case that the Senate and



House Public Works Committees adopt the site and plan recommended by the House Public Buildings Subcommittee on February 1, 1972. Here are the relevant excerpts from Mr. Hahn's testimony—

"Mr. Chairman, have you and your fellow committee members decided that this area cannot be rehabilitated? This is an urban renewal area and is protected by the urban renewal laws. Sec. 307 of the Housing Act of 1964 requires the Secretary of Housing and Urban Development to find that the area cannot be rehabilitated. The Secretary of Housing and Urban Development has made no such finding with regard to the area sought for the Convention Center-Sports Arena. We do not believe he can make such a finding. Our area can be rehabilitated just as the Georgetown area was.

"Title 42 United States Code 1451(e) (2) states that the Secretary must find 'clear evidence that the community provides and continues to expand opportunities for its citizens. . . that it provides clear and direct access to decision making, relevant and timely information, and necessary technical assistance to participating groups and individuals in programs covered.' We point out that being in an Urban Renewal Area this section of the United States Code also applies.

"The Public Buildings Act of 1959 outlines clearly that appropriations shall not be made for Public Buildings costing in excess of \$100,000 unless determined by the President 'to be justified in the national interest'. There has been no such required 'justification' by the President declaring the Convention Center and Sports Arena in the national interest, as required by the Public Buildings Act of 1959, and his Bicentennial Message does not legally constitute such a 'justification'.

"The Washington Post of February 5, 1972 quotes as part of President Nixon's Bicentennial Message on this matter, 'that the legitimate concerns of merchants, working people and residents in those neighborhoods receive fair consideration in the planning and location process.' We were pleased to see that President Nixon recognizes this vital concern and hope that you and your committee will also share with us the need for our participation in the decision making process.

"Public Law 91-190, effective January 1, 1970, and cited as the 'National Environmental Policy Act of 1969', in Sec. 101 calls for the 'preservation of important historic cultural, and natural aspects of our national heritage, and maintain wherever possible an environment which supports diversity and variety of individual choice.' This community, which includes the Greater New Hope and Turner Memorial AME churches, as well as Chinatown, is an example of an historic and cultural area.

"Sec. 102 of this Act requires that you 'include in every recommendation or report on proposals for legislation and any other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible officials on (i) the environmental impact of the proposed action; (ii) any adverse environmental effects which cannot be avoided should the proposal be implemented, and (iii) alternatives to the proposed action.'

"What justification is there for a 5,000-car parking facility that will introduce enormous congestion and pollution into this downtown area, only one block from two of the city's major subway stations with which they will compete for passengers?

"In two short years since the National Environmental Policy Act was enacted, Federal Courts across the country in widely varying fact situations have proved that the "102" provisions are court enforceable.' The foregoing statement was placed in the *Congressional Record* January 18, 1972 by Congressman John. D. Dingell. He further

pointed out that 15 Courts of Appeals and 48 District Courts have supported the National Environmental Policy Act.

"Each member of the House and Senate Public Works Committee has a special responsibility to his Constituency back home. Have you considered the fact that a tax-built convention center-sports area in Washington, D.C., would indeed compete with your own local facilities which were built with the private and municipal funds without Federal aid?

"Finally, I would like you to know that this area has gone through a social and philosophical evolution. Please note how united we are—Black, White, Chinese, Churches and Businesses. We are dedicated to living in harmony with our fellow man. After all, shouldn't this be your goal, as well as ours?

"In conclusion, we strongly urge that you deliberate further on: (1) Loss of taxes; (2) Sec. 307 of the Housing Act of 1964; (3) Title 42 U.S.C. 1451(e) (2). (4) Detailed 'justification' by the President that this project is in the national interest; (5) Sections 101 and 102 of the National Environmental Policy Act; (6) Added congestion and pollution to this area by 5,000 cars; (7) Alternative locations; (8) Your fiscal responsibility to the citizens in your home Congressional Districts; (9) Destruction of an historic and cultural area that is socially and philosophically integrated.

"Now we ask, why shouldn't the Federal Government consider expanding the city's tax base by locating the Convention Center-Sports Arena on its own land and thus eliminate altogether the displacement and destruction of our churches, large and small businesses, Chinatown, and homes, which the suggested [Mt. Vernon] site in our area would eliminate?"

Now, finally, we believe that the convention center-sports arena should be entirely paid for by the Federal Government and not be foisted on the backs of District citizens and businessmen like the Kennedy Stadium was, which was also pushed by certain special interests as a "bonanza" for the Nation's Capital. Finally, after ten years, President Nixon has included \$1,500,000 in his Federal Budget this year to help pay off the bonds of the Kennedy Stadium. He has not included one red cent to pay for the convention center-sports stadium, and his Bicentennial Message indicates that he is unlikely to include now or in the future anything more than a "token payment". The District of Columbia is on the verge of bankruptcy now, and this convention center-sports arena as recommended by the House Public Buildings Subcommittee is far more likely to bankrupt it than to contribute to its fiscal solvency. There are many instances in history where powerful emperors, kings, queens, etc. have devoted vast sums, terribly needed for national purposes, to the building of palaces and stadiums and have later been swept into the dustbins of history. It is an historic fact worth remembering. The \$100,000,000.00 proposed for the convention center-sports arena could be better used to ameliorate the conditions of citizens in the Congressional Districts back home in the advancement of conditions more in accord with the spirit and intent of the American Revolution Bicentennial. We can think of several projects of this nature—spurred by the thought that the Congress is unlikely to spend more than \$5,000,000.00 on this project, leaving District citizens to pay the remaining \$95,000,000.00 which can scarcely be considered a bargain. In any event, the Congress is unlikely to pay even half of this projected \$10,000,000.00 cost of the proposed convention-sports center, and if the House and Senate Public Works Committees recommended such an even sharing of the costs with the citizens of the District of Columbia it is highly likely that several Members of these two Committees would not be returned to Congress in the

elections this fall. Our motto is: Not one more cent for sports arenas and convention centers to be paid by D.C. citizens.

Respectfully yours,

George Moy, William Yee, Ralph H. Wilkin-son, Mr. D. Lee, Mrs. Inga G. Yaeger, James J. Muscatello, Philip J. Brown, William and Helen Leavitt, J. George Frain, Sam Abbott, Samuel A. DeVito.

Donald L. Reinhardt, Weston G. Roberts, Nellie Brown, A. J. Buell, William T. Bennett, Vernon McKenzie, Richard H. Sansure, Philip R. Collis, Lawrence A. Jennings, Joseph W. Jennings, Harriet B. Hubbard, David Paris.

## SOCIAL SECURITY BENEFIT INCREASE

### HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. ANDERSON of California. Mr. Speaker, I am today introducing legislation which would first, increase social security benefits by 20 percent; second, increase the minimum benefit from \$70.40 a month to \$100 a month; third, allow social security benefits to automatically increase to compensate for future cost-of-living increases; and fourth, allow a social security recipient to earn up to \$300 a month before his social security benefits would be reduced.

#### TWENTY-PERCENT INCREASE IN BENEFITS

Presently, 27 million Americans are receiving social security benefits. Most of them do not have any other means of income. Most of them are hovering around the poverty level.

The 20-percent increase in benefits called for in this bill, coupled with the 5-percent increase mandated in H.R. 1—now in the Senate Finance Committee—would provide for a 25-percent cumulative increase in benefits in this year.

Mr. Speaker, the elderly have worked and have paid their own way; but now, many have exhausted any assets that they may have managed to accumulate during their working years.

The elderly deserve to live their remaining years in dignity with the aid of social security—a program that they founded and that they have built.

#### COST-OF-LIVING INCREASE

Under my proposal, Mr. Speaker, social security benefits would be automatically increased in the future, commensurate with increases in the cost of living. If, after a 3-month period, the Department of Labor determines that the cost of living has increased, then social security benefits would be increased in an equal amount.

Thus, under my proposal, the elderly would not be subject to the irregular procedures of today whereby the administration and the Congress must agree on the proper amount of any social security increase.

#### ALLOW INCREASED EARNINGS

The present law allows a social security recipient to earn up to \$1,680 a year before his social security benefits are reduced. This provision penalizes the initiative of thousands of people who have

found it impossible to live on their earnings and their social security benefits.

My bill would allow an elderly person to earn up to \$300 a month, or \$3,600 a year, before his social security benefits would be reduced.

This provision will enable social security beneficiaries who are eligible, and yet desirous of supplementing their income, to have increased latitude to do so without suffering a lowering of social security benefits.

Mr. Speaker, if my bill were enacted, and if the bill H.R. 1, which has passed the House and is presently in the Senate, were enacted, the average benefits for an elderly couple would be increased from \$222 a month to \$269 a month.

While I submit that this is hardly enough to sustain two people in today's society, it would be a welcome relief to those who depend solely upon the social security benefits they so richly deserve.

#### FDA ACTS TO SAFEGUARD CHILDREN

#### HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. SYMINGTON. Mr. Speaker, those of us who serve on the House Public Health and Environment Subcommittee have become acutely aware of the danger of accidental poisoning. Children are particularly prone to such accidents and nothing is more tragic than the death of a child. To alleviate this danger, the Public Health Subcommittee, under the able leadership of Representative PAUL ROGERS of Florida, has conducted numerous hearings dealing with drug abuse.

In the course of these hearings, members of the subcommittee have asked drug manufacturers what safeguards they build into their products so that children cannot accidentally open the drug containers. Too often the Public Health Subcommittee found inadequate safeguards, too many times manufacturers have admitted their products are easily accessible to children.

Fortunately and finally, the Food and Drug Administration—FDA—has announced that by August 15, 1972, all aspirin sold in the United States must be in containers that are difficult to open. The FDA has plans for similar packaging requirements for a number of other products that could be dangerous. The FDA stated there are over 4,300 such products that could be dangerous to children.

In my judgment, the FDA cannot move too quickly to require safe, childproof packages for all dangerous substances. I am pleased the FDA is moving on this matter. The Public Health Subcommittee has tentative plans to hold oversight hearings on drug advertising that makes possibly harmful drugs attractive to children and adults alike. Hearings like the one planned and action by the FDA are necessary if accidental poisoning is to be avoided. I applaud the FDA's recent action.

#### TRAINING SCHOOL FOR COAL MINERS OPENED

#### HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. DENT. Mr. Speaker, as promised during the Coal Mine Health and Safety Act debate, I am today making a report on one phase of that act that has long been needed in the coal mining industry and is now in operation.

This report deals with a training school for coal miners. It is hoped that this will make the mining industry more attractive as an occupation and will promote health and safety in the mines. This new school was finally put into operation through the cooperative efforts of the Federal Government and its Bureau of Mines headed by Dr. Elbert F. Osborn, the Pennsylvania Department of Environmental Resources and its Secretary Maurice K. Goddard, the Florence Mining Co. under the direction of James Hurley, and the United Mine Workers of America.

Representative JOHN P. SAYLOR and I participated in the dedication of this new facility. I can assure you that Mr. SAYLOR is as pleased as I am, and satisfied that this is a great step forward in making mining safer for that great body of men who keep the mines going.

The report follows:

#### MINING MACHINE OPERATORS TRAINING COURSE

This is a prototype, cooperative training program funded in part by a grant from the U.S. Bureau of Mines to the Central Pennsylvania Coal Operators Association, with the Pennsylvania State University accepting responsibility for the actual creation and conductance of the training work. Other interested organizations are the Pennsylvania Department of Environmental Resources, the United Mine Workers of America, the Keystone Bituminous Coal Association, and the Western Pennsylvania Coal Operators Association. All have taken an active part in the original planning and organization of the program.

The problem is this: with the tremendous expansion demanded of the bituminous coal industry that has resulted in Pennsylvania becoming the energy capital of the eastern United States, there just aren't enough skilled men in the operation of these machines to man the new mines that are necessary. Furthermore, despite a high wage scale and continuing success of measures to alleviate dust and noise problems, older machine operators with high seniority frequently bid off these jobs to jobs away from the face.

Therefore, in order to solve the problem this program was adopted with the following objectives:

1. Upgrade and improve on-the-job training of the safety phases of underground mining machine operators with the ultimate goal of reducing accidents mostly caused by inadequate training and instructions.
2. Increase the number of state-certified mining machine operators underground. (It is almost impossible to meet health and safety requirements and production goals with the large number of untrained, inexperienced new hires now being introduced to the underground mines.)
3. Improve the productivity of underground mobile mining machine operators as one means of meeting ever-increasing energy demands.
4. Alleviate the current shortage of under-

ground miners who need to be trained in health and safety practices as well as production methods by formal classes of instruction conducted by competent instructors.

5. Provide a semi-permanent vehicle for teaching fundamental, safe coal mining habits and practices relating to mine ventilation, roof control, and safe machine maintenance and operation.

All the men presently and prospectively enrolled in this program are full-time employees of member companies of C.P.C.P.A. They are paid their regular wages by their respective employers while in attendance.

The overall program is projected for one year, consisting of six consecutive eight-week programs, of which this is the first, now in its fourth week. Each eight-week program enrolls 32 men, assigned by the employers. They make application through their companies and are tested for mechanical aptitude by Penn State.

All 32 men report to the classroom for the first week of each program. There they are taught coal mining methods, roof control, mine ventilation, gas detection, dust control, machine maintenance, first aid and accident prevention. During the second through the seventh weeks they are divided into two groups of 16 men each. These groups alternate by one group reporting to the class for a week while the other group reports back to their mines, where they are given assignments related to their training. Thus, each group receives three weeks training in the simulated mine. For the eighth week the entire group of 32 men are brought back into the classroom for review before dismissal. The following Monday a new group of 32 appears.

The 16 men in the mine are divided into teams of four, with each two teams under a full-time instructor. At present, the machines to which they are assigned are a drum-type continuous miner, a shuttle car, a loading machine and a roof bolting machine. Each man of the 32 eventually gets operating time on each of the machines through a carefully kept job check sheet, maintained by the instructors, and is graded on his performance.

If this pilot program lives up to the expectations that are held for it, it is expected that it will continue and others like it will be started in other coal mining areas.

#### A PLEA FOR LITHUANIAN FREEDOM

#### HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. HORTON. Mr. Speaker, mankind's struggle for individual freedom and dignity has been continuous since the dawn of civilization. The earliest recorded histories detail the desire for liberty in the ancient civilizations of Greece, Babylonia, and Egypt. While the battle against repression never ends for any society, there are some peoples who have been thwarted in their efforts to secure liberty and freedom by the oppression and domination of another country.

One of the most blatant examples of this subjugation is the Soviet Union's annexation of Lithuania. This month marks the 721st anniversary of the founding of the Lithuanian state and the 54th anniversary of the establishment of the modern Republic of Lithuania. However, we cannot rejoice with the peoples of Lithuania, for their young democracy was shattered by the invasion



of Soviet troops in 1940 and again in 1944 and the imposition of Soviet rule throughout the country.

Their history since World War II has been one of continuous struggle against the oppressive rule by the Communist dictatorship in Soviet Russia. An armed patriotic resistance movement waged war against the Soviets until 1953. During this period, nearly 50,000 lost their lives. In the years since then, one out of every six citizens has been deported from their country against their will and sent to other areas of the Soviet world. They have been replaced by Russians in an effort to quell resistance. Dissidents have been sent to Siberia or committed to asylums for the mentally ill. A large percentage of these persecuted people have perished due to harsh conditions, starvation, or executions.

The free practice of religion in Lithuania is nonexistent. According to Russian law as implemented in Lithuania, the practice of religion is protected except where it is harmful to the health or rights of citizens. The Soviet interpretation of the "harmful effects" includes almost every aspect of religious practice. Priests have been imprisoned by Soviet authorities for teaching children, with their parents' approval, the principles of their religious heritage. By isolating children from religious influences, Soviet authorities hope that what they term "religious superstitions" will be eliminated. Through state control over the number of priests and the total submission of the church to the state, it is hoped that religion can be stopped as a major force in that society.

The passage of time has not dimmed the people's vision of a free Lithuania and their desire for self-rule. Courageous protests to the Soviet Government by many groups continue and individual efforts to escape the cruel and insensitive rule by the Soviet Government are many.

Just 2 years ago, a young Lithuanian sailor, Simas Kudirka, attempted to defect aboard a U.S. Coast Guard vessel during a meeting between representatives of the Lithuanian navy and the U.S. Coast Guard. Kudirka felt so completely dominated by the Soviet regime that he was willing to risk his life and the lives of his family in the hope that he could be of more help to them from free soil. In a tragic mistake, Soviet officials were permitted to board the American ship, the *Vigilant*, and take Kudirka back to face trial in his homeland. He was sentenced to 10 years service in a Soviet labor camp.

Under Russian law, no one is allowed to leave the country unless the government gives its consent. The indignity of being forced to live where the government of another country allows one to, could break many people. But it has only given the Lithuanian people greater determination to defeat the Soviet-imposed government.

The indestructible spirit of Sima Kudirka must not be forgotten. To that end, I introduced legislation in the House last year to rename the Coast Guard cutter, the *Vigilant*, the *Simas Kudirka*. I hope that my colleagues will join me in this small tribute to a young man who showed

tremendous personal courage and conviction.

The United States must make every effort to help this courageous nation to find the freedom we have enjoyed for nearly 200 years. In 1966, I supposed House Concurrent Resolution 416 which urges the President to bring this denial of freedom to Lithuania and the other Baltic States of Estonia and Latvia to the attention of the United Nations and to make every effort to direct the force of world opinion to the oppression of these countries. I urge President Nixon to do all in his power to realize this goal.

In the last few months, the world has watched while the leaders of the great powers made realistic appraisals of dated and time-worn foreign policies. It is my hope that our efforts at establishing a meaningful dialog between countries of different political philosophies, will open the way to helping other countries determine their own political destiny.

As we commemorate the founding of the Lithuania State, let us each promise to make our own individual effort to insure that Lithuania's is not in vain.

#### MR. PAUL PERITO MOVES TO SAODAP

#### HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. SCHEUER. Mr. Speaker, last week the White House announced the designation of Paul L. Perito as Deputy Director of the Special Action Office for Drug Abuse Prevention. I do not want such a wise and commendable appointment to go unnoticed by this House, for this is a position of immense importance in the Nation's battle against drug abuse.

As you know, the President created the Special Action Office for Drug Abuse Prevention—SAODAP—on an interim basis by Executive order on June 17, 1971 and named Dr. Jerome Jaffe as Director. At the same time he submitted legislation to create such an office on a permanent basis. The concept for this office was first contained in legislation which I introduced with over 60 co-sponsors in March 1971. Consequently, I have had a keen interest in the organization, staffing and operation of SAODAP in the ensuing months.

The appointment of Mr. Perito is one of the most encouraging developments in SAODAP's brief history. He is a highly talented and skillful professional whose successful career in government testifies to his outstanding abilities. After 4 years as an Assistant United States Attorney for the Southern District of New York, where he prosecuted major organized crime and narcotics cases, Mr. Perito became chief counsel of the Select Committee on Crime. Under the leadership of the chairman of the Select Committee, our esteemed colleague Representative CLAUDE PEPPER, Mr. Perito directed a series of impressive and exhaustive investigations into the problems of amphetamine abuse, the treatment of heroin

addicts, juvenile delinquency, heroin trafficking and packaging, and a broad range of problems in the administration of our criminal justice system. Mr. Perito's clear sense of direction and purpose contributed immensely to the success of these investigations. The committee's report and recommendations for improving the Nation's attack on both the causes and the effects of crime have provided this Congress with a comprehensive agenda for action.

During his 18 months on Capitol Hill I consulted with Mr. Perito frequently on the subject of drug abuse and drug trafficking. While conducting my own investigation of these problems and preparing legislation to combat them, I found him to be one of the most knowledgeable people in Government. He is now taking his experience as a prosecutor and as an investigator to a new agency which will play a crucial role in determining the success of our battle against narcotics abuse. I am sorry that he will no longer be lending his expertise to the House of Representatives, but I am glad that the administration has had the foresight to recruit such an experienced and effective young man. I am sure that my colleagues join with me in wishing him and his new agency every success.

#### FREEDOMS FOUNDATION AWARDS TO INDIANAPOLIS AREA RESIDENTS AND ORGANIZATIONS

#### HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. BRAY. Mr. Speaker, the February 21, 1972, issue of the Indianapolis Star carried a front-page story listing the Indiana and Indianapolis area winners of 1971 awards from the Freedoms Foundation at Valley Forge, Pa.

The top national editorial award went to Eugene C. Pulliam, publisher of the Indianapolis Star and News, for his editorial on the threat to individual freedom posed by the Federal bureaucracy.

The story follows:

#### FOUNDATION HONORS PULLIAM EDITORIAL HITTING BUREAUCRATS

Eugene C. Pulliam, publisher of The Indianapolis Star and The Indianapolis News, yesterday was named recipient of the top national editorial award for 1971 of the Freedoms Foundation for his Oct. 24 editorial, "Will The Federal Bureaucracy Destroy Individual Freedom in America?"

William F. Bennett, an editorial writer for The Star, and Wayne Guthrie, a columnist for The News, also were honored. Bennett received an Honor Certificate for an editorial, "America's Strength," and Guthrie received a Distinguished Service Award for a column, "Old Glory Needs Its People."

General of the Army Omar N. Bradley, America's only living five-star general, was named recipient of the top Freedom award.

The George Washington Award, and a check for \$5,000 will be presented to Gen. Bradley by Howard H. Callaway, chairman of the Council of Trustees of the Freedoms Foundation in ceremonies today at Valley Forge, Pa.

The "G.I.'s General," as he became known during World War II because of compassion

for his men, was cited for his "integrity, individuality, objectivity, hard work and responsibility."

Pulliam's editorial, published on the front page of *The Star*, and his other papers, including *The Muncie Star*, *The Muncie Press*, *The Phoenix Gazette* and *The Arizona Republic* was widely reprinted.

Highlighted along with the editorial were "Freedom Quotations" from famous Americans.

The editorial stated that, "The most serious threat to freedom in America today—including freedom of the press—comes from a Federal bureaucracy which seems determined to gain control over every facet of American life."

Pulliam will receive an encased George Washington Honor Medal and \$500.

Recipients for the awards were chosen in December by a distinguished volunteer National and School Awards Jury of state supreme court jurists and representatives of national veterans, service, civic, and patriotic organizations.

A total of 52 other Indiana individuals and organizations received awards. They follow:

George Washington Honor Medal Award—United States Air Force M/Sgt. Paul E. Hendricks, Columbus; Air Force Sgt. Lester W. Walden, Edinburg; Navy Comdr. Richard A. Hendricks, Elwood; Army 1/Sgt. Roger G. Gilden, Kokomo; Army (reserve) 1/Sgt. Clay C. Elmore, Muncie; and Army S/Sgt. John S. Mobley, Terre Haute, for Armed Forces Letter, "What Is An American?"

Also, Zollner Corporation, Fort Wayne, and its corporate publication editor, Bernard Kampschmidt; Dorothy Smith, Frankfort, for a letter to the editor; Brian L. Bex, Indianapolis Chamber of Commerce Building, for essay; City of Indianapolis for government unit activities; Robert K. Konkle, superintendent of the Indiana State Police, for a public address; National Council for the Encouragement of Patriotism Inc. at Munster, in Americana category; Wilma Long of Whitestown, letter to the editor, and the Greater Zionsville Chamber of Commerce for community programs.

Schools cited—Arlington High School, 4825 North Arlington Avenue; Arsenal Technical High School, 1500 East Michigan Street; W. A. Bell School 60, 3330 North Pennsylvania Street; Emma Donnan School 72, 1202 East Troy Avenue; Emmerich Manual High School, 2405 Madison Avenue, \$100, plus medal; Indianapolis Public Schools, 120 East Walnut Street; and Jonathan Jennings School 109, 6150 Gateway Drive.

Also, John Marshall High School, 10101 East 38th Street; Theodore Potter School 74, 1601 East 10th Street; James E. Roberts School 97, 1401 East 10th Street; Lew Wallace School 107, 3307 Ashway Drive; Albert Walsman School 111, 1780 Sloan Avenue and Daniel Webster School 46, 1702 West Miller Street.

Distinguished service award—William S. Sanderson, Fort Wayne, \$100, plus award for a cartoon; American Legion National Headquarters, Indianapolis, Americana category; American Legion Auxiliary National Headquarters, Indianapolis, for Girls Nation silver anniversary; Anna Brochhausen School 86, 5801 East 16th Street; Brookside School 54, 3150 East 10th Street; H. L. Harshman School 101, 1501 East 10th Street, and Minnie Hartman School 78, 3734 East Vermont Street.

