gram is being planned or completed, in the case of a project which otherwise qualifies for such a grant, if there is an urgent need for the facilities involved; to the Committee on Banking and Currency.

By Mr. FRASER:

H.R. 13390. A bill to strengthen and improve the Older Americans Act of 1965; to the Committee on Education and Labor.

By Mr. GUDE (for himself, Mrs. ABZUG, Mr. DOW, Mr. FORSYTHE, and Mr. CORMAN):

H.R. 13391. A bill to provide for a study and investigation to assess the extent of the damage done to the environment of South Vietnam, Laos, and Cambodia as the result of operations of the Armed Forces of the United States in such countries, and to consider plans for effectively rectifying such damage; to the Committee on Foreign Affairs.

By Mr. HAMMERSCHMIDT:

H.R. 13392. A bill to repeal the Gun Control Act of 1968, to reenact the Federal Firearms Act, to make the use of a firearm to commit certain felonies a Federal crime where that use violates State law, and for other purposes; to the Committee on the Judiciary.

H.R. 13393. A bill to amend title 38, United States Code, in order to permit certain veterans up to 9 months of educational assistance for the purpose of pursuing retraining or refresher courses; to the Committee on Veterans' Affairs.

By Mr. KYROS:

H.R. 13394. A bill to provide for the establishment of an Office for the Aging in the Executive Office of the President, for the fulfillment of the purposes of the Older Americans Act, for enlarging the scope of that act, and for other purposes; to the Committee on Education and Labor.

By Mr. LANDRUM (for himself, Mr. FLYNT, Mr. BRINKLEY, Mr. STEPHENS, Mr. MATHIS of Georgia, Mr. DAVIS of Georgia, and Mr. STUCKEY):

H.R. 13395. A bill to extend for an additional year certain provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; to the Committee on Public Works.

By Mr. McDADE (for himself, Mr. DOW, Mr. ROONEY of Pennsylvania, and Mr. THOMPSON of New Jersey):

H.R. 13396. A bill to authorize an increase in land acquisition funds for the Delaware National Recreation Area, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. McKINNEY:

H.R. 13397. A bill to amend the Fair Packaging and Labeling Act to provide for the establishment of national standards for nutritional labeling of food commodities; to the Committee on Interstate and Foreign Commerce.

By Mr. MIKVA:

H.R. 13398. A bill to provide for Federal grants to States which equalize expenditures for public elementary and secondary schools, to bring about a reduction in local real property taxes; to the Committee on Education and Labor.

By Mr. NICHOLS:

H.R. 13399. A bill to amend the National Trails System Act to authorize a feasibility study relating to the Bartram Trail in Alabama; to the Committee on Interior and Insular Affairs.

By Mr. O'HARA (for himself and Mrs. CHISHOLM, Mrs. GRASSO, Mr. BADILLO, and Mr. THOMPSON of New Jersey):

H.R. 13400. A bill to amend the Farm Labor Contractor Registration Act of 1963, and for other purposes; to the Committee on Education and Labor.

By Mr. O'KONSKI:

H.R. 13401. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER:

H.R. 13402. A bill to amend the Economic Opportunity Act of 1964 to provide a comprehensive child-development program; to the Committee on Education and Labor.

H.R. 13403. A bill to amend the Civil Service Retirement Act to increase from 2 to 2½ percent the retirement multiplication factor used in computing annuities of certain employees engaged in hazardous duties; to the Committee on Post Office and Civil Service.

H.R. 13404. A bill to amend the age and service requirements for immediate retirement under subchapter III of chapter 83 of title 5, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 13405. A bill to include firefighters within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in certain hazardous occupations; to the Committee on Post Office and Civil Service.

H.R. 13406. A bill to require that an additional $4 per month (reflecting post-1970 across-the-board increases in social security and railroad retirement benefits) be passed along to public assistance recipients, either by disregarding such amount in determining their need or otherwise; to the Committee on Ways and Means.

By Mr. POWELL:

H.R. 13407. A bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry; to the Committee on Education and Labor.

By Mr. REID:

H.R. 13408. A bill to provide for the continuation of programs authorized under the Vocational Rehabilitation Act, and for other purposes; to the Committee on Education and Labor.

By Mr. SAYLOR:

H.R. 13409. A bill to relieve veterans of liability upon default or disposal of property obtained with a loan made, guaranteed, or insured under chapter 37 of title 38, United States Code; to the Committee on Veterans' Affairs.

H.R. 13410. A bill to amend section 6302 of the Internal Revenue Code of 1954 with respect to the deposit of certain employment taxes by small employers; to the Committee on Ways and Means.

By Mr. SAYLOR (for himself, Mr. BLANTON, Mr. BROYHILL of Virginia, and Mr. GOODLING):

H.R. 13411. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of "food supplements," and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. THOMSON of Wisconsin:

H.R. 13412. A bill to provide additional panelaties for the use of firearms in the commission of certain crimes of violence; to the Committee on the Judiciary.

By Mr. WAMPLER (for himself, Mr. DOWNING, Mr. WHITEHURST, Mr. SATTERFIELD, Mr. ABBITT, Mr. DANIEL of Virginia, Mr. POFF, Mr. ROBINSON of Virginia, Mr. SCOTT, and Mr. BROYHILL of Virginia):

H.R. 13413. A bill to provide for the establishment and operation of a research center at Blacksburg, Va.; to the Committee on Interior and Insular Affairs.

By Mr. CARTER:

H.J. Res. 1079. Joint resolution to proclaim the last Friday in April as "Arbor Day"; to the Committee on the Judiciary.

By Mr. JONAS:

H.J. Res. 1080. Joint resolution providing for the observance of "Youth Appreciation Week" during the 7-day period beginning November 13, 1972; to the Committee on the Judiciary.

By Mr. KEITH:

H. Res. 845. Resolution expressing the sense of the House of Respresentatives relating to the situation in Northern Ireland; to the Committee on Foreign Affairs.

By Mr. REID:

H. Res. 846. Resolution calling for peace in Northern Ireland and the establishment of a united Ireland; to the Committee on Foreign Affairs.

By Mr. THOMPSON of New Jersey:

H. Res. 847. Resolution providing for the expenses incurred pursuant to House Resolution 213; to the Committee on House Administration.

H. Res. 848. Resolution authorizing the expenditure of certain funds for the expenses of the Committee on Internal Security; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARCHER:

H.R. 13414. A bill for the relief of the estate of Malcolm Gresham; to the Committee on the Judiciary.

By Mr. FULTON:

H.R. 13415. A bill for the relief of the Andrew Jackson Lodge No. 5, Fraternal Order of Police, of Nashville, Tenn.; to the Committee on Public Works.

EXTENSIONS OF REMARKS

CZECHOSLOVAKIA

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 24, 1972

Mr. DERWINSKI. Mr. Speaker, as events follow each other with bewildering rapidity, one finds it difficult to remember many of the important occurrences that have captured the headlines for a few days and then receded into the history books. It is therefore necessary to pause occasionally during our discussions of current events and review what went on in past years.

Of especial interest today is the coup d'etat that took place 24 years ago in Czechoslovakia. The stage for it had been set 2 years earlier, when the election held on May 26, 1946, gave the Communists 2.7 million votes out of a total of 7.1 million. While a good deal short of a majority, this was more than any of the other parties received and the Communists got 114 of the 300 seats in the constituent assembly and a new coalition cabinet was formed by Klement Gottwald, the Communist leader.

On February 25, 1948, after the Communists had infiltrated most of the Government services as well as the trade unions, Premier Gottwald, backed by the Soviet Union, was in a position to seize power. President Eduard Benes was compelled to accept an ultimatum issued by the Communist leader and Communists

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were placed at the head of all branches of Government except the foreign ministry. Jan Masaryk continued to serve as foreign minister but all his aides were Communists.

As a result of the coup d'etat, Czechoslovakia soon became a Soviet satellite. Not only the Parliament, the administration, and the political parties, but the press, the universities, and even the athletic clubs, were purged over a period of several months.

On May 9 a new constitution, modeled on that of the Soviet Union, was adopted by a Communist constituent assembly. In elections held May 30, the single slate presented by the Communist-dominated national front received 90 percent of the votes in Czech regions and 86 percent of those cast in Slovakia.

Benes resigned on June 7 rather than sign the new constitution. Seven days later Gottwald succeeded him, his election consisting of a show of hands by members of the Parliament.

It was not long before Czechoslovakia became a police state similar to that which had for 25 years existed in the Soviet Union. The Communists took control of educational and religious institutions, 90 percent of the nation's industry was nationalized by rubber stamp parliament, and forced labor campus were established for the punishment of patriotic citizens who opposed communism.

Many lessons can be learned from history, one of the most important being that there can be no compromise with communism. Coexistence with the Soviet Union means extinction for the nation that is foolish enough to try it. Those who enter into coalitions with Communists are purged by one means or another, the firing squad being more merciful than the concentration camp. The people, for whom the Communists speak so eloquently, soon learn that the successors of Lenin, Stalin, and Khrushchev have not mellowed.

Mr. Speaker, the people of Czechoslovakia experienced the horrors of nazism for less than 7 years. True, they were long years, but the hellish nightmare of Nazi terror did finally end. Unfortunately, the new day of freedom that dawned after the eclipse of nazism was followed by what has become more than a quarter of a century of Communist terror. As a student of history, I am optimistic that this terror, like the Nazi terror, will eventually end. Let us pray that it will be soon.

COMDR. GEORGE EVANS, CHAPLAIN OF THE YEAR

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Thursday, February 24, 1972

Mr. SCHWEIKER. Mr. President, Comdr. George Wesley Evans, Jr., of Columbia, Pa., this week received one of the highest awards that can be bestowed on a chaplain who serves in the Armed Forces of the United States of America.

Chaplain Evans, a commander in the Naval Reserve, was presented with the Reserve Officers Association's "Chaplain of the Year" Award. As a fellow Pennsylvanian, I extend to him my sincere congratulations.

The award, presented during the ROA's midwinter conference here, cited Chaplain Evans for "his exemplary devotion to duty" and for "contributing substantially to the welfare of personnel both by precept and example."

Chaplain Evans won the Bronze Star Medal as chaplain of the 11th Marines in Vietnam for demonstrating "exceptional courage and composure under enemy attacks."

After serving as minister in several Lutheran Churches in Pennsylvania, Commander Evans joined the Inactive Naval Reserve and volunteered for active duty in 1966. He is currently stationed at the Marine Corps Base, Camp Lejeune, N.C., where he lives with his wife and three children.

Chaplain Evans is a worthy recipient of the Reserve Officers Association's "Chaplain of the Year" Award, and it is a pleasure to offer my personal congratulations to him.

FEDERAL GOVERNMENT MUST REGULATE PENSION FUNDS

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 24, 1972

Mr. ST GERMAIN. Mr. Speaker, a recent congressional study indicated that of the 9.8 million workers supposedly covered by pension plans, less than 500,000 have received any benefits in the last 20 years.

Unless the Federal Government guarantees that workers will receive the pension benefits they have earned, it seems the prospects for those currently covered by pensions will be no better than in the past. These benefits are desperately needed by those who must depend on social security, insurance or other forms of savings as their sole source of retirement income.

Too many pension funds are as likely to pay benefits as a Las Vegas slot machine. All too often the employer has stacked the odds against the worker.

The problem is the worker's lack of vested rights in his pension fund. The key to the problem is for the Federal Government to guarantee the worker a nonforfeitable right to share in the pension benefits, even though he may have left an employer.

Similar Federal guarantees, now protect social security recipients and depositors at banks by the Federal Deposit Insurance Corporation.

I have received a resolution from the distinguished members of the Senate of my State of Rhode Island and Providence Plantations urging the Federal Government to set minimum standards for private pension plans.

I strongly endorse this resolution by Rhode Island State Senator Julius C. Michaelson, and I urge my colleagues in the House to do the same.

The full text of the resolution follows:

MEMORIALIZING CONGRESS TO SET MINIMUM STANDARDS FOR PRIVATE PENSION PLANS

Whereas, The Senate Labor Committee of the United States Congress recently revealed that only a fraction of the thirty million United States workers covered by private pension plans will ever receive any payment when they leave work; and

Whereas, This committee's investigation revealed that in the fifty-one percent of the 5.2 million involved who retired or left their jobs early received nothing; and only three percent of this group retired with full pensions; and

Whereas, This investigation also revealed that many pension plans invest their funds in the stock of the parent company, thus if the company should go bankrupt, claims for unpaid pension fund contributions are not entitled to priority in bankruptcy proceedings and these obligations are only partially paid if at all; and

Whereas, Funding alone may not protect employees in the event of plant or company terminations; and

Whereas, It is evident that only a relative handful of the estimated tens of millions of American workers under private pension plans will receive anything from the plans on which they now stake their future; now, therefore, be it

Resolved, That Congress be respectfully requested to support legislation which would guarantee, through Federal reinsurance, that benefits promised under pension plans will be paid by the Federal Government if the employer fails for any reason to meet his obligation; would set minimum standards for funding, vesting after ten years of service and the portability of pensions; would amend the bankruptcy laws to provide for special priority for pension obligations; would recognize that those responsible for the management of pension funds have assumed a solemn obligation to their covered employees and would impose severe criminal penalties for failure of such officials to exercise their fiduciary responsibility faithfully; and be it further

Resolved, That the secretary of state be and he hereby is respectfully requested to transmit duly certified copies of this resolution to the President of the Senate of the United States, the Speaker of the House of Representatives, and to the Rhode Island delegation in Congress.

DEAN S. LESHER ON A FREE PRESS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 24, 1972

Mr. WALDIE. Mr. Speaker, recently I had the honor and privilege to introduce Dean S. Lesher before the members of the Senate Subcommittee on Constitutional Rights.

Mr. Lesher, publisher of a number of California weekly and daily newspapers, spoke on behalf of the Suburban Newspapers of America.

Mr. Speaker, the threats posed to our news media by a government concerned with "backgrounders" and anonymity of sources are very real.

Mr. Lesher, in his statement before the committee, made a strong and convincing case for the public's "right to know" and the press' "right to disclose."

Mr. Speaker, I insert the testimony of Dean S. Lesher in the RECORD. I think it important that all Members of Congress be given the opportunity to be enlight-

ened on this subject—a subject of deep and abiding interest to all Americans.

The testimony follows:

BEFORE THE SUBCOMMITTEE OF THE U.S. SENATE ON CONSTITUTIONAL RIGHTS

Senator Ervin and distinguished members of the U.S. Senate Sub-Committee on Constitutional Rights:

My name is Dean S. Lesher. I am a publisher in California of six daily newspapers and eight weekly newspapers under the trade name of Lesher Newspapers. These newspapers are in Contra Costa and Alameda Counties in the East Bay and in Merced and Madera Counties in the San Joaquin Valley.

It is a privilege to appear on behalf of the Suburban Newspapers of America. This is the dynamic group of 600 to 700 newspapers in the areas around the metropolitan core cities. This is the fastest growing segment of the American press today. Some have risen to places of dominance in their respective areas.

Mr. Chairman, on behalf of this growing, vibrant, challenging segment of the American press, I come before you to respectfully challenge you and your Sub-Committee to move forward on two closely related legislative fronts to shore up the tottering pillars of our representative form of democracy. In order for representative democracy to survive and serve well the needs of the people, the public must know fully how the government functions and the public must be free to express its individual and collective opinions with respect to such functioning. Both of these activities are closely related and involve freedom of speech and freedom of the press.

Suburban Newspapers of America sincerely support Senate Bill 1311 introduced March 23, 1971 by U.S. Senator Pearson from the State of Kansas. We agree with the purpose and intent of the bill, with the language used in the bill and with the statement made by Senator Pearson upon the introduction of the bill on March 23, 1971 in Volume 117, at Page 41, of the Congressional Record.

Nineteen States now have similar bills granting to newsmen the privilege of sanctity of confidential information received or obtained in their capacities as newsmen engaged actively in the gathering or presentation of news for any newspaper, periodical, press association, newspaper syndicate, wire service or radio or television station.

Protection of this confidential relationship is vital to the gathering and dissemination of news. It is high time that the United States of America recognizes this by an act of Congress protecting said privilege.

In the recent Pentagon Papers Decision by the U.S. Suprme Court, both the public's right to know and the freedom of press were major issues. A study of the various opinions by the Supreme Court Justices in this case shows the need for legislative expression upon the two related subjects of the public's right to know and freedom of speech tied in with freedom of the press.

My extended remarks, a copy of which you have before you for your record, emphasize the need for an enactment by the Congress proclaiming that Freedom of the Press under the First Amendment is an absolute right, subject only to such restrictions as are deemed absolutely necessary where the security of the nation is clearly and immediately threatened. In such event, the burden of proof would be upon the government to establish by a clear preponderance of the evidence (a burden much greater than the mere preponderance of the evidence) that such security is so clearly and imminently threatened that such a restriction, even of a limited nature, should be placed upon freedom to publish in writing or orally

It is the First Amendment that deals with the relationship between the individual and the government on a broad group basis. The First Amendment thus is of primary importance to the continued success of our representative form of democracy, yes, even to the continued existence of our nation in its present form.

The language used has no reservation of any kind, either expressed or implied, and therefore, must have been intended to be an absolute grant of rights and privileges to the press of America. That grant is for the benefit of the public and the welfare of the nation.

We base this position upon the language used in the First Amendment, upon the cardinal rule for construction of documents, and upon the historical background surrounding the enactment of this amendment. We must bear in mind that our forefathers were fearful of a strong central government. They were mindful of the aggressive conduct of the government during the colonial times. They had before them the case of Peter Zenger, the small weekly publisher in New York who dared to criticize the Crown Governor. Andrew Hamilton, a Philadelphia lawyer, won this case by first espousing freedom of the press, a doctrine new to the world.

Each of our forefathers involved in the forging of the Declaration of Independence and of the Constitution had in mind that freedom was the most important right that could be set up and safeguarded in any governmental political document.

Our forefathers were willing to so limit the powers of the central government that they began this union with a loose confederation under the Articles of Confederation. These Articles established such a loose federal organization that the country began to founder. It thus became obvious that a stronger central government needed to be formed and thus the Constitutional Convention met to draft a Constitution for the new United States of America.

At this Constitutional Convention, the founding fathers specifically stated in the body of the Constitution that all powers not specifically granted to the central government were reserved to the people. This was the theme surrounding the drafting of the Constitution.

Even when the Constitution was finally prepared, the body was not satisfied that the rights of the individuals were thoroughly protected.

Dissention arose among the group and it became apparent that the orignal 13 colonies would not ratify the Constitution until and unless the rights of the individuals were spelled out fully and were protected by amendments to the Constitution.

It was in this atmosphere and with this in mind that the authors of the Constitution prepared the first ten amendments of the United States Constitution, known as the Bill of Rights. If these ten amendments had not been drawn, it is doubtful that the Constitution of the United States would have been ratified by the 13 colonies and that this government would have gotten off the ground.

It is with this atmosphere in mind, and the temperament of the authors of the Constitution before us, that we become aware that the intent of the framers of the Constitution was to have freedom of speech and freedom of the press to be an absolute right and privilege. These framers could conceive of no situation requiring the spelling out of any limitation upon such rights and such privileges. Therefore, they specifically did not limit them in any manner.

The only basis we have for limiting them when national security is endangered is the fact that the underlying factor in the setting up of any government is the right of the government to protect itself against enemies, both foreign and domestic. In order to insure of such protection, the central government has the right to act when its security is jeopardized. That right to act supersedes such rights of individuals as freedom of speech and freedom of the press.

However, in order for the central government to so act to suppress or restrict freedom of speech or freedom of press, the duty should rest upon that central government of establishing a weight of the evidence that exceeds a mere preponderance of evidence that the national security is clearly and immediately endangered by such unlimited and unrestricted freedom of speech or freedom of the press. It is only when such a case has been made by the central government that the central government should have the power to restrict in any manner whatsoever absolute freedom of speech and absolute freedom of press.

That the First Amendment was intended to grant an absolute right evolves from the general principle of how to construe documents. Whenever an amendment or an addition is made to a document after it has originally been executed, the amendment or addition controls in the event it is in conflict with, or in derogation of, any part of the original document.

This follows from the very nature of the word amend or amendment. To amend means "to change or modify for the better; to improve". Thus, the very purpose to be served by an amendment is to change or alter the document or to explain the document in clear and understandable language.

This is a recognized principle in determining the meaning of contracts. An addition changing a portion of the original contract prevails over any language in the contract with which the addition conflicts.

The practical principle is that the parties are fully aware of what the original document provides when they draw up the amendment. Since the amendment is later in time and was drawn with this awareness, any change the amendment makes in the original document must have been thoroughly considered by the parties and such change must have been intended.

Illustrations by the hundreds can be used to show the general application of this principle and the basic reasons for doing so. There are specific amendments to the U.S. Constitution in conflict with the general provisions of the Constitution. In each instance, the amendment prevails with respect to such conflict.