Other awards included:

Ruth T. Hall, Evansville, Valley Forge Teachers Medal; L. S. Ayres & Co., 1 West Washington Street, honor certificate for advertising; Department of Indiana, Veterans of Foreign Wars, 1402 North Shadeland Avenue, honor certificate for nonprofit publication; Toni Flowers, 924 East 52d Street, Valley Forge Teachers Medal, and Robert Frost School 106, 5301 Roxbury Road, honor certificate.

Also, Myla Hall, 3207 West 29th Street, Valley Forge Teachers Medal; A. P. Hamilton School 77, Principal School Award; Christian Park School 82, 4700 English Avenue, honor certificate; C. N. Kendall School 62, 940 North Wallace Avenue, honor certificate; Merle Sidener School 59, 2424 Kessler Boulevard, East Drive, Principal School Award; Virginia C. Simmons, 814 Lincolnwood Drive, American Educators Medal, and D. T. Weir School 71, 3333 North Emerson Avenue, honor certificate.

Others are Carl Wilde School 79, 5002 West 34th Street, Principal School Award; Kate Rutherford, Liepsic, Ind., Valley Forge Teachers Medal; Frank H. Hammond, Munster, American Educators Medal; Marine Corps S/Sgt. Stanley R. Brown Jr. of Russiaville, honor certificate and Army SP5 George J. Stacey of Tipton, honor certificate.

Indianapolis winners of awards will receive citations at a ceremony to be held in the auditorium of the L. S. Ayres & Co. downtown store at 7 p.m. April 13.

The ceremony will conclude a three-day Freedoms Foundation Fair in which city schoolchildren will participate.

### CONSERVATION: AN ELOQUENT PLEA FOR COMMONSENSE

#### HON. JAMES C. CLEVELAND

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. CLEVELAND. Mr. Speaker, the question of preservation of the environment versus the need for natural resources to keep our economy going is one which has been receiving a great deal of attention of late.

Although I love the outdoors, the woods, and the scenic beauty of my native New Hampshire, I am also aware that economic progress has been accomplished in many instances by the exploitation of our natural resources. In many cases this exploitation has been excessive and destructive, but in others it has been done with rational restraint paying attention to the ecological balance and replacement. In the rush to protect the environment we sometimes overreact, and this too can be destructive.

The elimination of pollution from our rivers, streams, lakes, oceans, and air is a responsibility we all have to our children and their descendants. However, we must not let the lure of a perfect environment blind us to the reasonable needs of our economy. We should strive for a balance to meet our commitments and responsibilities in both areas of concern.

The following is a letter written by a fellow New Hampshire and outdoors enthusiast, Mr. John C. Calhoun, Jr., president of the Association of New Hampshire Consulting Foresters, to the *New York Times* in reply to the attached editorial on the Forest Service. Mr. Calhoun eloquently states the other side of the case, which has too often been ignored by those who should know better.

The material follows:

TO THE EDITOR,  
*The New York Times*,  
New York, N.Y.

DEAR SIR: In this day of instant everything, it troubles me as a member of the forestry profession to see your paper joining ranks

with those uninformed and rather sentimental preservationists who want their cake, the forests, to look at (if they choose to) and who want to eat it too, in the form of lumber and even newsprint.

Have you for instance gone to the source of your own newsprint to see what it looks like when the commercial loggers have been through it. Or are you in this case giving editorial lip-service to multiple use, if any, and the pristine appearance of the landscape after these hard-pressed "timber miners" have done their job and sent the pulpwood floating downstream to your newsprint factories? If you have not and do not insist on the highest quality of forestry and appearance, then why do you so glibly take up the cudgel against the original conservationists of this country, as you did so heavily in your columns on April 13, 1971, on the U.S. Forest Service.

If you took the time to look into it you might well find enough scenery apparently destroyed in the process of supplying just your paper in a year that you might be tempted to look for another newsprint material. But if your study of these matters persisted as they have with the professional foresters of this country and Canada for the last seven decades, you would certainly find that under certain conditions forests treated as harshly as your loggers have treated them, or even the Forest Service is treating them in the Bitterroot Mountains, in the Douglas fir country on the west coast, in the scrub oak land of the south, where great pine forest now grow following pretty drastic initial treatment to the forest and the landscape are both scenic and healthy and productive today.

The point is, that growing timber is a long-range business and a great body of evidence points to the need to remove all shade, expose the mineral soil to establish a new crop of most of our most valuable forest trees. There is also the fact troubling the foresters, and as a consumer of forest products, it should trouble the *New York Times*, at least the business office, if not the Editor, that more timber is lost each year to fire, insects and disease, than is ever consumed by the people of this country as paper or lumber. The effect of calling off the application of forestry, however temporarily unattractive looking, to the Bitterroots, or any other National Forest, would be a major disaster, if you are truly interested in the long-range supply of timber for this country.

The one fact that seems to escape you and so many others who are happily now concerned, is that the forests grow. It is a long process but a steady one, and when the crop is ready, mature, it must be cut, or it will be lost. Now if you feel that these forests should be locked up so that we can sit in our city homes and think that they are there and find satisfaction in that fact, please say so. But how do you square that with your cry for more housing for our increasing population?

No doubt the Forest Service can stand some criticism. Perhaps they are behind in what you call Reforestation, even by five million acres. If that is so, perhaps it is because people like Senator McGee have failed to appropriate the money to hire the staff that is obviously needed to do the job. Or perhaps the New York Senators and others feel that the first priority of the Service should be to increase the supply of lumber so that housing needs can be met. Perhaps the Review should be in this area!

All that I can ask, is that the next time you feel the urge to write on this important subject, please get closer to the complex facts of the matter. And while you are at it, check up on your own woodlots and see if you yourselves are responsible for leaving vast stretches of the Adirondacks, Ontario and Quebec "desolate in the decades required



for reforestation." My guess is that in spite of initial bad appearance you have in many cases gotten several crops from the same acreage, and your own people would tell you there was no alternative to this process, except perhaps import from Russia.

Sincerely yours,

JOHN C. CALHOUN, JR.,  
President, Association of New Hampshire  
Consulting Foresters.

[From the New York Times, April 13, 1971]

#### THE USES OF A FOREST

A much-needed examination of Forest Service practices may at long last be at hand. Testifying last week before a Senate subcommittee, Senator Gale McGee of Wyoming not only proposed a review of timber management in the national forests but sought a Congressionally imposed moratorium on clear-cutting by logging companies until such a study can be made.

Clear-cutting, in many places a highly questionable logging procedure, is the practice of chopping down all the trees in a particular section of forest, supposedly to allow better regrowth. Selective cutting, favored by most conservationists, singles out only the fully grown trees, leaving others to mature. By keeping the forest itself intact, this method—though more time-consuming and costly for the loggers—tends to prevent fatal soil erosion and the clogging of streams, especially in hilly areas, leaves wildlife undisturbed and preserves the scenery for the joy of man instead of leaving it desolate in the decades required for reforestation.

What is bringing the issue to a head is not a mere difference in techniques; rather it is the evidence that has been mounting for years that the Forest Service has been taken in, like so many regulatory bodies, by those it should be regulating. It is accused of giving only lip service to the concept of multiple use of forests, of reducing their role largely to the purpose of furnishing timber to commercial loggers at attractive prices.

The charges have been impressively documented. A special committee at the University of Montana, studying the Forest Service practices in the Bitterroot Mountains, concluded that it was not engaged in "timber management" at all, but in "timber mining." West Virginia a legislative commission was so shocked recently by the devastation permitted by the "timber oriented" service that it recommended a halt to all clear-cutting except in small occasional patches of forest.

In their headlong and wasteful course, the loggers have left reforestation efforts dangerously far behind. A series of articles for the Des Moines Register and Tribune indicates that the Forest Service is five million acres behind in its reforestation efforts and another thirteen million acres in forest improvement. Senator McGee's call for a pause and a hard look at the Service is modest in the circumstances—and it comes none too soon.

#### A STUDY OF CLEARCUTTING ON PUBLIC LANDS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. FRASER. Mr. Speaker, last month there were reports that an Executive order would be issued restricting clear-cutting on public lands. But evidently the administration backed away.

More than half the timber in the Boundary Waters Canoe Area, the Na-

tion's prime canoe country in northern Minnesota, consists of stands of aspen and jackpine, which are felled by clear-cutting. Environmentalists have pointed out that clearcutting ruins an area for recreational use, not only because of unsightly open areas that result, but because of the extensive network of roads needed to haul out the logs. It takes years before replanting can cover the scars.

I am sponsoring H.R. 13187, legislation introduced originally in the Chamber by the distinguished gentleman from Wyoming (Mr. Roncalio), which would establish a commission to investigate and report within 2 years on the practice of clearcutting of timber resources on Federal lands. Until this study was completed, a moratorium would be in effect on cutting in those areas. Further depredation of our national forests would be prevented while the system of clear-cutting was thoroughly evaluated and reasonable restraints were devised.

The following account in the Minneapolis Tribune of January 14 tells of the failure of the administration to set guidelines for clearcutting in national forests:

#### UNITED STATES ABANDONS PLAN TO LIMIT CLEARCUTTING IN FORESTS

(By Al McConagha)

WASHINGTON, D.C.—The Nixon administration, yielding to heavy opposition from the timber industry, abandoned a proposal Thursday to limit clear-cutting in national forests.

The decision to drop plans for an executive order was reached jointly by Agriculture Secretary Earl Butz, Interior Secretary Rogers Morton and Russell Train, chairman of the Council on Environmental Quality.

An official of the Forest Service, which administers the national forests, announced dropping the curbs on clear-cutting, the practice of cutting down all trees within an area.

Environmentalists strongly oppose this forest harvesting technique as being unsightly, wasteful and in some cases permanently damaging to the forest environment.

Administration informants said officials had concluded that the White House order was not required because satisfactory control of clear-cutting could be established through other steps.

The order had been urged by Train, informants reported, and had been circulating through the bureaucracy in a number of drafts for the past three months.

Last weekend officials in the Department of Agriculture called a series of meetings with representatives to the timber industry to acquaint them with plans for the order.

The industry representatives were particularly concerned about a prohibition of clear-cutting in areas of "great natural beauty." They felt this would lead to countless law suits.

The timber industry urges continued clear-cutting in the national forests as the economically most efficient means of logging and contends that the practice aids reforestation.

Spokesmen for the logging firms argued that the clear-cut curbs were already part of Forest Service regulations and that agency is best able to judge the issue of "natural beauty."

Conservationists, some of whom had characterized the White House proposal as merely a "gesture," last night vigorously protested the administration's action.

Legislation is under congressional consideration that would further restrict clear-cutting or ban it altogether in the forests.

#### LEGISLATION TO SPEED UP THE APPROPRIATIONS PROCESS

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. BROTZMAN. Mr. Speaker, I am pleased to join with my distinguished colleague from New Hampshire (Mr. WYMAN) in cosponsoring important legislation to speed up the appropriations process. If enacted into law, the measure would permit the appropriations bills to be considered on the floor of the House after June 15 without prior separate authorization.

Last year I introduced a similar resolution in conjunction with a three-part package on reforming the appropriations process. The first, H.R. 4698, provides that the fiscal year of the Federal Government coincide with the calendar year. The second, H.R. 4699, requires continuous sessions of the House whenever an appropriations measure has not passed by the beginning of the new fiscal year. The third, House Resolution 241, would permit appropriations measures to be considered 30 days prior to the commencement of the new fiscal year even if authorizing legislation has not been passed by that time.

Unfortunately, my three-bill package has not come to the floor. That is why I am today joining with the distinguished gentleman in sponsoring an important part of the proposal. The adoption of this resolution would be of immediate assistance in ending the problems caused by delays in the appropriations process. Even if the House goes ahead with the proposal to make the fiscal year coincide with the calendar year, the resolution now offered could be of great assistance.

Although it may not be as dramatic, the reform of the appropriations process is as important a congressional reform as can be found. Each year untold amounts of tax money are spent inefficiently due to the delay in annual appropriations. First, it leads to the practice of irresponsible grants due to the fact that agencies like to spend their full appropriation, but yet they do not receive their full appropriation until late in the year. Second, ineffectual or outmoded programs continue to operate as a result of resolutions for continuing appropriations which necessarily accompany delays in the regular appropriations bill.

Particularly hurt by the delays in appropriations are the school districts. Often they find themselves in the uncomfortable position of working on next year's budget without even knowing their level of federal assistance for the current year. This cannot help but lead to an inefficient allocation of tax dollars.

The seriousness of the problem cannot be overemphasized, Mr. Speaker. Over the past 8 years, 92 percent of the appropriations bills have been passed after the commencement of the new fiscal year. In the 2 years of the 91st Congress, not one single regular appropriations bill was signed into law by the deadline.

I commend the gentleman from New

Hampshire, himself a member of the Appropriations Committee and thereby aware of the problems I have been discussing, for his resolution, and I am pleased to join with him in cosponsorship.

#### REPORTS ALARM MEAT PRODUCERS

#### HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. NELSEN. Mr. Speaker, the general manager of the largest livestock market agency in the world has just written me, greatly alarmed by reports in the press indicating that our Government is considering the lifting of 1972 meat import quotas by about 10 percent. The manager, Mr. N. K. Carnes of the Central Livestock Association in South St. Paul, Minn., also enclosed a resolution on the subject of inadequacies in present law governing meat imports. The association, with a membership of 122,536 livestock producers, adopted the resolution at a stockholders' meeting on February 10.

I share the deep concern of livestock producers about this whole question. The Department of Agriculture reported only a few days ago that of a \$21 increase last year paid by consumers for a "market-basket" list of food items, farmers got only a meager \$1. The other \$20 was pocketed by middlemen. In fact, farmers last year got only 38 cents of each dollar consumers spent on food, down 1 cent from 1970.

There is far too little public recognition of the fact that while all nonfarm prices have soared year after year, farm prices have remained static for more than two decades. Millions of farmers have been driven out of business as a consequence, and the drive continues unabated to this very day. It would be tragic and ill-advised to lay further economic roadblocks in the path of our long-suffering farmers.

I include the Carnes letter and resolution No. 7 of the Central Livestock Association at this point in my remarks for the benefit of colleagues and appropriate Federal officials:

CENTRAL LIVESTOCK ASSOCIATION, INC.,  
South St. Paul, Minn., February 14, 1972.

HON. ANCHER NELSEN,  
House Office Building,  
Washington, D.C.

DEAR ANCHER: Those of us associated with the management of the Central Livestock Association, Inc. (headquarters, Exchange Building, South St. Paul, Minnesota), which enjoys the distinction of being the largest livestock market agency in the United States, and, therefore, in the world, as defined by the Packers and Stockyards Act of 1921 as amended, were very much surprised and concerned when we read the article which appeared in the Wall Street Journal of Monday, February 14, 1972, page five, under the heading, "Administration may decide soon to lift 1972 meat import quotas by about ten per cent."

Despite the fact that many consumers and consumer organizations are "crying" about the high prices of meats, I am certain that

anyone who has made an extensive study of the situation realizes that meats are cheap at the present time when one considers the length of time a laborer must work in order to earn the price of a pound of meat when compared with the time it was necessary for him to work to earn the price of a pound of meat a few years ago.

The disposable income of labor has advanced much more rapidly than the cost of food, and today the consumer is only spending around sixteen per cent of his disposable income for food, which is substantially lower than it has been in the past.

I think the time has arrived when those holding positions of responsibility within the framework of our government should consider the interests of agricultural producers and pay less attention to the cries of labor and the consumer in their desire to arrive at equitable decisions.

The Central Livestock Association, which has a membership of 122,536 residing and operating largely in the States of Minnesota, Wisconsin, Iowa, North Dakota, South Dakota, and Montana, at a stockholders' meeting held in St. Paul, Minnesota, on Thursday, February 10, unanimously passed a resolution relative to this matter, a copy of which I am enclosing for your information and guidance.

We sincerely hope that before any action is taken to broaden quotas on foreign meats or increase imports, that this matter will be given careful consideration, bearing in mind the interests of livestock producers, whose net income has not kept pace with the advancements that have been made in returns to American labor.

Respectfully yours,

N. K. CARNES,  
General Manager.

#### RESOLUTION No. 7—MEAT, WOOL AND DAIRY IMPORTS

We commend the United States Department of Agriculture, the Department of State, and the Department of Commerce on the progress made in restricting the excessive importations of certain meats, and other products of animal agriculture, through negotiations with several principal exporting countries, and the application of quotas in accordance with the provisions of the 1964 Meat Import Law.

We further commend the United States Department of Agriculture for its order issued December 30, 1971, prohibiting transshipments into the United States during 1972 of meats subject to the Meat Import Law and originating in Australia, New Zealand, and Ireland.

However, the 1964 Meat Import Law is inadequate in that only fresh, frozen and chilled beef, veal, mutton and goat are included in the law. Quotas increase in direct proportion to the increase in our own domestic production of these same meats. Quantities of these meats allowed to enter are far too liberal before import restrictions are required.

Lamb, pork, canned, smoked and processed meats of all kinds are not included in the present law.

Uncontrolled lamb imports threaten to destroy our domestic lamb industry at a time when our domestic sheep producers are attempting to increase sheep numbers. Such stabilization of lamb and wool production in the United States is highly desirable.

Excessive imports of cheaply produced, foreign woolen textiles are liquidating and destroying our only customer for domestically-produced wool, the American textile industry. This situation represents another serious threat to the survival of our United States sheep industry, producer of wool, a strategic commodity.

Dairymen of America are faced with the same serious threat to their prosperity be-

cause of potential foreign imports of dairy products, should temporary restrictions be modified, evaded, or abandoned.

We urge livestock producers and feeders to contact their representatives in the Congress of the United States and ask that they recognize the requests of farmers, ranchers, and farm organizations, and present a united front and an intensified effort to enact legislation, should voluntary negotiations break down, that will provide more adequate protection from excessive importations that pose a serious threat, not only to the livestock industry, but to our entire economy.

#### GENERAL OF THE ARMY OMAR N. BRADLEY RECEIVES FREEDOMS FOUNDATION AWARD AT VALLEY FORGE

#### HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. TEAGUE of Texas. Mr. Speaker, under leave to extend my remarks in the RECORD, I wish to include the text of a news release from the Freedoms Foundation at Valley Forge announcing the fact that General of the Army Omar N. Bradley was the recipient of their top award.

I can think of no other American who deserves this award any more than General Bradley. He has devoted a lifetime to his country in the quest of freedom.

The news release follows:

#### FREEDOMS FOUNDATION AWARD

VALLEY FORGE, PA.—General of the Army Omar N. Bradley, America's only living five-star general, was named today recipient of the nation's top freedom award by Freedoms Foundation at Valley Forge.

The George Washington Award and a check for \$5,000 will be presented to General Bradley by The Honorable Howard H. Callaway, Chairman of the Council of Trustees of Freedoms Foundation at Valley Forge and a former Congressman from Georgia, who will preside at Freedoms Foundation's 23rd annual awards ceremony tomorrow, (Feb. 21) 2 p.m., in Thomas Hall, Valley Forge Military Academy.

General Bradley, the Army's highest ranking officer at 79 (his birthday was Feb. 12) is still on "active duty" status. He was selected by the 1971 National Awards Jury for "his long, dedicated and selfless service to his country as a professional soldier, head of the Veterans Administration and Chairman of the Joint Chiefs of Staff."

The "GI's General," as he became known in World War II because of his compassion for his men, was further cited for his "integrity, individuality, objectivity, hard work and responsibility," exemplified throughout his military and civilian career.

General Bradley graduated 44th in the Class of 1915 from the United States Military Academy at West Point and was the first to become a brigadier general in 1941. World War II propelled General Bradley to the upper echelons of the Army.

Within two months after Pearl Harbor, he commanded the 82nd Infantry Division of World War II fame; then to command of II Corps that smashed through units of the Afrika Corps in Northern Tunisia; to the first U.S. Army which landed in Normandy, June 6, 1944 to break the Atlantic Wall; and finally he assumed command of the U.S. 12th Army Group which consisted of the combat forces



of the First, Third, Ninth and Fifteenth Armies.

In the spring of 1945, after his American armies had smashed the German winter attacks and broken through the Sigfried Line to push on to the Rhine River, General Bradley was given his fourth star.

He was nominated by President Truman for promotion to General of the Army on Sept. 18, 1950; was confirmed two days later by the Senate, and was appointed a five-star Army general officer on Sept. 22, 1950.

On August 15, 1945, three weeks after V-E Day, General Bradley was designated administrator of the Veterans Administration during the critical post war demobilization of our Armed Forces. He relinquished the post in 1947 and subsequently became Chief of Staff U.S. Army, succeeding General of the Army Dwight D. Eisenhower. A year and a half later, he was appointed Chairman, Joint Chiefs of Staff for a two year term and was reappointed in Aug. 1951.

He left the Pentagon post in 1953 and assumed a civilian position with the Bulova Watch Co., and today is its board chairman.

He and his wife, along with their twin miniature poodles, Omaha and Utah, named for the Normandy beachheads, enjoy their home atop a 1,232 foot crag in Beverly Hills.

During the ceremony, Mr. Callaway will be assisted by Gen. Harold K. Johnson, US Army (Ret.), president of Freedoms Foundation at Valley Forge and a former U.S. Army Chief of Staff, and other Freedoms Foundation directors and trustees in presenting top awards in different categories to 50 outstanding Americans for their contribution to a free America and better understanding of our democratic Republic and the American free enterprise.

General Johnson will also make known a listing of 1822 additional awards to individuals, organizations, corporations, schools throughout the country for their outstanding efforts in upholding the basic American freedom precepts. These awards will be presented at local and regional ceremonies throughout the country later in the year.

#### CYRUS EATON

### HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. STOKES. Mr. Speaker, for many years, Cyrus Eaton has been a lonely voice in an industrial wilderness.

Alone among the industrial potentates, he has placed personal gain last in a long list of priorities. At the top of his list are a lifelong dedication to world peace and fellowship and a compassion which is unexcelled by other figures of his stature.

When presidents and ministers have failed to bow to the humility required in peacemaking, Cyrus Eaton has stepped forward to achieve instant understanding by treating the alleged enemy simply as another human being, worthy of respect. And that is probably the secret behind Mr. Eaton's ability to cross all lines and be accepted wherever he goes. When he looks at a man, Mr. Eaton does not see a nationality, a race, or a religion. All he sees is a man—and that is his greatness.

On February 1, 1972, an article appeared in the Chicago Daily News about Cyrus Eaton. I would like to share it with my colleagues today:

ANGRY PROPHET CYRUS EATON: "NIXON, KISSINGER NOT SINCERE IN ENDING VIET WAR"

(By Georgia Anne Geyer)

NORTHFIELD, OHIO.—Outside, a gentle, moist snow has fallen, filling the elbows of branches, welding the blades of grass together and turning the 860 acres of Acadia Farms into a misty wonderland.

Inside, wealthy industrialist, Cyrus Eaton, 87, sat by a hissing fire in one of the most beautiful old homes anywhere in the world.

But all this material loveliness did not stop him from being angry—angry and sad because, after more than 15 years of fighting for rapprochement with the Communists, he is more certain than ever he is right.

"Yes, people don't criticize me so much anymore," he said, referring to President Nixon's trips to Moscow and Peking. "They see I've been right, particularly with regard to peaceful coexistence with the Communists."

But these thoughts gave him little pleasure. He had watched President Nixon announce "secret negotiations" with the North Vietnamese, and he was infuriated that the President had "deceived" the American people with what he felt were mystery-filled, Rasputinian tales of back-door negotiating while, all this time, he had ignored the front door of simply getting out of a wrong war.

"When are the American people going to realize that Nixon and Kissinger are not sincere?" he said, his normally kindly voice suddenly angry. "Oh, certainly Kissinger had the meetings he said he had with the North Vietnamese, but they do not understand Hanoi's position. They (Hanoi) will never accept the Thieu government."

"When my wife and I went to Hanoi in 1969, we talked to almost all the top Vietnamese leaders—Le Duan, Le Duc Tho, Pham Van Dong and others. When I told them the American leaders would listen to any peace plan I might bring back, one of them suggested to me that I might be 'naive.'"

"When we came back, it was just as he said. What I was told in Washington by the highest officials was that these men in North Vietnam were 'evil people' and they could not be negotiated with."