The same principle applies to the First Amendment. The framers of the Constitution obviously intended it to be interpreted as written—as a full and complete guarantee of freedom of speech and freedom of press except only in the unusual situation where the national security is immediately and clearly threatened.

While this seems clear to students of law and students of the history of the formation of our nation, it would be well for Congress to spell this out in clear and unmistakable language. This Sub-Committee has now an opportunity to do so and thus perform a worthwhile service to this nation and its people. This could be a great contribution to Constitutional dialogue and to the preservation of the freedoms we enjoy under the U.S. Constitution.

We come then to the second segment of these two closely related subjects. That second segment is the public's right to know what is taking place in the government. It is on this phase that we strongly urge you to strengthen the Freedom of Information statute of 1966 proclaiming the public's right to know about the operation of their government. That right should be circumscribed ordinarily only by clear and immediate threat to the security of the nation and also with respect to matters of diplomacy where a certain degree of secrecy would necessarily be involved. Aside from these

limitations, the public would have a right to check, to observe, to hear, to record and to report upon the operation of *their* government at its various levels and in its many phases.

Many States of the nation have statutes known under the general heading of "The Public's Right to Know". California is probably the leader. I am proud that I was the Legislative Chairman of the California Newspaper Publishers Association when it sponsored the first enactment upon this subject.

That Act was introduced by Assembly Speaker Ralph M. Brown of Modesto in 1953, was passed by both Houses of the legislature and signed by the Governor. The scope of that Act has been expanded to cover the activities of the various commissions and legislative bodies of the State at various political sub-division levels.

Mr. Chairman and distinguished members of this Sub-Committee, I would like to read to you the first section of this Act (California Laws 1953, Chapter 1588, Page 3270, Paragraph One):

"In enacting this Chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly."

"The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know.

"The people insist on remaining informed so that they may retain control over the instruments they have created."

This clear and unequivocal statement and the enactments since made thereunder have had a salutary affect in California upon deliberations of commissions and legislative bodies at all levels of government and upon the opening of public records to inspection by the public and the press. They are now accepted as a beacon shining upon government activites to keep the public better informed of what their government is doing.

Every member of this committee is aware that our forefathers considered the people to be the government. This philosophy is expressed in every major document they drew. We cannot urge upon you too strongly the enactment of Federal statutes proclaiming this philosophy of government and asserting further the right of the public to know and of the press to keep the public informed.

What are the areas where information is not disclosed to the public or even available to the public? They are many and time permits only of a broad reference to two general categories.

The first is executive privilege, the right proclaimed by the executive department to keep secret too many documents at its own unsupervised discretion. It compounds this by refusing to permit key officials and employees to be questioned on issues either by the public or by the public's representatives, the Congress. This area needs extensive research, study and action. Congressional action to test and limit this privilege is imperative.

This is a sensitive area in view of the historical and constitutional separation of powers between the executive and legislative branches of the government. The issue is critical, however, in view of the growing credibility gap between the government and the public. This gap could produce an atmosphere that would seriously threaten the continuation of our form of government and the nation itself.

Another area applies to the deliberations of Congress itself. Too many matters are heard in executive sessions, too few committee decisions and votes are recorded in detail and too many actions are not available to the press and public. This area involves the always difficult task of self-analysis and self-criticism. It is, however, an area where the public welfare calls for action.

Everyone who has enjoyed this land of opportunity yearns for a chance to make one small contribution toward the continuance of this great form of government. I hope that our small contribution will be to motivate this great Sub-Committee to take a step in each of these directions by expanding the right of the public to know about the operations of its government and by stating that freedom of the press and freedom of speech are absolute except where the security of the nation is clearly and immediately endangered. If you do so, your hearings will have contributed mightily toward shoring up the foundation upon which this government rests.

Our form of representative democracy is under attack at all levels from within and without. Many attacks are fanatical and emotional without any basis whatsoever. The best defense against them and the best way to preserve what we have and enjoy is to insure that the people know the facts, that the people are well informed.

Knowledge is a necessary keystone in the functioning of a representative democracy. Without such knowledge and without full freedom of expression that the First Amendment guarantees, this form of government may begin to totter and shake at its very foundation. You have a great opportunity to shore up this democracy we so dearly love by taking steps in these two proposed legislative fields that will assure to our generation and to future generations a knowledge of what is taking place and an opportunity to express themselves in the light of this knowledge.

It is hoped by the suburban press that you will place this nation upon the pathway to a better understanding by its citizens of how government functions. It is hoped that you will take the steps suggested to eliminate the credibility gap that has grown up with respect to that functioning. Only by the elimination of this credibility gap can our representative democracy have a full and fair opportunity to succeed and to continue.

DEAN S. LESHER,
California Newspaper Publisher for the Suburban Newspapers of America.

FEDERAL SPENDING

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 24, 1972

Mr. SCOTT. Mr. Speaker, I wish to take this opportunity to highlight findings of the sixth annual survey conducted in the Eighth District of Virginia. My colleagues may be interested in the responses from more than 50,000 homes in my district.

In the economic area, 68 percent felt present wage-price controls are helping curb inflation and 76 percent called for a reduction in Federal spending. Slightly more than half—52 percent—did not favor increasing the Federal minimum wage above the present $1.60, with many respondents explaining their vote by saying any increase would further limit the work opportunities for teenagers, the underskilled, and the partially disabled. Sixty-four percent favored expanded trade in nonstrategic materials with Communist nations. Only one in four favored a federally guaranteed minimum family income.

On questions relating to military involvement in Vietnam, 82 percent said we should continue our present withdrawal plans. Concerning the Middle East, 64 percent felt our foreign policy should be to adopt a neutral position; 65 percent favored a policy to maintain a balance of power.

An expanded role for the Government was approved in the fields of pollution and consumer protection. Eighty-two percent said they believed the Federal Government should protect the consumer by more stringent control in the advertising and selling of manufactured products. On the pollution question, 88 percent opted for enforcing strict standards and controls on all forms of pollution.

The full results of the opinion poll are included in our monthly newsletter to be sent to constituents within a few days and are inserted in the RECORD at this point:

YOUR CONGRESSMAN BILL SCOTT REPORTS ON FEDERAL SPENDING

You may be interested in the tabulation of the results of our sixth annual opinion poll shown on the other side of this newsletter. Let me add a word of thanks to constituents in the more than 50,000 homes who returned the questionnaire. The results have been shared with colleagues in the Congress and included in the Congressional Record.

EXTENSION OF GI BILL

You may be interested in a measure introduced some weeks ago to provide up to nine months of educational benefits for unemployed or underemployed veterans over 50 years of age when a refresher course is needed due to technological changes in his vocation or profession. This measure is intended to help the older veteran who loses his job or is forced to take a substantially lower position because of changing conditions. A qualified veteran would be permitted to take a refresher or retraining course as an aid to finding a new position either building upon present skills or transferring to another field. The measure was referred to the Committee on Veterans Affairs and I am hopeful that our Education Subcommittee will give it early consideration. Should you desire a copy of the bill please let me know.

BUSING OF CHILDREN

Inasmuch as the question of busing of school children to achieve racial balance is one of the most frequently discussed questions, I believe a paragraph in our newsletter should be devoted to this controversy. You will note that those returning the questionnaire are overwhelmingly opposed to busing. One concern over the recent Richmond decision is that it erases city and county boundaries. It further raises the question of whether boundaries can be eliminated for other government functions performed within a city and its suburbs when there is a variance of the quality of service rendered between the two areas.

The neighborhood school, in my opinion, is best for children. It is a factor considered by parents in purchasing a home along with the location of a church and shopping center. Children can learn easier if they are fresh and alert when they arrive at school. Moreover, the money spent on the purchase of buses which would not otherwise be needed could well be spent in the classroom. I am advised that New York City has long had a policy of "open admission" which per-

mits children on a volunteer basis to leave the neighborhood and be transported to the school of their choice. However, only 2% of the black and Puerto Rican children take advantage of the bus option. This indicates that even among those who would supposedly gain the most from busing, the process has little support.

As you know, I joined with others in cosponsoring a bill to prohibit the busing of children for racial purposes and have signed a petition to bring it before the House of Representatives for immediate consideration. The petition now has more than 150 of the necessary 218 signatures. Last month, I also introduced a measure to remove controversies involving the public schools from the jurisdiction of Federal courts and transfer jurisdiction to our state courts. The purpose of the bill is to insure that cases dealing with such a vital local issue as neighborhood schools be heard by judges attuned to problems and needs of the communities. Protection of Constitutional rights of parties to dispute over schools would still be available upon appeal to the United States Supreme Court. The President has attempted to appoint persons to the Federal bench who will strictly construe the Constitution and a test of his success in this field may be when the Richmond school case is finally determined by the Supreme Court.

REEXAMINATION OF AUTO INSURANCE

While expressing the sense of Congress that regulation of motor vehicle insurance should continue to be under state jurisdiction, a resolution was recently introduced which indicates Congressional desire for "a rational, equitable and compatible reparations system for motor vehicle victims supported and sustained by a similar rational, equitable and compatible private insurance system." Guiding principles: (1) injured party should be paid by his own insurer, (2) benefits should be payable to all accident victims regardless of fault, (3) benefits should cover all reasonable costs, (4) compensation should be adequate but not excessive, (5) motorist should be free to choose own insurer if it provides coverage, and (6) rehabilitation should be of prime importance in the compensation system.

OPINION POLL

We received more than 50,000 responses to our recent questionnaire and the tabulated results are shown below in percentages:

	Yes	No	No opinion
1 Do you believe that present wage and price controls are:			
(a) Helping to win the fight against inflation?	68	30	2
(b) Failing to have any real effect on prices and wages?	47	47	6
(c) Not in keeping with the American free enterprise system and should be abandoned?	24	66	10
2. Do you favor increasing the Federal minimum wage above the present $1.60?	42	52	6
3. Our policy in Vietnam should be to:			
(a) Continue present withdrawal plans	82	17	1
(b) Immediately withdraw all troops	37	59	4
(c) Retain a limited number of noncombatant troops as advisers to South Vietnam	49	45	6
(d) Increase U.S. involvement for military victory	18	76	6
4. Do you favor prompt reduction of U.S. troop strength in Europe?	44	48	8
5. Do you favor busing of schoolchildren to obtain racial balance:			
(a) Between cities and suburban areas?	9	90	1
(b) Solely within a city or county?	14	85	1
(c) Under any circumstances?	7	91	2
6. Do you believe this country should expand its trade with Communist nations in nonstrategic materials?	64	29	7
7. With regard to our foreign policy in the Middle East, do you favor:			
(a) Increasing military aid to Israel?	36	55	9
(b) Adopting a neutral position?	64	31	5
(c) Providing military aid to the Arab nations?	5	89	6
(d) A policy to maintain a balance of power?	65	26	9
8. Do you favor the Federal Government guaranteeing a minimum family income?	25	70	5
9. Do you believe the Federal Government should protect the consumer by more stringent control in the advertising and selling of manufactured products?	82	14	4
10. Do you favor compulsory racial quotas in employment by private industry?	8	89	3
11. In the field of pollution, do you feel the Federal Government should:			
(a) Encourage private industry to reduce pollution by tax credits?	69	27	4
(b) Finance a crash Federal program from tax funds to minimize pollution of air and water?	45	48	7
(c) Enforce strict standards and controls on all forms of pollution?	88	8	4
(d) Enact no further laws on pollution control?	14	78	8
12. The Government's fiscal policy should consist of:			
(a) A reduction of Federal expenditures	76	20	4
(b) A continuation of present spending regardless of deficit	9	84	7
(c) An increase of taxes to balance budget	31	63	6

13. How do you rate Mr. Nixon's service as President?

Excellent, 23; Good, 40; Fair, 26; Poor, 11.

14. Rate in order of importance the 3 most important problems confronting the country?

1, State of economy; 4, Drug addiction; 3, Vietnam conflict; 6, Labor relations; 5, Welfare reform; 2, Crime control.

DOCK STRIKE ENDED

The West Cost dock strike has finally ended by agreement of the parties. We do not know to what extent the binding arbitration measure passed by the Congress a few days prior to ratification of the agreement had on the final settlement. While most people would prefer that labor and management settle its own differences, American exports would have been about $600 million higher in 1971, had it not been for this strike. Members of Congress indicated their concern with the adverse effect on farmers, labor-management, and the economy generally when they voted 214 to 139 for binding arbitration. It amounted to an insurance policy against continuation of the strike. This was temporary legislation to fit a particular situation, and it is hoped that our Education and Labor Committee will now bring permanent legislation before the House for consideration to prevent the occurrence of future strikes which will cripple the economy.

SOMETHING TO PONDER

"I believe in power, but I believe that responsibility should go with power."—Theodore Roosevelt.

COMMUNITY LEADERSHIP CONFERENCE

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 24, 1972

Mr. BINGHAM. Mr. Speaker, the following is an additional portion of the proceedings of the Sixth Annual Community Leadership Conference I sponsored for residents of the 23d Congressional District on November 14, 1971:

[Plenary Session, Gould Student Center Auditorium, Presiding: Congressman Jonathan B. Bingham]

REMARKS BY SENATOR EDMUND S. MUSKIE, NOVEMBER 14, 1971

Congressman Bingham:

One of the famous couplets of the poet Ogden Nash was, "The Bronx, no thonx." I'd like to have your comment.

Sen. Muskie:

Thank you very much. Thank you, Jack, Dean Borowitz, Miss Furness, my old and good friend Senator Gore, Pat Cunningham, other distinguished guests, and ladies and gentlemen. Well, I suppose the best why that I could respond to that question is in a way that's not identified with my people from Maine, and that is indirectly. Jack told me that this is an issues conference involving two-way communication. And so that I ought not to indulge in any lengthy statements. Nevertheless, I do have a statement that I'd like to read because it has to do with the President's most recent pronouncements on our policy in Southeast Asia. But before doing so, I'd like to respond to Jack's question by telling a little Maine story that I think relates to most of the President's policies. That's the story of an out-of-stater who is walking down a Maine country road after a rainstorm. He came upon a car spinning its wheels in the mud. He stopped and put this question to the driver, who was a native, he said, "Are you stuck?" The driver thought a moment and he said, "Well, I would be if I was going anywhere." (Applause) The theme of this conference is Making Government Work Better. This should mean making it work better on behalf of what the people of America need and request from their leaders. So I hope that before I respond to your questions I may say something about something Americans desperately want, and have wanted for years, but which government for all its predictions and programs and promises has not been able to deliver.

For the past nine years, the United States has been heavily involved in the war in Viet Nam. We know what this involvement has done to our economy, to our society, to our military, to our students, to our faith in one another, to our moral position in the world of nations. Three years ago, the people voted to end that war by electing a President who promised to end it. Four years ago next January 1st Richard Nixon had this to say, as he began the campaign year of 1968—he said, "We need new leadership which would bring the war to a swifter conclusion." Last Friday, three years after that election of 1968, three years after that comment, the President told us where we stood, as of now. In doing so, despite the welcome news of troop withdrawals, he announced a plan of action that by all past experience, will prolong that war

indefinitely. When the people chose Mr. Nixon to end the war, they did not anticipate that three years later the negotiations in Paris would remain stalemated; that 15,000 more men would die in combat; and that as many bombs would be dropped upon that tragic country, in the years to come, as all of the tonnage dropped up to that time. Yet all of these things have happened. When I spoke at Bates College in Maine, my alma mater, during the Moratorium two years ago, and urged the President to withdraw from Viet Nam, I never dreamed that two years later 140,000 American soldiers would still be scheduled to stay there after the withdrawal the President announced last Friday; that our prisoners would still be there; that the unrepresentative and corrupt government of President Thieu would still be in power; and that the need for American troops would continue indefinitely.

Yet, this is the reality. This is where we are. This is how government has worked. We were not led to expect this, either in the campaign of 1968 or by the promises that followed. We were told in April, 1969, that the President's plan, so well publicized in the campaign of 1968, was aimed at complete withdrawal of American troops by the end of 1971. Now we know that will not happen. We were told in June of 1969 that the administration could beat the Christmas timetable of withdrawing all combat troops by the end of 1970. This, too, did not happen then, and has not happened yet. The President said last Friday that our combat role is already concluded.

Yet on the very day he said that, American troops were still on patrol, American convoys were being ambushed, American planes were in action over the North, and an American helicopter was shot down. He would have difficulty persuading me that this is not combat. He would have difficulty persuading the troops who are still in danger there, or the troops who still scheduled to be sent to Viet Nam in the months to come, to fight a war we long ago gave up winning and whose purpose is still in doubt. We cannot justify this delay. It is true the curve is in descent and the casualties are coming down. But as long as one American soldier dies in Viet Nam, after nine years of fruitless war, it is too many—because he is a human being with hopes and dreams and loved ones and a life to live. The President may feel that by making new promises the people will forget he did not keep the old ones. I don't think they will, but whether they do or do not, this is not the way to make government work. (Applause.) And it is not the way to win the confidence and the trust of the people in their elected leaders.

I am concerned about his announced plan to keep a residual force of American troops in Viet Nam as long as the war continues. But I'm even more deeply concerned by the disturbing ethic of the discredited theory that by keeping maximum pressure on the enemy we can force him to submit at the negotiating table. Does the President really believe he can negotiate a peace by occasional bombing of North Viet Nam and unlimited bombing of the Ho Chi Minh Trail, despite the clear evidence of history that bombing cannot interdict the infiltration? Despite the historic proof that bombing has only intensified the will of Hanoi to send more troops south to fight? We should know by now that continued air-strikes will only postpone the settlement, increase the suffering, add to the number of Americans in Communist jails, postpone the day when the last of our fighting men come home. And until they come home, how can there really be progress in Paris? More important, can there be progress in America

Interruption from audience (unclear).

Senator MUSKIE. No, that's all right, that's all right.

Continued interruption (Unclear).

Senator MUSKIE. Well I must say that the political climate hasn't changed in the last three years. (Laughter) I'll let the rest of my prepared remarks on . . .

Interruption (Unclear).

Senator MUSKIE. You know, I'm really going to end my formal remarks in just a moment, then all of you can have the microphone. I'll let the rest of my prepared remarks—I was about finished anyway—on Viet Nam—I don't want to cut anymore into your time. (Applause) I guess really the heart of what I had left to say is in the last two paragraphs—really only three sentences. Well I think the people have been patient with the President on this issue of Viet Nam, but that he has not met their expectations. If we cannot change the policy, perhaps we must change the government. And in the end . . . (Applause) And in the end, that may be the only way that government will work.

In respect to the question that was put here—you know, all of us who respond to human tragedy and the depri—deprivation of human life, and human lives, I think respond in the same way to the tragedy of Northern Ireland. But what is posed by that situation, as well as by the situation in South Viet Nam and so many others around the globe, including our own country, is how can we as a country really bring our influence, our instinct for compassion and human decency to bear upon all of the instances of injustice that we can identify across so much of the globe. On the one hand, in response to our intervention in Southeast Asia, our instinct is to withdraw from any and all responsibility for what happens outside our own border. On the other hand, we see that American instinct for decency emerging whenever there is fresh and new evidence that human beings can be brutal to each other. Northern Ireland, the Middle East, Pakistan, Africa, Latin America—and though the past was shakey, the American role in the world in the years that lie ahead is a very difficult and frustrating one. We can't, of course, be sure. We will raise our voices against injustice wherever it occurs. That's something different, I might say, than shaping a policy or a US role in all of these instances. Because we've learned in Southeast Asia that there are limits, even to our undeniably great power. Especially at a time when our influence, because of the misapplication of that power, when our influence has declined.

There was a time that I can remember in my own lifetime when the influence of American ideals and aspirations were so strong, that it lent prestige to our words whenever we raise or raised our voice. And today we see the contrary. At a time when American military power is probably at its peak, our influence, the influence that our words can bring, is at a low point. This is the change in the American posture. We've learned, bitterly and tragically—maybe it comes at a good time in terms of our long-range development as a mature and wise nation—we've learned that power alone doesn't bring prestige, doesn't bring influence, doesn't buy us friends, doesn't intimidate enemies. (Applause) And so I think, really, our challenge in the year ahead is to revitalize that kind of an American influence which is geared to our ideals, to our hopes, to the better example we should set internally in the management of our own affairs than we've set in recent years. If we can once again demonstrate that America wants no war, that America is a symbol of hope to her own people and by that example a symbol of hope on this planet, then I think our influence will once again begin to grow. So that when we are outraged by atrocities, whether it's Northern Ireland or in Pakistan or elsewhere, the fact of our indignation, the fact that we are willing to raise our voices additionally against it, will make an impact that I'm afraid all too often it doesn't make today. (Applause)

Congressman BINGHAM. I would first like to say that as one who has, I think, taken a leadership position in regard to the desirability of the United States working for a free and united Ireland, I am embarrassed by the discourtesy that was displayed here to Senator Muskie. I hope that this will not prejudice him against what I regard as a good cause—and I have a resolution that I have introduced that I would commend to your attention, Senator. (laughter) Now, we have been joined by some other distinguished guests—friends—our own *Bronx Borough* President Bob Abrams. (Applause.)

On the panel invited here to question Senator Muskie are:

Martha Peterson, President, Barnard College;

William Satterfield, President and Chairman of the Board of the Morrisania Youth and Community Service Center, Inc.;

David Condliffe, New York University Undergraduate.

We had expected that Bob Bendiner, a member of the editorial staff of the New York Times, would be with us today. Unfortunately he is ill, so I will relate to the Senator a question that he gave me over the telephone this morning. And it is particularly suitable in the light of the Senator's opening remarks. This is from Robert Bendiner of the Times, Senator Muskie: One of the chief complaints against the Executive Branch in recent years has been the tendency to involve the United States in war without the consent of Congress. How do you draw the line between the Executive's duty to act quickly in the country's defense and the constitutional prerogative of the Congress to decide war?

Senator MUSKIE. First of all, may I say with respect to the interruption—that with regards to the apology, I am not really prepared to (unclear) these things. We live in a time when there are many angry people, many of them have much to be angry about, and I don't object if they use the fact of my presence to gain visibility for their point of view or their grievance or their injustice. Sometimes I'm (applause)—I don't object. (applause) And if they find me a convenient target, that's alright too. I've been that for a long time.

With respect to this question, of course, dilemma which the question suggests is the reason why. Since World War II we've been engaged increasingly in one kind of military involvement after another around the globe, and without the explicit consent of Congress which the Constitution requires (Unclear) main provisions of that document. And the Vietnam war is, of course, the tragic quagmire of that kind of thought. So I think it's the mood of the American people to pull back from that kind of development. You know I can go back over all of the events of World War II and rationalize why we did what we did in the time of the Greek and Turkish difficulties after World War II—at the time of the Berlin airlift—at the time of the Cuban Missile crisis, etc. And the President will always have, no matter how we pull back, how much we pull back from the full development of these powers in South Vietnam, he will always have complete inflexibility to deal with questions, emergency situations directly affecting the security interests of the United States in an emergency way. I'm not concerned about that, and I think that we can deal with that

and still pull back substantially and (unclear) from the expansion of Presidential powers in the war making field since World War II, and I think we must, I think that the effort that is underway in the Congress, and in the Senate specifically, to reframe and reshape the role of the President and the Congress with respect to making war ought to be continued, ought to generate public interest, and public support. I think it's a critical constitutional exercise to answer the question put by Mr. Vandina. I don't have the blueprint or the constitutional language at this point, but I think we must pursue this question until we have an answer. Otherwise, we would inescapably be caught up in other similar kinds of situations. (applause)

Question from panel. (unclear).

Senator MUSKIE. I think Senator ——— (unclear) particularly has focused on the income tax inequity and I've been happy to support him over the years. Sorry he's not still in the Senate so I could continue to support him in this effort. But I find on the questions from women like yourself and others concerned across the country, including my own wife, that the discrepancies against women are so woven into accepted patterns of thought in established laws and institutions, we are really going to have to make a positive effort to dig them all out. And I'm also pursuing that, and I assure you that you've got a spokesman in my own household.

Question from panel. (unclear).

Senator MUSKIE. Well, it may be that all of the efforts of people who are concerned with these problems are not effectively coordinated as yet. But I would not say that they are alone in their concern, or that they are alone in making an effort to deal with these problems. What you're getting at is the question of coordination. I think that there is great support of the objectives that they pursue and I would encourage them to do that, and I would encourage them to go on and to develop coordination. One of the difficulties, of course, in the Congress is that, well, I can speak mostly for the Senate—that although it is still the greatest deliberative body on the face of the earth, it really doesn't deliberate in the sense that I understand it. We work individually and separately in our committees divorced by and large from formal ties with outside groups to pursue our own legislative interests. The Senators as such don't gather together to deliberate except when they meet on the floor of the Senate to vote at the same time on an issue Even that isn't deliberation.

It's largely simply the confirmation of points of view that have been developing individually up to that time. And we all have our contacts with the outside (unclear) and we work with them to pursue our various interests. And so I expect that well, I agree that what you said is true. There's no formal relationship between the black caucus as such and the Senate itself, or the House itself, and I don't know if there's a way of establishing (unclear) but certainly lines of communication can be established so that we can pursue some of the objectives in some coordinative fashion. And I'd be happy to pursue that.

Question from panel. Would you say that Senator Brooke is one of those you would call (unclear).

Senator MUSKIE. What . . .

(End of tape).

Senator MUSKIE. . . . governmental relations to pursue those objectives as well as co-sponsor legislation of Senator Hughes and Senator Ribicoff in this field. And next week I expect that legislation will be reported out dealing with this issue. But I have not been aware that Senator Brooke has been given—or has assumed—the formal role of liaison to the black caucus to pursue this legislation. I know of his interest in this legislation. It matches mine, at least. And I would be happy to, of course, take any lead that he wanted to take.

Question from panel. Unclear (re: Democratic candidates and labor in inflationary period).

Senator MUSKIE. Well, first, I'm not a candidate—I want to make sure in answering your question that it is not taken as an announcement (applause & laughter) I'd like to pick my own time for that. Well, of course, you have the question with respect to all groups, not only labor. The blacks have interests they're pursuing specifically. Puerto Ricans are. Labor is. Businessmen are. And it's a constant challenge, you know, to maintain your objectivity and independence of judgment at the same time that you seek support of the groups without whom you can't hope to get elected. Now I would hope that I could be objective. I've got a record of, you know, 25 years of public life which gives you some evidence of it. But I don't know that I can, beyond that, prove either the negative or the positive of your question

(Congressman Bingham calls for final round of questions).

Question from panel. Unclear (regarding education).

Senator MUSKIE. Well, I don't believe it. I think those kinds of pressures can ultimately be resolved and always are. The problem for all educational programs is funding. We've just never adequately measured up to the promise contained in the authorization bill. The President has not requested full funding, the Congress hasn't given the full funding, and budgetary strains have limited funding. So I think it's a question of funding more than differences between points of view as to how money should be spent that really retards the federal effort that ought to be made to help education at all levels.

Question from panel. How can we make the seriousness of our situation known?

Senator MUSKIE. Well, I think the seriousness is understood, by and large. But the conflicting pressure is the budgetary one and all of the strains on the budget imposed by the military expenditures, the war, and of course, the economic situation which has reduced federal revenues as well as state and local revenues. It's the lack of a wide and effective and sound policy with respect to the war, with respect to the economy that has, one, increased pressures on the government—on the budget—from other directions, and two, reduced the capacity of the economy to sustain federal revenue. Those are the two pressures. You need a wise policy for the economy, end the war, and then re-order our priorities, and I think we can then zero in on some of these problems. (Applause.)

Question from panel. (Unclear) My question then would be in four parts. (1) Would you ask the conservative (unclear) on the Supreme Court to resign? Would you put a black on your cabinet? Third, would you have a black attorney general? Four, what is your opinion of the San Quentin-Attica situation? (Applause)

Senator MUSKIE. Well, you'll forgive me if I don't cover all of those points exhaustively. (Laughter) I would not direct presidential pressure upon the court to resign . . . any member of the court to resign. Because I believe in maintaining the independence of the Court. (Applause) I mean, once we set the precedent for urging conservative members of the Court to resign, we set one for another president—like the one we have now—to exert pressure upon liberal members of the Court to resign. (Applause) I think the thing a president ought to concentrate on is appointing men of excellence in the first instance—then we don't have to worry. (Applause)

I think that blacks ought to be considered eligible by the next president, whether it's me or someone else, for the position of Attorney General or any other place in the cabinet, and I would consider that they are entitled to active consideration for that purpose. I haven't made up a cabinet yet, but this . . . I make that promise that blacks will be considered for the cabinet on an equal basis with everyone else.

With respect to Attica and San Quentin—to pursue my view of this in greater length. I . . . I'd be glad to refer you to a speech I made at the National Governor's Conference in Puerto Rico a day or two after the incident at Attica, in which I took the view—well, two things. One, that what happened at Attica is a dramatic illustration of the fact that our prisons really harbor the mistakes and the shortcomings and the weaknesses of our society. This is where they end up, all too often. They're not visible to us most of the time, unless tragedies of that kind occur. And so I took advantage—well, I don't know as I want to use that phrase—but I took the occasion of the Attica tragedy to drive home the point that there's so much work to be done to make our society a place of justice and opportunity and promise so that we can deal with the fundamental causes of the human condition that result in Atticas.

Secondly, Attica, of course, demonstrates that we desperately need a real program of prison reform in this country. By prison reform I don't mean simply new and better security measures, but . . . reform directed at making them human institutions which would deal effectively with the problems of rehabilitation. Which would respond sensitively to the fact that any of the mistakes represented there are the product of conditions that were beyond the control of those who are prisoners and that we have to take into account what those conditions have done in reshaping the personalities, the characters, the responses, the habits, the assumptions of those people who are prisoners. Now we have just never done that in this country. Even—you know, 17 years ago when I was governor, 8 years before that when I was first elected for the legislature of Maine, we talked, you know, about making our institutions, whether they were mental hospitals or prisons—about making them places of rehabilitation. The rhetoric has been with us a long time. But we never really addressed ourselves in any fundamental way to achieving that. My one regret about Attica is that it has come and will probably go without our really following through again with this question of making prisons what they ought to be—places that have at least a 50% chance, which they do not now have, of making human beings in fact out of those who are destined to end up behind the walls. (Applause) This gentleman . . .

Question from audience. (unclear) Senator, when is the United States' government going to stop sending billions of our dollars to England, which in turn spends billions of pounds to persecute our people in the north of Ireland?

Senator MUSKIE. Well, I wasn't aware that we were sending dollars, let alone billions to Britain. We no longer have a foreign aid program that benefits Britain if that's what you are speaking of. There are no formal subsidies of the British government by our government. I'm not sure I understand what you mean.

Questioner. Well, now everybody in the world knows that there wouldn't have been any Britain ——— (unclear) if it hadn't been for the United States government, not alone in recent times but for many years prior to this time. They are the basis of all of the trouble that's going on over in ——— (un-

clear) Ireland. I am quite sure you know that Mr. Winston Churchill ——— (unclear).

Senator MUSKIE. Well, we provide no direct assistance to the federal government now. What you are speaking of, Sir, is the program after WW II. It ended quite some years ago.

Question from audience. Two parts: The Mayor of this city has done practically all the things but announce his candidacy for president. How will this affect the Democratic Party? Will the added candidacy of Lindsay cause a repeat of the 1968 loss?

Senator MUSKIE. Well, I . . . I don't—to answer the last part of that—I don't believe so. Mayor Lindsay will, I am sure, make his own announcement, according to his own preferences. I can understand his interest in changing parties. (Applause) Whether that will lead to further personal plans or political plans, he will have to say. I can understand why he should get fed up with 5½ years of Republican rule in New York City. (Applause)

Question from audience. Unclear (re: too many candidates caused loss in '68)

Senator MUSKIE. I don't think so. In 1960, for example, I can recall in Feb. of election year being toastmaster at a JJ dinner in Washington when there were 8 actual or potential candidates for the presidency. We went through that period without any difficulty and we finally elected a president. Really, 1968 was sort of an unusual kind of situation. We've always had a surplus of candidates in the Democratic Party—and this year is obviously no exception.

Question from audience. Unclear (re: Abortion).

Senator MUSKIE. Well, let me just say I support abortion on therapeutic grounds. I do not support it as a birth control device. That doesn't cover all implications of the questions you asked, but I think that's as far as, perhaps, I have time to go at this point.

Question from audience: Senator Muskie, as an older person, I would like to ask a question. Not having a panelist who is an older person, I believe that someone 65 and over should speak. I want to ask . . . I feel that now, since Congress has done little to enable older people to live active, meaningful lives, and I want to know, despite the White House Conference which will be —— (unclear) what would you do as a Congress . . . or Senator to take real steps to catch up, not to go along with a 5% increase in Social Security —— (unclear), not to get a 10% when the Senators making 10-15. The National Council of Senior Citizens call for a 25% increase in the benefits for older people and we need more opportunities all along the line. Now what real steps do you advocate to give us the rights we have to live meaningful, active lives? (Applause.)

Senator MUSKIE. Well, I support, and have—and I've made several speeches on the subject—to raise benefits . . . substantially above the levels that are being talked about, and I think the Congress will. I think we need to gear those benefits to a cost of living escalator clause so that senior citizens will not have to wait for acts of the Congress to get increases geared to the rise of the cost of living. Recently I . . . I made a proposal that you might be interested in, to change the nature of the Social Security package. I'm afraid at this point that those taxes have reached the point that they are likely to be regressive and inhibit, in the future, the gearing of benefits to the cost of living reality. So I proposed making them progressive by lifting all ceiling on salaries, and making the all salary income subject to the Social Security tax, by permitting allowances for dependents and other similar allowances comparable to those of the income tax law, to make the tax less regressive at the lower income levels—and that restructuring the tax basis of Social Security so that it will respond more equitably and more adequately in the future to the needs of old people. It is a broad and complex subject and I would be happy to send you more details on my views. We're a little pressed for time to do it as thoroughly as you might like now.

PANEL IV—DOES THE MILITARY HAVE TOO MUCH INFLUENCE?

(Chairman, Congressman Jonathan B. Bingham; panelists, Cyrus R. Vance, Adam Yarmolinsky, J. Daniel Mahoney).

BINGHAM—opening Panel.

We are very fortunate in having with us a panel to discuss this vitally important question about the influence of the military.

So many of the needs of our community are dependent upon funds. What has to be spent for national defense for the Pentagon. We have quite a remarkable trio, reflecting different points of view. I will introduce them as they speak.

First is Adam Yarmolinsky, who is an author on this subject and has a major work in this area. He is currently Director of a program for the total rebuilding of Welfare Island. He was in the Pentagon for a number of years and served in various capacities—and was one time the Assistant Secretary of Defense.

YARMOLINSKY. Since we are here this afternoon to talk about making government work better, I am particularly glad to be taking part in a panel under the chairmanship of Jack Bingham, who has done so much to make government work better.

I looked over the topics for the other three panels to see if I could do better on any of their questions, but I decided they presented the same difficulty as our question: It's easy to see the problem. It's quite a bit harder to pick out a solution, or even a set of partial solutions.

Our question is—Does the military have too much influence? Well I wouldn't be surprised if it turned out that they did—simply as a result of historical circumstances.

The measure of any group's influence in our society is first of all its size and strength. The U.S. Military establishment is the largest organization in the United States, several times larger than its nearest rival. It accounts for 75¢ out of every ten dollar bill in the Gross National Product.

It spends something like ¾ths of all the money that the Federal government lays out for goods and services. It employs roughly one out of every ten wage earners, including men in uniform, civil servants, and defense workers, even without counting the butcher and the baker and the candlestick maker who depend for their livelihood on military bases and defense plants. The military establishment is present in every community in the U.S. where there is a base or a plant working on a contract, or a sub-contract from the Dept. of Defense—not to mention the U.S. military bases scattered around the world.

As a department of the Federal government, the Dept. of Defense overshadows every other department and agency. Where other departments think in millions of dollars, Defense thinks in billions. Where they count their manpower in thousands, Defense counts in millions.

No wonder the military has great influence in the councils of government, in the calculations of Congressmen and in the thinking of citizens. I read, in yesterday's N.Y. Times that the New York State Congressional delegation, which frequently votes to cut military spending, has been pressing the Pentagon not to close down a regional contract administration office that would cost N.Y. City some 800 jobs, and a letter from the bipartisan steering committee of the N.Y. delegation to Defense Secretary Laird complains about N.Y. not getting its fair share of defense jobs.

But if military influence is primarily a function of the size of the military establishment, what are the prospects for a significant reduction in that size? Contrary to popular impression military spending measured in constant dollars, has not been on the upswing over the last few years. As a percentage of GNP only, spending apart from the Vietnam war has been declining steadily since 1962, and even including Vietnam it only exceeded the 1962 figure in the peak year of Vietnam spending, 1968. But it has been declining very slowly. Suppose the military budget were cut very sharply, as proposed by the National Urban Coalition from $80 billion to $65 billion. Or suppose it were cut to $55 billion or $45 billion, or would you believe $35 billion. It would still be the largest single item in the Federal budget, and defense would be only the 2nd or 3rd largest industry in the U.S. Military influence, as measured by the military budget would still be very great.

But is military influence proportional to the military budget a bad thing? I submit that in several important ways, it is:

Military influence tends to keep the military budget larger than it needs to be in order to meet our national security needs.

Military influence tends to encourage military solutions to foreign policy problems that might better be solved by other means.

Military influence works on the military budget mostly by indirection, not like River and Harbor bill—an unhappy process with which our chairman is much more familiar than I. The military as a group proposes, but their proposals go through series of budget reviews. By custom, they can ask for a rehearing on adverse decision, called for some reason, in bastard Latin, a reclama—once, but only once. There are reviews by people outside the Pentagon before the budget gets to White House in proposed final form. There are early interagency reviews introduced by the Nixon Administration, but despite controls, Congress seldom adds on to the military budget. The fact is that when the military budget goes to Congress it just doesn't get examined as critically as say the budget of the Office of Economic Opportunity. This is so I suppose for 2 reasons; First, because of economic power of military establishment. I don't mean reprisals, but simply the need to keep military business for your State, City or district. Second, because the feeling persists that there is something sacred about military requirements. I think we're beginning to get away from that. The pendulum may swing too far. Look at the thirties and F.D.R.'s problem in rebuilding the military for World War II. Perhaps what we need to do is to take a different and broader view of what constitutes our national security.

National security goes to the conditioning of our cities. It goes to education and jobs and public order. We may not be able to solve this problem by money alone, but as Ogden Nash said, "There are lots of things money won't buy, but it's funny, have you ever tried to buy them without money?"

The old action of automatic priority for military spending won't hold up because you can always figure out why you need more and there just isn't enough to go around. We need more public goods than the average public is willing to pay for, so we have to establish priorities on a case-by-case basis.

But military spending isn't the biggest problem of military influence. The problem is that when the military presence looms very large, military solutions are more ready than nonmilitary solutions. It didn't take any great amount of available military force to commit us to a very dangerous course of action in the Dom. Republic or to a disastrous course of action in S.E. Asia. But the fact that we had so much made those apparent, but illusory, solutions seem more at-

tractive. In a world where two or three countries have the power to destroy each other with nuclear weapons, military force is an instrument of very limited usefulness. To the extent that we do need it, we need it largely to discourage other nations from using their military power—as they may believe they need their military to discourage us.

The issue is clearer in the nuclear field than in the non-nuclear. But in both areas, the responsibility of political leadership and of the American people to provide a countervailing force to military influence is an essential element in avoiding international catastrophe. How leaders and constituents can mobilize to that end is a kind of nuts and bolts question, which I understand will be discussed in questions and answers this afternoon.

Bingham introduces Vance.

Cyrus R. Vance—Secretary of the Army, Deputy Secretary of Defense, Special Representative of the President in the Cyprus crisis; one of the two U.S. negotiators at the Paris Peace Conference on Vietnam—Received Medal of Freedom—was in Navy from 1942–46.

(NOTE.—This is not a verbatim report.)

Cyrus R. Vance—Former Paris Peace Negotiator and Deputy Secretary of Defense.

In answer to the question, "Does the Military Establishment have too much influence?" I guess my answer would be "yes."

First, let me say that I agree generally with the analysis which Adam Yarmolinsky has given. Next, I would like to address myself to the area of military spending and the failure adequately to control it.

I believe this comes about primarily from a failure of our system of checks and balances, and secondarily from the interdependence of the military, Congress and industry. Insofar as the latter is concerned, I want to make it clear that I don't believe that there is a conspiracy among the three.

In the first instance, the defense budget is prepared by the military in the Department of Defense. Senator Phil Hart said:

"A military man is disciplined to overestimate enemy capacity and underestimate his own. He puts an imaginative mind to work trying to anticipate every potential ruse, every combination of weapons. Then it is his job to protect against them, to close every defense chink. If we give him that assignment we have no right to be surprised if he tends to spend heavily."

The size of the proposed figures is also, to a degree, affected by inter-service rivalries. At this point, the civilians in the Department of Defense come into play, particularly those who are appointed by each new administration. It is their task to scrutinize and pare down the size of the initial budget submission.

The technical capacity to do that kind of a sophisticated job didn't exist in the Defense Department until the early 1960's when the experts began to bring the techniques and methods of systems analysis to bear on the weapons selection and budgetary process. But even that kind of analysis does not achieve the desired results. The civilians, as well as the military, have a built-in parochial bias, as they do in all departments and agencies. It is for this reason that we have under our system of checks and balances a budget review by the Bureau of the Budget.