"You see, these men have tried to negotiate with the West since the 1940s and time and time again they have been double-crossed. They are convinced that this will not happen again."

Probably there is no more interesting—and, to many people, contradictory—capitalist in the United States today than Cleveland's Cyrus Eaton, a man whose fortune is conservatively estimated at \$100 million, a man whose industrial empire includes interests in two railroads and six major steel corporations, and man who gets along swimmingly with the Communists.

Eaton looks at America today, and sadly, sees it in trouble. He sees, very possibly a great depression approaching. "What's wrong with this country that we would get into a Vietnam?" he said. "Part of it is our inexperience, and out conceit over the successful experience in World War II. This and an over-reliance on the military."

"Capitalism needs great reforms," he went on. "I have great stakes in this country. I have 14 grandchildren here. I believe that we must have much more contact between management and workers. We must have workers as stockholders and workers on boards. We have a long way to go."

Eaton thinks the United States ought to get the benefit out of trade with the Communist, instead of letting the Europeans get it, and he sees the U.S. perfectly capable of destroying its own system in trying to destroy Communism through such "horrors" as the Vietnam War.

"The greatest enemy of capitalism are those fanatics who are willing to have this coun-

try go bankrupt in its efforts to confine and destroy Communism," he has said.

Today, Eaton is delving deeper into man, beyond politics, trying to find out, "Why does one man think one way and one another way, why does one react decently and one another way?" Right now he is fascinated by some of the modern Darwinians, who believe that even man's thought processes may be materially evolved.

Certainly he has seen enough of the curiosities of mankind to make him wonder from whence man's behavior comes. He smiled when he talked about walking into the North Vietnamese mission outside Paris one day, on one of his free-lance diplomatic tours, carrying an American newspaper open to the Dow Jones averages.

"Of course, you wouldn't know what those were," he remarked lightly to one of the Hanoi negotiators.

The man smiled. It was a time when the North Vietnamese were watching for any signs of the war's deleterious effect on the American economy.

"We read them every day," he said.

### THE CASE FOR A SECRETARY OF EDUCATION

#### HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. BRADEMAS. Mr. Speaker, few people have in recent years made more significant contributions to strengthening American education than Francis Keppel, who served with much distinction as U.S. Commissioner of Education under both Presidents John F. Kennedy and Lyndon B. Johnson.

Mr. Keppel's version of Federal education policy is therefore worthy of particular attention. I take this opportunity to insert in the RECORD the text of Mr. Keppel's address of February 14, 1972, before the American Association of School Administrators at Atlantic City, N.J.

In his speech, Mr. Keppel discusses "The Case for a Secretary of Education."

I believe Mr. Keppel's discussion of this issue to be one of the most perceptive and thoughtful I have yet seen, and I commend his views to the attention of my colleagues.

The text of the address follows:

THE CASE FOR A SECRETARY OF EDUCATION—AMERICAN ASSOCIATION OF SCHOOL ADMINISTRATORS, ATLANTIC CITY, N.J., FEBRUARY 14, 1972

(By Francis Keppel)

A decade ago I would not have accepted an assignment to present "The Case for a Secretary of Education". At that time I was persuaded by three arguments that it would not be good policy to separate Education from federal programs in health and welfare:

1. The extent of the Federal activities in education was not sufficient to justify the establishment of a separate Department reporting directly to an overburdened President. The annual federal expenditures directly used on behalf of schools and colleges was less than a billion dollars, and the federal government in fact exercised very little leverage on elementary and secondary schools, and had only a minor impact on most colleges. Every citizen has a duty to put his special interests into national perspec-

tive, and in those days I could see little reason to burden the chief executive with what, in all candor, one had to describe as a minor program on the national scene, even though it was a major matter in the states and localities.

2. The era of Joseph McCarthy was recent and unforgettable, and with many others I was leery of letting education get too close to what, in a pejorative sense, we called "politics". The meddling hand of partisan interests might grasp and throttle freedom of teaching and learning. Many of us had worked to separate education from partisan politics at the local and state level, and we had built in our minds an image of education as a kind of Fifth Estate, too delicate to be influenced or directed by other social and political forces. By keeping the Office of Education under the shield of a member of the Cabinet, who had other duties, it seemed likely that the Office would be directed and staffed by professionals and not politicians. A buffer seemed to be needed to protect the virtuous educators from improper influences.

3. Federal programs to improve health care and to help the poor and deserving seemed natural ideological and administrative allies. Education had long identified with, though it had never achieved, equal opportunity for every child. It was clear that children could not learn if they were ill or could not see or hear. Nor could they learn if they were hungry and neglected. No other activities of government seemed to me to be as important as health and welfare to help along the cause of education—and I was sure that education needed help, especially in the rural and city slums.

#### NEW PERSPECTIVE ON EDUCATION

Since each one of these arguments still has relevance today, you may well ask why I, and I suspect many others, have changed their minds on the matter of a separate Cabinet-level Department of Education. The basic cause is a change of perspective brought about by the experience of a decade. It is not that the old arguments turned out to be wrong but rather that they no longer seem so important as we look ahead to the coming decades.

The change in perspective is well stated in the Findings and Purpose of S-1485, the bill introduced by Senator Abraham Ribicoff on April 5, 1971 to establish a Department of Education.

#### FINDINGS AND PURPOSE

"Sec. 2. The Congress finds that—

(1) education is the largest single category of domestic public expenditure in the Nation;

(2) the role and importance of education increases as our society becomes more complex and more affluent;

(3) public policy toward education is vital to the present and long range interests of the United States;

(4) education must be broadly conceived in terms of all those forces, institutions, and agencies which function as educating influences in the United States;

(5) the United States is the only major nation which does not have a Cabinet-level department of education; and

(6) it is essential therefore to establish a Department of Education to administer and coordinate Federal education legislation, weigh and consider major educational policy issues confronting the Nation, and facilitate a continuing renewal of the educating institutions of the United States."

In introducing his Bill, Senator Ribicoff dealt persuasively with the first argument: that federal activities in education were not large enough to deserve the special consideration of a Cabinet Department:

"Today 29 Federal agencies spend over \$12 billion on education, often with no coordination and little cooperation. Millions of Americans are educated through Federal pro-

grams as diverse as those of the Office of Child Development, the Defense Department, the Job Corps, and the Bureau of Indian Affairs. Nearly 6 percent of the Federal budget supports education. The \$12 billion we now spend is a 500-percent increase over our activities in 1962 when I was Secretary of Health, Education, and Welfare. In addition, there are now more than 20 imperfectly coordinated Federal advisory councils and commissions for education."

#### EDUCATION—A HIGH NATIONAL PRIORITY

One of the "Findings" quoted above suggests that the second argument—the need for a buffer between education and politics—was an oversimplification. You will recall that finding number 3 was that "public policy toward education is vital to the present and long range interests of the United States." By using the words "public policy" Senator Ribicoff, it seems to me, has given us the perspective we need on the ever vexing matter of the relation between politics and education. Education is undeniably an instrument—and a major instrument—that every society uses to create its future. It plays a vital part in reaching a host of national and international goals: equal opportunity, racial equality, scientific understanding, aesthetic sensitivity, economic productivity, to name only a few. It has become clearer in the last decade that the national government must adopt policies about education that relates to these goals. Education in that sense has to be a part of the continuous formation of public policy. As Senator Ribicoff put it,

"A second principle in this bill is the need to plan for the future. Educational policy must be oriented to the future. The time between the identification of educational policy needs, the incorporation of solutions into operational programs, and the achievement of desired results is often many years."

We can no longer enjoy the luxury of thinking that our particular interest is so important and so special that it is better for the public interest to have it, in effect, self-managed and self-regulated. Education, one might say with some irony, now seems too important to be left to the educators. It does need separation from partisan politics—it needs even more involvement with public policy.

With regard to the third argument—that health and welfare seemed the natural administrative allies of education—the past decade has once again taught some lessons. It has become clearer that education is not limited to institutions, and that non-school influences are a good deal more influential on learning than many of us may like to admit. Once again let me quote from Senator Ribicoff:

"Third, my legislation recognizes the broad range of educating agencies and institutions in our society. Educational policy deliberations are normally directed to schools, colleges, and universities. But we have developed a more refined understanding in recent years of the numerous agencies and influences beyond the schools which have an impact on education."

"Major surveys like the Coleman report have suggested how strong non-school influences are in predicting academic achievement. The success of 'Sesame Street' is coming just as we are beginning to understand the tremendous impact mass media are having on the education of your young. . . . We know that industry, the military, the Peace Corps, and VISTA all perform educational functions, formal and informal, intended and unintended. The President's proposal for a family assistance program has widespread implications for education which go far beyond its day care provisions."

"As the new Department addresses educational policy issues, therefore, it should consider such issues from the dual perspectives of the basic educational systems—preschool, elementary and secondary schooling, and

higher education—and the nonschool educational systems such as those just identified. To stimulate this kind of concern, my bill defines education very broadly and appoints the Secretary an ex officio member of the Board of Directors of the Corporation for Public Broadcasting."

Finally, an idea that occupies a central position in this bill is the concept that the Federal role in education should be to stimulate, facilitate, and help bring about renewal in the educational systems of the Nation. This idea is closely related, of course, to the impact of the future and rapid change in our society upon educational goals and the institutional structures the Nation possesses for education."

Against the background of such considerations, the case for a special partnership with health and welfare seems less persuasive.

#### NEED EXISTS FOR UNIFIED EDUCATION DEPARTMENT

The need for what might be called a "free standing" Department, flexible enough to enter into negotiations with such major areas as Housing and Urban Development, the Treasury on tax policy, and the Department of Labor and Commerce on manpower and economic issues, becomes clearer.

There seems to be agreement of a bi-partisan character, among those who have studied the matter, that the time has come to pull together the separated educational programs of the Federal establishment and put them under single management. The President's Reorganization Plan proposes a Department of Human Resources to promote the well-being and development of individuals and families. This would include effectively all of the present HEW, plus Manpower Administration and the Women's Bureau from the Department of Labor; the School Lunch program from the Department of Agriculture; parts of OEO; College Housing Construction from HUD; and other units. To these Senator Ribicoff's bill would add, in a new and separate Department of Education based on the present Office of Education; the Office of Child Development of HEW; the education of Indians from the Department of Interior; the Defense Department Schools; and the educational programs of the National Science Foundation.

Based on the Fiscal Year 1972 outlays, the proposed Department of Human Resources, of which education would be a part, would have a budget of nearly \$81 billion and the number of employees would exceed 120,000. I do not have available estimates of the size of the proposed separate Department of Education, but it would obviously be far smaller, perhaps less than \$12 billion in F.Y. 1972.

The question does not seem to be whether to seek greater Federal coordination of its educational programs. On that there is agreement. The questions are rather how much to put in one place under single direction, and whether to give education separate standing from the other parts of Human Resources.

#### SOME ARGUMENTS FOR SEPARATION ARE LESS PERSUASIVE

In considering these questions it may be helpful to take up some of the other arguments that are made for a separate Department of Education. The one that usually leads the list is that "we can give education the dignity and importance it merits only by getting a Department of Education and a Cabinet-level secretary" (Helen Bain, *Phi Delta Kappa*, September 1971, page 11). The horse and the cart of this argument seem mixed up to me. A Cabinet Department does not create dignity and importance: it reflects an achieved position in society. I submit that the role of Education in society is well established. We educators need no longer complain that our light is kept under a bushel.

Another argument is that creation of a Cabinet post for Education would put its incumbent "at the President's Council table".



(ibid) While a pleasing picture to the eye, this relationship does not seem to me to reflect an accurate understanding of the realities of the federal government. The Cabinet in this country is nothing like that in Britain. It is not a deliberative or decisive body. It is used or not used by the President as he sees fit. The real issue is whether the President wants to include education as one of his major programs. If he does, as President Johnson made abundantly clear, it does not make much difference what the lines are on the chart: something happens. You can get to the White House in response to a summons just as fast in a Chevrolet as a Cadillac. The real issue is relations with other Cabinet departments and the Congress.

**"CLOUT" WITH OMB AND CONGRESS IS IMPORTANT**

In the first category—relations with other agencies and departments—the argument for a Cabinet-level position is more powerful than a subordinate role in the new Department of Human Resources. An important part of Senator Ribicoff's Bill is the Federal Interagency Committee on Education, chaired by the Secretary. In protocol-conscious Washington, it is vital that this body be chaired by a Secretary, or it will soon lose its usefulness. The real power of such a group is its influence on budget and management—and the Secretary can reach OMB with "clout". On this matter I speak on the basis of some experience. For a while I was chairman of such an Interagency group on education while serving as an Assistant Secretary of HEW. After a little while the people who showed up for meetings seemed to be those who happened to be available that day and in a mood for a high-minded if fruitless discussion.

In time the creation of a Department might also influence the procedures of the Congress in enacting new laws, monitoring existing legislation and appropriating funds. The fact that different Committees and subcommittees of the Congress are now actively at work in the field does not help to insure careful planning and effective congressional oversight. A Department of Education would assure the Congress of better developed proposals and would give it a better opportunity to be sure that its intent is carried out.

This aspect of the matter deserves careful thought by individuals better qualified than I. It goes to the heart of the matter of keeping education separate from partisan politics, in the sense of building defenses against a particular party legislating on what shall be taught in schools or colleges about economics, or social policy, international affairs or other "political" topics. The very real fear of such a possibility is almost enough to paralyze action. But we must face up to it, and my (not very well qualified) judgment is that in this matter offense is the best defense. A joint Congressional committee, which requires membership from both (or all) political parties, might be established to which a Secretary of Education should report annually. It is not unreasonable to assume that the political majority of our Congress may turn into a minority at a later session, and vice-versa. It also seems reasonable to suppose that this possibility will not be hidden from the political parties themselves. I can see advantages, from a purely political point of view, in staying away from the mare's nest of legislating a partisan curriculum when there is a chance of retribution in reasonably short order.

**INTERNAL ALIGNMENT OF PROPOSED DEPARTMENT IS CRUCIAL**

You will have gathered from these remarks that I rate more highly the possible effects of creating a separate Department of Education on formation of public policy and on intergovernmental and congressional re-

lations than I do its effect on prestige or even on managerial matters. We are, and will probably be for a decade, in a situation in which we have a lot to learn about the interrelation of education and other public policies. During such a period it seems wise to keep open what might be called the "options on alignment". A separate Department of Education meets that test.

Please permit me a few words on the matter of the internal organization and staffing of such a Department. The goals to be achieved are well stated in Senator Ribicoff's remarks and in S-1485. To me they call for a Secretary who is a broad gauged public servant but who is not a professional educator, though it would be pleasant to hope that he is of a friendly disposition to the cause of education and to those who labor in its vineyards. What the Department requires is leadership—to quote the Bill—to "develop and recommend to the President appropriate policies and programs to foster the orderly growth and development of the Nation's educational facilities and resources especially in the light of long range requirements . . . (and to) exercise leadership at the direction of the President in coordinating Federal activities affecting education."

**PLAN FOR NIE SHOWS CONGRESSIONAL FEELING**

These are tasks which involve analyzing and balancing the demands and pressures of a number of educational groups. The educational world is not a single, monolithic group but—as any former Commissioner of Education can testify with lively examples—rather consists of a variety of special interests which compete with each other as often as they combine their forces. Policy and program must not be the result of adding together the demands of such groups but rather the result of detached and broader judgment. Consider one area as an example: the setting of policy and the overall direction of the proposed National Institute of Education. This is an enterprise which carries within it the seeds of criticism of present practices in education, as well as the seeds of new growth. Many members of Congress so distrust the ability of the educational establishment to reform itself that they feel it essential, under present arrangements, to separate the Institute entirely from the present Office of Education. Under a separate Cabinet officer, unencumbered by special interests, the Institute could both be directed in the broader public interest, receive Secretarial attention (which is difficult under the present HEW arrangements) and be relatively free from entangling alliances.

The importance of the separation of educational content from partisan politics suggests a possibility, which may be awkward in our system, to assure professional independence and academic freedom. It is customary in England to rely on very senior civil servants, separated from party politics, to fill a position roughly comparable to what we might call a "Permanent Undersecretary", whose appointment is independent of the change of administration. In our setting, comparable nonpartisan appointments are at least worth considering for the direction of the various divisions of the new Department: the schools, the colleges, the Universities, the National Institute, *et al*; as a buffer against improper partisan influence. There is nothing like a resounding resignation from an independent man to draw attention to an undesirable state of affairs.

These are the arguments, as I see them, related to the desirability of creating a new Department of Education. The experience of the past decade, and what we can see, however murky, of the decade to come, persuade me that the case is made for a Secretary of Education. I hope he will soon be appointed, and in advance I present him or her with my best wishes and my sympathy.

**BANK FOR SAVINGS AND LOAN ASSOCIATIONS IN CHICAGO**

**HON. FRANK ANNUNZIO**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. ANNUNZIO. Mr. Speaker, I rise today to call the attention of my colleagues to the spectacular growth rate of the Bank for Savings and Loan Associations in Chicago whose growth has quadrupled since passage of the Housing and Urban Development Act of 1970.

A provision of this act granted statutory liquidity status to deposits of the Bank for Savings and Loan Associations and enabled it to continue its outstanding services not only to savings and loan associations, but also, indirectly to people who want to buy homes throughout the State of Illinois.

The Bank for Savings and Loan Associations is a private central bank which currently serves approximately 250 savings and loan associations. It also maintains active trading relationships in the primary securities markets, and has established institutional lines of credit to complement its savings and loan industry cash flow.

The bank's operations are entirely institutional in character and it does not do a general banking business with the public. However, it does provide demand deposits, 24-hour time deposits, short-term credit, and possibly in the future, overnight loans to savings and loan associations.

I want to congratulate Arnold Rauen, president of the bank, as well as the 19-man Board of Directors, for astutely guiding the development of the bank since its establishment in 1966. They are responsible in good measure for the remarkable success of this bank and for providing more money and more cash flow in the home mortgage market in Illinois.

A press release regarding the 1971 growth record of the Bank for Savings and Loans was issued recently, and it follows:

**BANK FOR SAVINGS AND LOANS RECORDS PHENOMENAL GROWTH**

In what must be among the largest single year's growth ever recorded by any commercial bank, the Bank for Savings and Loan Associations, 39 S. LaSalle, Chicago, witnessed a net increase in total assets of 276% over the past twelve months, it was announced today by Bank President, Arnold J. Rauen.

"Following passage of Federal legislation qualifying Association deposits in our Bank as liquidity, which occurred late in 1970, the confidence in our specialized bank was restored," Rauen stated. "Hence, we were able to grow in every respect at a rather spectacular rate."

As of year-end, the Bank for Savings and Loan Associations had total assets of \$106,284,768, almost \$88 million higher than the 1970 figure of \$28,213,946. Total deposits, a more significant figure, amounted to \$90,928,094 at 1971 year-end, \$67,667,697 above the 1970 Dec. 31 total of \$23,260,397.

"Of special interest to the approximately 200 savings and loan associations who constitute our shareholders, net income increased an enormous 608%," Rauen continued.

"Earnings after taxes reached \$358,015 for the year, against \$50,537 after taxes recorded in the previous twelve months. This comes to \$2.30 per share compared with 1970's total of \$.33 per share.

A highly specialized bank, the Bank for Savings and Loan Associations was organized in 1966 to provide banking services especially geared to the needs of savings institutions. Originally limiting its operations to the Illinois area, it currently serves associations throughout the country as a full-service, state chartered bank.

**NATIONAL CONFERENCE OF CHRISTIANS AND JEWS FOCUSES ON SPANISH-SPEAKING AMERICANS IN SPECIAL "BROTHERHOOD COMMITMENT EMPHASIS"**

**HON. HERMAN BADILLO**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. BADILLO. Mr. Speaker, at a news conference this morning Dr. Sterling W. Brown, president of the National Conference of Christians and Jews, announced a special "Brotherhood Commitment Emphasis" which will focus upon promoting better understanding and awareness of Spanish-speaking Americans.

Dr. Brown also announced that the cochairmen of this nationwide effort to assist Puerto Ricans, Mexican-Americans, Cubans, and other Spanish-speaking persons in securing their full rights and equal opportunities will be Dr. Paschal Sanchez of Brooklyn, N.Y., and Mrs. Grace Olivarez of Phoenix, Ariz.

I was pleased to join with Dr. Brown, Dr. Sanchez, Mrs. Olivarez and Hon. Raymond L. Telles, Commissioner of the Equal Employment Opportunity Commission, in announcing this important program. This will be more than just a publicity program, however, as the NCCJ intends to conduct both local and regional workshops and conferences on the problem of Hispanic Americans. In the latter part of May, for example, the NCCJ will sponsor a conference in New York on the "Self Help Effort of the Puerto Rican Community in New York City." This conference will be run by Puerto Ricans for non-Puerto Ricans. Dr. Brown also revealed that the NCCJ will be holding a Southwest conference in Las Cruces, N. Mex., which will be keyed on the "Rights of Spanish Americans in the Southwest." Similar conferences will be held in Los Angeles and at the University of Oklahoma.

I commend this distinguished national organization for taking the initiative in promoting this program to assist our community in fully participating in all aspects of American life and in aiding us to secure our rights. I am delighted to be a part of this effort and I urge our colleagues to lend whatever support you can to the NCCJ's brotherhood commitment emphasis program in your home communities.

In order that our colleagues may know more about this nationwide program, I present herewith, for inclusion in the RECORD, a number of statements which were made at this morning's news conference:

**BROTHERHOOD COMMITMENT STATEMENT**

(By Sterling W. Brown, president, National Conference of Christians and Jews)

Racial and cultural prejudice, labor exploitation, educational deprivation and political disenfranchisement are the products of more than 300 years of destructive subordination of Indians, Blacks and Hispanic Americans by the dominant society in America. These prejudicial attitudes, behavior patterns and institutional structures are deeply embedded in our society.

They cannot be eradicated overnight by legal means alone, nor in merely a few years. They have been built up for over three centuries. Effectively combatting the problem will require persistence and commitment by all our citizens, especially the leaders of the country.

Since its founding in 1928, the National Conference of Christians and Jews has been working to combat intergroup prejudice by trying to build bridges of understanding among ethnic and religious groups and by bringing the forces of enlightenment and education to bear upon racial and religious prejudice.

However, no policies or programs directed at improving conditions among minority groups or ameliorating the wide polarization among our peoples can possibly succeed unless they are politically supported by a majority of whites. Such support is essential to obtain the money and institutional changes required to alter the conditions.

Many people, especially those living in suburbs, are virtually unaware of life in the Black ghettos or Puerto Rican and Mexican-American barrios. Too many tend to think that the plight of the Hispanic Americans or other disadvantaged minorities is primarily their own fault rather than the product of the racial prejudice manifested by institutions controlled by whites.

They simply fail to perceive the compelling need for progressive change and human understanding.

The National Conference of Christians and Jews' 1972 special Brotherhood Commitment emphasis will focus directly upon implementing ways of creating better understanding of Hispanic Americans in order that they may achieve the rights and dignities each of us wants for himself.

**STATEMENT OF CONGRESSMAN HERMAN BADILLO**

The problems confronting the nation's Spanish-speaking community are many and varied. The hopes and aspirations of Puerto Ricans, Mexican-Americans, Cubans, Dominicans and other Spanish-speaking persons are not being effectively met by most of our institutions and we continue to experience almost insurmountable difficulties in the areas of housing, employment, education, welfare, job training and social services.

For far too many years Spanish-speaking Americans have been denied full access to many of this country's political, economic and social institutions. We have been excluded from the mainstream of American life and have not been afforded the opportunity to share the benefits of this country on the same basis as other citizens.

The unique needs and special problems of Spanish-speaking persons can no longer be ignored. The time is long past that we must endure the second class status to which we have been relegated. Both governmental establishments and private industry and labor must play a more active role in identifying the urgent and special requirements of this country's approximately 15 million Spanish-speaking citizens. Positive initiatives and meaningful action must be taken to insure that equal opportunities are afforded to the Chicano in the West and Southwest; to the Puerto Rican in the Northeast, Midwest and Puerto Rico; to the Cuban in the East and Southeast and to the other Spanish-speaking groups throughout the country.

A particular awareness of and sensitivity to the plight of our Spanish-speaking citizens must be created. Our nation's leaders must realize that they can no longer disregard our pleas for aid, understanding and guidance. Further, the stereotypes must be smashed, the general public must be made aware of our many important contributions and our young people must be assisted in identifying with our leaders and accomplishments as well as with our rich cultural heritage.