In the 1960's, the burden of proof was on the concerned agency or department to justify the items in the budget which were challenged by the Bureau of the Budget. The only exception to this practice was in the case of the Defense Department. The burden of proof should have been on the Defense Department, but it was not. I understand that this has now been changed . . . I don't know how it is working, but the change is a positive one.

Next the approved budget goes to the Hill where it is reviewed and examined by the Armed Services Committees and the Appropriation Committees of the two Houses. As you know, the budget is very complex and requires skilled technical examination and analysis; unfortunately, Congress doesn't have the technical staff assistance to cope with it. This arises from the fact that the task of budget analysis has greatly changed with the complexity of the weapon systems which have come with the missile age.

What can be done to cope with this problem? First, we should get better trained Congressional staffs with the requisite expertise to deal with the complex technical issues which are presented. This is not easy, but an attempt must be made to do it. Secondly, we might seek assistance from outside the government. Suggestions have been made to have a non-profit organization set up to offer its analytical services to the government to do the kind of work that is necessary, or alternatively to use an existing organization like Brookings.

But even if we do this, we will still face the problem of parochial interests of affected Congressmen. Defense business means jobs in Congressional Districts and this is, of course, important. The result is that when a project is proposed which will be located in a given Congressman's district, he will almost always support it. Thus, a given project will be pushed by the Department of Defense, industry, the services, and the affected Congressman, with the net result that it is very hard not to approve it. This is the interdependence I spoke of earlier.

What is essential for the future is that a determination be made as to our national priorities. If this is done, it will be easier to put in context the true nature of our defense needs.

Bingham introduces Mahoney.

Member of the Board of Directors—American Conservative Union. Spent 3 years in Coast Guard as an ensign and Lieutenant, J.G. Graduate of Columbia Law School and is now State Chairman of the Conservative Party.

NOTE. (This is not verbatum).

J. DANIEL MAHONEY. There are some areas of agreement that I have with the two gentlemen who preceded me to the extent that there is an absence of expertise in defense matters and also that the process of submitting a working defense budget leads to the tendency of increased spending.

Since 1968 aside from Vietnam, the level of defense spending has been on a decline.

The Constitutional role of the military has not been changed in recent years. In 1951, it was possible for Douglas MacArthur to challenge the President concerning a question of military policy. Dwight Eisenhower was able to be elected President of the United States. The military stood in higher caste then, than it does today.

In recent years with ROTC gone from colleges, with the campus upsets, there seems to be little broad based support. There is a lessening of respect for people who are engaged in war. The military role in the United States is sharply limited.

The impact on policy is the same. There is a decline in military expenditure as against domestic pressures. Senator Buckley on the Senate floor stated as follows on the debate on bills for increased funding for missiles:—

". . . Since 1966, the United States has deliberately and, I might add, unilaterally, chosen to freeze the size of her strategic forces. Specifically, we have since that date maintained a force level of 1,000 Minuteman ICBM's, 54 Titan II ICBM's and 41 Polaris class nuclear submarines, while reducing the number of our B–52 bombers from about 600 in 1966 to 400 today. Thus, during this 5-year period, there has in fact been a quantitative reduction in our strategic nuclear forces."

This has occurred despite a most dramatic buildup of the Soviet Union's strategic nuclear capability. Indeed this buildup has gone far beyond the requirements of simple deterrence or the achievement of nuclear parity. Since the Strategic Arms Limitations Talks were initiated in early 1968 the Russians have deployed 200 SS–9 ICBM's, a missile for which the United States has no counterpart. Moreover, they have added 400 of their SS–11's, a missile somewhat larger than our own Minuteman. The Soviets have also initiated the deployment of the SS–13, a solid fuel ballistic missile similar to our Minuteman, and are in the advanced stages of the development of a mobile ICBM. All of these recent changes in Soviet forces have been quantitative, and as of today the Soviet Union possesses over 1,600 land-based ICBM's and is continuing to deploy more, while our land-based strategic missiles remain frozen at 1,054.

In terms of payload capacity, the Soviet Union has developed the ability to deliver at least 5,400 megatons of destruction since the Strategic Arms Limitations Talks were initiated in early 1968. This increase alone exceeds the entire U.S. megatonnage by over 1,000. Moreover, only about 1,500 megatons of the entire U.S. force is in the form of ballistic missiles, the remainder being represented by bombs carried by 1955-vintage B–52's.

Moreover, if the Soviet Union were to employ the same warhead technology which we now have on a production line basis for our Minuteman III program the Soviet Union could mount 25 to 30 separate warheads on each of its SS–9 missiles. As the Soviets already have over 900 SS–11's and 300 SS–9's deployed, the potential for a devastating attack on the United States is self-evident. It should, moreover, be kept in mind that much if not most of the missilery is designed to attack not our cities, but our Minuteman silos and B–52 bases with the result that it is now generally conceded that within another 2 or 3 years, if present trends are allowed to continue, the Soviet Union will have achieved the capacity to destroy virtually all of our land-based strategic forces in a preemptive first strike.

We must realize that the major nuclear imbalance must take priority. Serious danger in the area of national policy, and the furor over the military and industrial complex which dangerously obscures defense developments. The Soviet has a superior ABM system; superior in warhead capacity (SS–9) and the United States has been stationary since 1966.

We are dealing with a totalitarian regime which has not changed.

We have a continuing problem, i.e. Philippines, Czechoslovakia.

The present question should not be with relation to military defense policy, as to how much it should be cut, but what we can do about improving the disparity of strategic force, so that we can command respect in the world.

BINGHAM. Before we continue with a response from Mr. Vance, I would like to say a few words:

Re the Congressional Problem—True any Congressman would try to preserve defense establishment in his own district. This is not a major part of the problem as far as large expenditures are concerned. Defense establishment trying to streamline. Congressmen will fight it to preserve jobs.

Re: inadequate review—Changed to some extent. Automatic approval to Defense Dept. recommendations no longer given by Congress. Changed at time of debate of ABM.

Re: Pendulum swinging too far—may swing too far against military.

Re: Concern over not sufficient applicants who are qualified—for military academies. Only 16 or 18 in 3 congressional districts where we should get 50 to 100.

Re: More expert Staff. Great need for staff—would be more helpful, although caution along these lines—as staff might make recommendations not necessarily followed by members of Congress—i.e. Chairman of Appropriations Committee who is also Chairman of sub-committee on defense—when it comes to military he sometimes overrules staff recommendations in support of General and Admiral programs that are recommended.

Re: Major Expenditures not in strategic weapons.

Re: Natural affinity for those interested in military to want to serve on Arms Services Committee.

VANCE. I disagree with what Senator Buckley said on the Senate floor. We must find a way to reach agreement which would stop the upward spiral. Insofar as the number of missiles which the Soviet Union and the United States have, the question is how much is enough. If our objective is to deter the occurrence of war, you don't need to continue to build in order to have sufficient deterrence.

A conscious decision was taken at the time Mr. McNamara was Secretary of Defense to put a lid on the number of missiles. This action was based on the philosophy that we had enough missiles so that any attack could be retaliated against in such a fashion as to destroy the attacker as a viable society. This provided deterrence against attack from any rational adversary.

YARMOLINSKY. Mr. Mahoney's argument seems to me a case of worst case thinking.

If in calculating the need for nucelar weapons we assume anything that can happen will happen in the way that is most disadvantageous to us and least disadvantageous to an opponent then we are going to come out with a requirement for a nuclear force which will look to our opponents as if we were trying to get ahead of them. So it follows that they will make their own calculations and they will build more weapons and ultimately no one will be more secure, and the spiral will be ready to enter another round. In calculating a reasonable approach, we must ask what would an opponent be inclined to do under stress. It must be clear to him that if he initiated an attack, he would be blown up and destroyed.

MAHONEY. I agree with Vance that what we are looking for is sufficiency. Problem is that Vance & Yarmolinsky simply don't take into account that since 1966 while we stood still, the Soviet Union added more megatons to their arsenal and that by 1975 they will be in a position to wipe out every land based missile. Of course we would still have our submarine based missiles, but we don't know what the Russians are achieving and they certainly are putting more into their efforts. It is now reaching a point where the United States should assess the situation.

BINGHAM. Firstly, the significance of megatons. We have many more weapons than would be required to blast Soviet Union off the face of the earth. What advantage do we gain by piling power on top of it. It doesn't take enormous weapons to destroy missile sites.

United States is not standing still. Is in process of arming land base missile sites and we still have our submarine base missiles.

If our intelligence felt that the Soviet could destroy our land base missiles in one fell swoop, we would be so informed, but that is not a prospect at the moment.

Question. To Anyone—It has been suggested in recent years by Prof. Galbraith that the defense industry be nationalized to limit their influence.

VANCE. I have not been convinced that we would have a more effective system. Over the years we developed what are called arsenals for the production of certain army weapons. These arsenals were less efficient than the civilian weapons manufacturers. If you look at that historical analogue, it leaves me with concern about nationalizing these large industries and turning them over to in-house manufacturers.

YARMOLINSKY. I agree with Mr. Vance. I think it may be worthy pointing out in dealing with a variety of defense contractors that a nonprofit institution or even a university is no less eager to expand its empire to get more contracts and maybe even more willing to exert itself.

BINGHAM. Ralph Nader does not approve nationalization of corporate business from point of view of responsibility.

Question. History points out that a prefrontal labotomy may be the way, do you think so?

MAHONEY. I suggest it is. I agree that enough is enough. The question is do we have enough, and are the military people the ones to whom we are less likely to heed. I don't know that we face a serious missile problem, but I do know that Kennedy did in 1960.

YARMOLINSKY. I think that we have enough on the nuclear side. I don't believe that the way to protect our national security in the area of nuclear weapons is to increase our arsenal.

BINGHAM. I would like to tell a story in which Mr. Vance took part—some years ago—a carrier was on way back from Vietnam—Navy planned to have it refueled in South Africa and by time we heard about it, it was too late for it to be refueled anywhere else. We were concerned about visit being misunderstood. Commanding officer of ship had arranged shore leave and we also learned that people of S. Africa were making plans to entertain them. We went to see Secy Vance and he called Secy Katzenback—net result was that men had no shore leave, and it was a pretty tense situation.

Mr. Vance—I would like your comment on fact that present administration seems largely dismantled in the operation of the defense department—Mr. Yarmolinsky was concerned about political problems that face the military, which takes action on problems such as the one I just described. Would you like to comment on this?

VANCE. This is an important point. I believe it is essential that the Defense Department have a talented and experienced staff to deal with the interrelated political-military problems which arise on a daily basis. It is essential that in matters of foreign policy the State Department should be the first among equals and take the leadership. However, that does not mean that the Defense Department should not have any role to play. To play its proper role, however, requires that it have the talent to deal with these problems. That is what it had in the Office for International Security Affairs. Unfortunately, I hear that the office has been down-graded.

Question. Is there an erosion of our naval strength in the Mediterranean area?

VANCE. Yes, there is. The Russians have increased their strength in the eastern Mediterranean. We have, for many years, had considerable strength there, so it is reasonable to expect, for strategic and psychological reasons, that they would attempt to increase their strength there. As the Middle East area has become hotter, it was also natural that this would come about. I don't consider this a matter for concern.

MAHONEY. In addition to naval build up in that area, it has been said that we do not have anything as far as air build up. This is another area in defense establishment—if we have a situation where Arabs will achieve air superiority over Israel.

BINGHAM. It must be understood that the Foxback is an extremely fast airplane which must operate at high altitude—not good for combat in lower atmosphere. Administration wrong in not giving Israel the F-4 phantoms—although Israel has three trained pilots per plane and the Arabs only 1 per plane and Israel is far superior, better trained and can outfight Egyptians . . . feeling in Congress at present that U.S. should bring pressure on Israel to withdraw request for further supplies of planes.

YARMOLINSKY. Research & Development is careful to make sure that our technical ability keeps us. It is a fact that making large sums of money available to our military establishment doesn't guarantee that we will have the most up-to-date military force that we can have. It is also true that if you are an athlete—you are more likely to be more athletic if you are lean than if you are fat.

Question. Is there not a lot of waste in material in the War Dept. Is it not a fact that a lot of research done by war department goes to private industry for their own benefit?

VANCE. There is no question that there has been much waste in our war department, as there is in war departments all over the world. This is a problem that has been attacked in several ways. First, there is an audit agency to try and ferret out where there is waste and to hold those responsible accountable when it occurs. In addition, Congress has the General Accounting Office which monitors waste and inefficiency in the government. Despite these efforts, waste does continue. I know that there are many in the Defense Department who are trying to do their best to prevent waste. It is also true that some patents that are developed under the Defense Department contracts are turned over to the public.

Question. What about classification and secrecy of military information?

BINGHAM. There has been excessive use of classification . . . Pentagon papers are a good example. Although there is a tendency on the part of the military establishment to make information classified when the public should be aware, there certainly are elements in our defense establishment, as in our intelligence department, which does need to be protected and for this reason a classification system is therefore necessary. A study is going on arising out of the Pentagon papers as to classification and whether there should not be a rapid declassification.

YARMOLINSKY. Senator Muskie has offered a proposal for an independent classification review board outside of the military establishment which I have been doing some work on.

Question. Do you think it wise for Department of Defense to put all its eggs in one basket—is it wise to have total strategic defense on missiles which may not work.

BINGHAM. We don't rely on any one given system. We maintain the B-52 bombers, we have submarine based missiles and as far as my own view is concerned, we will probably rely more on submarine based missiles than on land based missiles as they are more vulnerable to surprise attack. You ask if we might need a conventional force and I say yes we do—and in this area, we have been spending more than is necessary. Carrier fleets are obsolete and all we should need is one or two carriers and not the 15 that the Navy talks about.

YARMOLINSKY. The issue is not whether missiles will work. They might not work. Other weapons might not work. The important question is the views of people on the other side who may be contemplating aggressive action—it is that calculation that we have to make—to decide what is enough.

ONE-TERM PRESIDENT FOR UNITED STATES?

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 24, 1972

Mr. CHAMBERLAIN. Mr. Speaker, last July 15, I introduced House Joint Resolution 783 proposing an amendment to the Constitution that would provide for a single 6-year term for the Presidency. As everyone knows, the powers and responsibilities of the Presidency have increased enormously in this century and particularly in the last 40 or so years. The question is whether we as a nation are best served when its Chief Executive is compelled to devote so much of his time and energy to the problems of reelection. After reflecting on this problem for some time, and although recognizing that the 6-year term is no panacea, I believe the time has come for the Congress to reconsider this proposal. I say reconsider because it is not a new idea. In fact, it dates back to the Constitutional Convention of 1787 and even succeeded in passing the Senate in 1913.

I was particularly interested to note that former President Johnson has also come to favor this change as he indicated in a television interview last month. I am encouraged as well by a recent editorial that appeared in the State Journal of Lansing, Mich., February 20, 1972, which offers a thoughtful discussion on this idea, and I commend it to the attention of my colleagues.

The editorial follows:

ONE-TERM PRESIDENT FOR UNITED STATES?

It is not about to happen in the immediate future, but certainly some stronger consideration should be given in the years ahead to the idea of changing the presidential tenure to a single six-year term.

The proposal is not entirely new but seems to be obtaining increasing support. Among those who have recently added their endorsements are former President Lyndon Johnson and Senate Majority Leader Mike Mansfield, two men who are well acquainted with the problems of Congress and the executive office.

Present constitutional limitations, of course, stipulate that no president can serve more than eight years (two terms) except where there is a vice presidential succession due to the death in office of an incumbent chief executive. This restriction was adopted following the unprecedented Franklin Roosevelt era.

But times have changed and are continuing to change so rapidly that it is questionable whether the nation can afford the persistent deadlocks which so often occur with a first-term president.

It is said that presidential fever is an incurable disease and so it's only natural that when a new president takes office one of the first items on the agenda is to start planning for the next election. Major policy decisions and legislation are often delayed with that ever present second election shadow down the road.

On the other side of the coin, if the new president faces a hostile majority party in Congress as has often been the case in past years, his programs may end up gathering dust in committee files because the opposition does not want to enhance the chief executive's chances of re-election if it can help it.

A president, in short, should not have to spend a major portion of his first term in office laying the groundwork for the next election but should be totally concentrated on getting the job done within one elected term.

Congress likewise might be more prone to cooperate in the interest of the entire nation if the occupant of the White House was limited to a single term.

Another factor is the immense power and prestige which has been accumulated in the office of president during recent decades. The incumbent, whoever it happens to be, has a tremendous advantage over challengers by virtue of the office. A president need only call a press conference, appear on TV or make a casual remark at a dinner to gain instant national and worldwide attention. Challengers simply can't get that kind of exposure under the best conditions.

It is perhaps worth noting that no U.S. president has been turned out of office since 1932 (Herbert Hoover), and that was in the midst of a severe national depression.

Most important, however, is the need to minimize as much as possible the unconscionable stalling which occurs when a new president and Congress go through the political ritual dance of a first term.

Both Congress and the president need a new incentive to get on with the business of the nation instead of forever looking over the horizon at the next election date.

INSIDE THE AFRICAN "TERROR ZONES"

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 24, 1972

Mr. SCHMITZ. Mr. Speaker, no less than 44 pages of the RECORD for February 16 were taken up with a sustained and vehement attack on conditions in southern Africa, including the Portuguese overseas provinces of Angola and Mozambique which I had the opportunity to visit last year. The continuing misrepresentation of conditions in these provinces, coupled with the almost complete lack of on-the-spot investigation by members of the press or of the Congress, is inexcusable. The only way to set the record straight is to hear from people—other than the few revolutionaries—who have actually been there. Consequently I will continue to insert in the RECORD, from time to time, first-hand information on conditions in these provinces of our faithful ally Portugal, to provide an antidote for misrepresentation and a fair basis for judgment on what Portuguese citizens—white and black—are actually doing and how they are actually living in Angola and Mozambique.

Following is another article by Thomas J. Haas, who visited these areas at almost the same time as I did last year, which appeared in the Review of the News for February 2, 1972:

INSIDE THE AFRICAN "TERROR ZONES"

(By Thomas J. Haas)

Upon arriving in Luanda for *The Review Of The News* I was immediately impressed by the order, the peacefulness, and the cleanliness of this beautiful and busy capital of the Portuguese province of Angola. It was like seeing Lisbon transported south of the equator.

I was of course surprised at the obvious tranquillity, knowing that since 1961 Angola has been the scene of a war between Portuguese troops and terrorists supported and supplied by the American Establishment, the World Council of Churches, Red China, and Soviet Russia. But I quickly learned that the war is limited to areas bordering Portugal's unfriendly neighbors. A similar state of war has existed since 1964 in Mozambique, Angola's sister province in Africa.

The truth of Portugal's claim that Angola and Mozambique are not colonies but integral parts of the Republic of Portugal is confirmed by the fact that all of the people of these provinces are Portuguese citizens. Proof of their awareness of this is the fact that roughly half the men under arms in both provinces are black. These black soldiers are not "good natives" serving as an auxiliary force such as England used in India. They are Portuguese citizens fighting in the army of their country in defense of their nation, the Republic of Portugal.

Most of the news coverage available to the American public on the war in Africa is slanted against Portugal and in favor of the Communist-led terrorists, whom our "Liberal" press calls "freedom fighters." I was on assignment in Portuguese Africa to learn the truth about the war there. In Angola I concentrated my time in the district of Uige, in the north, where the terrorists struck in force on March 15, 1961, and where sporadic fighting continues in the Dembos zone.

Landing in Carmona, the capital of Uige, I was met by Sr. Arnoldo Lopes and Sra. Lourdes Freire, my companions for a week spent traveling by Land Rover through the bush of Uige.

This district is very fertile, and there are abundant coffee farms, owned by both blacks and whites. It is not unusual for a black farmer to sell his coffee crop for a price in excess of $28,000. One such farmer is Alfredo Lando Tete, a former supporter of the terrorists. After Sr. Tete's father, a terrorist leader, was killed by the Portuguese Army, Tete and his brother George fled to the Congo. But, as order was restored in Angola, the Tete brothers began to realize that the only hope for peace and a decent life for themselves and their fellow blacks was under the flag of Portugal. The Tetes returned home, and today Alfredo Tete is a loyal citizen of Portugal and owns a 1,500-acre coffee farm employing fifty-two workers.

The village to which the Tetes belong, Quiongua, is typical of those the government has helped rural blacks to build in place of the ruins left behind by the terrorists. Although by American standards these villages are hardly impressive, by African standards they seem the ultimate in advanced living. Each of the new villages has a chapel, a small town hall, a sanitation clinic, a covered well, and a school.

The school at Quiongua is a one-room structure furnished with simple wooden desks. It lacks a swimming pool and most of the other accessories we have been told are essential for "quality" education. While visiting the school at Quiongua, I selected at random a student copybook by a third-grader, Celestina Benedito. The quality of work, though typical, is so high that I doubt it would today be possible to find a third-grade workbook produced in any public school in America that could compare with it. American teachers who have inspected the workbook tell me it is the equivalent of work done in the sixth grade of our government schools. Celestina's book shows that she has a better grasp of Portuguese than

most of our third-graders have of English. Her penmanship is superb, and this little African girl is already doing multiplication, long division, and elementary geometry. The essays in her book reflect strong religious and patriotic themes.

Because Portugal lacks sufficient "regular" teachers, there is a heavy reliance on what are called monitors. I visited a school for the training of these monitors. To be admitted into the program, I learned, one must have completed at least four years of schooling, must be eighteen years of age or older, and must pass an entrance exam. The instructor teaches the prospective monitors exactly what they will teach their pupils. There are no courses in abnormal psychology, social sciences, or blackboard theory; just the basics—reading, writing, arithmetic, history, and hygiene. This "antique" and "slipshod" approach is almost identical to that used in one-room country schools in the United States before John Dewey persuaded us to turn our government schools into factories for the production of revolutionaries and illiterates.

The National Education Association certainly condemns the Portuguese approach to education, but our "Liberal" educators cannot blink the fact that, despite tremendous disadvantages, Portugal is giving a little Bahungo girl living in a bush village in Africa a better education than is being made available to our children, with all our resources, technology, and wealth. In education, as in so many fields, Portugal has held fast to the classical traditions supporting Christian Civilization.

Several days after our visit to Quiongua, we were driving south from Carmona toward the village of Quitexe. As we passed the carefully cultivated and sweet-smelling coffee bushes, the luxuriant banana plants, and the playfully chattering monkey families peacefully grooming themselves in the shade, it was hard to realize that this had been the scene of the unspeakable atrocities about which I had heard and read so much. Today Quitexe is a bustling little place, a bit dusty though orderly and active, despite its location on the edge of the Dembos terror zone. But on the morning of March 15, 1961, nearly every man, woman, and child in Quitexe was massacred.

On that awful day the same butchery was repeated over and over again throughout northern Angola. And the many victims—both white and black, and of all ages—were tortured to death in ways so sadistic and obscene as to prevent a full telling of the tale in any civilized journal. A brief account of the *least* horrifying terrorism includes the following:

At Luvo, all the white people in the village were tied to logs and sawed to pieces by a buzz saw.

At M'Bridge, one man was skinned alive; others—while still living—had their eyes cut out and their hands cut off, were castrated, and their bellies were cut open and entrails pulled out. Also at M'Bridge, babies were thrown into the air and smashed against trees to break their bones; then the bodies of the dying infants were used as balls in a soccer game.

At Mavoio, the arms and legs of an infant still in its crib were hacked off and the child was left to bleed to death.

Many, many other carefully confirmed accounts of these atrocities are simply too horrible to print.

The initial shock of the outbreak weakened Portuguese authority, and in the months before it could be reestablished, anarchy swept the north. Ancient tribal hatreds and petty village squabbles erupted into a rampage of murder and arson that left 15,000 people dead—13,000 blacks and 2,000 whites—and virtually every black village burnt to the ground.

Shockingly, this terrorism can be directly attributed to the support, both "moral" and financial, received from the United States by Holden Roberto, Communist leader of the United People of Angola (UPA). Prior to the uprising of March fifteenth, Roberto visited America, where he was warmly received by Eleanor Roosevelt, John Gunther, the American Committee on Africa, the A.F.L.-C.I.O., and a variety of other groups whose concern for humanity apparently does not extend to little children raped and tortured to death by terrorists. And despite the thousands of atrocities committed against an innocent population made up mostly of blacks, these great "Liberals" still support the terrorists today. They have been joined by the World Council of Churches, the United Presbyterian Church, U.S.A., the Ford Foundation, and others. There is even reason to believe that our Central Intelligence Agency also played an important role in the attempt to undermine our Portuguese ally.

One of the most disturbing aspects of the war is the role played by the "social gospel" missionairies. One such clerical revolutionary told the Quioco people: "Christ was a Quioco, and the Portugese crucified Him." In fact, all the terrorist leaders captured in northern Angola were missionary trained. I had the moving experience of visiting the grave of a young Portuguese paratrooper who was killed by terrorists operating out of a catechist station.

The "social gospel" agitators who have deserted Christ for Marx have much to answer for. As Portugal's Prime Minister Caetano has said, "Lacking grace to obtain Heaven, they are determined to bring Hell upon earth."

In Quitexe I interviewed two women who had been married to terrorists, and who had for ten years lived in the Dembos mountains with their terrorist husbands. I also interviewed two women who, with their children, had been kidnapped by the terrorists. I learned that the terrorists, operating from bases inside the territory of Portugal's Marxist neighbors, Congo Brazzaville, Congo Kinshasa, Zambia, and Tanzania, recruit followers in one of two ways: (1) Young men, many of whom have never even been in the Portuguese provinces, are promised freedom to loot, rape, and murder if they join the Communist struggle for "independence," and they are promised lives of idle luxury after "independence" is gained. (2) Prospective recruits are told that unless they join the terrorists they will be killed on the spot. The number of natives of Angola and Mozambique who voluntarily join the terrorists is virtually nil.

After the "recruits" are trained and armed with the latest in Czech, Russian, and Red Chinese weapons, small groups are infiltrated into the Portuguese provinces and, in the area I visited in Angola, establish themselves in small camps deep inside the broken, jungle-covered mountains. Once there, the terrorists engage in banditry, laying mines, and an occasional ambush.

Although life in the Red base camps where the terrorists are trained is tolerable, with modern medical facilities supplied by the American Establishment, life in the mountain camps is hell. Both of the widows to whom I talked had lost their husbands to one of the many diseases rampant in the terrorists' mountain camps. One of them had also lost a child; the other, all three of her children.

Because the terrorists have to travel so far to reach the zones of activity, they can seldom bring women with them. These "freedom fighters" would never dream of working for themselves, so whenever possible they kidnap local women to serve as slaves. The women I talked with who had been kidnapped had been fortunate enough to escape before their captors got them to the camp. Had they not done so, both they and their children would have been enslaved, and eventually their young sons would have been forced to become terrorists too. The future of such slaves is uncertain to say the least. If a terrorist tires of his slave woman, he may simply murder her when it comes time to move the camp; or, fearing that a baby born to her in the camp might cry and alert a Portuguese sentry, he may kill his own child. Anyone caught trying to escape from the terrorist slave camps is hideously killed and mutilated as an example to others. Nonetheless, such defections are constant.

After concluding my interviews in Quitexe, I made one of three visits deep into the terror zones. These are not areas of terrorist control, but rather zones where the terror has been sporadic. Contrary to reports in the *New York Times* and other vehicles of pro-Communist propaganda, the terrorists do not control so much as a single village.

The Dembos terror zone has numerous busy and productive plantations, many of which—such as the farm of Dr. Manuel Assoreira, which I visited—have been worked throughout the war. When terrorism broke out, these men did not flee; rather they stayed on the land and fought for what was theirs. Today life is still not quite normal for these courageous men and women; there is some danger—but danger no greater than one faces in the streets of an American city after dark.

I drove over to Santa Isabel, a combination plantation and military base twenty-five miles within the Dembos terror zone. In our party were Sra. Freire, Sr. Lopes, O.A. de Pimental Teixeira, the administrator of Quitexe, his two sons, and Dr. Assoreira. At Santa Isabel, as at other places I visited in the African provinces of Portugal, I was informed that I was the first American who had ever been there. Although American magazines and newspapers have published hundreds of articles on Portugal's war in Africa, *The Review Of The News* is one of very few to dare give its readers first-hand coverage.

About seventy-five miles from Quitexe, and outside of the terror zone, I visited the village of Mucaba and spoke to Viegas Nita, João Madeiras Jeronimo, and some of the men known throughout the Portuguese world as the heroes of Mucaba. I was the only American who had visited this Alamo of Angola. Here is their story as they told it to me:

In the early afternoon of April 29, 1961, a plane dropped a message warning that a band of fifty terrorists was heading for Mucaba. The thirty white and black men of the village assembled in their little church, Our Lady of the Immaculate Conception. They had only eighteen guns and a scanty supply of ammunition. As these beleaguered defenders of Mucaba watched, the terrorist force surrounded the church like some jungle fungus gone wild, until it numbered about 3,000.* Each new part of this monstrous growth was separate and independently menacing, and each had weapons and a voice. "*Mata*! UPA! *Mata*! UPA!" they chanted over and over. "Kill! UPA!"

At 6:00 that afternoon the first attack came and was beaten back by the defenders—thirty men against three thousand. Hour after hour the screaming horde stormed the church, and each time they were repulsed. The attacks continued throughout

* It was impossible to know exactly the number of the terrorists, and estimates range as high as 6,000. The 3,000 figure is taken from the "Diario de Serviço" of the Administrative Post of Mucaba, dated April 30, 1961.

the night. In the morning, with the ammunition almost exhausted, several light planes struck the rebels with enough air support to disperse the terrorist. But it was not until five p.m. on April thirtieth, almost twenty-four hours after the first attack, that a column of soldiers arrived to relieve the siege of Mucaba. Although outnumbered a hundred to one, the defenders had killed three hundred terrorists and had lost only one of their own number.

The significance of the defense of Mucaba is not just in the courageous resistance of the band of defenders in their church, but in the perfect example that it gives of the determination of the Portuguese to hold on to what is theirs. The terrorists made two more attempts in that year, 1961, to capture Mucaba—one on May tenth, the other on June nineteenth; both failed. Today the village is completely free of any danger and a proud monument to anti-Communist resistance in Africa.

Near Mucaba is the village of Bungo and the cattle ranch and coffee farm of Sr. Costas, a real pioneer in the old American sense. Costas came to Angola from metropolitan Portugal as a young man with limited financial resources. Today, through his own hard work in a free enterprise system, he has a large store, farms, processing plants, and many other interests. After visiting Sr. Costas' cattle ranch, we went on to his coffee farm for lunch. In 1961 this whole area was overrun by the terrorists, and UPA maintained a barracks only two miles from the spot where we dined. Yet on the occasion of our visit, because there is no house on the farm, Sra. Costas and her sister drove out to the plantation from Bungo the day before to make preparations for the meal, and the ladies slept alone and unarmed in one of the coffee barns where they later served the meal.

After lunch I went out to talk to the villagers. They told me that they had joined the terrorists in the early days of the warfare, but that they were "good now." They explained that the terrorists had come to their village with many high promises, but the villagers soon learned that they were being lied to and cheated. When I asked what they would do now if a terrorist came into their village, one man said: "We'd tie him up and take him to the authorities." Another responded more enthusiastically. "I'd kill him," he shouted. And there was no doubt he would do exactly that.

I found this same general attitude throughout both Angola and Mozambique. The blacks want nothing to do with the terrorists, and they know that their only chance for a decent life and an improved future is under continued Portuguese authority. As a result, the terrorists have had little success after ten years of fighting a war in which they have every geographical advantage. The majority of the victims of the terrorism are still the very people who are supposed to be "liberated," and a large percentage of the Portuguese Army pursuing the terrorists is made up of the black population. It is clear that at least 90 percent of the black people in Angola and Mozambique support their Portuguese government. If the percentage of support were appreciably less than that, I would most certainly have been killed on one of the many journeys I made unarmed into the bush. Frankly, I would estimate the percentage of black support for the government as high as 99 percent.

Throughout my travels in African Portugal I was impressed by the numerous ways in which the rural tribesmen are being drawn into Christian Civilization. The development and social assistance programs in Angola and Mozambique are the very antithesis of the welfare system as we know it. In these overseas provinces of Portugal there is in the cities a public housing program for the poor, white or black.

However, once a family has rented a house, it cannot be evicted because the family income goes up, and at the end of ten or fifteen years the family receives full title to the home. This is surely the opposite of our approach to federal housing for the poor, which encourages continued poverty and in five years turns new apartment buildings into slums and breeding grounds for crime. The Portuguese system emphasizes individual responsibility and private ownership. There is no dole.

In the bush the Portuguese philosophy is well expressed in the words, "Teach a man to fish, don't give him a fish." I saw this concept in practice at Chai, a village in Mozambique only about seventy-five miles from Communist Tanzania and deep within a terror zone. I visited Chai accompanied by Dr. Fernando Bastos, who is in charge of civil administration for this district. Dr. Bastos, who was born in Mozambique, is an excellent example of the highly intelligent, cultured, and dedicated men representing the Portuguese government. His wife has a doctorate in art, and their home in the small town of Porto Amelia is tastefully furnished and decorated with her fine paintings and many handsome objects of art. Later, while I was visiting the Bastos at home, Dr. Bastos entertained us after dinner with a virtuoso performance at the piano of Debussy's *Clair de Lune* and a beautiful concerto of his own composition.

Dr. Fernando Bastos regularly calls upon his own deep understanding of the principles of Christian Civilization in his efforts to raise the Makonde tribesmen of Cabo Delgado from the stone age. He knows that no step is too small or too insignificant. As we walked through the new village at Chai, in the terror zone, Dr. Bastos pointed out a magnificent tree which had been carefully preserved because of the aesthetic mood it creates in that part of the village. He explained further that the tribesmen had been encouraged to replace the cloth draperies that used to hang in their doorways with wooden doors—with the objective of strengthening family life by giving the residents of the home more privacy. Fernando Bastos also showed me through one of the houses he designed to combine the Western and African styles. This new design has a living room in addition to the traditional sleeping rooms—another small step toward binding the family unit together more closely. The house can be built for $100, but although the Portuguese will give the builder assistance, he must put up the money and do the work. "Teach a man to fish, don't give him a fish," as the Portuguese say.

Because Chai is in the terror zone, a company of soldiers is stationed in the village. During lunch the commander, Captain Carlos de Campos Andrada, told me how he and his soldiers help in small ways to draw the tribesmen toward Western Civilization. The small boys of Chai love to play in the military camp, riding in the jeeps, talking to the men (who are both blacks and whites), and playing at being soldiers. This is generally a good influence on them; but of course many of the boys would rather play in the camp than go to school. So the Captain made a rule that only boys who attend school may come to the camp, and needless to say there is now little truancy. Another small step is the matter of cleanliness. Although most of the boys of the village are provided with several shirts, they will, left to follow their own inclinations, wear one shirt until it literally falls off. So the Captain periodically announces that only boys with clean shirts will be allowed in the camp, and the next day all the boys arrive spick-and-span.

Although these may seem minor and unimportant steps to one who has never seen the life-style of primitive people, such methods are an important part of *drawing* these people into a civilized way of life.

In order to rectify the imbalance between the supply of manpower and the need for it, the Portuguese have developed a system of contract labor whereby an employer contracts with a given number of men to employ them for a term of six, twelve, or eighteen months. For his part, the employee works eight hours a day, six days a week. In return he receives a basic salary (one-fourth of which is paid weekly, with three-fourths paid into a savings account); living quarters; all meals, which must include meat, fresh fish, and fruit; medical attention and insurance; and, traveling expenses to and from the place of employment.

I visited many sites using contract labor and found the conditions to be uniformly excellent, so I was amazed to learn that the system has been under attack. The Left has tried to picture contract labor as a form of modern slavery. This claim is, of course, totally false. There is no labor union which can even pretend to give its members better protection than that guaranteed to these contract laborers by the Portuguese authorities. If one man registers a complaint about conditions—for example, that the food is not adequate—and the complaint is found by investigators to be justified, all the laborers on the farm are sent home at the employer's expense and that employer is never again permitted to hire contract labor. Furthermore, the balance of the savings account which the worker accumulates over the terms of his contract is often enough to enable him on returning home to establish a shop or to start his own farm. Or if, for instance, he is working in northern Angola on a coffee plantation and finds he likes coffee farming, he can go to the district governor of Uige and make application for an abandoned farm, which will become his after five years of working it.

Contract labor is most certainly not a form of slavery; rather it is an excellent way for the rural blacks in provincial Portugal to earn a decent living and to build up capital of their own. Little wonder that the Left hates the system so bitterly.

Another favorite target of American radicals is the Portuguese police, the Direction General of Security. In Angola I had the pleasure of meeting the provincial director of the D.G.S. Here again I was one of very few Americans ever to have requested such an interview. I found the director to be a highly intelligent and progressive law enforcement officer who would do credit to our Federal Bureau of Investigation. I thought of J. Edgar Hoover as my host explained: "The attack on the Portuguese police is not the result of any misdeeds on our part, but is a part of a worldwide drive against all police officers (definitely including those in America) who try to do their duty in protecting the people against a criminal and revolutionary minority." Like the F.B.I., the D.G.S. is vigorously anti-Communist.

In Mozambique I visited an orphanage run by the D.G.S., funded partly out of the police budget and partly from the profits of the farm connected with the orphanage. The deficit is made up by contributions from private citizens and from individual police officers. Once more, I found that no American reporter had ever been there. Wherever I went, among black and whites, I heard nothing but praise for the D.G.S. And they deserve it. Except in the few terror zones, one is completely safe throughout Angola and Mozambique at any time.

Of course African Portugal is not made up entirely of military camps and bush villages. It includes also the large harbors of Luanda, Lourenco Marques, and Beira, around which modern cities have grown up; the rich diamond, copper, manganese, and iron mines; the oil fields and refineries of Cabinda; the huge coffee, tea, sisal, cashew, and sugar plantations; the great dams, most notably that at Cabora Bassa, which when completed

will be the largest in Africa and the fourth largest in the world; and, the magnificent parks and reserves.

Angola and Mozambique are many things, but most important they are integral parts of the Republic of Portugal and vital bastions of Christian Civilization. For years the Communists have realized that the destruction of Portugal is essential to the success of their drive for the conquest of southern Africa and the world. Unfortunately, for over eleven years *Insiders* in the American Establishment have been directly aiding the Communist attack against our Portuguese ally. Such men are not only betraying one of this country's staunchest friends, they are betraying the national interests of the United States of America.

When we hear politicians, State Department spokesmen, "Liberal" commentators, and assorted phony authorities rant about Portugal's "colonialist" war in Africa against the native "freedom fighters," we should realize that these individuals are either too uninformed to express an opinion, or are consciously supporting Communist-led savages who wage war by torturing children, raping women, and committing atrocities the like of which the world has seldom seen.

ESTONIA'S INDEPENDENCE DAY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 24, 1972

Mr. DERWINSKI. Mr. Speaker, 54 years ago today, Estonia severed the chains that had held it to the Soviet Union. Independence was a new experience for its people, who had for 700 years been under the rule of Danes, Germans, Swedes, and Russians.

When Estonia declared its independence on February 24, 1918, World War I was still going on and it was not until November 11, when the armistice took effect, that the Germans began to withdraw from its territory. Eleven days later the Bolsheviks began to invade Estonia. The brave resistance of its people, together with support from a British naval squadron in the Baltic, enabled them to clear their land of these latest invaders by the end of January 1919. The Soviet Union, which had recognized the independence of Estonia when it signed the Treaty of Brest-Litovsk on March 3, 1918, granted final recognition on February 2, 1920, when it agreed to the Treaty of Tartu.

Two decades of freedom for Estonia came to an end soon after the Communists and their ideological bedfellows, the Nazis, divided Poland between them. If such a large country could not successfully resist invasion, what hope was there for a small nation such as Estonia?

Its days were indeed numbered. When the Soviet Union threatened to invade Estonia, it was compelled to sign a treaty with its huge neighbor, thereby permitting establishment of military bases and stationing of Russian troops on its soil. Occupation, fake elections, and annexation followed in rapid succession and on August 6, 1940, the tiny Republic was absorbed by the Soviet Empire.

The old adage, "When thieves fall out, just men get their dues," meant nothing to the people of Estonia. When Hitler and Stalin dissolved their marriage of convenience, the Nazis, as one of the results of their invasion of the Soviet Union, occupied Estonia from 1941 to 1944.

While the end of World War II eliminated nazism, it also restored communism to Estonia. Consequently, it did not share in the victory that brought the liberation of many other lands.

Instead of freedom, Estonia experienced the collectivization of its farms, the nationalization of its industries, the communizing of its schools, and the suppression of its churches. The tyrants in the Kremlin deported 120,000 of its people and replaced them with people from other areas of the vast Soviet Empire.

Mr. Speaker, may God grant that it will not be too long before the day of deliverance from Communist domination once more brings freedom to Estonia and its sister Baltic Republics.

DEFINITION LACKING

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 24, 1972

Mr. DUNCAN. Mr. Speaker, I would like to place in the RECORD two especially good editorials from the Knoxville, Tenn., Journal, of February 19—the subjects, unemployment, and the FBI.

The articles follow:

DEFINITION LACKING

As can be expected in an election year, the term "unemployment" will be tossed around wildly during the next several months, with the Democrats exaggerating it and the Republicans minimizing it—both for political purposes.

At the same time other politicians will be howling about either the abuses or deficiencies of the welfare system.