I am encouraged that the National Conference of Christians and Jews has chosen to focus attention on Spanish-speaking Americans in its 1972 Brotherhood Commitment Emphasis program. This great national organization is to be commended for taking the initiative in highlighting the difficulties and aspirations of Spanish-speaking citizens as well as our contributions and cultures. By directing public recognition throughout the country to Mexican Americans, Puerto Ricans and others and by calling for greater fellowship and brotherhood toward Spanish-speaking persons, the NCCJ's efforts will help break the barriers of suspicion, prejudice, disrespect and fear. I am hopeful that this brotherhood program will foster a greater awareness and appreciation of our people by our fellow citizens and that greater understanding will result in the weeks and months ahead. Through programs such as this I hope we will begin to proceed along the path of achieving justice and equality for Spanish-speaking Americans and will be assisted in securing those rights and privileges which have long been denied to us.

I am particularly pleased to see that Dr. Paschal Sanchez of Brooklyn has been selected as the co-chairman of the NCCJ's 1972 National Brotherhood Commitment program. I have had the pleasure of knowing Dr. Sanchez for many years and he's one of the young Puerto Rican leaders now coming up in Brooklyn. He is an active community leader and I am delighted he has now assumed a national role. I am sure the NCCJ will find that his dedication and outstanding abilities will be major contributions to promoting this program.

**BROTHERHOOD COMMITMENT STATEMENT**

(By Raymond L. Telles, Commissioner, Equal Employment Opportunity Commission)

My most sincere congratulations and appreciation to the leadership of the National Conference of Christians and Jews for sponsoring this very significant press conference which coincides with National Brotherhood Commitment Week.

Never in the history of our country has there been a greater need for religiously motivated people to promote civic cooperation and mutual understanding among men of all religious and ethnic groups.

Now is the time for men and women of good will, of different religions, and different backgrounds and national origin to work together on common civic concerns in order to convert into reality the dreams of the original founders of the National Conference of Christians and Jews such as Charles Evans Hughes, Newton D. Baker and other distinguished Americans.

We are now in one of the great revolutionary periods of the human story; a period which will determine our fate in the years ahead, not just in decades, but possibly in centuries to come. Many will view this period as filled with opportunity and challenge. I do myself, while others may be apprehensive. Our challenging times call for strong and firm leadership, seasoned with wisdom, understanding and compassion. Our challenging times call for our young people and minority groups, as members of our communities, to exercise continued tolerance and forbearance. Together we must find better ways to recreate the sense of community and to make our whole society come



alive to its responsibilities and opportunities in order to overcome our problems.

I believe that our beloved USA will thrive better and progress further if we can achieve a degree of unity among the people of this great nation, that will find us eventually pulling together instead of pulling apart. I believe that America stands in need of the devoted services of all her citizens, not just some, but all our people, young and old. I am confident and have faith that we will meet the challenge.

I believe God, the Almighty, will, as He always has, guide and direct us toward an age that will never be equalled.

#### BROTHERHOOD COMMITMENT STATEMENT

(By Henry M. Ramierz, Chairman, Cabinet Committee on Opportunities for Spanish-Speaking People)

I am very pleased to know that the National Conference of Christians and Jews has decided this year to focus special attention on our nation's Spanish-speaking people through the National Brotherhood Commitment Project. It seems a propitious choice in a year that has seen great gains towards equality made by the nation's second largest minority through our President's determined efforts to bring our people into the decision and policy-making levels of the Federal Government and into the full mainstream of opportunity offered by Federal funding.

The efforts of the Conference to bring all Americans together by seeking to eliminate prejudices cannot be overstressed, for these go back to the time of the birth of our nation. As a former member of the Civil Rights Commission I know first hand of the exclusion suffered by our people, an exclusion carried out on the basis of language, color, and culture. Today, I note with pride that two distinguished Spanish surnamed citizens, Pascual Sanchez of New York and Grace Olivarez of Arizona, have been named co-chairmen of this year's Brotherhood Commitment Project.

The road to equality is a long one, and I dare say it might be 20 or 30 years before we Puerto Ricans, Mexican Americans, Cubans, and others with Spanish surnames—over 10 million of us—obtain our rightful place in our great nation. When the day comes that a Spanish surnamed citizen will not be a "first" on the President's cabinet, at a desk in the top levels of industry, commerce and banking and other high Government and civilian jobs, it will be to no small extent the result of the work of the Conference, which for 40 years has been struggling for the just human cause of equality for all.

#### COOLEY'S ANEMIA

### HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. GIAIMO. Mr. Speaker, a private medical foundation recently made me aware of a hereditary disease called Cooley's anemia. Medically termed thalassemia major, and sometimes called mediterranean disease, Cooley's anemia was discovered by Dr. Thomas B. Cooley, an American, in 1925. Presently, there are more than 100,000 Americans, mostly children, suffering from this incurable stigma. Initially, it was prevalent only among persons of Mediterranean descent, primarily Greeks and Italians. Today, however, America's Mediterranean population has intermarried in many cases and the disease is now found

not only among Americans of Italian or Greek origin but also among Americans of Jewish, Scandinavian or even oriental origins. Rarely does a victim of this disease live beyond 20, and from early life on victims must undergo blood transfusions almost daily in order to maintain a blood count sufficient for survival.

The Cooley's Anemia Blood and Research Foundation for Children, a private organization based in New York City with branches in other cities, remains the only national source for extensive funding of research and training toward possible cure of the disease. For fiscal year 1971, the Federal sector provided only \$630,000. This major reliance on the private sector unfortunately has made the projection of long-term programs difficult. Meanwhile, more and more American children are discovered with the terminal disease. It is estimated that one-quarter of all children born of a marriage of two individuals with even a mere trait will have a severe form of the disease, and an additional 50 percent will be carriers.

Before Cooley's anemia grows worse, and to initiate a long-term program of research and training, the Federal sector must intervene with financial assistance.

There is now legislation before the House Interstate and Foreign Commerce Committee to provide approximately \$125 million for research and training toward curing sickle-cell anemia, another blood disease. This bill, S. 2676, is cited as the National Sickle Cell Anemia Control Act. Sickle cell anemia is a disease that certainly warrants Federal support. There are over 2 million victims of sickle-cell anemia, and hopefully funds provided by enactment of this legislation will eventually diminish this number. However, in addition to this fiscal delivery, the bill, if broadened, could contain funds to provide for Cooley's anemia, hopefully an amount sufficient to make possible the work which can be done realistically.

In summary, I am convinced of the need and the urgency not only to provide sufficient Federal funds for sickle cell anemia, so that our Nation can quickly put an end to its awful toll on our youth, but also for Cooley's anemia, a disease just as fatal and just as demoralizing to a large segment of our population.

Cooley's anemia is not well known. May I recommend to you, my colleagues, that you become familiar with the impact of the disease in your respective States and that you examine data related to its national impact.

To stimulate further awareness and interest, I insert in the RECORD at this point the first of a series of revelations about Cooley's anemia, a fact sheet prepared by the Cooley's Anemia Blood and Research Foundation for Children.

The article follows:

#### COOLEY'S ANEMIA

Cooley's Anemia is the name commonly used to describe the severe form of a hereditary disease of the blood. It was Dr. Thomas B. Cooley, an American physician, who described this as a separate and specific type of blood disease about 1925.

This disorder occurs most commonly in individuals whose ancestors were natives of the countries surrounding the Mediterranean Sea. In the United States therefore, most of the patients are of Italian descent. Those of Greek, Turkish, Southern French, and North

African origins are also more susceptible. There are sporadic cases found in individuals of other origins, especially among the Chinese and Israeli.

The disease, also called Mediterranean Anemia or Thalassemia, is inherited according to Mendelian laws, and it is currently believed that the severe form (Thalassemia Major) occurs in a child born of parents both of whom must be carriers of the trait. According to this most widely accepted concept, approximately one quarter of all children born of a marriage of two individuals with the trait, will have the severe form of the disease. Another twenty-five per cent of the offspring will be perfectly normal, and fifty per cent will be carriers themselves. Any such hereditary situation, of course, is valid in a statistical sense only, and may not be referable to one family where instances are known of only one affected (anemic) child out of ten, or the reverse, where three out of three children may be affected.

Because individuals with the trait or minor form of the disease are not in any significant way handicapped physically, and in whom the only manifestation may be detectable changes in the size and shape of the red blood cells, it is of great importance to distinguish between Thalassemia major and Thalassemia minor. Individuals with Thalassemia minor have a normal life span and enjoy normal health, whereas individuals with Thalassemia major may succumb to the disease in a matter of one or two decades. The trait never increases in severity or converts to the severe form of Cooley's Anemia.

Thalassemia major usually becomes manifest during the first year of life. Both sexes are equally affected. The earliest signs may be pallor, listlessness, loss of appetite, and irritability. Examination of the patient, by a physician, usually reveals an enlargement of the spleen and liver to some degree, pallor of the skin and mucous membranes, and sometimes a slight degree jaundice (yellow coloration) of the whites of the eyes. Blood examination will usually show typical changes in the shape, numbers of the erythrocytes (red blood cells), and a variety of alterations from the normal in special properties of the blood cells, in addition to a severe anemia.

There are probably several defects which lead to the anemia, for example, there undoubtedly is a reduction in the rate at which red blood cells are formed in the bone marrow and released to the blood vessels. Those cells that are produced are defective in that they do not survive in the blood vessels for more than  $\frac{1}{3}$  to  $\frac{1}{2}$  of the normal life span of red cells, which should be about 90 to 120 days. There are complications which develop in certain individuals which further reduce the rate of blood cell production and survival time of the formed cells. In these patients the greatly enlarged spleen may be the cause of this additional hindrance.

As a result of the chronic state of anemia the children with this disease are greatly handicapped. Bone growth is poor—they are therefore usually small for their age. Because of abnormalities of the bone marrow there are alterations of the skull and other bones, so that a characteristic facial expression is found, which give many of these children the appearance of being related. The bones are more fragile than normal, and fractures occurring almost spontaneously are quite common. The anemia causes easy fatigability, and a lack of pep and energy. Frequent nose bleeds is a common finding in many patients. When anemia is severe, low grade fever may be noted. There is no particular increase in susceptibility to infections.

At present the only effective treatment is the proper administration of blood transfusions to alleviate the constantly recurring anemia. There are other specific treatments for various complications of the basic disease.

Specific food substances or vitamins other than required for a normal balanced diet

do not in any way affect beneficially the basic disease.

There seems to be a continuous spectrum in the degree of severity of the disease from those children who require blood transfusions as often as once a week to those who rarely need transfusions. Some children die within a few years and others are known who are alive in their twenties. There is no known cure.

Basic research on the problems of blood formation and destruction offers the only hope available to the sufferers.

HERBERT C. LICHTMAN, M.D.,  
Kings County Hospital Center.

#### THE COMMUNICATIONS SATELLITE BRINGS INTERNATIONAL CO- OPERATION

### HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mrs. GRASSO. Mr. Speaker, an excellent example of international cooperation and the down-to-earth benefits space technology brings to all of us is the Intelsat global commercial communications satellite system. One of this system's three Intelsat IV series satellites is relaying live television broadcasts of President Nixon's visit to mainland China.

Known as the International Telecommunications Satellite Consortium, Intelsat is a partnership of 77 nations. The United States is represented on this body by the privately owned Communications Satellite Corporation, Comsat, which acts as manager of the program on behalf of the participating countries.

Intelsat IV is the most advanced commercial synchronous communications satellite developed thus far. Built by the Hughes Aircraft Co., it has the capacity to handle as many as 9,000 two-way telephone calls, 12 simultaneous color television programs, tens of thousands of teletype circuits, or combinations of these communications media. Intelsat IV also is capable of providing communications to many remote areas of the world where a modest ground terminal can be installed.

Companies making significant contributions to Intelsat are located in the United Kingdom, West Germany, Switzerland, Belgium, Japan, Italy, Sweden, Spain, France, Canada, as well as the United States.

Mr. Speaker, one of the U.S. companies is Hamilton Standard, which is based in Windsor Locks, Conn. Hamilton Standard developed and built the six attitude control thrusters which keep Intelsat IV positioned in orbit and orient its antennas to assure effective transmission. Fired on command by an on-board computer or from ground stations, each thruster produces five pounds of thrust and has an operating life of 7 years. Hamilton Standard, which provides the astronaut life support equipment for the Apollo moon explorations, makes similar highly reliable, fast-response thrusters for Solrad X, Applications Technology Satellite III, and other scientific satellites.

I am proud of Hamilton Standard and its workers for their achievements and their important contributions to history-making events.

#### GREYHOUND CORP.

### HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. RHODES. Mr. Speaker, since the Greyhound Corp. has recently moved its headquarters to Phoenix, Ariz., in my district, it is a particular pleasure to insert in the CONGRESSIONAL RECORD a letter sent to the Honorable George M. Stafford, Chairman of the Interstate Commerce Commission, by Mr. Gerald H. Trautman, chairman of the board and chief executive officer of the Greyhound Corp. My compliments go to the ICC for making this "right" decision on the subject of the expansion of Greyhound into nontransportation fields, and to Greyhound officials for making it work. This is a real success story:

DECEMBER 30, 1971.

HON. GEORGE M. STAFFORD,  
Chairman, Interstate Commerce Commission,  
Washington, D.C.

DEAR CHAIRMAN STAFFORD: As we draw near the end of the year 1971, the second full year that Greyhound has had control of Armour & Company, I thought it would be an appropriate time to render an informal report to you and the other Commissioners on the progress which we have made with the Armour acquisition and the progress which we have made with our carrier operations since that acquisition. I thought this would be particularly appropriate since at least one of the Commissioners has indicated from time to time that he was disturbed by this acquisition.

Greyhound's cost of 100% of the common stock of Armour was approximately \$388.5 million (not counting the warrants which were issued without cost to Greyhound). Of this amount approximately \$230 million was paid in cash and the remainder represented the value of the securities issued by Greyhound in connection with the acquisition.

It was our intention in 1969 upon taking control of Armour to sell off its unproductive, marginal, and capital intensive businesses, and this program has been energetically pursued with the result that as of this date we have received from these properties cash or cash equivalent in the amount of \$172.5 million and an additional \$39.5 million will be received early in 1972, making total cash or cash equivalent realized from these dispositions of approximately \$212 million. A confidential schedule showing the details of these dispositions is attached hereto for the information of you and the other Commissioners.

Thus, within a little over two years the Greyhound organization has recouped virtually all of the cash expended in the Armour acquisition, and it still has Armour Foods, Armour-Dial and Armour Pharmaceutical which in the aggregate will earn approximately \$31 million after tax in 1971, of which approximately \$28 million will be attributable to Greyhound's interest.

Our Board of Directors, which is composed of ten outside directors (principal executives of unrelated companies) and seven inside directors, feels very strongly that the Armour acquisition has been a good thing for Greyhound and has lent a considerable amount of financial strength to the Greyhound organization. This financial strength,

of course, is bound to be of benefit to its operating subsidiaries, including the carrier subsidiaries which I shall mention later.

In 1970 the Greyhound organization paid off approximately \$100 million of long-term debt and again in 1971 approximately \$100 million of debt will be discharged. No major debt payments are due until 1975 when the \$36.5 million note issued to General Host in connection with the Armour acquisition becomes due. In view of our present financial condition, this payment gives us no concern.

Working capital as of November 30, 1971 was approximately \$143 million. We have unused bank lines at the present time in the amount of \$75 million (excluding the unused bank lines of our leasing subsidiaries) and recently we cancelled an additional \$80 million in bank lines because we saw no immediate use for these lines.

In some of the comments concerning Greyhound's acquisition of Armour it has been said that this acquisition placed our carrier operations in peril. This is absolutely untrue. There was never any threat to our carrier operations. As a matter of fact, all through the period of the Armour acquisition, starting in 1969, we continued to spend substantial sums of money on our carrier operations. During the last two years we have added virtually one new terminal per month to the Greyhound intercity system and I do not know of any other carrier that can even approach this record.

Currently we have in design or under construction 19 new terminals and operating facilities and 22 remodeled and expanded terminals and operating facilities, involving an estimated total investment of approximately \$25.5 million.

Also during the period of the Armour acquisition we have added hundreds of new buses and have continued our research and development at considerable cost with the objective of producing even better buses in the future. In 1971 we added 357 Super Seven buses to our fleet at a cost of approximately \$25.5 million. In addition, we spent substantial sums refurbishing and upgrading the balance of our fleet so that we believe our fleet is now in the finest condition ever.

In the area of research and development, in addition to continual improvements in our new MC6 and MC7 models, we are road-testing a turbine engine, a new and improved automatic transmission, an anti wheel lock device, an anti spin differential, and several other prospective improvements, all aimed at giving a safer and more comfortable ride by bus.

Customer service has not been neglected during the last two years.

We have worked with the telephone company to engineer and install more sophisticated equipment for providing telephone information.

Baggage handling has been improved through ticket counter checking and conveyor systems.

Suburban terminals have been provided with the dual advantages of connecting with local transit systems and eliminating the needs for travel to the city center in order to take the bus.

College service has been improved with the addition of schedules and the opening of agencies on campus with student agents.

Package express facilities have been upgraded and expanded and a new service "Next Bus Out" has been successfully inaugurated.

Optional honoring, thru-service, and connecting schedules have been arranged with Amtrak.

Also, Greyhound has been alert to provide any special services which may be required, such as the service provided for three major insurance companies between Hartford, Connecticut and Wall Street, New York on a daily basis and service provided to Walt Disney World in Florida where Greyhound has been named official ground carrier.



As I have said before, we think the United States has the finest bus service in the world and we aim to keep it that way.

Also during the period of the Armour acquisition Greyhound has continued to invest money in Greyhound Van Lines, a household goods carrier subject to the Commission's jurisdiction, despite the fact that the returns from this business, in common with the experience of household goods carriers generally, have been quite poor during the last few years. I have this particularly in mind right now because we have just authorized the purchase of 46 pieces of new rolling equipment for this company despite the fact that it had a loss in 1970 and a very modest profit in 1971.

In conclusion I would like to point out that in contrast to 1970 when we had some losing operations, all of our operations are expected to be profitable in 1971 which, of course, includes all of the operations acquired by us with Commission approval. In particular, our first acquisition—our leasing operations—which was acquired pursuant to a 6 to 5 decision of the Commission will return over \$10,000,000 after tax in 1971 compared with \$425,000 after tax the year prior to our acquisition. We are extremely pleased with the results of the diversification program which we have pursued since 1962 and we hope that the Commission will take some satisfaction in the accomplishments to date, since the program could not have been undertaken without the approval of the Commission.

Respectfully yours,  
GERALD H. TRAUTMAN.

#### RURAL DEVELOPMENT ACT OF 1972

#### HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. ALEXANDER. Mr. Speaker, the House of Representatives has been considering H.R. 12931, the Rural Development Act of 1972. I am a sponsor of this legislation. I have supported its passage, for it will aid towns like Shirley and Mount Pleasant and counties like Izard in Arkansas and across the Nation.

As has become my custom, I want to again share testimony from the series of hearings on community development needs in Arkansas. The statements which I will be making a part of today's RECORD come from Glenn Hackett, acting mayor of Shirley; Mayor Everett Roberts of Mount Pleasant and Arkansas State Representative John Miller whose district encompasses Izard County.

The areas these men represent are important to the future of this Nation, as are others like them across the country. But, there are other small city areas—nonmetropolitan areas—which are also vital to the U.S. achievements of tomorrow. And, they would not be served by H.R. 12931. But, they would benefit greatly from the enactment of the provisions of H.R. 13272, the Small Communities Planning, Development, and Training Act of 1972. I would urge my colleagues who are concerned about the total picture of national growth to give the most serious consideration to this bill which I introduced on February 22.

Now, I would like to share the testimony to which I referred earlier:

#### TESTIMONY BY MEMBERS OF THE SHIRLEY COMMUNITY

I appreciate this opportunity to represent members of my community in this hearing concerning the problem of economic development. I am Glenn Hackett, acting mayor of Shirley, Arkansas. I represent a city with an area of 1200 acres, and a population of 350. We are located at the junction of State Highways 9, 16, and 110 in northern Van Buren county, on Middle Fork of Little Red River, five miles west of Greers Ferry Lake.

According to school records and surveys, we have graduated 345 students over the past 24 years. We lost an additional 102 students as school drop-outs, and during the past 4 years have granted 35 diplomas of graduation to adults attending an adult basic education class sponsored by the district. Of the 345 graduates, 118 left Arkansas, 104 moved to cities in Arkansas, and 123 remained in the Shirley area. Fifty of the drop-outs left Arkansas, 25 moved to other cities in Arkansas and 27 remained in the area.

To summarize briefly,  $\frac{3}{4}$  moved to large cities,  $\frac{1}{4}$  remained in Shirley. The move to cities, in most instances, involved the movement of the fathers, mothers, brothers, and sisters of the student. There were few permanent jobs, so when the boy or girl graduated, he or she and the family left to find a job in the city.

From 1950 through 1960 the United States population increased 18.5%, Arkansas lost 6.5%, Van Buren County lost 25% and the city of Shirley lost 30% of its population.

Since 1960, beginning about 1965 to 1967, the nation gained 9.4%, Arkansas gained 10.2% and Van Buren County gained 18.7%. Shirley School enrollment increased from 252 in 1960 to 340 in 1971. The increase this year was 50. Of the 26 who graduated last year, 1 left the state for military service, 1 moved to a city in Arkansas, and 24 remained in Shirley, although 14 are still in college and trade schools and 6 are still unemployed.

The preceding statistics, at first glance, make it appear that our economic problems caused by out-migration have been solved. A closer look will show that high school graduates stayed at home the past 2 years because they could find very little to do in the large cities of other states. In most cases, they will eventually have to move to the larger metropolitan cities of Arkansas for employment. This is encouraging from a state standpoint, but it creates more problems for the overcrowded cities. The truth is the situation has compounded our problems.

We now have the problem of providing jobs and services for young people who are staying in the community, and those who are moving back to rural areas. We have, also, the added problem of a great number of retired persons fleeing the heavily populated cities to find a better quality of living in our rural areas. Certainly they are welcome, as they are adding to economic development, but they are demanding better roads, better streets, schools, parks, airports, hospitals, and other facilities that our permanent residents have not been able to afford. Both have a right to expect these attractions that add to the quality of life in any community.

In this new situation, we have an almost unbearable burden placed on cities, counties, and school districts which have been operating on budgets depressed by years of stagnation in a declining economy. The new migrations have not been here long enough to increase the tax base. It takes at least 3 years for new property to generate any tax money. A school must transport pupils one year before it can draw money from the state to help in transportation. An enrollment increase this year will not generate funds to pay for extra teachers needed now. The result of all these factors have made it extremely difficult for those responsible for public services in

rural communities to find the money to provide them.

Now this background information leads me to the five most urgent needs of the city of Shirley and the Shirley School District which are:

1. We need a small industrial site developed for a plant to employ 60 people who need steady jobs in our community. This would cost \$25,000.

2. We need 25 low rent housing units to provide some help in meeting the needs of elderly people and young people not able to rent or buy decent housing in our town. The cost would be \$250,000.

3. We need a sewer system which would cost approximately \$145,000.

4. We need \$24,000 to pave 3 miles of city streets.

5. We need \$120,000 to build and equip a modern grade school building to take care of the added enrollment in our school.

This \$564,000 is a bare minimum that we need to start the economic development in our city.

In regard to our financial ability to finance these economic development projects, I can only say that we do not have the funds to start any at the present time. The town received \$5,400 from a 5 mill property tax and turnback funds from the state. \$1,800 of this goes for street lights and utilities for a city hall and a community center. The remainder, \$3,600, is reserved for street maintenance, \$800 of which is used to make a bank loan payment for 1 mile of streets we paved last year. In paving these streets, house owners on the streets paid 50% of the cost and the city paid 50%. Our only recourse to paving other streets would be a bank loan at 10% interest.

As for the financial condition of the school district, we borrowed \$88,000 last year to build a new high school building. Funds came from a bond issue to run for 20 years at 5.9% interest. It cost us 3% of the face amount to sell the bonds. The District now has a borrowing power of \$8,500 which will have to go for 2 new school buses to take care of the transportation of 100 additional students. The District collects a 25 mill tax for operation and maintenance and 22 mills for debt service on an assessed valuation of \$938,855. We will have to wait at least 5 years, if our rate of growth is vastly increased, to reach a point where we can borrow enough to build. We need the buildings now to take care of the increased enrollment.