One could quickly get the notion that at least some of these people do not have the foggiest understanding of the subjects about which they are talking. Indeed, "unemployment" may be among the most misunderstood words in the language.

Although there is considerable question about the accuracy of the government's figures, latest reports show total unemployment in the United States to be hovering at or slightly below 6 per cent of the nation's work force.

At the same time, however, more Americans than ever before have jobs. The number of persons holding jobs has climbed above 80.5 million for the first time in history, meaning that in the past five years the U.S. economy has produced almost eight million new jobs.

Why this paradox? How can there be high unemployment and record employment at the same time?

A recent analysis by the Wall Street Journal provides at least a partial answer. It was found that only 40 to 50 per cent of those listed as "unemployed" were jobless because they have been laid off.

Also included are, "in addition to many who have quit their jobs, many more who either have never worked before or have decided to look for a job again after having been out of the labor force for some time. In this group are many teen-agers and housewives."

The classic pattern was found to be that when a man was laid off his wife and often teen-age sons or daughters also went looking for work so that three or more persons would wind up listed as "unemployed" as the result of only one person losing his job.

This and similar circumstances have prompted many within the Nixon administration to suggest that the country actually is in a lot better shape than it might seem from merely looking at unemployment figures. They could be right.

While the official figure may be between 5.9 and 6 per cent, the actual total of prime wage earners out of work apparently falls somewhere between 2 and 3 per cent of the work force. And that's far short of the national crisis some choose to find in the American economy.

But unemployment figures have been so abused by politicians for so long that they do not really prove anything any more.

IT'S EVERYBODY'S BUSINESS

J. Edgar Hoover, director of the Federal Bureau of Investigation, recently sought to enlist American businessmen in an all-out drive against crime in this country. He had good reason to do so.

The Commerce Department has estimated that just plain thievery—like burglaries, bad checks and employe thefts—costs business about $15.7 billion a year in direct losses and in expenses related to crime prevention.

This whopping figure does not include the cost of organized crime, which runs into the billions each year itself, or such "extraordinary" crimes as embezzlement and airplane hijacking.

Last year retail stores suffered the most from "ordinary" crime, with losses estimated at $4.8 billion. Primarily, shoplifting and employe theft were blamed. (Bank robberies, for comparison, produced losses of $10 million.)

Included in this $15.7 billion total is about $3.3 billion spent by businesses each year on private crime prevention, mainly for guard services. But to this should be added the portion of business taxes that go for support of local, state and federal police agencies.

The Commerce Department report was critical of business for being too "passive," especially in the prosecution of criminals. With so high an annual price tag on this so-called "ordinary" crime, it is difficult to see how anyone, business or consumer, can afford to remain passive. Clearly crime prevention is everyone's business.

ALCOHOL SAFETY PROJECT OF CINCINNATI

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 24, 1972

Mr. KEATING. Mr. Speaker, the Secretary of Transportation, John Volpe, was a recent visitor of Cincinnati where he personally inspected the Cincinnati alcohol safety project.

This is a demonstration project for the State of Ohio under the Highway Safety Act of 1966 with the city of Cincinnati as the prime contractor.

I was privileged to accompany the Secretary for a detailed inspection of the program and we learned that arrests for driving while intoxicated—DWI—has increased some 600 percent during a comparable period during 1971.

The number of arrests jumped to 168 from 28 during a comparable period last year.

This was due to the fact of an increased patrol activity by a 12-man Alcohol Safety Unit.

Operating under special procedures, Alcohol Safety Unit personnel take automobile drivers, charged and arrested for driving while intoxicated, to a special DWI interrogation facility at the police division headquarters.

During the course of this video-taped interrogation, the arrested individual is asked to submit to a blood alcohol content—BAC—test using a breathalyzer.

Under present Ohio law, refusal to submit to this test automatically results in the loss of driving privileges and a license suspension for 6 months. Should the BAC test reveal a level of 0.05 percent of alcohol content, the charge of DWI is dropped unless there are other overriding circumstances. Ohio law considers BAC levels of less than 0.05 percent to 0.10 percent may or may not be charged with DWI, depending on the circumstances and the degree of impairment observed by the arresting officer. Individuals found to have 0.10 percent or above alcohol content are charged and prosecuted for DWI.

Prearraignment confinement or medical treatment also may be imposed if deemed necessary by the arresting officer.

When the defendant is brought to the Hamilton County Municipal Court, the individual may enter an appropriate plea. In cases of "not guilty," normal court continuances for defense counsel are granted. All DWI cases are prosecuted by a special ASAP element of the Prosecutor's Office.

On a filing of "guilty," the ASAP element of the Hamilton County Municipal Probation Department conducts a presentence investigation to determine whether the individual concerned is a problem drinker.

A convicted nonproblem drinking driver may be required, in addition to the mandatory confinement, to attend a 12-hour driver improvement school operated by the Greater Cincinnati Safety Council. There he will be taught driver responsibilities as well as the dangers of driving while drunk.

Those identified by the court as problem drinkers are referred to a diagnostic center where the problem-drinker diagnosis is confirmed or refuted by additional evaluation.

A special 20-hour behavior modification program, conducted by Cincinnati General Hospital's Alcoholism Clinic, could be part of the recommended plan. This course is designed to help problem drinkers recognize the danger they represent, impress upon them the effects of alcohol on their driving, to change their problem-drinking behavior and to encourage efforts to control this behavior.

The probation department keeps a check on the individual's progress during all stages of this rehabilitation.

After completion of one of these programs, the individual leaves the active program of ASAP.

A significant part of the ASAP is an intensive public information and education campaign. It is designed to increase public awareness of the alcohol problem as it relates to highway safety, to impress the public that alcohol-related accidents and deaths can and must be reduced.

Mr. Speaker, preliminary investigation of the program shows that it promises to be a success not only in singling out drunken drivers who spread havoc on our highways but it also helps in spreading the word to the public the tragic results of drunken driving.

HUD—COMPLICATIONS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 24, 1972

Mr. DERWINSKI. Mr. Speaker, I insert into the RECORD a WBBM—Chicago—radio editorial of February 14 and the replying broadcast of February 18 by Mr. John Waner, director for the Chicago area office of the Department of Housing and Urban Development.

My purpose in directing these two commentaries to the attention of the Members is to, in the process, emphasize that HUD is probably the most poorly administered Department of our Government. It is a classic case of inefficient bureaucracy and waste of public funds in its disregard for congressional intent and, too often, disregard even for the public interest. In my opinion, the Department should be subject to a thorough house cleaning which should begin at the very top with the Secretary himself.

The editorials follow:

FHA ABUSE

The F.H.A. has a program which provides low income people with the vehicle for owning their own homes. Unfortunately, the people end up as the losers.

Because of the F.H.A. mismanagement and the influx of profit-mongers, the unwary home-buyers are stuck with homes that are decrepit and over-priced. Some of the buyers can't afford to repair defects which never should have passed an F.H.A. inspection. Some of the people have given up and abandoned the homes. Others have held on . . . doing their best to rehabilitate what they thought would be their step up to better living.

In Chicago the West Side Coalition has documented more than 50 cases of flagrant abuse of the F.H.A. program. Indeed, the F.H.A. is quickly becoming the nation's greatest slumlord.

This hardly seems appropriate for an agency which is supposed to help people.

The F.H.A. has become the . . . perhaps . . . unwitting co-conspirator with those unscrupulous realtors who are destroying our city's neighborhoods.

REPLY TO FHA ABUSE

(Replying to a WBBM editorial deploring the abuse of the FHA home ownership program, here is John Waner, Director for the Chicago Area Office of the Department of Housing and Urban Development.)

FHA insures mortgages made by private lenders. FHA does not buy or sell or repair or inspect homes for code violations. We do not make direct mortgage loans. Our appraisers inspect homes to determine the value of property only.

Currently we rely upon city building inspectors to inspect properties for code violations. Under present procedures, each application for home mortgage insurance must be accompanied by a Certificate of Inspection from the city.

Our office, on single family mortgage insurance alone, processed over 41,000 applications. We recognize that with such a massive work load, there will be some margin of error.

HUD's responsibility is to administer laws enacted by the United States Congress. We cannot administer our programs in a manner that would thwart those objectives. We cannot deny a home purchaser the benefit of an FHA insured mortgage—if he meets all of the eligibility criteria for that mortgage insurance—on the basis of community pressure.

Charges have been leveled at us from white groups who accuse us of accelerating racial change. Conversely, black groups charge exclusion.

We at HUD can only respond by continuing to implement administrative procedures that we believe will produce quality housing on a non-discriminatory basis.

We share the concern and dedication of all local groups interested in achieving quality housing and long range housing goals.

FATHER DANIEL BERRIGAN

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 24, 1972

Mr. DELLUMS. Mr. Speaker, I am submitting for the RECORD the following statement of Father Daniel Berrigan, S.J., upon parole from Danbury Federal Correctional Institution:

FATHER DANIEL BERRIGAN

On February 24, my first word is, naturally, one of gratitude to Congressman ANDERSON, the lawyers, friends, and fellow prisoners who petitioned, worked, fasted, and prayed to make my freedom possible. Freedom, however, is an unfinished business, whether it be my freedom, the freedom of other prisoners, or the freedom of the Vietnamese. I mean no exaggeration, therefore, when I say that today I am only half free, that a large part of me is still captive in Danbury, still captive in the courtroom at Harrisburg, and still captive to the war makers. It is to this unfinished business of victims and prisoners that I wish to dedicate myself anew.

American prisons are bulging with human misery, attrition, and waste. In Harrisburg the theater of cruelty is playing on and on, an indefinite run, it seems. The imperial lions versus the inedible Christians. And in Asia the war that was supposed to wind down ticks on and on, and its spring tightens by determined duplicity and violence and fear.

Unfinished business, indeed. The President would like to declare the business of the war finished, but we have learned to measure the distance between his words and his deeds, his diplomacy and his bombers, his promises and his jails. We refuse to cover the faces of the dead, refuse to be distracted by his travelogues and his economic games. The war is still the first fact of life for the living, as it was when I went to prison, as it was when I went underground, as it was when I went to Hanoi and Catonsville, as it was when I went into exile. There is no issue comparable to the death of innocent children, neither the economy nor good fellowship in China, nor cancer nor pollution, nor taxes nor political campaigns.

Today we begin another journey together—a pilgrimage to Harrisburg. Let our walk declare the deep resolve of our hearts. We will never rest until sanity has been restored to the mighty and power restored to the power-

less. This is our pledge of allegiance to God and to humanity.

Now, Mr. Nixon, hear us. You will harken to the voice of the people, or like your predecessor, you will go the way of political and moral oblivion.

A POSITIVE POLISH IMAGE

HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 24, 1972

Mr. NEDZI. Mr. Speaker, the Polish-American community of the United States, which numbers several million people, has a tendency to silently endure slights and misrepresentations. It is slow to anger.

One of the unfortunate developments of the 1960's was the growth of the so-called Polish jokes. These jokes were often malicious and almost always a misrepresentation of the basic character of Polish-Americans.

Recently, Businessman Edward J. Piszek, of Philadelphia, and Father Walter Ziemba, of Orchard Lake Seminary in Michigan, have launched a campaign to bring to public attention the vast cultural history of the Polish people and to counter myth with calm and well-reasoned intelligence.

This effort has been appropriately noted by the Washington Star in its editorial of February 22, 1972, which is set forth below:

DOWN WITH POLISH JOKES

Let's hear it out there for Edward J. Piszek, a wealthy Polish-American businessman who has launched a one-man campaign to discredit Polish jokes and to tell Americans, including some 10 million Polish-Americans, more than they now know of the glories of Polish heritage.

Stamping out Polish jokes will be a tough job. This is, after all, the age of the smartmouth. There remains a market for whipping groups, and the Poles of late appear to have replaced others, notably the blacks, as the butt of not-so-funny jokes. No one wants to be called a racist, and that probably accounts for the decline in jokes about blacks. We would suggest that the next time someone starts a Polish joke he be labeled an elitist.

As for the Polish heritage, two things can be pointed out. One is the persistence with which the Poles maintained and built a definable culture down the years despite their location, as with the Dutch and the Finns, at a crossroads for conquerors and their armies. The second is the list of luminaries who grace the history of Poland. Generals Kazimierz Pulaski and Tadeusz Kosciuszko are two. Then on the Mikolaj Kopernik (Copernicus), Maria Sklodowska-Curie, Fryderyk Chopin, Ignacy Jan Paderewski, Arthur Rubinstein and Teodor Josef Konrad Korzeniowski (Joseph Conrad).

We included the full, originally-spelled names to illustrate a dilemma faced by many Polish-Americans, past and present: Change the name or not? There is an exotic quality to all those c's and z's, and it would be a shame to lose them. Yet there is an element of practicality involved, one that Piszek well appreciates. He sells frozen food under the name Mrs. Paul's and it is a question whether he would have done as well with the name Mrs. Piszek's.

A better example is the background of the Democratic Party's front-running candidate for President, a Polish-American who might have the last laugh in November. For it is conceivable that the election outlook could swing on the action years ago of a harassed immigration official who shortened to Muskie the name of the senator's father, Stephen Marciszewski.

SUPPORT FOR RURAL DEVELOPMENT

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 24, 1972

Mr. HILLIS. Mr. Speaker, I want to register my wholehearted support for the Rural Development Act of 1972. It aims at improving the economic well-being of this country's rural areas and encourages a redistribution of our country's lopsided population.

Hopefully, this bill will help rural America offer better living conditions and employment opportunities, not only to stop the flow of rural residents to our overcrowded cities, but to reverse that flow.

The facts concerning rural life today are discouraging and give an insight into why we have seen a large migration to our cities. While one-third of the Nation's population lives in rural areas, 60 percent of the country's substandard housing is located in rural areas. Rural areas often do not have available basic fire and ambulance services, nor adequate water and sewage facilities. The per capita income in rural areas is substantially lower than in our cities, and job opportunities are woefully scarce.

Is it any wonder that rural areas have lost population steadily—half of the Nation's counties have reportedly lost population in each of the last three decades. Those who leave for the city often become welfare recipients and end up in the ghetto—but they migrate to where there is a larger chance of work. Most families would prefer to stay in the country, but economic necessities force the move.

Those of us who have lived in or near rural communities, as well as large urban centers, know what outstanding advantages America's countryside has to offer: fresh air, elbow room, relaxation and friendliness. I know that many of the people now crowded into our cities would prefer rural living if they could have modern conveniences, adequate housing, and especially a job. Obviously, urban America has a stake in rural community development efforts, as proposed in the Rural Development Act.

This act basically makes available more Federal funds, through loans and grants, to develop rural areas. Rather than initiating a new rural development bureaucracy, this legislation channels these additional Federal funds through two already existing and very effective programs—the Farmers Home Administration and Soil Conservation Service.

It authorizes new authority for pollution abatement grants to rural residents or farmers, new authority for rural development planning grants, grants for business and economic development, and increases water and sewer grant authority under the Poage-Aiken bill. I frankly would prefer to see this grant money be made available in the form of loans, instead, because I think this could stretch limited Federal resources further, and would not constitute a giveaway program, but a self-help effort.

Besides authorizing cost-sharing for water quality management and watershed projects, this bill requires that priority be given to rural areas in the location of Federal facilities.

This act also raises the $100 million limit on the Agricultural Credit Insurance fund to $500 million, increases the size of farm operating loans from $35,000 to $50,000, and authorizes use of a market value appraisal in place of normal value appraisals for farm ownership loans.

In addition, this legislation insures loans made in connection with Soil Conservation Serivce projects, removes the $4 million ceiling on community water and waste disposal loans, and directs the Secretary of Agriculture to carry out a land inventory and monitoring program in at least 5-year intervals on soil, water, and related resource conditions.

I have long been a supporter of rural development, and am the cosponsor on two other bills, which I believe could supplement the proposed Rural Development Act of 1972. One of my bills would promote more jobs in rural areas, and the other would create a working partnership between Federal, State, and local governments for developing rural America's resources. I would be delighted to see all three of these legislative items passed eventually.

Certainly, this bill cannot do everything for everyone—resources are too limited for that now, but I do believe it can help improve the quality of life in rural America. It indicates a recognition of the value of revitalizing our rural areas, for the improvement of the quality of life of all Americans—both urban and rural. Certainly this is a commendable start and has my full support.

MEAT PRODUCTION UP

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 24, 1972

Mr. ZWACH. Mr. Speaker, recent statements by some people in Washington have expressed a need to increase imports in order to have adequate supplies of beef. I, of course, do not agree with these statements and am inserting in the RECORD a recent article published in the Western Livestock Journal which indicates that the number of cattle and calves on feed are up by 10 percent. It just indicates that our livestock people, if given incentives, will fulfill all requirements for meat in our country.

The article follows:

CATTLE, CALVES ON FEED IN MAJOR FEEDING STATES UP 10 PERCENT

Cattle and calves on feed February 1 in the six major feeding states totaled 8,193,000 head, up 10% from a year earlier.

Compared with February last year, the number on feed increased in all six states, ranging from 4% in Colorado and Arizona to 16% in Texas. Compared with a month ago, the number in the six states was up 3%.

Kansas (added to the monthly feed report in November) had 1,100,000 head on feed, the same as January 1.

January placements of cattle and calves on feed totaled 1,581,000 head in the six states, up 2% from January 1971. Placements were up in California, Arizona and Texas but declined in Nebraska, Iowa and Colorado during January. Kansas placements totaled 220,000 head.

During January, marketings of feed cattle from the six states totaled 1,378,000 head, a 1% increase from January 1971. Texas, Colorado and California reported increased marketings while Arizona, Nebraska and Iowa showed declines. Marketings from Kansas totaled 220,000 head during January.

January marketings of steers and heifers sold out of first hands for slaughter at seven markets totaled 186,448 head; 110,364 were steers, 76,084 were heifers. Steers averaged 1128 lb., 14 lb. less, while heifers at 959 lb. weighed 13 lb. less than last January.

Average price per 100 lb. live weight during January was $34.76 for steers, up $6.35 from a years ago, and $33.85 for heifers, up $6.26.

Traders and stockmen available for comment after the cattle and calves on feed report was released were nearly unanimous in saying the total numbers on feed was about 2% above general expectations. Placements and marketings were also larger than most had been expecting.

Feeders also pointed out that the excess of 114,000 head was more than accounted for by the jump of 133,000 head in California where January placements doubled.

FREEDOM OF SPEECH AND ASSOCIATION—A CHECKLIST FOR SURVEILLANCE

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 24, 1972

Mr. HARRINGTON. Mr. Speaker, the freedom of speech and association which is so central to a genuinely democratic Government can be threatened in a number of ways. In addition to the danger of overt suppression, there is the chilling effect of official surveillance. Law-abiding citizens, engaged in lawful political activity, can unfortunately be intimidated by the knowledge that their words and actions are being taken down and cataloged for some unknown future purpose by military or law enforcement agencies.

The document which follows these remarks is an example of the sort of indirect suppression in which our Government has unfortunately been engaged. It is a checklist for surveillance which betrays a fundamental misunderstanding of the role of Government in a democracy; it is a document prepared by individuals who seem to regard political activity by American citizens as a danger to be monitored, rather than as a constitutionally protected right which is the highest duty of official agencies to protect.

We have been assured by the executive branch that the days of military surveillance of civilian political activity are over. If that is so, it is only because those of us in the Congress, the media, and other areas of society who believe in our democratic freedoms have fought against this heavy-handed interference with our rights. And I say "if it is so" because it is the sad fact that many of us no longer believe that we can accept unquestioningly what the executive branch says on matters like this.

In any case, Mr. Speaker, I wish to insert this checklist at this point as an illustration of the kind of activity in which our Government has recently engaged which threatens our liberty far more gravely than the activity of any outside source.

The material follows:

(C) SUPPLEMENTAL LEAD SHEET

Paragraph 7 f (Special Instructions) is superseded and the following substituted therefor:

f. In all cases where MI agents are called to AFRES based on a qualification of DD Form 98/398, make every effort to conduct the Subject Interview immediately upon notification. Attempt to develop counter-intelligence information on points of qualification, i.e., if the qualification involves any organization cited as subversive by the Attorney General or suspected as potentially subversive, including data on membership, identity of members and leaders, finances, operations, equipment, and any other aspect pertaining to the organization.

a. (C) To procure, evaluate, and disseminate as expeditiously as possible, information relating to actual, potential or planned demonstrations, civil disturbances, dissident activities, disasters and catastrophies which threaten civil order, military security and/or the capability of the Department of the Army to accomplish its mission.

b. (C) To provide overt collection and reporting procedures and readily retrieval data by the following categories according to the combined Essential Elements of Information (EEI) outlined in paragraph 5 below:

CATEGORY CODE AND CATEGORY

A Civil Disturbances.
B Major Disasters and Catastrophies.
C Anti-War/Anti-Draft Activities.
D Militant Organizations.
E Extremists in the Armed Forces.
F Demonstrations, Rallies, Parades, Marches, Conventions, Conferences and Picketing Activities.
G Foreign Element Participation or Influence in Civil Disturbance.
H Strikes and Labor Disturbances.
I Dissidents/Subversives in Civil Disturbances.[1]
J Legal Aspects.[1]
K Thefts of Weapons and Ammunitions.

5. (C) LEADS TO BE DEVELOPED: ESSENTIAL ELEMENTS OF INFORMATION

Category A, Civil disturbance—CCN: 9036–9944

Predisturbance Activities

a. Indicators of threatening violence in communities having a discontented populace.

(1) Presence of militant agitators from within a discontented minority community or presence of "outside" militant agitators.

(2) Increase in efforts of extremist minority groups to instigate violence through inflammatory propaganda, either written or verbal.

(3) Increase in number of incidents which reflect minority group rebellion against authority, such as false alarms and vandalism.

(4) Reports and rumors of planned agitation or impending violence related to civil disturbances.

(5) Increase in activity, such as rabble rousing meetings and fiery agitation speeches, of extremist, civil rights groups.

(6) Sharp increase in absentee rate of discontented minority groups.

(7) Increase in incidents of resisting arrest; the gathering of crowds when arrests are made.

(8) Increase in charges of police brutality: increased resentment of law enforcement.

(9) Stepped up activity by gangs characterized by anti-social activity on the part of minority group members.

(10) Increase in assaults on police/fire personnel.

b. Activities preceding planned civil disturbance.

(1) Probable causes, objective, locations, and nature of disturbance.

(2) Probable categories and identification of persons and groups who will create or participate in disturbance.

(3) Estimated number of persons who will be involved. As participants: as observers.

(4) Probable assembly areas and routes. Method of travel.

(5) Leaders identity. Overt and behind the scenes.

(6) Activities, organization, and other plans prepared by the leaders.

(a) How will they exert control?

(b) Will weapons be used? What type? Where, when how?

(7) Identity of newspapers, radio, or television stations, and prominent persons who are friendly with the leaders of the disturbance and are sympathetic with their plans. Will any be present? Participating? How?

(8) Location, kind, and amount of arms, equipment, and supplies available to the disturbers.

(9) Location of other arms, equipment and supplies which, if insufficiently guarded, may be seized by the disturbers in event rioting occurs. Are safeguards against seizure sound?

(10) Location and name of important buildings/facilities that may be threatened. What makes the building/facilities important? Who is owner/responsible for building/facilities? How can he be contacted?

(11) Location and description of communications systems, public utilities, and stores of volatile fuel. Responsible person? How contacted?

(12) Possible threat to Federal property. What? Where? When? By Whom?

(13) Do the facilities in (10), (11) and (12) above have their own physical security? How adequate?

(14) Identification of Department of the Army personnel (military or civilian) who are or may become involved on the side of the disturbers.

c. Indicators of potential violence.

(1) High unemployment or menial work rate among discontented minority groups.

(2) High crime rates for discontented minority groups.

(3) Wide disparity of average income between white and discontented non-white.

(4) Poor relations between law enforcement officials and discontented minority groups.

(5) Migration of large numbers of persons from discontented minority groups into cities.

(6) Lack of means for minority groups to redress grievances and lack of meaningful communications between law enforcement agencies and the minority community.

(7) Protests of minority community to conditions in slum areas, such as: de facto segregation in unions, housing, and schools; lack of jobs; lack of recreational facilities; local merchants and landlords overcharging for housing, goods, or services; police brutality; substandard education facilities and teaching staff.

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[1] As related to Civil Disturbance only.

(8) Efforts by minority groups to upset the balance of power and the political system.

(9) Failure of law enforcement agencies to properly respond due to indecision, lack of manpower, or fear of public reaction.

(10) Inequitable law enforcement, real or imagined, towards minority groups.

(11) Public apathy or negative reaction to issues of civil rights and impartial law enforcement.

d. *Purposes and objectives of dissident groups.*

(1) Overall purpose and objectives. Long-term and short-term objectives and relationships to problems of minority groups and the country. Estimates of plans and objectives; capabilities, resources to be employed.

(2) Specific aims and roles. Coordination with other minority groups and dissident organizations. Support obtained from other agencies.

e. *Capabilities and vulnerabilities of dissident groups.*

Evidence of strengths and weaknesses in terms of ability to create civil disturbance situations, to expand activities to meet emergencies, to enlarge potential for disturbance, and to maintain own internal security.

f. *Funds.* Source and extent of funds, how are they distributed. General purpose for which funds are used.

g. *Organization of dissident groups.*

(1) High Command. Composition and structure of headquarters. Relationship to other agencies. Exact titles, location of functions and responsibilities, lines of authority, organizational charts, rosters of key personnel.

(2) Subordinate elements. Administration, organization, functions, responsibilities, principal and alternate locations, strengths, facilities, lines of authority, organization and key personnel.

h. *Tactics and strategy of dissident organizations.*

How do these elements plan and execute their civil disturbances and related actions. The nature and scope of their tactics and strategy. Proposed or planned deviations from usual or accepted tactics. Internal factionalism and protagonists. Cause themes and appeals.

i. *Personnel.*

(1) Number of active members; breakdown of membership by ethnic groups, age, economic status, education, criminal record. Biographic data on key members.

(2) Potential for increasing membership. Numbers of persons, source of members.

(3) Women members. Age, position within group, authority, biographic data.

(4) Pay. What members receive pay? Are expenses reimbursed? Source of funds?

j. *Administration.* How is organization supervised and controlled? Who is responsible for correspondence and related actions? Does organization produce publications? Identify.

k. *Training.* Are skills useful in creating disturbances and doing violence taught, e.g., fabrication of Molotov cocktails, homemade bombs, firearms, booby traps, and other devices? Judo, marksmanship, communication training, counter-surveillance, infrared photography. Training areas, source of support, instructors.

l. *Logistics.* Sources of supplies, weapons, vehicles. Location, stocks capacity of stockpiles. Methods of resupply.

Activities During Civil Disturbance

(1) Location, form and extent of violence and damage. Proximate cause for outbreak.

(2) Identification of individuals and groups participating in civil disturbances. Leaders? Government personnel? News media representatives? Spokesman?

(3) Targets or planned targets of violence, burning or looting, e.g., neighborhoods, government buildings, Army installations, department stores, and public utilities.

(4) Patterns of violence which suggest centralized control and organization, e.g., well organized sniping, selective firebombing, and other systematic destruction.

(5) Indications of participation in or instigation of violence by persons or groups known to be subversive.

(6) Expected duration of disturbance.

(7) Motive for the disturbance? Anti-authority? Anti-white? Mixed?

(8) The reserves committed by local agency commanders in the current situation.

(9) The effects on the current situation of reserves that have been committed.

(10) The projected effects of reserves that have been requested but not yet committed.

(11) The ability of the forces currently on the scene to contain the area and intensity of the disturbance.

(12) The direction of the disturbance: whether anti-authority, anti-white, or undirected.

(13) The trends of riot connected activity: sniping, looting, bombing.

(14) The types of attacks on authorities: rock throwing, sniping.

(15) The reactions of authority to attacks: whether withdrawing or counterattacking.

(16) The authorization for use of riot control equipment.

(17) The riot control equipment presently in use.

(18) The use of mass media to influence civil disturbance elements.

(19) The refusal of local agency personnel to respond in disturbed areas or while under fire.

(20) The presence of news media representatives in the disturbed area.

(21) The effect of news media representatives in the disturbed areas.

(22) The extent of reporting from the disturbed area, and its sources.

(23) The communications with personnel in the disturbed area.

(24) The emergence of spokesmen for the minority element.

(25) The indication of organization and central direction of rioters.

(26) The presence of militant leaders and their activities.

(27) The efforts to instigate or perpetuate violence.

Post-Disturbance Activities

(1) Is disturbance likely to recur?

(2) When can it be expected to break out again? In what locations? In what form? To what degree?

(3) Are factors that precipitated the outbreak still present? What factors? To what extent do they still exist?

(4) What is attitude of minority groups who participated?

(5) Have militant agitators and other leaders left the area of civil disturbances? Where are they currently located?

Category B, Major disaster and catastrophies—CCN: 9086–9029

Provide all available information pertaining to major disasters and catastrophies which may result in the rendering of federal assistance to supplement the efforts of local or state authorities in the following incidents:

a. Explosions
b. Fires
c. Major accidents or wrecks involving public or private carriers
d. Hurricanes
e. Floods
f. Earthquakes
g. Tidal Waves

Category C, Antiwar/antidraft activities—CCN: 8051–9291

a. Full identifying data on individuals/groups who are engaged in such anti-war activities.

b. Type of instruction being given pertaining to qualifying DD Form 98 or DD Form 398 or refusal to complete such forms.

c. Type of instruction or printed guidance being given on how to register as a conscientious objector.

d. Identification of registrants who have received instructions and sources of such instruction on how to avoid the draft or delay induction.

e. Collection of leaflets, booklets, fly sheets, etc., which provide instructions on how to avoid or delay induction.

f. Identification of the personalities and organizations engaged in the publication and distribution of documents referred in para e. above.

g. Establish the relationship of individuals/groups engaged in activities described in para a thru f above with cited organizations or suspected/confirmed subversive organizations.

h. Activities of Army personnel within organizations where actual or potential aims and purposes may be inimical to the best interests of the United States.

i. Hostile activities which are perpetrated at or near military installations.

j. The activities of US Army members connected with or alleged to be connected with cited and extremists organizations are of continuing interest in CONUS intelligence. Reportable CONUS intelligence includes information concerning Army members in connection with any of the following:

(1) Communist Party, United States of America (CPUSA).

(2) Other groups not in affiliation with CPUSA but which have been cited by the Attorney General of the United States as having aims and purposes inimical to the best interests of the United States.

(3) Minority, racist, terrorist, left-wing, right-wing and/or other dissident organizations of possible future intelligence interest which may be potentially detrimental to national defense or public order, even though not cited by the Attorney General.

Category D, militant organizations—CCN: 8051–9289

a. Identification of individual leaders and members of militant organizations at local, state and national level. Include all current background as well as length of membership, official titles or position, if any, membership in other groups, and degree of participation in militant activities not previously reported.

b. Indications of present and future plans, to include the capability of the organizations to effectively carry out such plans. Include specific details concerning the above, including targets of proposed activities, degree of militancy expected, number of participants and coordination with other militant organizations.

c. Indicators as to any joint sponsorship of demonstrations, rallies or other disturbances with civil rights, militant black power groups, and leftist organizations. Reporting should include all available information concerning relations with other extremist groups in all forms of activity, to include planning seminars, discussion group meetings, joint statements to the press and other efforts designed to afford closer coordination among these groups.

d. Training of members and leaders, to include number of participants, type of instruction, duration and tonics of instruction at each training session. Reports should include, insofar as possible, a breakdown of the topics involved with instruction and a brief description of the subject matter discussed.

e. A determination as to the origin of funds utilized by the individuals/organizations to include identification of donors, amount of funds received from each source, and information indicating support from leftist or extremist organizations.

Category E, Extremist in the Armed Forces—CCN: 9036–9945

a. Provide all available information concerning military personnel under military

jurisdiction who become involved in the following activities:

(1) Make statements which indicate that they favor violence, if necessary, for Negro attainment of their goals.

(2) Are leaders of racial demonstrators or disturbances during which participants are urged to engage in acts of violence.

(3) Are involved in the thefts of weapons which may be targeted for use by black extremists.

(4) Engaged in recruitment activities for such extremist groups as the Black Panther Party, the Student Non-Violent Coordinating Committee, or the Revolutionary Action Movement.

(5) Any extremist whose background indicates militray training in guerrilla warfare, counterinsurgency, or the use of explosives and demolitions.

b. The following information is desired when personnel are reported under provisions of the preceding paragraphs:

(1) DPOB of the individual
(2) Present duty station
(3) Home of Record (HOR)
(4) Expiration of Term of Service (ETS)
(5) Destination upon ETS (if different from HOR)

Category F, Demonstrations, rallies, parades, marches, conventions, conferences and picketing activities—CCN: 8051–9291

a. Identification by name of extreme right and/or left wing dissident organizations expected to participate in scheduled or anticipated demonstration, and number of participants each can be expected to mobilize for protest activities. This will include information suggesting alliances, ad hoc or more permanent, between such organizations or their representatives.

b. Details concerning specific types of protest activities expected to occur, to include demonstrations, counter-demonstrations, rallies, sit-ins, picketing, and other forms of either non-violent or violent protestations, such as bomb threats within the activity area.

c. Indications of dissident or militant group plans for exploitation of the activities, to include dissident or militant influences on participating, local organizations by militants from other areas of CONUS.

d. Indications that militant factions plan to stage violent confrontations with local law enforcement officials under the pretext of participating in peaceful, anti-demonstrations, either outside or inside the activity area.

e. Identification of all personalities involved, or expected to become involved, in protest activities, to include leaders or "activists" of local dissident groups and leaders, representatives, or speakers of national or regional organizations.

f. Details concerning transportation arrangements made by, or on behalf of, visiting, non-local demonstrators during or prior to the convention to include chartering of and reservations for buses, trains, planes, and private automobiles.

g. Details concerning housing facilities, offices, or bases of operations to be used by visiting demonstrators or groups, to include non-commercial facilities, such as churches and private homes.

h. Themes and issues of protest or demonstration, whether local, national or international, especially when they cite specific foreign sponsorship or agreement, will be identified.

i. Extent of overt financing, as well as covert financing, to include source of funds, extent of funding and planning for utilization of funds available or committed.

j. Any indication of outside (foreign) influence, direction, support or leadership, to include identification of foreign individuals and their role in connection with any activities to disrupt the convention, conference, etc.

k. Any additional information which in the judgment of group commanders may be significantly related to these activities and the disruption of same.

Category G. Foreign Element Participation or influence in civil disturbance—Con: 9036–9944

a. What financial, ideological, political, or propaganda support is being officially offered to American organizations in order to further CONUS civil disturbances?

b. What unofficial support for these organizations is known or suspected?

c. Through what channels and by what methods do official or unofficial support from foreign governments reach American individuals and organizations?

d. What private organizations are engaged in aiding American organizations?

e. What is the nature of support received by American organizations from these sources?

f. What channels of dissemination are used by private foreign organizations in order to support American groups?

g. What position is taken by the news media toward CONUS civil disturbances?

h. To what extent is the position of the news media influenced by the official governmental positions?

i. What effort has been made by organizations to obtain financial support for American organizations?

j. What methods are used to provide this support to American organizations?

k. What conferences, seminars, and other dealings have organizations conducted in order to discuss American civil disturbances or gather support for American organizations?

l. What mass demonstrations have occurred to support American organizations active in civil disturbances or to protest the quelling of these disorders?

m. What are the details of travel and contacts for American activists in civil rights organizations who have attempted to obtain support for these organizations or causes in foreign countries?

n. What organizations and individuals are engaged in financing such travel?

o. How are the visits of such individuals received by the news media and the public?

Category H, Strikes and labor disturbances—CCN:8051–9288

a. Identification of individual leaders and members of the striking union to include background information as well as official titles or position and degree of participation in previous strikes and/or labor disturbances. Only those individuals who are provided news media coverage are of reporting interest. No investigative action is required to satisfy this requirement inasmuch as only that information on leaders available in your local files and through news media contacts is desired.

b. Indication of present and future plans, to include the capability of carrying out any acts of violence or disturbances.

c. Indications of the presence of "underground" labor instigators.

d. Indications of migration of large numbers of leaders to the affected area.

e. Issues, both published and unpublished, involved in the labor dispute or strike.

f. Indications whether the labor dispute is the result of wage and/or employee benefit negotiations without racial issues or arising from disparity of average income between whites and non-whites.

g. Indications of declining rapport between law enforcement officials and the striking union and/or the union leadership.

h. Information concerning degree of opposition that may be expected by Military Forces if called upon to maintain or restore order.

Category I, Dissidents/Subversive in Civil Disturbances—CCN: 9086–9030

a. Formation of a covert subversive organization directed against legally constituted government.

b. Evidence of or attempts by subversive organizations to penetrate and control civil rights or militant organizations composed primarily of non-whites.

c. Collaboration between subversive groups and non-white organizations and groups.

d. Assistance to non-white militant groups from outside the USA, especially from Cuba and Communist China.

e. Indications of movement into extremist, integrationist, and segregationist groups by the Communist Party of the USA, American Nazi Party, Nation of Islam, Knights of the Ku Klux Klan, and the Progressive Labor Movement.

f. Aims and activities of groups attempting to create, prolong, or aggravate racial tensions, such as CORE, NAACP, ANCC, National States Rights Party, Southern Christian Leadership Conference, and Council of Federated Organizations.

Category J, Thefts of weapons and ammunition—CCN: 8050–9283

a. Indicators of possible violence prior to outbreak of civil disorders.

(1) Theft or unexplained loss of any quantity of arms or ammunition from facilities of the Active Army, Reserve, National Guard or the ROTC.

(2) Identification, to include all personalia available, on individuals, groups or organizations known or suspected to be connected with the theft, illegal purchase or acquisition by any other means of arms and ammunition.

(3) Identification, to include all personalia available, on military personnel (Active Army, Reserve, National Guard or former military) who are suspected of or arrested for illegal possession, theft, sale of arms and ammunition in connection with a disdemeanor or felony, known or suspected.

(4) Recovery of arms or ammunition by local, state, federal or military authorities resulting from arrests, raids, and seizure of arms and ammunition.

(5) Theft or unexplained loss of any quantity of arms or ammunition from civilian companies or industries. Include within this category reports to local of state law enforcement officials by private individuals, gun stores or pawn shops of the theft of arms or ammunition.

(6) Indicators as to significance or impact of the inauguration of, or changes to local, state or federal law(s) or ordinances dealing with the sale, possession or employment of arms by individual private citizens, minority groups or white or non-white militant elements.

(7) Indicators as to significance or impact of known or suspected illicit arms traffic into a city, or within a county or state, or among states in relation to an increase in the crime rate among both white and non-white minority groups.

(8) Known, suspected or rumored plans, operations, deployment, tactics and amounts of weaponry in the possession of individuals, groups or organizations whose installations and goals are to reduce U. S. military capabilities of military installations and facilities as well as those elements of a Federal Task Force Pq which has contingency planning responsibilities for the area(s) in question in dealing with a civil disturbance.

b. Indicators during a civil disturbance:

(1) Continue covert collection and reporting on requirements outlined in para a(1) thru (5) and (7) and (8) above.

(2) Additional sources of illegal acquisition and employment of weaponry used by

either white or non-white militants to include price lists for purchase of these arms and ammunition.

(3) Evidence of underground sources of arms and ammunition whether from hidden arms caches within the area or whether brought into the area of the disorder by legal or illegal interstate shipment through dummy (cover) organizations or companies.

(4) Identify source(s) of funds for the purchase of these weapons.

(5) Location of incidents involving sporadic sniping or guerrilla-type armed sweeps into suburban areas outside the area(s) of the initial civil disorders. Subsequent arrest, identification of weapons seized and detailed personalia on any individuals involved with armed violence activities.

(6) Reports of casualties, both of victims and instigators, involved in incidents of armed violence. Include time, place, nature of the incident and identity of any weapons seized from instigators.

(7) Known, suspected or rumored plans, operations or raids on U.S. military installations, armories or other military facilities by either white or non-white militants pertaining to the resupply of arms and ammunition seized from or otherwise lost to the militant elements as a result of aggressive action by local, state, National Guard or Federal Troop elements.

6. (C) BACKGROUND INFORMATION

a. References: (1) AR 381-130, 18 Dec 64; (2) AR 500-50; (3) AR 500-60; (4) Section VI, Chapter Four, USAINTC Regulation 380-100; (5) DA Civil Disturbance Plan (U), 10 Sep 68; (6) DA Civil Disturbance Information Collection Plan (U), 2 May 28; (7) USAINTC Civil Disturbance Plan, OPLAN 100-68, 1 Mar 68 and changes 1 and 2 dated 1 Sep 68 and 21 Jan 69; (8) USAINTC Regulation 381-1, 29 Nov 68.

b. Information developed by your Group in response to the EEI outlined in para 5, above, will be reported by Spot Report (electrical message) priority precedence, utilizing the USAINTC Spot Report format outlined in Section III, Chapter Five, USAINTC Regulation 380-100. In forwarding the Spot Report, the address should include reference to the category code indicated in para 4b, above. For example CG, USAINTC, ATTN: SOD-A, C, H. Para 3 of the Spot Report will contain the subject of the report itself (not the subject of this Lead Sheet).

c. Spot reports will be followed up with Agent Reports (DA Form 341) or Summary of Information (DA Form 568), in duplicate, *if appropriate*. The Spot Report Number, plus the Category Code should be included in Item 3, Agent Report (together with dossier number of subject, if known) and in the "Preparing Office" block of the Summary of Information (together with dossier number). For example "108-9071-121-ICP-A, C, H." A partial list of organizations and dossier numbers is included in para 7, below. Agent Reports will accompany all exhibits. The subject of the Agent Report or SOI will be the subject of the report itself (not this lead sheet).

d. A determination whether the Autovon (unclassified) message channel or the classified message channel is to be used will be made based on the content of the message, the need to protect the sources or subsources of the information and the requirement for expeditious onward transmittal by this headquarters of a highly perishable intelligence product to Task Force, CONARC and Department of Army level.