We have applied for a low rent housing project of 20 units but if any expense is involved in getting the units approved we will have to borrow money from a bank at 10% interest.

We received a grant and have built a community center but our share of the money had to be raised from community contributions.

A sewer system would require local matching which we do not have.

A building program for a new elementary school cannot be raised because our borrowing power is exhausted. Various federal funds such as NDE cannot be obtained for school equipment because we cannot afford the 50% matching.

We need a police officer for the town but it will take \$1,500 per year matching funds to match the salary through the Federal Crime Bill.

The same economic problems that I have enumerated here in the city of Shirley are present in other small cities located in this six county area. They are prevalent in towns all over Arkansas, in fact, they appear in most rural areas of the United States.

To correct our economic ills, we need two things; leadership and money. The leadership has been demonstrated in all parts of our state where people have raked up money to plan and carry out projects like water

systems, community centers, housing projects, parks, industrial sites, sewer systems, and other things that must precede and develop along with economic progress. They have collected donations, sponsored pie suppers, cake walks, carnivals, folk dances, musicals, and used every conceivable method of raising money to match Federal Funds. They have raised taxes for bond issues but a point has been reached where this type of financing has reached the saturation point. The time has come for some massive source of funds to carry out these projects.

In the past 25 years, we have seen a massive program of grants and low interest development loans made to our allies in World War II. We have seen the tremendous amount of aid given Germany and Japan. We have witnessed the massive aid to Korea, now we see massive aid to Vietnam.

We can also see the benefits of that program. Germany and Japan have become the wealthiest nations on earth. Korea has vastly improved its economic system.

While carrying out these programs we have neglected for 25 years the plight of our rural counties and cities and our large metropolitan areas. The time to cut the red tape is now at hand for the formulation of a massive economic program that requires a steady, strong, new and certain source of income for local, county, and municipal governments, prepared to undertake public projects to enhance economic development prospects.

I am glad to say that the citizens of our community will back any legislation to carry out a massive system of Federal grants and long term loans directed at the economic ills of Rural America.

#### TESTIMONY PRESENTED BY MAYOR EVERETT ROBERTS OF MT. PLEASANT, ARK.

##### WATER SUPPLY EXTENSION

In my opinion the greatest need now for Mt. Pleasant is an extension of the present water system. The present water facility was completed in 1969. At that time the area of the incorporated town of Mt. Pleasant was approximately 320 acres. But effective January 1, 1970 the area was increased to approximately 2,820 acres. Most of this new addition extends in a northwesterly direction along either side of State Highway 69. The residents in this new addition have a very unsatisfactory and often unsanitary water supply. Individual wells, cisterns, springs, and ponds are the chief suppliers of water. Very often in dry periods many of these families must hire their water supply hauled from many miles away.

Because of the higher elevation of most of the new addition a booster pump and other facilities would be needed to pump water from the existing supply. The existing facilities consist of a water well supply, storage stand pipe, and distribution system. The existing facility adequately serves the original 320 acre town site, but the existing supply does not furnish enough water for very many more users. Therefore another well with storage tank would be necessary. The 1970 population within the incorporated limits of Mt. Pleasant was 346. The number of people within the town to be served by the proposed additional water system is estimated to be 120, and another 120 persons outside the town, including the Sage community will be served.

The Affiliated Engineers, Inc. of Hot Springs, Arkansas made a preliminary survey of this project and determined the cost estimates. It was found the entire cost of the project will be \$180,000. It was also noted that considering the number of people served, the project is feasible and will be able to pay for itself.

This project when completed will give a significant boost to a large part of the south part of Izard County by furnishing an adequate and dependable water supply.

##### SEWAGE DISPOSAL

The town's existing means of sewage disposal consists of individual septic tanks. Due to the type of soil, very little absorption occurs, therefore, the effluent from the septic tanks sometimes flows in open ditches through the town. During periods of prolonged rainfall, there are areas in the town that have offensive odors due to the septic conditions caused by the seepage of the septic tank drain fields to the top of the surface. Under these conditions, there is an ever present danger of pollution of individual private wells by the septic tank effluent. As the town's present water system is now built, many of the town residents cannot be served by it, but use private wells as a source of water. These facts show that Mt. Pleasant does need a public sewage system to protect the health of its citizens. The total estimated cost of this project is \$114,000, according to Affiliated Engineers, Inc. of Hot Springs, Arkansas.

##### COMMUNITY CENTER

All of Izard County in which Mt. Pleasant is located is classed as a rural area and is one of the lowest in the state in per capita income. According to a labor survey made by the State of Arkansas in 1969 Izard County rated 50% for participation in the Economic Development Administration projects. In this respect the county is very comparable to Stone, Fulton and Sharp Counties. The county is in a class which would have to provide only 25% of the total cost of a neighborhood facility due to the redevelopment area status designation.

According to the above mentioned labor survey 66.1% of the families in Izard County had an annual income of less than \$3,000. And the rate of unemployment was 6%. The median income of males in Izard County was \$1,515 annually and for females it was \$649 annually.

Izard County contains 577 square miles. The Mt. Pleasant School District contains 100 square miles. In 1960 the population of Mt. Pleasant School District was 1,330. In 1950 it was 1,763 or a loss of approximately 25% in population. But in the 1970 census the District showed a small gain in population. 140 persons or 11.3% of all Izard County welfare payments were made to Mt. Pleasant residents while 19.6% of all Izard County population is in the Mt. Pleasant School District.

The number of workmen in the Mt. Pleasant area showed a decrease of 1.5% while the state showed an increase of 54.6% during the same period. Recreation facilities for this deprived area are almost nonexistent. The need for a suitable location for the use of senior citizen activities is great in the Mt. Pleasant area. There are 305 persons in the district 65 years of age or older who receive old age assistance. These people can't afford any form of entertainment or activity except those prepared without fare. The proposed community center will provide community owned space in which the town, in co-operation with the county, school board and community action agency will provide badly needed health, social and recreational facilities for the inhabitants of the community. There is a large group of low-income families living in the community who are entitled to and who should receive the new available benefits from the war on poverty. If this facility is made available the community will expand its present programs now limited by lack of facilities, and will initiate additional programs. The proposed facility is fully consistent with the comprehensive planning for the town of Mt. Pleasant and its proposed service area. The total cost of the facility as determined by the architect is \$109,000. This includes a federal grant of \$81,870 and a non cash contribution of \$23,069 for the town. The town will also contribute \$4,230 in cash. The needs and cost estimates of the facility were determined by Moore and Lee, archi-

ects of North Little Rock, Arkansas. These architects are employed by the town of Mt. Pleasant to design this facility that is so desperately needed in the community.

##### LOW RENT HOUSING

Low-rent housing is another need that is great in Mt. Pleasant. An application was made to the Housing Authority in Washington, D.C. for 48 units but only twelve units were allotted to us. It is understood that funds in the amount of \$234,000 have been approved to construct these twelve units, however the town has a waiting list of 70 applicants for low-rent housing.

##### POLICE PROTECTION

Because of the area Mt. Pleasant occupies, its need for police protection is probably greater than most towns of comparable population. At its greatest length it is more than five miles long. Yet, considering the present revenue received by towns with populations comparable to Mt. Pleasant, it is not possible to employ police personnel. Programs to give aid to towns with populations the size of Mt. Pleasant, have guidelines that make small towns ineligible to participate. Unless more liberal provisions are made to help small towns pay for police protection their citizens will continue to be without the protection that much of their tax money is paid for.

##### STREET BUILDING AND MAINTENANCE

Recently built homes in Mt. Pleasant make it necessary to build approximately two miles of streets. With no equipment and with little funds to purchase equipment, creates a difficult situation preventing solution of Mt. Pleasant's street problems in a feasible manner.

##### FIRE PROTECTION

During the past year eight homes in or near Mt. Pleasant were destroyed by fire. In most of these homes all or most of the contents were destroyed. With no fire equipment, little could be done to help. But with fire protection some of these homes could have been saved. Plans were discussed with fire equipment people relative to purchasing fire equipment. The town had enough income of general funds to make the necessary annual payments prorated over a number of years, however, we were told that funds could not be legally committed for that long a period of time, even with the vote of the people because of the limiting nature of State of Arkansas statutes. The assessed valuation of property in Mt. Pleasant is not great enough to make it feasible to assess millage enough to raise the necessary funds to contract for purchasing within the time limits stipulated by statute. As a result Mt. Pleasant has no fire equipment. It would seem to be an unreasonable requirement regarding contracting income for purposes as necessary as fire protection. Liberalizing of the law in this respect seems imperative.

##### GENERAL COMMENTS

For many years 95% to 100% of the young people of Mt. Pleasant left for other parts of the country to seek employment just as soon as they completed high school or college. But in recent years a larger percent of these young people are remaining and making their homes in the vicinity. This is because more employment is available in the area and because more of the conveniences such as running water in the homes, better homes, and in general more services that make life more enjoyable, are being provided. It is hoped that a way can be found to make available to our town and other towns in the area, the needs and services discussed on these pages. Unless we can give our people the modern conveniences that are available in other areas and also provide jobs for them, they will continue to migrate to other places and our area will regress instead of progressing.

In our limited experience in selling bonds for public works projects, we have experi-



enced little difficulty in selling those bonds. The local and county officials we have been associated with are highly in favor of the federal government cooperating more with municipal and county governments in providing means to obtain services and benefits that our area generally lacks but which are so desperately needed.

#### IZARD COUNTY—COMMUNITY DEVELOPMENT PROPOSAL HEARING

##### I. MOST URGENT NEEDS

In determining the five or even ten most urgent needs of this area, it becomes necessary to eliminate projects that some segments would consider top priority and to include others that different segments would consider relatively unimportant to the economic growth of this county. The five categories we have agreed upon by no means covers the range of needs for this area. They merely appear to be the most urgent at this time.

1. Health
2. Transportation
3. Waste Disposal and Water Systems
4. Protection and encouragement of local industry
5. Training opportunities

##### 1. Health needs

The existence in Melbourne of an unused county hospital is a waste of desperately needed facilities. With \$30,000 the hospital could be modernized, put into operation and be self-supporting. In this way at least patients who need hospitalization but not intensive medical treatment could be served locally. This would not only make the service more convenient for rural residents, but would relieve the overcrowding of neighboring facilities.

There is no qualified ambulance service in the entire county and no funds to provide the matching necessary to receive a grant from the National Highway Emergency Act. \$12,000 per year initial plus \$5,000 per year would provide one fully equipped ambulance plus personnel for this county. Surrounding communities could provide back up services. (Closest—32 miles.) There has been talk of providing helicopter services to rural areas for emergency patients. This too is needed to transport people to qualified emergency facilities. The long ride to Little Rock is dangerous and the delay getting to services can prove fatal.

The critical lack of doctors and other medical personnel can partly be removed by an increase in the admittance rate at operating medical schools. A better solution would be the establishment of regional medical schools at sites where well equipped hospitals presently exist, i.e., Jonesboro, Fort Smith, Texarkana. Qualified resident doctors could do much of the teaching and the hospitals could serve as a training base. The extreme scarcity of doctors willing to practice in rural areas seems senseless when qualified applicants are being turned away from overcrowded medical schools. There is no way this need can be filled with the present rate of graduating doctors, and there is no reason why more qualified doctors cannot be made available through the Regional Medical School concept.

Also, a loan fund to enable residents to become members of other medical professions is needed if qualified personnel are to be maintained. This loan procedure would allow local people to borrow money on a long term, low interest rate. (\$25,000)

##### 2. Transportation

In addition to the liability that a lack of health services places on economic development, transportation remains a priority problem in rural areas. At this moment, the future of our region seems to lie with the development of the tourist industry. We have the ingredients for a major tourist economy: the natural scenic beauty of the

Ozarks, the rivers and streams for camping and fishing, and the imminent opening of Blanchard Caverns across the river in Stone County. These assets make the tourist dollar a force to be considered. When you remember that in excess of 500,000 visitors per year are expected at the Caverns, and that many of them will pass over our roads, you wonder how they will ever get there.

We need a reasonably sized airport (\$100,000), not only for tourist use, but for business and industrial purposes. We need major highways—especially from Mammoth Spring to Hot Springs. We need an easy route to at least one major population center. This would connect us with central Arkansas.

A transportation system, either private or public, is needed so people can get to work when jobs are available and to the doctor when necessary. Agencies, of necessity, spend much time and effort trying to arrange transportation for their clients. A public transportation system could be established and implemented for \$12,000. This problem continues to be a thorn in every program—private or public—that is attempted.

##### 3. Water systems and waste disposal

The expansion of the public water system has been a boon to the small rural town. We most certainly would like to see this expansion continue, both to the small town and to more isolated areas. The sewage system, also, needs expansion in this county. This is necessary not only for business development, but for adequate housing growth.

Water systems continue to be needed at Gulon, and at selected campsites. Expansion of present systems should be continued (\$200,000). Sewer systems are needed at Pineville, Gulon, Mount Pleasant, Oxford, Franklin, and Horseshoe Bend (\$600,000).

Every section of the country is faced with a solid waste disposal problem. We know that we can establish a county wide—and possibly a multi-county-wide—land fill waste disposal system for \$63,000. We do not want to lose the assets we do have—clean air, mountains, and streams. Without preparation, this part of the country with the many expected visitors will assume the air of a cluttered carnival. White River Planning and Development District has researched this problem and has arrived at the above figure. The possibility of a multi-county project would decrease the per capita cost.

##### 4. Protection and encouragement of local industry

Following a minimum of successes and a maximum of failures, most of the people of this county have reached the conclusion that in order to be attractive to outside industry, there are certain basics we must have before their interest can really be aroused. As we work to acquire these basics, i.e., a natural gas supply, good medical facilities, recreational opportunities, transportation, we must protect what is already available.

If tourism is to be a major economic factor, then our environment must be protected. Our rivers must be kept clean and the vocations presently pursued in connection must be protected. We are worried lest the trout fishing industry, for example, be destroyed by the unregulated flow of the White. In order to save any part of the White for fishing or recreational purposes, an act of Congress would be required as the original purposes of the dam regulating the flow was for electricity and flood control. The use of the White in connection with fishing and other forms of recreation is necessary for future plans in this country.

Also in the area of local industry as relates to the tourist trades are facilities to accommodate these people. Monies for construction of motels and restaurants need to be available to private enterprise on a long term basis. Even SBA does not have funds for this purpose, or if they have, it isn't

available. (\$300,000) Both Calico Rock and Melbourne need these facilities.

Craftsmen need funds available for tools and craft outlets, and potential businessmen for the possible construction of trailer parks. (\$100,000).

Campsites and parks must be constructed: one at Sylamore, one at Calico Rock, and one at Melbourne. Sufficient public services positions are necessary for maintenance. (\$100,000).

Another priority need involves the financial ability to provide natural gas to residents, businesses and prospective industry. The operation by Northcentral Arkansas Development Council, Inc., of a small sorghum mill at Oxford required in excess of \$50.00 per day for butane gas costs. (\$1,000,000).

##### 5. Training opportunities

As with the question of which came first, we have always wondered where to start in qualifying people for jobs. No industry was willing to locate where trained personnel were not available, yet it seemed senseless to train people when there was no job possibility. There must be, however, a starting point. That point is in training people for vocations that already exist at Vocational Technical schools and then adding courses as there is a need for them. There is no Vo-Tech school within 70 miles of us. There is no way our people can attend training and remain at home without subjecting them to many hours on the road. (\$800,000).

We feel that present training programs using government funds (Federal, State, or Local) should be expanded and made more meaningful.

#### II. OUTLINING FUNDING NEEDS, CAPABILITIES, AND PROBLEMS

##### 1. General

County and City governments are hard put to make ends meet each month. Yet practically every program that becomes available demands matching cash. Often if you are too poor to provide the service, you are too poor to provide the matching. Then without the assistance, your economic depression increases.

While most taxpayers are willing to pass a bond issue and to buy the bonds if there is a tax system for repayment already set up, they have become increasingly reluctant to pass a tax increase of any kind. They see abuses of agriculture, defense, health, and welfare monies. They see unneeded people on the public payroll, and they see huge grants made for what appears to them to be pork barrel projects. The taxpayers are not in a very good mood to be asked to pass a tax bill—even the ones being paid from the taxpayers pocket which is a large percentage in our county. The answer lies in more efficient use of what we have.

What we don't have are lending institutions capable of lending money on the scale we are considering. In IZARD County there is no Federal Savings and Loan Association, HUD does not operate here except through other agencies. The banks of the county make no long term business loans. The collateral requirement (or absolute lack of collateral requirement) makes many of our potential business people ineligible for both of the most popular types of Small Business Association loans. Without a source for long range funding, much community development looks impossible. Without community development, we will become more and more isolated and economically deprived while the cities teem with unsolved problems resulting from our migrants. We have no desire to become completely industrialized. We want industry, but not those industries that would pollute our countryside. We just want to keep our young and provide a basis for growth for our citizens.

For years our young have been unable to remain here after graduation, but they never

forget. When they get older, they return and we want them. Their tax paying days; however, are over. They have contributed to the problems of the city when they could have remained here where they wanted to be all the time. Additionally, people who are not Izard County natives are looking for land in local land developments designed for retirees. Still our young who provide the bulk of the taxes must leave.

#### Population figures for Izard County

1860 (approximately) -----	7,000
1910 (approximately) -----	14,500
1930 -----	12,872
1940 -----	12,834
1950 -----	9,953
1960 -----	6,766
1970 -----	7,381

At a time when the U.S. population was increasing dramatically, Izard County was losing half its population. This was not primarily during the depression years either, but immediately thereafter. More people lived in the County in 1860 the year before the Civil War than lived there in 1960, one hundred years after. Even the increase from 1960 to 1970 can be largely attributed to retirees wanting to escape the cities.

Calico Rock and Mt. Pleasant have applied to HUD for Community Facility buildings. These are needed, not only for the consolidation of existing services, but for space to provide growth activities. (\$500,000).

#### 2. Health

Project	Cost
Expansion of hospital -----	\$30,000
Ambulance service -----	12,000
Loan fund -----	25,000

#### 3. Transportation

Airport -----	100,000
Transportation system -----	12,000

#### 4. Water systems and waste disposal

Water systems -----	200,000
Sewer systems -----	600,000
Solid waste disposal -----	63,000

#### 5. Protection and encouragement of local industry

Loan funds for motels and restaurants -----	300,000
Loan funds for machinery and construction -----	100,000
Construction of campsites (much labor provided from work programs) -----	100,000
Natural gas -----	1,000,000

#### 6. Training opportunities

Vocational technical school, \$800,000.  
Government training programs, presently operated programs.

#### III. ACCOMPLISHMENTS, PROBLEMS, AND ATTITUDES TOWARD PRESENT FEDERAL PROGRAMS DIRECTED AT AID FOR COMMUNITY DEVELOPMENT PROJECTS

As a result of grant and loan policies, many of the small towns of this county have water systems, and some have sewer.

The local telephone company took advantage of a Department of Agriculture REA loan when their operation first began. Low rent housing is under construction at Melbourne and has been approved for Mt. Pleasant. Farmer's Home Administration loans have improved living conditions. Federal funds helped establish a Senior Citizens Center. Manpower monies supported the Green Thumb project that has helped build a park. A \$10,000 grant has been approved for a park in Melbourne. White River Planning and Development District and Northcentral Arkansas Development Council, Inc., research, plan, apply for and sponsor programs funded by various local, state, and Federal sources.

Federal funds definitely have helped the economy of this area.

Mr. Speaker, this is the 17th insertion in the CONGRESSIONAL RECORD of testi-

mony and other materials which I have gathered during my research into ways to assist community development in non-metropolitan areas. Other materials on this subject appear in the CONGRESSIONAL RECORDS, volume 117, part 25, pages 32740-32741; part 26, pages 34505-34506; part 27, pages 35409-35410, 36133-36135; part 28, pages 37358-37360; part 29, pages 38121-38123; part 30, pages 39156-39158; part 31, pages 40813-40817; part 32, pages 41882-41884; part 34, pages 44696-44699; part 35, pages 45963-45966; part 36, pages 47310-47312; and volume 118, part 1, pages 1225-1226; part 3, pages 3583-3586; part 4, pages 4739-4743; and pages 4824-4828.

#### THE BILLIONS IN THE WHITE HOUSE BASEMENT

#### HON. WILLIAM R. ANDERSON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. ANDERSON of Tennessee. Mr. Speaker, I would like to invite the attention of Members of the House to an article written by Timothy H. Ingram in the January edition of the Washington Monthly entitled "The Billions in the White House Basement."

I believe that Mr. Ingram's insight into the subject of Executive seizure of Congress' authority over the purse illustrates clearly the impoundment practices of the executive branch.

This article is lengthy, thus I have taken excerpts of same and include these excerpts for the RECORD:

#### THE BILLIONS IN THE WHITE HOUSE BASEMENT

(By Timothy H. Ingram)

By cliché, the power of the purse is now widely referred to as Congress' only remaining lever for redressing the balance between itself and the presidency. Increasingly, Congress is recognizing that its foreign affairs and treaty-making functions are mere ornaments, and that its traditional checks on the Executive are either unrealistic or meaningless. What is left is the appropriations power, and a handful of senators and representatives are invoking it in a muted but growing struggle to revive congressional strength.

Few appreciate, however, the extent to which even the power of the purse, that bulwark of legislative authority, is already controlled by the presidency. As Congress attempts to tame the Executive by threatening to cut off funds for things like war, it finds that the Executive has already developed innumerable devices for getting the money, anyway. And far from successfully denying the President his money, Congress is even having a hard time getting him to spend what is appropriated.

The Constitution, of course, says that the appropriation power is the exclusive prerogative of Congress. But in the vacuum created by Congressional indifference to overseeing the bureaucracy's spending habits, and by the now empty ritual of blue-penciling the President's annual budget, the Executive has amassed a mound of spending prerogatives of its own: transfer authorities, contingency funds, lump-sum appropriations, reprogrammings, special waiver authorities, and covert financing.

The panoply of deceptive devices available to the Executive's budgetary Houdinis was graphically illustrated in a memo submitted by the Joint Chiefs of Staff to Secretary Laird on August 30, 1971. According to *The New York Times*, the Joint Chiefs offered several ways of by-passing the limited military aid appropriated by Congress to generate an additional \$52 million or more, to increase the strength of the Cambodian Army.

The first would be simply to transfer \$52 million appropriated for economic aid to the military aid program. The second would be to use economic aid money to buy all "common use" items such as trucks and jeeps, which have military as well as civilian value, thus freeing the other funds for strictly military uses. The third would be to increase procurement for the U.S. Army by \$52 million and give the materiel to the Cambodians, for "repayment" later. The fourth would be to make some exceptions in Defense Department supply regulations, declaring equipment to be "excess" and delivering it to the Cambodians.

In addition, the memo proposed, the Joint Chiefs would clandestinely provide for a mechanized brigade, an artillery brigade, and coastal patrol units, as well as ground troops and extensive logistic support. AID would help finance the paramilitary force of armed civilians, which the planners hoped would number 200,000 by mid-1973 and more than 500,000 in 1977. The CIA, with its secret budget, supposedly would help train and direct Cambodian military units, as it is now doing with Laotian and Thai troops in Laos, and would provide airlift support with its subsidized airline, Air America. The proposals represented a complete subversion of congressional authority.

But the real significance of the story was not reported: how commonplace these methods have become. The Executive devices are as widespread as they are ingenious.

#### TRANSFER AUTHORITY

After convincing Congress of crucial need for aid to a given country, the President can then turn around and use the money in an entirely different country, and for a different purpose. He can even shuffle funds from the economic aid program to military assistance, and back. Section 614 of the Foreign Assistance Act, for example, allows the President to waive requirements of the Act whenever such action is "important to the security of the United States." There were 17 such waivers between July, 1970, and October, 1971, and in none was Congress notified before the fact. One of these pumped \$110 million of military aid into Cambodia following the 1970 invasion by siphoning money originally intended for Taiwan, Greece, Turkey, and Vietnam. Nixon didn't inform Congress until later that year when he asked it to replace the funds ex post facto. Another waiver was for \$3 million in military aid to Ceylon, given on an oral authorization by the U.S. ambassador last April 10, to help Ceylon put down a leftist insurrection begun five days earlier which had captured large sections of the country. Helicopters were supplied, and within a month government forces were again in control. Congress was finally notified of the transfer on June 25.

#### EXCESS STOCKS

The annual gifts of "excess" stocks of military arms and equipment have long been a Christmas bonus for a select group of foreign nations. Grants of surplus war goods are not listed as current outlays for military aid. Thus, the Departments of State and Defense were able to keep Chiang Kai-shek's forces well stocked with excess aircraft, tanks, howitzers, and M-14s, even though Congress, busily voting reductions in Taiwan's regular military assistance, believed arms shipments



were being diminished. When one looks at the budget documents of 1966-1971, there is an almost dollar-for-dollar increase in hand-outs of excess war articles as congressional appropriations for all military aid programs were being decreased. To conceal the trajectory of this rise, the Pentagon suddenly switched from listing the acquisition cost of excess armaments to something called "utility value," a rough approximation of market value which averaged out at about one-fourth to one-third the equipment's original cost.

#### SECRET FUNDS

Withholding information and wielding a "secret" stamp are the Executive's weightiest weapons. As Senator Stuart Symington told *The Atlantic* recently: "They don't tell the truth. What is driving me up the wall is what on earth are they doing with the money I am turning over. If they won't put that on the record, we might as well stay home and just send in a batch of proxies." When Executive intransigence is combined with control over the contents and structure of the budget, the visors are completely pulled. Political scientist Louis Fisher cites an estimate that in the 1972 fiscal budget of \$249 billion, secret funds may amount to \$15 billion to \$20 billion. No one really knows, for example, in how many different ways foreign assistance is given, nor exactly how much it all adds up to. The only item in the budget clearly marked as military aid totals around \$400 million. That is a gross understatement. At Joint Economic Committee hearings last January, Senator William Fulbright introduced a table showing more than \$6.9 billion in military assistance and sales for fiscal 1972. Two Defense Department officials broke pencils while disagreeing with each other over the total cost, finally putting the figure at \$4.9 billion and later revising it to \$6.3 billion. As Senator Proxmire commented, military assistance is not an example of administrative flexibility, but complete "unmanagement," "a giant discount supermarket with no check-out counters, no cash registers, no store manager."

#### THE PIPELINE

The Treasury's largest suspense account is the enormous balance of funds which carry over each year, called unexpended authority, or more loosely, the pipeline. The question is whether this unspent balance might be tapped for purposes never intended—whether it, in effect, provides a second, hidden budget. During floor debate last October over the Symington ceiling on funds for Laos, Senator Fulbright voiced his suspicions: "I have never figured out how [Defense managers] are able to spend money that has neither been authorized nor appropriated. They have ways of drawing on unexpended funds. I imagine there is at least \$50 billion of unexpended funds in the pipeline as reserve for the Pentagon. So I would not be sure that even with a prohibition against appropriation of any money, they could not find some in a very short time."

The most devastating aspect of these huge reserves is that they can kill chances of both accountability and economy. For example, for the last several years, the Pentagon's yearly spending has been higher than its appropriation. In fiscal 1971 it was \$3 billion more than that authorized by Congress. Congress, by focusing on yearly appropriations, never looks at the real level of outlays, and generally does not adequately review program monies authorized in previous years. This was painfully obvious when in October the Senate voted down the foreign aid bill, and it was announced that \$4.7 billion—one and a half times the total in the defeated bill—was still in the aid pipeline. Supposedly this would keep aid programs going for some time, though no one on the Hill seemed to know exactly what was in the pipeline, or indeed, what a pipeline was.

#### IMPOUNDMENT

In October, Senator Lawton Chiles of Florida received complaints from the city of Jacksonville that despite the demands of its poor people it had been unable to switch from the commodity-distribution program to food stamps. The Department of Agriculture had told the city that funds were simply unavailable.

There were obvious reasons for the desire to get off the commodity program. The Senate Select Committee on Nutrition and Human Needs had only recently outlined its abuses. The commodity program's 3.5 million intended beneficiaries go once a month to a county-run warehouse to pick up whatever farmers and processors currently have in excess. Its aim is more to absorb farm surplus and keep food prices up than to feed the hungry. The result is insufficient food, nutritional imbalance, dangerous shortage conditions, and red tape. Food stamps, though flawed, at least make food accessible.

Upon inquiry, Chiles learned that not only Jacksonville, but 40 counties in Florida and several hundred areas nationwide, had been denied money already appropriated by Congress and approved by the Department of Agriculture for food stamp programs. The snare was that the President's Office of Management and Budget was impounding, or refusing to release, \$200 million in funds specifically earmarked for the stamps.

Chiles further learned that a number of federal programs affecting his rural constituents were having funds withheld: research in nonchemical pest control, rural electrification, water and waste disposal grants, and \$75 million in direct operating loans from the Farmers Home Administration.

Chiles took to the Senate floor on October 20, castigating the growing Executive practice of impounding or "freezing" appropriations, and warning that the President, in hatching a legislative program because he considers it inexpedient or inefficient, twists constitutional principles and usurps Congress funding power. The President is exercising, Chiles continued, an unconstitutional item veto over programs he has signed into law without the danger of being overridden by a two-thirds vote of Congress. Chiles proposed adoption of a resolution which would say, in effect, when we passed that food stamp appropriation, we meant it.

Donna Willis recounts that while working for former Congressman Arnold Olsen of Montana last year she received a one-line telegram from a tribal chairman asking what had happened to Indian health money. It turned out that \$2 million in Indian health funds had been frozen, thus cancelling immunization, contract care programs, and all "elective surgery" (a little medical black humor, meaning cases where there is no immediate threat of death). Miss Willis spent the next two weeks gathering the signatures of 90 congressmen and senators to force release of the money.

It is in this way, usually only by accident, that a member of Congress learns that money has been withheld. The OMB jealously guards its figures on impounded funds. Calls to OMB are met with evasive answers and delays—for both reporters and members of Congress. When Senator Sam Ervin's subcommittee on separation of powers held hearings on the impoundment question last March, it was the first time in anyone's memory that a breakdown on impounded sums had been released. Bill Goodwin, of the subcommittee staff, remarks, "We had a hell of a time. We had been after the budget bureau for three and a half years before the information was finally released."

It presents a strange situation: members of Congress, hat in hand, pressuring to have appropriated monies spent. The typical congressional complaint runs, "I had thought that once the Congress passed the appropriation bill and the President approved it and

signed it and said to the country that "This has my approval, that the money would be used instead of sacked up and put down in the basement somewhere." Those were the words of Lyndon Johnson, speaking as a senator, in 1959. From the vantage point of the presidency, Mr. Johnson was as free as his predecessors in putting money in the basement, stashing as much as \$10 billion at one point. Since the mid-50s, Presidents have repeatedly negated programs by refusing to spend the money.

Impoundment has taken a different twist under President Nixon. In the past, it has usually been an Administration wanting to spend and a Congress not willing to appropriate. Now, with a Republican President and a Democratic Congress, the impoundment of funds which conflict with the President's policy priorities has become more pronounced, and more routine. As of last June—when the latest figures were released by OMB, \$12 billion had been frozen.

The Administration has tried to seduce Congress with a little semantic foreplay, saying that the funds are not being "impounded," but are merely being "deferred" or "put in reserve," and will be released later "when circumstances warrant." The beauty of the ploy is that, for example, \$200 million appropriated for public housing for fiscal 1971 can be placed in the deep freeze, then "released" and applied to the budget request for fiscal 1972. The Administration comes out looking good both years—for having slashed \$200 million in 1971, and for getting Congress to appropriate less in 1972 because of the carry-over. The added advantage of impoundment to the President is that he can quietly cripple a program without making embarrassing press statements. A veto is at least above board, but with impoundment, as George Patten, Senator Chiles' legislative assistant, points out, "The problem is, you can't pinpoint responsibility. An agency can hide behind a budget bureau decision, or the President can veto something through the budget bureau, and then you have to play games with all three, getting the run-around."

Congress has not been totally supine. In 1970, a proviso in the hospital construction bill ordered that the entire appropriation be spent. Nixon vetoed it because of this "assault on presidential options," but he was overridden, and that mandatory spending language is on the books as precedent. The classic congressional solution in such a dispute is a little political blackmail, holding up programs the President wants. A little-noticed section of the Senate-passed foreign aid bill last November forbids expenditures abroad until the President releases urban development funds.

The Nixon Administration has justified its impounding practices in two ways: through the power of apportionment and the broadest possible interpretation of the Executive power of the President.

OMB is able to lop off funds through its practice of apportioning, or setting quarterly allotments. Four times a year the OMB gives agencies a chunk of the amount Congress has granted them, in an effort to prevent agencies from spending their appropriations all in the first months and then having to return later for deficiency requests. But the apportionment process does not entail simply dividing the appropriation into four equal parts. Adjustments are made also for spending rates, inflation, and so on. More and more, such adjustments have come to be used to keep total amounts below those actually set by Congress.

The adjustments are made under the Anti-Deficiency Act of 1950, which provides that money may be reserved "to provide for contingencies," or "to effect savings whenever savings are possible through changes in requirements." The vagueness of that phrasing has provided the hook upon which

to hang a defense for impoundment. For example, the Administration interprets "changes in requirements" as granting broad authority to impound as a means of combating inflation.

There is no dispute about reserving, or replacing funds in the Treasury, whenever a program costs less than originally expected. But the area of dispute, as Senator Frank Church has written, is where funds are frozen not to effect marginal savings but to alter the purpose of a program or policy.

Aside from claiming broad apportionment discretion, the Administration also claims almost unlimited power over spending as a constitutional prerogative, inherent in the President's role as Chief Executive. Caspar Weinberger, Deputy Director of the OMB, said in March that a congressional appropriation was "a direction to be followed whenever it's possible to do so." He insisted that the President could not be placed in the position of automatically spending all money approved by Congress without exercising any discretion. "The President has to be more than a rubber stamp or a messenger boy running over to the Treasury," he said. Weinberger also suggested that the constitutional requirement that the President "take care that the laws be faithfully executed" could require him to withhold appropriated funds. On another occasion, when asked why the Administration was refusing to spend \$10 million already appropriated for a national aquarium in Washington, he responded: "The Administration decided not to fund the project and is giving Congress another chance to consider the matter." Weinberger also readily conceded that some of the items withheld involve "policy" determinations.

Budget examiners frankly admit that programs are cut back when the appropriated amount differs from the President's budget priorities. The most blatant examples involve the attitude toward congressional add-ons. The \$200 million impounded for mass transportation is almost exactly the same figure by which Congress' appropriation exceeded the President's original budget request. There has also been an across-the-board freeze on all public works projects added by Congress, even though the price-benefit ratios of some of these are higher than the ones proposed by the President.

The most forceful answer to Weinberger is a memo written in 1969 by then Assistant Attorney General William Rehnquist, of the Office of Legal Counsel. In Rehnquist's words: "With respect to the suggestion that the President has a constitutional power to decline to spend appropriated funds, we must conclude that existence of such a broad power is supported by neither reason nor precedent." Further, he wrote: "It may be argued that the spending of money is inherently an executive function, but the execution of any law is, by definition, an executive function, and it seems an anomalous proposition that because the Executive branch is bound to execute the laws, it is free to decline to execute them."

#### SUPPORTS RAISE IN SOCIAL SECURITY BENEFITS

**HON. ELLA T. GRASSO**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES  
Wednesday, February 23, 1972

Mrs. GRASSO. Mr. Speaker, I am pleased to give my strong support for legislation introduced today by WILBUR D. MILLS, chairman of the House Ways and Means Committee, which would raise social security benefits by 20 percent on July 1, 1972.

This legislation is still not enough. However, it offers a vast improvement over the 5-percent increase in benefits provided in H.R. 1, the Social Security Amendments of 1971, which has been stalled in the Senate since last summer. Indeed, it is an encouraging development which would give significant help to so many of our older citizens on fixed income who desperately need this assistance.

#### AN AIRPORT WITH A FUTURE FOR A CITY ON THE GO

**HON. GUS YATRON**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES  
Wednesday, February 23, 1972

Mr. YATRON. Mr. Speaker, I would like to take this opportunity to express my deepest appreciation to the Reading Municipal Airport Authority, and its manager, Mr. Donald F. Glass, for the fine job they have done in making Reading's airport a center of growth. The people of the city of Reading and Berks County can certainly be proud of this modern, profitable, and progressive facility which serves the interests of eastern Pennsylvania so well.

The Reading Municipal Airport, in the year of 1971, became self-sufficient and we in Reading are hopeful that in 1972 an even greater margin of profit will be realized. For the first time in 30 years, the airport required no assistance from the taxpayers of Reading, Pa., and I am proud, not only as a Member of Congress, but also as a lifelong resident of Reading, to see this success story come about in such a short period of time.

The self-sufficiency of the airport has been the goal of Mr. Donald F. Glass, airport manager, and represents the success of innovative management techniques which are being applied to the operation of the airport. For the last 3 years, they have initiated a new financing system, trained new office and old office personnel, set up schools of instruction for maintenance personnel, taught self-motivation to foremen, and many other items that have helped toward putting this airport on a paying basis. By realigning revenues from buildings that are nonaviation, and adjusting leases so that some of them have now incorporated a cost of living index, the airport should realize additional revenue each year. Also, by taking nonaviation land on the airport, which is defined as nonaeronautical in use, and making it a revenue producing agent, additional funds will be received.

Additionally, during 1970-71, a \$110,000 taxiway was built without the need for the enactment of a bond issue. The airport authority, under the guidance of Mr. Glass, has found that by running an airport as a business with everyone paying his fair share, the concept of complete utilization of nonaeronautical lands has proven to be an economic success by making them revenue producing bodies.

The national publicity given Reading in the August issue of Professional Pilot magazine of 1971 points out that our air-

ports, in many cases, can be run effectively if proper management techniques are applied. Yet, with a little imagination, there are new avenues that can be pursued that will help support our airports even more, and, thereby, relieve the taxpayer of his great burden. On our airport in Reading, for example, there are 53 small companies, which employ people. There are 95 dwellings that house people. There are four fixed base operators, one airline and one commuter airline, all of which employ people. Even though each of these facets is completely different, the airport authority has attempted to interweave all of them into one productive team. At the Reading Airport it is working.

To cite an example, an office building was built on nonaeronautical land that was owned by the airport. This small building cost the airport \$33,000. Leases from companies were then used as collateral and their rents were applied to the mortgage for a 5-year period. Therefore, when the mortgage is paid at the end of this 5-year period, the airport will be enriched by better than \$8,000 per year. The Airport Authority has also applied this principle to their T-hangars, which are hangars for light aircraft. Money was borrowed locally from the banks, assigned the tenant's lease as collateral, and applied their rents to the mortgage. This has also been done with several other companies on our airport and, as can be seen, in the period of a few short years, large sums of money will be added to the airport's general operating account.

This is long-range economical planning. Many corporations that are coming into the communities today are aviation-minded and would, if properly wooed, put up their small offices or light industry in and on nonaeronautical land surrounding airports. With approximately 75,000 youths available in the labor market each year in Pennsylvania, and with the unemployment rate that our Nation is now experiencing, it is important that cities like Reading encourage new industry to come into its community to create new jobs. It is the position of the Reading Municipal Airport and its manager, Mr. Donald F. Glass, to do just that.

The attraction of business concerns to airport property also brings with it much needed employment and revenue for the city of Reading, its people, and the surrounding areas of Berks County. The arrival of General Public Utilities Corp. to Reading will bring better than \$10 million in payroll to the community, with better than 225 employees. Commercial Credit Equipment Corp. also has established an air executed office in Reading. These and many others have listened to our plea and have moved onto our airport and are now helping to support it via the nonaeronautical lands that, in the past, have been deficits and which have now become assets. The Airport Authority has even pastured cattle on their land, raised pigs in their barns, and leased land to farmers for crop production. The Airport Authority has utilized all of its land and has succeeded in making it revenue producing.



Mr. Speaker, the people of Reading and Berks County can look with deep civic pride upon this modern facility which, through its management team and under the direction of Mr. Donald Glass, has sought to serve the public interest to the utmost. I am proud, and I believe everyone in Reading and Berks County shares this feeling. I hope that some of my colleagues in the House will have the opportunity to use this growing facility and see its progress firsthand. I would like to express my best wishes to the Airport Authority for their continued success in, as their motto states:

An Airport with a Future for a City on the Go!

## ENERGY—A GROWING NATIONAL CRISIS

### HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. COLLINS of Texas. Mr. Speaker, Dresser Industries did a splendid community service in including the national crisis in energy with their annual report. Today business tends to discuss its problems in a small room with six or seven executives.

Dresser Industries, which is headquartered in Dallas, does more than \$805 million in annual sales of industrial equipment and service business. Dresser, with its progressive spirit, is aware of the serious challenge facing America in the 1970's. But what is more important is that they are making America aware of this. I appreciate the leadership shown by John Lawrence, chairman of Dresser, and John V. James, who is the president.

I hope some of my colleagues here in Congress have the opportunity to review some of the highlights of the statement by Dr. John J. McKetta, the renowned professor of chemical engineering at the University of Texas. Dr. McKetta has served this past year as Chairman of the Advisory Committee on Energy to the Secretary of the Interior. He has a lengthy report, but I would like to summarize some of the major points emphasized by Dr. McKetta:

#### ENERGY—A GROWING NATIONAL CRISIS

The situation of energy in America today is, in a single word, serious. Extremely serious. Since 1950, we have doubled our consumption of energy, and can see this consumption doubling again by 1985. We are already falling behind in our ability to produce as much energy as we consume.

The United States is experiencing the first shortage of basic energy fuels—cheap energy—in its history. Our demand is growing and growing, but our supply isn't keeping up.

The U.S. will continue to depend on oil and gas as energy sources in the next twenty years. The trend today is toward increased imports, currently reaching 23 per cent of oil used in this country. But we cannot forget the terribly important point that increasing our dependence upon foreign fuel sources could result in real threats to our economic and national security. And the paradox of all this shortage and increasing imports is that there are sufficient domestic resources

of crude oil and natural gas to last for the foreseeable future.

The main reasons for this shortage, then, are that major areas for oil and gas exploration, recovery and distribution have been practically dormant in recent years because of a combination of negative economics and positive ecological pressures.

Oil drilling in the U. S. has dropped 50 percent since 1956 because of a lack of economic incentives. Government regulation of natural gas has suppressed the field price of gas to about one-third the cost of an equivalent amount of oil. Coal is the most abundant fossil fuel we have, but getting to it without scarring the earth and converting the coal to energy without polluting the air pose many problems. Water power, supplying only about 4 percent of our needs, is an insignificant energy source. Nuclear power is the best answer to our energy shortage, but well into the future, and social, political and regulatory problems hinder the growth of nuclear power.

The problem in our energy crisis does not all boil down to money—as the crisis grows, money may eventually be the easiest part of the solution. The more difficult problems lie in the areas of establishing more realistic government policies and setting environmental standards that can be economically attained while still permitting the acquisition of the fuels we must have.

The government must encourage the discovery and development of new domestic oil and gas reserves if we are to improve the supply of energy in the U.S. Exploratory efforts, and especially drilling, must be increased substantially on a long-term basis. To stimulate drilling and development onshore and offshore, we must allow economics to work by providing the necessary price incentives commensurate with the high risks and costs.

The brightest prospect for governmental action on the massive scale needed is the proposed cabinet level Natural Resources Department, the logical source for expert policymaking decisions that would guide us to the provision of our energy needs, while guarding our nation against unacceptable environmental damage.

But this problem is not only the government's problem. It is everyone's problem. Our jobs and our unprecedented high standard of living are based squarely on our ability to increase human efficiency so fantastically by substituting other forms of energy for human labor.

The government must stop overregulation, conflicting policies, and indecision which affect essential, massive projects and increase costs which in turn will be paid by each of us. The energy industries must do more exploration and research. The environmentalists must become more realistic in the goals they seek.

Our nation's economy runs on energy. Today's jobs and tomorrow's jobs are directly dependent on energy. We simply have no alternative but to solve the energy dilemma.

## SUFFER LITTLE CHILDREN OF VIETNAM

### HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. FRASER. Mr. Speaker, February 15, the New York Times commented editorially on the South Vietnamese Government's assault on and dismemberment of South Vietnam's largest orphanage. This orphanage had been located at Longthanh Village, 20 miles east of Saigon. A news story datelined Long-

thanh, February 13 gives the sordid details of the forceable entry and relocation—to unknown destinations—of the 3,000 residents of the orphanage. The Times editorial properly expresses the outrage most Americans must feel about this incident. The Pontius Pilate-like reaction of the U.S. adviser is also worthy of our anger.

[The New York Times, Feb. 14, 1972]

#### 3,000 MISSING AS SAIGON SHUTS BUDDHIST ORPHANAGE

LONGTHANH VILLAGE, VIETNAM, February 13.—South Vietnam's largest orphanage was silent today following a police action Friday during which the orphanage was shut and nearly 3,000 Vietnamese children were carried away in trucks.

Relatives and friends of the children arriving here—some in tears and clutching photographs of infants they hoped to claim—were turned away by armed policemen and government security agents.

The national police first raided the Buddhist orphanage eight days ago. Fifteen truckloads of policemen entered shortly after midnight, armed with clubs and water hoses, and firing tear-gas grenades, according to Buddhist nuns there at the time.

The police reported having arrested 114 draft-eligible men and the head of the orphanage, a man said to be wanted for "misuse of authority and cheating." The police are now dismantling the children's center.

The nuns said that three boys died from tear-gas poisoning and that others were seriously injured in the raid. Repeated attempts to get the police to comment on the reported deaths have been unsuccessful.

The Longthanh Orphans Village has been Vietnam's largest and most controversial orphanage. It was founded nearly four years ago and its leaders have at times been accused of using the orphans for political purposes.

The children have been photographed with banners asking for an end to the war. Some have engaged in "fasts for peace," bringing attention to their antiwar and anti-Government beliefs.

#### MEETINGS BROKEN UP

When "Prayer for Peace" meetings were held at the orphanage, they were broken up and the orphanage was quickly cordoned off by the police. Some Western observers may have provoked the Government into closing the home.

An American adviser to the Vietnamese national police said "the staff had gotten a little suspicious." He was quick to add that the move against the orphanage "was strictly a Vietnamese affair."

Today, scores of women who had heard about the raid trickled to the isolated orphanage, 20 miles east of Saigon, in search of their children. The mothers listened with anguish as policemen said they did not have the authority to say where the children had been taken.

"She's lost? I know she's lost," said a 25-year-old mother as she pleaded with the police.

She explained that her husband had been killed while in the army and that she had left her 6-year-old girl with the Buddhist nuns while she worked nearby. She asked not to be identified because she said the police might arrest her for speaking with the foreign press.

#### WOMEN GATHER IN SAIGON

Back in Saigon, Buddhist nuns and relatives of the children stood in front of the Ministry of Social Welfare even though the office had closed for the weekend. They said they knew of no other place to go to find the children.

An elderly Buddhist nun dressed in old saffron cloth quietly described the police

raid as women shoved closer so they could hear her.

"The children ran," she said. "Some hid behind buildings. All were afraid. They did not know where they were being taken." Her wrinkled face was strained as she spoke.

"The older ones went more quietly. But the younger children cried and ran. The orphanage was all they knew and they feared the police," she added.

She told the women that several hundred armed policemen occupied the orphanage for a week between the time they first entered and the time they carried off the children.

"Now they are carrying away sewing machines, kettles, bags of rice and whatever else they can take," she added.

[From the New York Times, Feb. 15, 1972]

#### SUFFER LITTLE CHILDREN

President Thieu's repressive national police have written another ugly chapter in the annals of Vietnamization with their recent assault on and subsequent dismemberment of an alleged hotbed of antiwar and anti-Government activity—South Vietnam's largest orphanage at Longthanh Village, near Saigon.

Even if the orphanage harbored draft-dodgers and was misused for political purposes by its Buddhist sponsors, as the Government contends, there can be no excuse for the heavy-handed police tactics employed. These included a midnight attack by policemen armed with clubs and water hoses and firing tear-gas grenades, and the ultimate evacuation of nearly 3,000 terrorized children to parts unknown. Nuns say that three boys died from tear-gas poisoning and that others were seriously injured in the raid.

Equally shocking is the cold indifference displayed by an American adviser to the Vietnamese national police who dismissed the incident as "strictly a Vietnamese affair." Such brutal repression is wholly unacceptable on the part of a Government dependent on massive American economic, military and diplomatic support. These orphans are an American concern, especially since some of them are the abandoned offspring of American servicemen and many more are victims of a war in which the United States continues to be deeply involved.

The Longthanh incident is a singularly grotesque symbol of a much larger problem of child abuse and neglect in South Vietnam. It should spur Congress to act favorably on a bill, sponsored by Senators Hatfield, Williams and Hughes, which would create a new Child Care Agency to seek a long-term solution of the problem of the abandoned children of South Vietnam, many of them, we repeat, half-American.

Mr. Speaker, the last paragraph of this editorial bears repeating:

The Longthanh incident is a singularly grotesque symbol of a much larger problem of child abuse and neglect in South Vietnam. It should spur Congress to act favorably on a bill, sponsored by Senators Hatfield, Williams and Hughes, which would create a new Child Care Agency to seek a long-term solution of the problem of the abandoned children of South Vietnam, many of them, we repeat, half-American.

On February 8, 1972, I joined the gentlemen from Wisconsin (Mr. KASTENMEIER) and several other colleagues in introducing H.R. 13031, a House version of the Vietnam Children's Care Agency legislation mentioned in the editorial. As a Minneapolis Tribune editorial of February 12 points out:

... the Government [the United States government] could do much of what is pro-

posed in the legislation, without vote of Congress, if it were sufficiently motivated to translate pronounced official "serious and continuing concern" into official action.

Our Government could start by making strong and unmistakable protests about the Longthanh outrage.

[From the Minneapolis Tribune, Feb. 12, 1972]

#### ONLY "CONCERN" FOR VIETNAM KIDS?

Billions for reconstruction tomorrow, but how much for children today? The question can appropriately be asked in view of the recent announcement that the U.S. government offered \$7.5 billion over the next five years to help rebuild war-torn Indochina. Meantime, the United States has done almost nothing to assist the hapless young victims of the Vietnamese parents and the children fathered by American GIs and civilians.

An article on this page Jan. 28 pointed out that there are many thousands of Vietnamese-American children—estimates range from 5,000 to 400,000. Other figures list 92,000 orphans and 210,000 children whose Vietnamese fathers were killed in the war. Yet, as recently as 1970, reported the New York Times, the Defense Department said that the welfare of the children was not an area of government responsibility. Evidence of this unconcern was seen in late 1969 when the State Department sent a social worker to Vietnam to study the problem, and then abolished the job after she arrived because the United Nations had two persons there doing similar work.

Report after report from Vietnam indicates that additional facilities and personnel are needed to care for these children. Some of the children are simply roaming the streets. Others are living with mothers or relatives in seriously inadequate circumstances. Many are in crowded orphanages. Lack of proper care resulted in an attack of pneumonia and a case of polio for one child—both while a Roseville couple was trying to cut red tape for adoption. The child may never walk again.

Much of the American aid until now has come from private agencies, volunteer organizations such as Parents Aiding Children Today (PACT) in Minnesota, and GIs and former GIs who are concerned about the children. PACT is supporting—with some difficulty—the monthly salary of a South Vietnamese social worker. A group of young people in southern California is collecting clothes, medical supplies and sewing materials for nine orphanages in Vietnam. Other groups around the country are raising money and urging the adoption of Vietnamese-American orphans.

These efforts, although worthy, fall far short of the need. The French set a good example for this country toward the end of their colonial rule, when they repatriated and supported 5,000 unwanted French-Vietnamese children. The children who remained in Vietnam with their mothers were educated at the expense of the French government.

The U.S. has the resources to go beyond such action and assist in setting up child-care programs for all the children suffering from the war, whether Vietnamese or Vietnamese-American. One expert says day-care facilities and aid for Vietnamese social workers, many of whom now cannot get employment, are especially needed. The Williams bill in the Senate, which calls for adoptions here and child-care in Vietnam, is the best of the legislative proposals. But the government could do much of what is proposed in the legislation, without vote of Congress, if it were sufficiently motivated to translate the recently pronounced official "serious and continuing concern" into official action.

#### IMPORT SHOCK WAVES

#### HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. GAYDOS. Mr. Speaker, since the first of the year, the American steel industry and the steelworker have been clouted with one shock wave after another from foreign competitors.

The first, of course, was the official confirmation of what everyone in the country had been expecting: the news that a record high tonnage of imports had flooded the country last year, 18.3 million tons, and the undeniable admission that the so-called Voluntary Restraint Arrangement of 1968 had been ripped to shreds during 1971, the last year of its 3-year limit. Provisions of the VRA as to tonnage and product mix were totally ignored and flagrantly violated.

The second wave did lift some eyebrows. It was the revelation that the Soviet Union had outproduced the United States, and every other country, in total steel production in 1971. Russia was credited with making 132 million tons of steel, while the United States produced only 120 million tons. It caught many people by surprise since all eyes have been turned toward Japan as the major U.S. competitor. The Japanese have made no secret about the fact they expect to outstrip the United States as the major steel producer by 1975. Apparently, the American steel industry now is in second place and heading toward third.

However, it was the last shock wave which has triggered an angry reaction among the Nation's steelworkers. It is the knowledge that a major U.S. auto manufacturer is allowing a domestic plant, one located at New Stanton in Pennsylvania, to gather dust while the same firm is producing its product abroad and bringing it into the United States as a finished item and sold under the guise of being American-made.

This shocking revelation was made by my good friend and esteemed colleague, the Honorable JOHN H. DENT of Westmoreland County in Pennsylvania—the home of the idle auto plant. Mr. DENT has long been championing the cause against uncontrolled imports and what they will do to the American employment picture.

Mr. Speaker, I am inserting into the RECORD a copy of the article written by John P. Moody of the Pittsburgh Post-Gazette, which pertains to Mr. DENT's discovery. I would like to call the attention of my colleagues to the article and urge them to read it, for foreign imports cost the steelworkers of America an estimated 100,000 jobs last year.

The item follows:

[From the Pittsburgh Post-Gazette, Feb. 4, 1972]

CHRYSLER PRODUCTS BUILT IN JAPAN, DENT SAYS

WITH AREA PLANTS IDLE, IMPORTS HEAT UP USW (By John P. Moody)

PHILADELPHIA.—Pittsburgh area steelworkers, already troubled by foreign imports, seethed last night at news that Chrysler Corp. is leaving an area plant idle while producing



abroad and bringing finished autos into the country to sell as American-made products.

Joseph Odorich, USW District 15 director, said some of the Chrysler products actually were being promoted by steelworkers in a "Buy America" campaign.

Chrysler Corp. officials were not immediately available for comment.

The steelworkers plan to take the issues up today with Gov. Milton Shapp when he comes here to address the closing session of the union's Legislative Committee of Pennsylvania which the steelworkers are attending.

Chrysler built and was scheduled to commence auto production in a new plant at New Stanton, Westmoreland County. Employment at one time was expected to reach 4,000. Odorich said 20,000 had been interviewed for jobs.

News of the Chrysler foreign production was given to steelworkers yesterday by U.S. Rep. John H. Dent, Westmoreland Democrat, when they visited him in Washington to discuss area unemployment.

Returning to Philadelphia, the committee reported to Odorich and quoted Dent as saying the autos are being manufactured in Japan. The cars, according to George Kut-ska and Russell Bertsgstedt, members of the committee, are being imported with U.S. State Department approval and sold without any identifying markings that would show they are foreign-made.

Steel mills in the Mon Valley have been operating far below capacity and many workers are on layoff. Both the industry and the USW blame much of their plight on foreign imports which totalled 18 millions tons last year, the equivalent of 100,000 steelworker jobs.

Ritzle Caldron, president of the USW local in Monessen, said he and other steelworkers will try to meet with Shapp today and make plans for a confrontation with Chrysler people as well as members of the State Department to discuss the foreign import situation and the New Stanton plant which never has been put into operation.

Meanwhile, steelworkers at the Legislative Committee session today will be asked to back a movement calling for Blue Cross and Medicare to include chiropractors in their payment coverage program.

The resolution is one of three that 600 delegates will vote on today.

Other resolutions call for federal protection of workers' pensions and a reciprocal tax agreement between Pennsylvania and adjoining states to prevent double taxation of residents working in other states.

The chiropractor resolution has the support of 30 USW locals, all in the Greater Pittsburgh area. It called on the state AFL-CIO to get behind efforts for state legislation to include chiropractic coverage in the Blue Shield and Medicare programs.

The chiropractor has been a controversial figure in state health programs. The AFL-CIO traditionally has opposed their inclusion in Blue Cross and Medicare.

The resolution charges that "too often physicians have not been able to give relief from pain and agony . . . so that it was necessary to resort to chiropractic services."

The resolution says many steelworkers have had to pay for medical treatment while maintaining health and hospital medical insurance.

The reciprocal tax proposal is based on an agreement now existing between Kentucky and Ohio where persons living in one state and working in the other pay only the taxes of the state in which they live.

In an intra-union political development, John W. Hughey, grievance chairman for Local 1253 in Rankin, announced he will be a candidate for the USW District 15 directorship in the union's 1973 election.

Odorich is the incumbent director, and is expected to seek re-election.

## HOLY CROSS RELIGIOUS ISSUE STATEMENT CONDEMNING RE- NEWED BOMBING OF NORTH VIETNAM

### HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. BRADEMAS. Mr. Speaker, I have the honor of representing in Congress many religious of the Order of the Holy Cross.

Recently a large majority of Holy Cross religious, following a community meeting, issued a statement strongly criticizing the renewed bombing of North Vietnam.

I include at this point in the RECORD the text of the news release prepared by the Ave Maria Press which incorporated this statement of moral concern.

The text of the release follows:

#### HOLY CROSS RELIGIOUS PROCLAIM "OUTRAGE" OVER ETHICAL COLLAPSE OF NATIONAL POLI- CIES

NOTRE DAME, IND., December 30.—A large majority of Holy Cross religious, assembled in a community meeting of the priests' provinces, endorsed a spontaneous statement of "moral outrage" over the renewed bombing of North Vietnam.

The protest, signed by 128 of the 140 priests, brothers and seminarians present, was described as unique in the history of the religious congregation.

The statement read: "We the undersigned members of Holy Cross are outraged by the decision of the United States government to renew the bombing of North Vietnam. We especially deplore the fact that this decision was made at a time when the institutions of democratic process and legitimate protest were adjourned and celebrating the season of peace."

"We feel," the statement continued, "that this decision was wrong and violates the conviction of a growing number of American citizens. This decision represents a continuing pattern of violence, unrestrained force and deception which characterizes our nation's foreign policy and exceeds all acceptable moral limits."

Among the signers were the Rev. Howard Kenna, Provincial Superior of the Indiana Province and the Rev. James Burchaell, Provost of the University of Notre Dame.

Speaking for the group, Father John Reedy, publisher of Ave Maria Press, highlighted the significance of the action in the following terms:

"As a group, this community has been very restrained in its public criticism of national policy. Never before have so many of our members, in such spontaneous action, felt compelled to express such a moral judgment."

The statement, he said, arose from a meeting assembled for completely different purposes concerning the renewal of the religious life.

Father Reedy continued, "These men are speaking from experience as teachers in universities and high schools, in parishes and the religious press, in accordance to the people of Chile, Uganda and what is now Bangladesh."

Though the statement focuses on the specific decision to accelerate the bombing of North Vietnam, Father Reedy said that it was formulated in discussions of similar concerns regarding what appears to be an "ethical impotence" governing American policies toward Bangladesh, toward Latin American and toward the Third World in general.

"We foresee a frightening crisis of na-

tional confidence" he said, "as a growing number of our influential citizens—opinion shapers—conclude that the immense power of our nation is being exercised without any discernible ethical norms."

He added, "Raw head-counts, through opinion polls, provide a treacherous security when constantly increasing numbers of clergymen, teachers, legislators and press are unable to give moral support to national policies."

"We are not speaking of one administration," he said. "The trend has been developing and growing throughout the recent administrations, under the leadership of both parties."

"If this trend continues, many of us foresee a catastrophic collapse of support for our government."

"We cannot claim there is no ethical thought behind these policies," he said. "But if there is, it is not being conveyed in any convincing way to vast numbers of our citizens whose concern, education and experience should enable them to understand the actions being taken in the name of our nation."

Father Reedy concluded that this response of religious spokesmen conformed to the many pleas expressed in the October Synod of Catholic Bishops, pleas for churchmen to see as an integral part of the priestly ministry a prophetic protest against those institutions, structures and policies which oppress and degrade human life wherever it exists.

## STABILIZING THE CONSTRUCTION INDUSTRY

### HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. ROBISON of New York. Mr. Speaker, a few nights ago it was my privilege to speak at the 30th annual dinner meeting of the Associated Building Contractors of the Triple Cities, Inc.—"triple cities" in this context meaning the metropolitan complex of Binghamton, Johnson City, and Endicott, in up-State New York.

During my conversations with my hosts, both before and after my own remarks, I was reminded once again of the difficulties this vital industry has had, in recent years, with its disproportionately large labor costs that have threatened to escalate themselves right out of sight, to the point where some projects were simply pricing themselves out of the market.

This is a problem—a very special problem—the effects of which have, I am sure, been made clear to all of us. It has likewise been a problem of growing concern to me, as my prior discussions with both construction-employer and employee-union heads in my district have disclosed the fact that each, in their own ways, have unhappily concluded that they were riding, together, on an economic merry-go-round that spun ever faster and faster and that neither knew how to get off of, even though staying on meant inevitable disaster.

In any event, the February 22 issue of the Wall Street Journal carries a column by Lindley H. Clark, Jr., outlining how this industry got itself into the fix it is in—with governmental assistance, of course—describing how the recently es-

established construction industry stabilization committee has been trying to wrestle with the problem, and suggesting, finally, what the eventual congressional responsibility may turn out to be in this regard. It is a column well worth reading—by all of us—and is herewith set forth with that thought in mind:

**SPEAKING OF BUSINESS—CONSTRUCTIVE IDEAS**  
(By Lindley H. Clark, Jr.)

At a recent conference at the Brookings Institution, several economists were discussing the performance of the Construction Industry Stabilization Committee. Most of the participants agreed that the group had done rather well at a difficult job, but they also felt that the committee by itself could not solve the industry's problems.

Early in 1971 construction industry wages were racing upward so rapidly that even the unions were concerned. Heavy labor costs were helping to price some projects out of the market, so that industry unemployment was far above the national average.

After initial rumbles of reluctance the unions agreed to go along with establishment of the stabilization committee, which was set up last March. In addition to labor members, the group also includes public and management representatives.

Facing the committee was the fact that average first-year increases in 1970 contracts had been 15% and that settlements in the first quarter of 1971 had run even higher. Unions obviously were trying to outrace inflation, and some of them were succeeding well.

That was only the first of the problems, though. Negotiations were usually on the local level on a craft-by-craft basis. If one craft won a sizable increase, the others tried not to equal it but to surpass it. The costly game of leapfrog went on and on.

Although local employers bargained together, they weren't strong enough to face down the local unions, supported by their national organizations. Many builders were thinly financed, unable to take a strike of any length. Moreover, there had been few cases where employers had won strikes in recent years, a record that tended to discourage even the larger builders.

The stabilization group nonetheless decided to set a ceiling of 6% on future wage increases. As Princeton's Albert Rees noted at the Brookings meeting, however, the committee left itself—and the unions—a loophole.

As Professor Rees said, the group "provided that equity adjustments 'may, where carefully identified, be considered over the life of the contract to restore traditional relationships among crafts in a single locality and within the same craft in surrounding localities.'"

Equity, like beauty, lies in the eyes of the beholder. Use of this criterion has meant that settlements approved by the stabilization committee are still much bigger than 6%—almost twice as big, in fact. Similar considerations of "equity" have helped to keep the Pay Board's awards well above its own 5.5% guidelines.

Professor Rees feels that once all of the so-called equity cases are out of the way the construction committee's job will be easier, and he may be right. In this system of setting wages by fiat, though, some observers may wonder when, if ever, all the unions will agree that they are being treated equitably.

If a local union's big wage increase forces—for reasons of equity—a number of other large wage increases, we may have been experiencing "more of a wage-wage spiral than a wage-price spiral," commented Arthur Okun, who headed President Johnson's Council of Economic Advisers.

"Wage explosions can occur for no obvious reason," he continued. "We are led to the no-

tion that wage rate wars can break out, much as gasoline price wars do. These seem to occur when craft unions deal with small employers, not only in construction but also among printers, teamsters and dockworkers. Perhaps it reflects the absence of countervailing power on the management side, which would tend to moderate the settlements."

That's a sound thought. If that's the way things are, Mr. Okun says, the situation "ought to be changed by institutional reform or by controls. It should not be dignified as 'equity.' I don't view it as equity that, when one chicken gets out of the coop, all the others have to be let out, too."

Naturally, we would prefer the approach of institutional reform, and Princeton's Professor Rees has some ideas along that line. He suggests, for instance, that bargaining might be broadened to cover wider areas, though he would stop far short of national negotiations. In this way the employers might be able to muster greater strength on their side of the bargaining table.

To curb leapfrogging Professor Rees would encourage multicraft agreements. Whether this would work on a voluntary basis or not depends on whether the unions think they could do as well by pooling forces as they do now.

Even the unions, however, may be beginning to realize that they can't always have everything as they want it. The general wage-price control setup, bitterly criticized by organized labor, still has the support of most of the public—despite recognition of the system's numerous flaws.

Sooner or later, Congress is going to have to get around to a general overhaul of labor law, in an effort to move back toward the bargaining-table balance that was envisioned by authors of the National Labor Relations Act in the 1930s.

As part of that overhaul, and of special relevance to construction, the lawmakers surely should scrap the Davis-Bacon Act. This law in theory compels federal contractors to pay the prevailing local wage. In practice it has meant that prevailing union wage and, if there is no union in the community, the nearest union wage that anyone can find.

Davis-Bacon plainly has served as a federal floor under construction wages, helping the unions to extend gains in one area to many others. The practice of leapfrogging, in other words, has had a lot of help from the government.

We would also want to stress that unions, in construction or anywhere else, cannot cause inflation, even when they engage in wage wars. They can and do put upward pressure on prices by raising costs, but they will only increase their own members' unemployment unless the government accommodates them by engaging in inflationary policies.

Although the government lately has been pretty accommodating, it hasn't taken care of the construction industry increases. At last count unemployment in the industry was still over 11%, nearly double the national rate. The government can help stabilize the industry, but it will have to do more than set up a union-management-public committee.

#### VEYSEY DISTRICT QUESTIONNAIRE

**HON. VICTOR V. VEYSEY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. VEYSEY. Mr. Speaker, as has been my custom, I am once again seeking the opinions of my constituents on a num-

ber of the pressing issues before the Nation. The poll is going to 270,000 households in my congressional district, and I will announce the results in the CONGRESSIONAL RECORD as soon as they have been tabulated.

The questionnaire follows:

Please place a "yes," "no," or appropriate answer in the space to the left of the question. You need not answer all questions. Your answers will be held to be confidential. Mail either as a postal card or enclosed in an envelope.

1. What should we do about the Vietnam War? (Check one only, please.)

(a) Withdraw all U.S. forces immediately, and let South Vietnam fend for itself;

(b) Congress should set a firm date to withdraw our forces;

(c) Continue the President's policy of Vietnamization (i.e., withdraw in stages and turn the combat over to the South Vietnamese);

(d) Strive for a military victory.

2. Would you suggest a major increase in federal funding of public schools as a substitute for local property taxes?

3. Do you think that federal regulation of prices and wages since last August is satisfactorily curbing the rising cost of living?

4. Should Congress force settlement of labor disputes where the national interest is involved such as transportation or dock strikes?

5. Should the federal government establish national standards for and regulate blood banks?

6. From what you have read, do you believe our military strength is adequate for our needs?

7. In the area of national health insurance, which do you prefer? (Check one only, please.)

(a) An expansion of federal health care for the working poor and unemployed;

(b) Tax credits to purchase private insurance protection;

(c) A federal program to help pay catastrophic medical costs;

(d) Government financed health care for everybody;

(e) No new federal legislation in this area.

8. Should the United States expand trade and diplomatic relations with Communist China?

9. Do you support busing of children as a means of improving the quality of education in the schools?

10. Do you think social security payments should increase automatically with a rise in the cost of living?

11. Should the United States sell additional arms to Israel?

12. I normally vote (check just ONE please) ——— Democratic; ——— Republican; ——— Other; and would like to see that party nominate as its Presidential candidate (write just ONE name, please).

Check if you want to receive my newsletter.

Name.

Street.

City.

Zip.

NEW YORK POST SUPPORTS  
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**HON. JONATHAN B. BINGHAM**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. BINGHAM. Mr. Speaker, the Citizens Anti-Crime Patrol Assistance Act (H.R. 12262), which I introduced on December 13, 1971, and reintroduced with



14 cosponsors on February 17, has received enthusiastic endorsement from the New York Post. The text of a February 19 New York Post editorial supporting this legislation follows:

OF CRIME AND PREVENTION

1. REALISM ABOUT DRUGS

2. CITIZEN REINFORCEMENTS

There is no shortage of talk about crime in the streets; too much of it is political rhetoric that does nothing to alter the reality. Something more affirmative and hopeful is embodied in the "Citizens Anti-Crime Patrol Assistance Act" being sponsored by Rep. Bingham (D-Bronx) and endorsed by a notably biracial group of fourteen other Congressmen.

It provides for an allocation of \$275 million over the next three years to promote the formation of community patrols operating on a local, neighborhood level. Together with auxiliary police units now in existence, they would work under the overall supervision of the police and they would be unarmed; they would provide an important, reassuring additional presence and service for many harassed areas, without any taint of irresponsible vigilanteism. The appropriation would, among other things, permit some minimal compensation for the volunteers.

A national Administration that has devoted so much lung-power to anti-crime pronouncements should be able to find its voice to support the Bingham bill. It could mean wide, dedicated public participation in the fight against fear in the cities.

After meeting Dr. Morley at the London School of Public Hygiene, where he was studying tropical public health, Dr. Cunningham returned and tried a similar approach in Lagos.

"In the Peace Corps, we had a team of 18, and I was the director of the first medical project in Togo," Dr. Cunningham recalled recently during a relatively quiet day at the clinic.

"We brought in masses of first-class American equipment and drugs, but Africa taught me that this was not the way. It was too much for a little, poor country. Expensive medical care couldn't be maintained, and they couldn't afford to provide drugs or experienced personnel." He said the Togolese trained in his project were sent by the Government to other parts of the country and the Government relied on his people while they were there.

Dr. Cunningham, who is also assistant professor in the Department of Community Medicine at Mount Sinai, explained that it was after he met Dr. Morley that he realized first-class medicine was a failure if it did not provide care for people.

MIDWIVES UTILIZED

What Dr. Morley did was create a system not built around doctors who are not around or who do not enjoy being there when they are, but around people who like living there—using indigenous midwives rather than models from Paris, Moscow or New York."

By eliminating a lot of diagnostic tests, cutting down on giving a lot of expensive drugs and emphasizing both preventive and curative medicine that can be administered at home, the cost of visits averaged out to about 15 cents a visit and less than \$5 a child a year, according to Dr. Cunningham.

Among other things, he said, the families were taught about disease, how to hydrate, before dehydration makes hospitalization an absolute necessity, how to treat minor burns and infections by cleaning them in the home, and how to stop diarrhea.

SANITATION A PROBLEM

"Sanitation there is a problem," Dr. Cunningham explained, "so you could place your emphasis on getting money for new pipe

systems, but there is no money. Or you could wait until the child gets sick and send him to the hospital—the Western way. Or you could teach the people that mild diarrhea is self-limiting, that instead of stopping water, you increase it and add a little salt.

"A doctor dealing with the problem does not usually involve the mother in solving it. A nurse explains, the mother becomes involved in solving the problem and next time she knows and doesn't have to ask."

And while mothers in East Harlem may not have to deal with poor sanitation as a problem, the process in dealing with problems is the same.

HEALTH TEAM EMPHASIZED

At the Wagner Project which is supported under the Model Cities Treating Physicians Program, acting through the Health Services Administration, and by Mount Sinai as well, emphasis is placed not on the doctor but on the health team, which includes nurses, community aides and mothers and fathers. Doctors and nurses were either hired for the project or provided by the Department of Health.

Dr. Cunningham's co-director, Kim Thomstad, a nurse, has found out that the community health workers—most of whom are bilingual and live in the area—are much better at talking to patients with problems—both medical and domestic—than the nurses, "despite our years of studying interviewing techniques."

Miss Thomstad also said the paraprofessionals, who earned \$7,000 to \$8,000 a year, also learned laboratory work—how to conduct various tests—and go into the home, as well.

Health workers and parents praise the facility, a brightly decorated eight-room apartment on the ground floor of the Wagner Housing Project. About half of their patients come from there, the other half from nearby tenements. There are about 20,000 families in Health Area 17—north of 119th Street and east of Third Avenue.

"It's the only place that you don't have to spend two carfares to get to when your baby is sick," said Mrs. Lynne Williams, who is organizing the mothers in the area. "And when your baby is well, you see the same doctor each time, so that you don't have to explain things over and over and you don't have to wait."

Dr. Cunningham said he strongly favored health stations that serviced small geographical areas and provided comprehensive medical care.

"It's not second-class medicine," he said. "It's simply adding to the system. And while it is a good solution for inner-city children, today it is becoming necessary for everybody—from migrant workers to people in Scarsdale. If people in the suburbs start this kind of care early, too, they might find some answers, like why their kids are getting on drugs."

TRAVELS TO NORTHERN IRELAND

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES  
Wednesday, February 23, 1972

PART I: THE MARCH AT NEWRY

Mr. BIAGGI. Mr. Speaker, over the course of the last 2 years, I have been extremely active in trying to bring about a solution to the tragic situation in Northern Ireland. I was the first Member of Congress to introduce legislation calling for an end to hostilities, the withdrawal of British troops, and the holding of a plebiscite of all of Ireland to deter-

mine the question of national reunification.

I have also introduced legislation to provide 25,000 emergency refugee visas for residents of Northern Ireland. This would provide speedy entry into the United States in time of emergency in much the same way as this Nation provided for the Hungarians and the Cubans in the past.

Additionally, I have called upon the Nixon administration repeatedly to intervene in the situation and to use all available channels to resolve the conflict. Thus far, no action has been taken. I have also contacted the United Nations on several occasions to urge an inquiry into the atrocities being committed and to seek an international settlement of the problems. Most recently, I called for a United Nations investigation into the shooting in Derry.

In August of last year, I sent my daughter Jacqueline, and a member of my staff, Carol Nolan, to Northern Ireland to investigate conditions at that time. This was the first month the Special Powers Act was put to full use.

They returned with reports of atrocities which were taking place in the detention camps there. Horror stories of gestapo-like arrests in the early morning hours were commonplace. For the last several months I have been including affidavits from detainees in my remarks in the CONGRESSIONAL RECORD. Just recently I have called on the Government of Northern Ireland to release the Red Cross report on the conditions in these camps. This report has been suppressed for over 2 months.

When the killing of the Derry 13 occurred, I was not satisfied with the confusing and conflicting reports which were in the press at that time. Furthermore, to me as a professional police officer, the incidents as reported did not ring true.

Following the killings in Derry, a second march was immediately scheduled for the town of Newry. The plans were denounced by the Stormont and British Governments. The equally adamant stand by the march organizers, however, seemed to indicate that a confrontation was imminent. With upward of 100,000 participants expected, Newry presented a great potential for an even more bloody Sunday than the Derry affair.

At this point, I felt the only way I would have all the facts on this new march was to be there in person. My family tried to dissuade me from going. Surely, the prospects of death or injury were high. The presence of so many diverse groups with diametrically opposite objectives—the police versus the marchers, the army versus the IRA—set the stage for a potential explosion that would rock the world.

On Saturday evening I spoke at an Irish rally in New York at which I pledged my support of a 1-day boycott set for March 1, of British goods from Maine to Texas. On hand was Thomas W. (Teddy) Gleason, president of the AFL-CIO International Longshoremen's Association and other labor leaders.

Following the rally, I took a late night Aer Lingus flight to Dublin, arriving at

10:30 Sunday morning, the day of the march. On board my flight was the U.S. Ambassador to Ireland, John Moore. While my escort from the Civil Rights Association was not at the airport to meet me, U.S. embassy officials were. Ambassador Moore tried at great length to convince me not to go to Newry. The killing or injury of a U.S. Congressman, he argued, would have a worldwide impact on the situation.

Despite his pleadings, I rented a car and motored as far as Dundalk on the Republic side of the border. I had a contact in the town, a Mrs. Irene Quinn, who owned the Imperial and Balymascanon hotels. Entering the Imperial, I was shocked to hear my name shouted from across the lobby. More startling was the personage to whom the voice belonged, Gene Foley, an old friend from Hastings, N.Y.

As the luck of the Irish would have it, Gene Foley was able to secure his friend Bill Fuller's four-door Cadillac—with New York license plates no less—to make the trip to Newry. Neal Blaney, a Dublin member of Parliament, joined us for the journey. As we motored across the Irish countryside, each of us felt the incongruity of the situation. Here was this large American car with American passengers traveling along side small cars, bikes, buses, and trucks filled with countless thousands of Irishmen. All had a unity of purpose in mind—to join the march of protest at Newry.

Excitement, uncertainty, and a bit of fear bristled through the air. Each potential marcher wondered whether this would be his last trek through his beautiful Ireland. And most striking that I marveled how any Irishman could ever find it in his heart to leave.

A few miles outside Newry we encountered our first military blockade. The sight of British commandos with their black pitch-smeared faces and carbines at the ready stood as stark testimony to the reality of the situation. Here was a country at war.

The blockade itself was a heavy wooden structure with large rolls of barbed wire. The constant blaring of the bull horn warning that marches were prohibited underscored the fear already building in the crowd.

To emphasize their intent on controlling the situation, the British troops insisted that people pass through the barricade two at a time. Once, on the other side, each of us was subjected to a thorough body search. Probably, as a U.S. Congressman, I could have protested this insulting treatment and gotten by without having to be searched. Yet, the tense atmosphere warned me that such protests would be folly in light of the confrontation that might possibly result.

Blockades set up at key points along all the roads each utilized the same pairing processes. All this seemed to accomplish was to stretch out the marchers for miles.

With the overcast sky, the soldiers lining the route and armed lorries patrolling the route, I felt like I was part of a column of refugees leaving a doomed town. Only our direction was toward the point of possible disruption—not away

from it. As we drew nearer to Newry, I urged those in my party to stay in groups of two's and three's so as to maintain a low profile and thus not attract too much attention.

As we approached the town square, we could see where the marchers had planned to assemble. A huge blockade presenting a fearsome entanglement of barbed wire, soldiers and military weaponry barred passage to the gathering site. Had there been a confrontation at that point, there surely would have been bloodshed. The organizers did an extremely creditable job of advance preparation. Contingency plans were implemented and the march was diverted into a grassy area called Rooney's Meadow. Solemnity prevailed and as the march proceeded along it was thunderous in its silence. The organizers were constantly alert, almost fanatic in their efforts to maintain order and avert trouble.

It took 2½ hours for the marchers to assemble in the green for a spate of speeches and demonstrations of unity. The crowd was a potpourri of men, women and children, the young and the old, the rich and the poor, all manner of Irishmen. As I maneuvered through the crowd, I encountered numerous press correspondents from all over the world. When asked why I was there, I answered that I wanted a true, firsthand picture of what was going on in Northern Ireland. I added that I felt the presence of a U.S. Congressman might deter violence as well.

Throughout the afternoon and into the evening, the speakers were constantly interrupted by six helicopters that patrolled the sky overhead. Periodically came the monotone announcement that the procession was against the law and that continued activity was at the risk of the participants involved.

With the thoughts of Derry fresh in everyone's mind, no one quite knew what to expect. Would the soldiers move in to break up the rally? None of the 50,000 marchers was deterred. When finally all were packed into the site, the speeches began. Mr. McShane, chairman of the rally, introduced the speakers to the crowd from atop a lorry.

The crowd quieted down as the first speaker, Michael Keogh, a local Nationalist Member of Parliament, started to attack the British policies in Northern Ireland. He was followed by other Stormont and Westminster M.P.'s and by speakers from the Northern Ireland Civil Rights Association. Mr. Thomas Driberg, who had not marched but had followed the proceedings as an observer, was a member of the British Parliament and the only speaker from England. I shared the speakers' platform for a short time, but spent the remainder of the time among the crowds talking to the people.

The speeches carried into the night. Miss Bernadette Devlin, the Independent M.P. from Mid-Ulster, was the last to speak and received the warmest welcome.

Throughout the speaking, the continual clattering of helicopters completed a grim picture reminiscent of scenes from George Orwell's 1984. I was there: I observed it; but I still find it difficult to believe.

I reflected on how wonderful our country is where the right of assembly is constitutionally guaranteed. Sometimes, of course, questions are raised when it appears that those who are trying to destroy our Nation are actually granted the same privilege.

As darkness fell, the speeches ended and the people left for their homes. For most it meant a 3-mile walk to their cars and buses in the blackness of the night. All was not quite as calm as it appeared, however, for periodically we would hear the ominous click of a carbine. This fact acquired additional significance when you consider that the killings at Derry occurred at the time of dispersal.

When I returned to my hotel, the Balymascanon, everyone was delighted with what had occurred that day. This success filled the marchers' heads with many extravagant plans for future demonstrations. However, my appraisal in the cold light of reality was not as optimistic. I was not as certain as they that the British would permit continued marches without intervention at some point. I know that if there were intervention violence would result. Already in the few weeks since the march, violence has begun again and more lives lost.

As for the march in Newry, however, a great deal of credit must be given to all who participated. They had reflected a sense of responsibility and practiced extreme restraint in order to avoid what appeared to be the inescapable conclusion—violence.

It was a great tribute to those who gave their lives in Derry. Surely, the tragic and needless killings in that town resulted in the unity of all Irishmen, not only in Ireland itself, but throughout the world. Moreover, it focused attention on the troubles in Northern Ireland and produced a great response from all mankind. For the first time the Irish were no longer fighting alone. People of good will had now begun to act.

#### TO HALT FORCED BUSING, SEEK ITS ORIGIN

**HON. JOHN R. RARICK**

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. RARICK. Mr. Speaker, since the "landmark" 1954 Supreme Court ruling in the case of Brown against Topeka, Kansas Board of Education, public education in the United States has continued to retrogress as judicial usurpation and tyranny progressed. It remained for a 1971 decision by a U.S. district judge in Richmond, Va., to order the consolidation of the school systems of the city of Richmond and two adjacent counties to inflame the people over the danger of the erosion of local governments. The people recognize instinctively that what happened at Richmond could also occur at New York, Detroit, Chicago or Los Angeles and that the dangers created by the Richmond case must be overcome.

The lack of informed leadership based upon an understanding of the Constitu-



tion has forced organized demonstrations at State Capitols, rallies in Washington, D.C. and much other "sound and fury." While the instincts of our people are sound and correct, the activities in which they have been engaged may be exercises in futility because they do not get to the heart of the problem.

The question involves the police powers of the States and it is the governments of the States acting in their highest sovereign capacities through legislative enactments in the exercise of their vast power under the Constitution that must clarify and make definite what is the law with regard to the health and safety as well as education of their citizens' children.

Instead of facing the grave school question by enforcing the law of the land which prevents busing of students to overcome racial imbalance, high officials are misleading the people by ignoring the law and further confusing the issue.

In a thoughtful paper Lt. Col. Arch E. Roberts seeks the origins of the present dilemma.

I ask that it be inserted in the RECORD at this point.

TO HALT FORCED BUSING, SEEK ITS ORIGINS  
(By Archibald E. Roberts, Lt. Col., AUS, ret.)

Instinctive rejection by irate parents of the Virginia inter-county busing order, and national defiance of other revolutionary directives to achieve "racial balance," reveals a proper reverence for constitutional freedoms by the average American family.

Lack of informed leadership to give this promising protest direction and purpose may, however, doom a potential challenge to tyranny to a mere exercise in futility.

The immediate cause for the mounting constitutional crisis over forced integration of State schools is the failure of State governments to arrest the usurpation of governmental powers by international agencies.

Not one of the States affected by the United States Supreme Court order of 29 October, 1969, has organized its legal and legislative forces to meet this challenge to its sovereignty. As a consequence the free public school system in America faces inevitable collapse and ultimate assumption of a world government authority.

The real issue before State governments is that: a. Federal "laws" are promulgated by the United Nations Organization; and, b. These ultra vires acts are foisted upon State governments, and the citizens they represent, by federal agencies acting in violation of the United States Constitution.

Intervention by the United Nations Organization in public education was succinctly revealed by Mr. Carl B. Rix, former president, The American Bar Association, before Senate committee which was hearing testimony on the Bricker Amendment, 11 May, 1955.

Under the new-found United Nations Treaty powers, Mr. Rix noted, the Congress "may enact a comprehensive education bill, providing for education in any State which does not provide it. In fact," he said, "it may take over all public education now provided by States and municipalities."

"Congress is no longer bound by its constitutional system of delegated power," said attorney Rix. "Its only test is under the obligatory (the word is that of the Attorney General) power to promote human rights in these fields of endeavor: Civil, political, economic, social and cultural. These are found in articles 55 and 56 of the Charter of the United Nations, a ratified and approved treaty. They are being promoted in all parts of the world by the United Nations," he declared.

"Congress may now legislate as an uninhibited body with no shackles of delegated

powers under the Constitution. Our entire system of a government of delegated powers of Congress has been changed to a system of undelegated power without amendment by the people of the United States."

The new test of constitutionality applies to all legislation by Congress since 1945, which deals with any of the five fields of endeavor. Any Judge deciding on the validity of legislation must have two books before him—one, the Constitution of the United States and the other—the Charter of the United Nations. If he does not find authority for the act in the Constitution, he will find it in the Charter. This is the exact situation in which U.S. District Judge Robert R. Merhinge, Jr., found himself last January in ordering the seventy percent black city school system of Richmond, Virginia, desegregated through merger with the ninety percent white system of two suburban counties.

"The question to be answered is this," Mr. Rix concluded: "Which form of government (U.S. Constitution or U.N. Charter) do the people of the United States prefer to live? Manifestly, we cannot operate under both."

Also testifying on the Bricker Amendment, Senator Pat McCarran declared the United Nations Charter "a clear and present danger to the Constitution of the United States. This danger," he said, "stems from the fact that the traditional balance of powers and separation of powers, under the Constitution, have been upset by the growing doctrine of the supremacy of treaties and the authority of the Congress, under treaties, to take action not otherwise open to it."

"The Congress of the United States today, because of power granted to it by treaty, could enact laws to control and regulate all education . . . I do not want the Congress to have this dangerous power," said Senator McCarran.

Testifying before the Committee on the Judiciary of the United States Senate, the Attorney General of the United States, on April 7, 1953, took the position that action under articles 55 and 56, United Nations Charter, is obligatory.

"A notable example," he said, "is articles 55 and 56 of the United Nations Charter, obligating the parties to promote stated social and economic objectives and pledging themselves to take joint and separate action for the achievement of these purposes."

It is by such deceit that forced integration of the State school systems, and of the American society, became the "Law of the Land."

Origin of the forced busing subterfuge is United Nations General Assembly Resolution 1904, "The United Nations Declaration on the Elimination of All Forms of Racial Discrimination." This sweeping decree, humanitarian on the surface but basically subversive, was adopted by the one hundred nineteen nation body on 20 November, 1963. Ambassador Arthur J. Goldberg signed on behalf of the United States on 28 September, 1966. By the end of that year forty-eight U.N. member states had signed the resolution and five had ratified or acceded to it.

Resolution 1904 is, of course, couched in the most disarming language.

"The Charter of the United Nations," it begins, "is based on the principle of the dignity and equality of all human beings."

This cruel hoax is rooted in Article 55 of the U.N. Charter which states in part:

" . . . the United Nations shall promote . . . universal respect for . . . human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion."

An even earlier source was the cry of the French Revolution (1789), "Liberty, Equality, Fraternity," a slogan which claimed the lives of one and a half million French citizens.

Following a lengthy preamble Resolution 1904 then declares that (because) ". . . the

building of a world society free from all forms of racial segregation and discrimination . . . is one of the fundamental objectives of the United Nations. . . . All (member) states shall take effective measures to revise governmental and other public policies and to rescind laws and regulations which have the effect of creating and perpetuating racial discrimination wherever it still exists."

Forced busing, racial balance, and other mandatory directives imposed upon State school systems suggests that the real intent of Resolution 1904, and the United Nations articles which inspired it, is more than advertised. The "building of a world society free from all forms of racial segregation" may be achieved at the cost of eliminating races and cultures. The world of the future would then be populated by the United Nations brown man.

"All effective steps," Resolution 1904 continues, "shall be taken immediately in the fields of teaching, education, and information, with a view to eliminating racial discrimination and prejudice and promoting understanding, tolerance and friendship . . . among racial groups."

Responding to this astonishing order the vast power of mass media is today shaping public opinion to promote the objectives stipulated by articles and resolutions of the United Nations. Elemental examination of the current massive attack upon the American public should convince most impartial observers, however, that the true objective of this assault is not the elimination of racial discrimination, but the elimination of social and religious inhibitions against racial assimilation. Hard sell integration, and its predictable consequence, assumes increasing characteristics of genocide.

The destructive policy of forced integration has created a nightmare for its victims resulting in the most ominous racial tensions in American history. Our sick society is the product of sick-brained men. The cynical program of these madmen will lead, unless reversed, to the eclipse of the American civilization.

The power to correct excesses by federal agents in the matter of forced busing is found in the Constitution.

The reason that the people of each State have been burdened with the acts of federal agents is because that State has not repudiated the attempts of its agents to act beyond their authority. These acts had the effect of "law", not by reason of any non-existent authority of the federal agents, but because of the authority that State gave to these acts by failing to challenge the attempts of its federal agents to exceed their authority.

It is shockingly apparent that our agencies in Washington have fallen into the hands of those who would not only alter the Constitution in the matter of education, but would completely abrogate it by means of the so-called United Nations Treaty.

This emasculation of our Constitution by the Congress most certainly was not authorized by the States as parties to the Constitutional Compact. Lacking this authority, it is against the law. Being unlawful it must be put down.

METRO GOVERNMENT, TWIN  
CITIES-STYLE

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. FRENZEL, Mr. Speaker, the Metropolitan Council continues to be identified as a model of multicomunity

participation in solving the kinds of municipal problems which are common to the entire Twin Cities metropolitan area, and to other metropolitan areas as well.

I would commend to my fellow Members the excellent article in the January 21, 1972, issue of *Life* magazine on the Metropolitan Council:

#### METRO GOVERNMENT, TWIN CITIES-STYLE

Like millions of Americans, I like my Sunday drives in the country with the family. We push past the so-called "weed belt"—former croplands held by speculators—to authentic working farms with cornfields, cows and tractors. Enjoy it while you can, I tell myself. For as matters now stand, much of my favorite scenery—and yours—is doomed by piecemeal development that is spreading outward from American cities.

It does not take geniuses to figure out graceful ways for urban regions to expand into the countryside. Several European countries have managed to save large "green belt" areas near their cities, while guiding development into well-thought-out new communities unlike the haphazard housing tracts and commercially junked-up roadsides this country has been getting. Most of our big U.S. metropolitan areas aren't organized to insure orderly development; they are organized to promote chaos.

In most areas, local government is balkanized into myriad municipalities, school districts and special-purpose authorities, all going their separate ways. There's no region-wide authority telling Township A to keep developers away from its river palisades and informing Village B that it is the logical place for a new shopping center.

There is one bright exception: the Twin Cities of Minneapolis and St. Paul and their suburbs. For four years the 1.9 million inhabitants of this fast-growing area have been living under a limited form of regional government, representing an ingenious compromise between the two extremes of metropolitanism. At one extreme are the impotent "councils of government," or "COG's," that sprang up in the 1960s with federal encouragement. At the other is the outright merger of cities and suburbs into a super-government, as has happened in recent years in Jacksonville and Indianapolis.

In big metropolitan areas, a supergovernment can be a monstrosity that stifles local democracy. And it may not be necessary. A

regional authority limited to dealing with regional matters doesn't have to reach down and usurp local functions—police, fire, sanitation and zoning—best performed by units close to the people. Instead, it reaches up for bits and pieces of "metro" power, some of which have been around for years.

In the New York area, for example, the Port Authority, the Metropolitan Transportation Authority and the Tri-State Regional Planning Commission are potential building blocks of a regional government. Right now, there's no real coordination of these agencies, yet they make decisions that determine how the environment will look to our grandchildren. In the Twin Cities such agencies have been brought together under a new entity called the Metropolitan Council.

The impetus for forming the council came not from political theorists but from a down-to-earth pollution crisis. As the region's population spilled out into vast new suburbs built without sewers during the '50s, water supplies were contaminated. Frantic mayors were soon calling for a metropolitan sewer authority. By the time the state legislature acted in 1967, a coalition of civic groups had successfully promoted the concept of a much broader agency.

Composed of 15 members appointed by the governor, the Metropolitan Council oversees a whole string of "metro" activities—among them watershed development, the Sewer Board, the Transit Commission and the Airport Commission. It doesn't actually run them, but it holds real power. It can veto any major project that conflicts with its plan for the region's future and, modest as that sounds, it could mean the difference between chaos and orderly development during the rest of this century. For one thing, it gives the council control over the location of future trunk sewers and mass transit routes—and thus a powerful influence over the location of new industries, shopping centers and homes.

The Metropolitan Council's regional plan, called the Development Guide, is a broad-brush blueprint that lets local governments and builders work out the details of what gets built where. The guide is based on public-opinion surveys. The council's planners have learned, among other things, that people don't want a continuation of the present formless sprawl.

The council has already started to shape the region's future. It has barred a proposed airport next to a wildlife preserve, and a

search for a better site is under way. Construction of a regional sewage system is in progress, and water quality is being rescued. In a low-keyed way, the council is in the process of winning modifications of state highway plans and is trying to influence the location and design of new suburban shopping centers. The council hopes for something better than the usual shopping malls; surveys indicate that the public wants real places, with apartments, offices and educational institutions as well as stores. In effect, this means a limited number of "major diversified centers"—the Development Guide calls for ten—rather than too many little centers.

Elsewhere, a plan of this sort would be sabotaged as each suburb scrambled to get for itself a center and the property tax revenues it would bring. To head off this kind of competition, the Minnesota legislature recently passed an ingenious "tax-pooling" law. In the future, 40% of the property taxes from new industrial and commercial buildings will be shared by the entire seven-county region. Thus, it won't greatly matter to Township A if a "major center" is built across the line in Village B, since it will have a fiscal "piece" of all the new centers built in the Twin Cities area.

Does all this mean that the Twin Cities have licked the problem of suburban sprawl? It's too early to give a strong affirmative answer. The council certainly has enough negative power to prevent major ecological atrocities, but the next few years will tell whether it has enough positive power and leadership to make good things happen. I doubt that the council can succeed in the long run unless it is converted to a true "government," with members directly elected by the people instead of being appointed. Al Hofstede, the 31-year-old former Minneapolis alderman who serves as council chairman, agrees. "We need accountability," he says. "That's the problem of government today."

The Twin Cities experiment has begun to stir things up elsewhere. Last year the Georgia legislature created an Atlanta Regional Council embracing a five-county metropolitan area, and a bill establishing a metropolitan agency for the San Francisco Bay area passed the California assembly but died on the senate floor. In most of the U.S. the suburban explosion is still raging wildly. But now there are at least three places with a chance of bringing the explosion under control.

## SENATE—Wednesday, February 24, 1971

The Senate met at 9:15 a.m. and was called to order by Hon. DAVID H. GAMBRELL, a Senator from the State of Georgia.

#### PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Lord, our Governor, whose glory is in all the world, we commend this Nation to Thy merciful care, that being guided by Thy providence, we may dwell secure in Thy peace. Grant to the President of the United States, and to all in authority, wisdom and strength to know and to do Thy will. Fill them with the love of truth and righteousness; and make them ever mindful of their calling to serve these people in Thy fear; through Him who is King of Kings and Lord of Lords. Amen.

#### DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, D.C., February 24, 1972.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. DAVID H. GAMBRELL, a Senator from the State of Georgia, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,  
President pro tempore.

Mr. GAMBRELL thereupon took the chair as Acting President pro tempore.

#### THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of

the Journal of the proceedings of Wednesday, February 23, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### AMENDMENT OF THE FEDERAL AVIATION ACT OF 1958

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 566, S. 2423, and that the Senate proceed to the immediate consideration of the bill.