7. (C) SPECIAL INSTRUCTIONS

a. Maximum utilization of continuous liaison and all overt sources available will be made to satisfy this requirement.

b. Emphasis on reporting will be continuous within the established priorities, defined as follows:

(1) Priority 1: Information concerning the existing civil disturbance/subversion threat against U.S. National interests, the realization of which could result in large-scale riots and commitment of Federal troops. This category of information is of such importance as to warrant maximum increased effort.

(2) Priority 2: Information concerning a potential civil disturbance/subversion threat against U.S. National interests, resulting from nationwide local racial incidents, deliberate provocations or regional difficulties which could result in limited involvement of U.S. Forces. This category of information is of such importance as to warrant moderate increased effort.

(3) Information concerning natural phenomena and human adaptations, their interrelationships and effects on the civil disturbance situation in the nation. Collection of this information warrants routine effort.

c. Extensive photo coverage of the civil disturbance activity in this plan is desired and will include photos of known or suspected leaders or members of any white or non-white dissident/militant group, organization or element. In all cases full identifying data concerning personalities, elements or activities depicted in the photograph will appear on the reverse side of the photo. Also, the date, time, location and identity of the source of the photo will be included.

d. Full utilization of telephoto lens equipment is directed to minimize the possibility of direct involvement by MI Group personnel in the conduct of peripheral photographic coverage. Liaison with and utilization of local press and press wire-service agencies for the acquisition of photography is encouraged. In this regard, expenditure of ICF is authorized in the accomplishment of this coverage. Photography (both black and white and color, still and motion picture) available through the Task Force Army Photographic Teams may be utilized when the Task Force is committed.

e. Development of covert intelligence collection sources to satisfy the requirements of this lead sheet is prohibited unless specifically authorized by the Commanding General, this Command.

f. In all cases where MI agents are called to AFEES based on a qualification of DD Form 98/398, Agents will endeavor to ascertain whether such qualifications were made based on instructions from an anti-draft group. Extreme care will be taken to determine this information indirectly unless Subject makes an admission to the effect to either AFEES or Agent personnel. Agents will NOT repeat, NOT ask a direct question during the course of the subject interview or during the taking of a sworn statement as to whether subject has been instructed to qualify his DD Form 98/398.

g. Coordination with the local Federal Bureau of Investigation, Secret Service and other federal agencies will be effected in the collection and reporting of information in response to the Essential Elements of Information set forth above. Exchange of information with interested agencies at the local level on a timely, continuous basis is encouraged.

h. The following is a partial list of organizations, with dossier numbers, of intelligence interest. Reports concerning these organizations will be prepared with exact title, as indicated, and with the dossier number. Other subjects will have the dossier number entered by this command, but subject will be the name of the organization, personality or activity.

ORGANIZATION AND DOSSIER NUMBER

African-American Student Movement (AASM).

Afro-Afro-Americans Against the War in Vietnam (AAWV), ZB 02 21 63.

Afro-Americans Unity Movement (AAUM), ZB 50 28 28.

Afro-Americans Youth Movement (AAYM).

American Friends Service Committee (AFSC), ZB 00 02 00.

American Nazi Party (ANP), ZB 00 93 32.

Americans for Democratic Action (ADA), ZA 00 17 81.

American Mau Mau (AMM), ZB 50 12 19.

Atlanta Alliance for Peace (AAP), ZB 50 12 68.

Anti-Draft Union (ADU), ZB 50 17 04.

American Liberation Front (ALF), ZB 50 13 93.

Black Panther Party (BPP), ZA 02 21 64.

Blackstone Rangers (BR), ZB 50 18 83.

Black Nationalist Party (BNP), ZA 01 87 02.

Black Nationalist Movement (BNM) ZB 02 08 74.

Brown Berets (BB), ZB 50 19 17.

Black Student Union (BSU), ZB 01 85 22.

Committee for Fifth Avenue Vietnam Peace Parade (CFAVPP), ZB 02 12 68.

Committee for Non-Violent Action (CNVA), ZB 00 87 79.

Communist Party, USA (CPUSA), ZB 09 01 10.

Congress of Racial Equality (CORE), ZB 00 14 77.

Chicago Area Draft Registors (CADRF), ZB 50 12 87.

Clergy and Laymen Concerned About Vietnam (CLCAV), ZB 50 05 27.

Draft Resistors Union (DRU), ZB 50 14 59.

Draft Resistance League (DRL), ZB 50 14 59.

Fifth Avenue Peace Parade Committee (FAPPC), ZB 02 12 68.

Fifth Avenue Vietnam Peace Committee (FAVPC), ZB 02 12 68.

Institute for the Study of Non-Violence (ISNV), ZB 50 03 86.

Interfaith Peace Mission (IPM), ZB 50 10 64.

Mau Mau (MAU), ZB 50 43 18.

Minutemen (MM), ZA 01 83 19.

Nation of Islam (NOI), ZB 00 96 10.

National Association for the Advancement of Colored People (NAACP), ZA 00 04 02.

National Committee for a Sane Nuclear Policy (SANE), ZA 00 90 26.

National Coordinating Committee to End the War in Vietnam (NCCEWV), ZA 02 11 81.

National Liberation Front (NLF), ZA 01 40 22.

National States Rights Party (NSRP), ZA 00 90 97.

National Mobilization Committee to End the War in Vietnam (NMC), ZB 50 04 66.

National Socialist White People's Party, ZB 00 93 32.

Peace and Freedom Movement (PFM), ZB 50 20 65.

Peace and Freedom Party (PFP), ZB 50 36 57.

Progressive Labor Party (PLP), ZB 01 40 26.

Revolutionary Action Movement (RAM), ZB 01 11 36.

Resist (R), ZB 00 82 95.

Resistance, The (TR), ZB 00 82 95.

Socialist Workers Party (SWP), ZB 00 00 63.

Southern Christian Leadership Conference (SCLC), ZB 00 87 94.

Southern Student Organizing Committee (SSOC), ZA 01 85 88.

Student Non-Violent Coordinating Committee (SNCC), ZB 01 13 29.

Student Peace Union (SPU), ZA 01 07 70.

Students for a Democratic Society (SDS), ZB 01 64 44.

Students for Democratic Action (SDA), ZA 00 16 32.

US (US), ZB 50 13 48.

US II (USII), ZB 50 p7 69.

Veterans and Reservists to End the War in Vietnam (VREWV), ZA 02 17 70.

Veterans for Peace in Vietnam (VPV), ZB 02 18 03.

War Resistors League (WRL), ZB 00 06 53.

W.E.B. DuBois Clubs of America (DCA), ZB 01 51 19.

Women Strike for Peace (WSP), ZB 01 36 95.

Workers World Party (WWP), ZB 00 95 39.

Young Socialist Alliance (YSA), ZB 00 88 52.

Youth Against War and Fascism (YAWF), SB 01 43 51.

8. (U) CANCELLATION

The following Lead Sheets, DA Form 339, are cancelled upon receipt of this plan:

a. Anti-War Individuals, Organizations and Demonstrations (Non-Militant) Re: Civil Disturbance 1968, dated 23 Feb. 68, Case Control Number 8051-9291.

b. Militant Organizations, Groups or Individuals Re: Civil Disturbance 1968, dated 21 Feb 68, Case Control Number 8051-9289.

c. Strikes and Labor Disturbances Re: Civil Disturbances 1968, dated 21 Feb. 68, Case Control Number 8051-9288.

d. Legal Aspects Re: Civil Disturbances 1968, dated 21 Feb. 1968, Case Control Number 8051-9287.

e. Theft of Weapons and Ammunition Re: Civil Disturbance 1968, dated 28 Feb. 68, Case Control Number 8050-9283.

MILITARY BLACKLISTING OF 15 UNIVERSITIES DEPLORED

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 24, 1972

Mr. DRINAN. Mr. Speaker, the blacklisting of some 15 universities by the Pentagon because they have phased out ROTC continues to bring protests from many quarters. I reprint here a letter from Senator EDWARD BROOKE, Republican of Massachusetts, under date of February 17, 1972, both to Secretary John H. Chafee of the U.S. Navy and to the Honorable Melvin Laird, Secretary of Defense.

U.S. SENATE,
Washington, D.C., February 17, 1972.

(Identical Letter to Laird)

Hon. JOHN H. CHAFEE,
The Pentagon,
Washington, D.C.

DEAR JOHN MEL: I have been particularly disturbed by a decision recently taken by the Department of the Navy to "blacklist" fifteen prominent American colleges and universities. Apparently in retribution for action taken by these colleges and universities to phase-out ROTC programs on their campuses, the Department of the Navy has prohibited any of its personnel from pursuing academic degrees at these institutions.

I believe we share a common philosophy of civilian/military relationship: the military serves the nation as a whole, and insofar as it is isolated from any segment of public opinion, its effectiveness is proportionately reduced.

I do not fear that the men and women in our military service who are pursuing academic degrees are in any danger of being "corrupted" by the anti-military arguments. Their presence on campuses where this view is prevalent can, in fact, contribute to the increased degree of understanding which is so vital to the national unity and harmony which we seek.

Furthermore, action such as the Navy has taken in this instance ignores the many other valuable connections which most of these institutions maintain with our military services: the research programs, the advisory roles of faculty members, and in the case of at least one Massachusetts university on the list, a very popular and productive overseas graduate education program for military personnel. Are these programs to be terminated?

The Navy's unilateral action in this instance is not taken at the request of the Congress. It is, in my judgement, an overreaction to one committee's discussion of possible legislative action, which would have to receive the full consideration of both Houses of Congress.

The concern of the Department of the Navy, and of many of my colleagues, regarding certain "anti-military" views which have been expressed in our society are clearly understandable. But actions such as the one to which I refer in this letter can only serve to widen the gap, and to expand the grounds for public criticism.

I urge, most sincerely and urgently, that this action be rescinded.

Sincerely yours,

EDWARD W. BROOKE.

I attach below an editorial from the Boston Globe under date of February 24, 1972, with the title "Childishness in Washington."

CHILDISHNESS IN WASHINGTON

Representative Robert F. Drinan (D-Mass.) has unearthed a story, which Secretary of the Navy John H. Chafee confirmed, that career officers have been banned from taking government-financed graduate courses at 15 colleges and universities because they are phasing out Reserve Officer Training Corps programs.

The list includes four in Greater Boston: Harvard, Tufts, Boston University and Boston College. A similar blacklist of 10 educational institutions has apparently been drawn up also by the Army and Air Force.

Apparently the idea originated during closed hearings of the House Armed Services Committee last July. According to Mr. Chafee, the committee said it was "morally wrong for the military to spend dollars sending students to a particular college or university which has chosen not to cooperate with the military service . . ."

We find it difficult to imagine a more childish and indeed self-defeating reaction on the part of those who decide policy in the Pentagon and in the committee which, during World War II, used to be known on Capitol Hill as "The Store."

For one thing, it seems ludicrously akin to picking up one's marbles and going home. For another, it is bound to impress many a college administration as a bit of attempted blackmail. And for a third, it will provoke a serious question as to whether the military complex is to rule the civilian sector, or vice versa.

We would suggest that the Defense Department might do better to emulate the diplomacy and tact of the State Department, many of whose top career officials received their training at Tuft's Fletcher School of Law and Diplomacy. Such an approach would be more effective than the boycott in ending this nation's divisiveness.

Instead, all that emerged from the Pentagon the last few days was a bunch of contradictory statements that resembled an army marching in all directions.

The concluding words of the Boston Globe editorial to the effect that the Pentagon in the last few days has issued "a bunch of contradictory statements that resembled an army marching off in all directions" has been verified in my experience in trying to get from the Armed Services a straight answer to the question of whether or not they have repealed or even modified the blacklisting of the 15 universities named in my complete explanation of this matter in the CONGRESSIONAL RECORD of February 21, 1972, at page 4755.

On February 22, the Department of Defense issued a statement which indicated that they would, in fact, send individuals to the most appropriate graduate schools if this is in the best interests of the Armed Services. The statement made reference to H.R. 2, a bill passed by the House of Representatives designed to establish a Uniform Services University of the Health Sciences.

This statement of the Defense Department was, however, quickly rescinded due to the fact that the Department of Defense quickly realized that the language of H.R. 2 prohibits individuals from applying to those schools which are blacklisted because they have phased out ROTC.

On February 23, 1972, further mysteries in the position of the Department of Defense developed. In an informal meeting with newsmen by Secretary of Defense Melvin R. Laird and Deputy Secretary of Defense Kenneth Rush, Secretary Laird engaged in the following dialog.

Q. What is your position on whether or not the Defense Department will send graduate students to the Harvard School of Business and the Harvard Medical School?

Secretary LAIRD. I think I made a statement on that along with Congressman Hébert.

Q. What are we to make of the statement that the Pentagon put out yesterday in regard to the same thing, and last night Congressman Hébert said the statement had been withdrawn?

Secretary LAIRD. I understand the statement that was put out yesterday was in error because H.R. 2 does have a provision in it which would prohibit the use of those schools for medical students. I think it's on page 4 or 5 of the bill and the statement yesterday indicated that H.R. 2 did not have such a provision. The statement of yesterday is in error.

Q. What about the first sentence of yesterday's statement? Does that still stand?

Secretary LAIRD. I'd rather stay with the statement that I made which I think was very clear in this regard at the time that I testified before the House Armed Services Committee. Quite frankly I don't have a copy of the statement to which you refer of yesterday before me but I am sure that that statement has been withdrawn because it is in error. H.R. 2 does contain a provision and was passed by the House of Representatives and, as I understand it, several of the people that are criticizing the provision voted for the bill.

H.R. 2 passed by the House of Representatives on November 3, 1971, in a vote of 351 to 31, was designed to establish a Uniform Services University of the Health Sciences and to provide scholarships to selected persons for education in medicine, dentistry and other health professions.

In section 2121(c) this bill provided that:

Members of the program authorized under the provisions of this chapter shall not be detailed as students to any institution of higher learning if that institution has adopted a policy which bars recruiting personnel of any of the Armed Forces from the premises of that institution only if such institution of higher learning has directed the disestablishment of Reserve Officers Training Corps units at the institution despite the desire of the Armed Forces to continue such training at the institution.

Secretary Laird may have favored this provision when he spoke on February 23, 1972, but the fact of the matter is that an official position statement of the Department of Defense submitted to the Senate Armed Services Committee on February 15, 1972, with regard to H.R. 2 had the following language:

Q. Please comment on the provisions of the bill which would exclude from participation in the scholarship program, all students who are attending a school that has disestablished an ROTC unit or which bars Armed Forces recruiters from its campus.

A. We do not believe that qualified applicants for participation in the proposed scholarship program should be denied such participation on the grounds that they are enrolled in a medical school that is part of a university which has disestablished an ROTC unit. We believe that many of these students strongly support, or are sympathetic to, our country's national security goals. In addition we are anxious to have as broad a medical school base as possible for our program in order to increase the likelihood of meeting our procurement goals.

The Department of Defense in its testimony of February 15, 1972—but not in the statements of Secretary Laird on February 23—is in agreement with Dr. John A. D. Cooper, M.D., Ph. D., the president of the Association of American Medical Colleges. On December 2, 1971, Dr. Cooper submitted the following statement to Senator JOHN C. STENNIS and the Senate Armed Services Committee:

Although the House included provisions similar to S. 1317 in H.R. 2, it added one provision—not part of your bill—which is terribly disturbing. This is a proviso in section 2121(c) of H.R. 2 as passed by the House which prohibits scholarship aid for students who attend schools which have barred armed services recruiters from the campus or which have disbanded an R.O.T.C. unit. Such a proviso, if enacted, would limit rather than expand the production of health professionals for the armed services. Furthermore, it would impose an undue financial hardship on someone who had taken no part in (and may even have opposed) the action of a school barring recruiters or disbanding an R.O.T.C. unit. Because of these adverse implications of the House-added proviso, I urge you to omit any such language from the measure you recommend for action by the Senate.

Mr. Speaker, I attach herewith an article from the New York Times of Wednesday, February 23, 1972 which illustrates the confusion about this question on which the Pentagon clearly desires to have it both ways.

PENTAGON SHIFTS STAND ON SCHOOLS—ROTC UNITS NOT REQUIRED FOR OFFICERS TO ENROLL

WASHINGTON, Feb. 22.—The Pentagon said today that it would continue to send its officers to the best qualified and most appropriate graduate schools regardless of the institution's military posture and despite a pledge of retaliatory legislation by the chairman of the House Armed Services Committee.

"If it is in the best interest of the armed services, they will send individuals to the most appropriate graduate school," read a two-paragraph statement by the Armed Forces Policy Council, whose membership includes the Secretary of Defense, the service secretaries, assistant secretaries of defense and the Joint Chiefs of Staff.

The statement today followed disclosure last week by Secretary of the Navy John H. Chafee that the Navy—at the behest of Representative F. Edward Hébert, Democrat of Louisiana, who is chairman of the House Armed Services Committee—had barred its officers from graduate studies at 15 colleges and universities that have phased out Reserve Officer Training Corps programs.

It was further revealed that the Air Force and Army had curtailed their educational programs at the 15 schools several months earlier after letters to the secretary of each service from Mr. Hébert.

LETTER FROM HÉBERT

In a letter to John Chafee, Secretary of the Navy, Representative Hébert wrote: "It is our hope that it will not be necessary to place a flat prohibition against sending students to these universities which have withdrawn from the R.O.T.C. program when we consider the procurement bill next year but if it is necessary to legislate on that subject then legislate we will."

Public exposure of the letter touched off criticism from several quarters of Congress, including Thomas P. O'Neill, the third ranking majority member of the House.

"If you are asking if we would still send an officer to Harvard for its superior business program in spite of the fact that it has phased out R.O.T.C., the answer is yes, we will."

"But if an officer's choice of schools boils down to two institutions offering the same courses of study but where one had barred R.O.T.C. we would send the officer to the school maintaining the program," another Pentagon official said.

"A HAPPY MEDIUM"

"We are deliberately trying to reach a happy medium between the services' need and Mr. Hébert's," yet another military official said. "Don't forget we have to deal with this man."

Officials said each officer's request to attend a graduate school would be handled on an individual basis and that if a prospective graduate student wished to go to a school that had dropped R.O.T.C. he would probably be allowed to go.

Representative Hébert was in Louisiana when the statement was issued and could not be reached for comment.

In my judgment the least that the Congress of the United States can do is to insist that the authorities in charge of the military services in this country make available to all military personnel the best possible academic, scientific, and professional training in the land. The thought of boycotting certain universities because they have decided to exercise their clear right of no longer participating in ROTC programs should be repugnant to the military and to all fair-minded individuals. This type of pressure and blacklisting of universities introduces Government pressure for military objectives in an unprecedented way into the academic life of this Nation.

BELIEF IN THE ESTONIAN STRUGGLE

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 24, 1972

Mr. RODINO. Mr. Speaker, the heritage, traditions, beliefs, hopes, and dreams of a people bring to a nation its strength, creativity and its dynamism. So long as these embodiments remain, no system of repression, no force of captivity, and no degree of denial can stifle the life of a people. It is most important that we continually speak and act to reinforce these beliefs in the rebirth of freedom and independence, that we continually maintain our firm commitment and support for the final attainment of these ideals.

The 54th anniversary of the Declaration of Independence of the Republic of Estonia must not merely be acknowledged by us today but must be viewed as a time devoted to restating again and again the respect and honor we hold for the individuals of the Estonian Republic. We can never overstate our support for and our belief in their cause.

THE RURAL DEVELOPMENT ACT OF 1972

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 24, 1972

Mr. JONES of Tennessee. Mr. Speaker, yesterday the House of Representatives passed some of the most significant legislation that it will consider this year. The Rural Development Act of 1972 is a master work bill and much of the credit goes to Chairman W. R. POAGE, of the House Agriculture Committee. I believe Chairman POAGE was as pleased with this bill as any he has ever sponsored.

Credit also must go to my urban colleagues here in the House. I had prepared a speech yesterday that would have been used in trying to chide urban Representatives into supporting the bill. I was pleased this speech was not needed. It is a credit to the wisdom of this body that the idea behind this bill was supported by urban interests and rural interests alike. There were disagreements of course, on technicalities and methods, but by and large everyone realized its importance.

And it was important, because if rural America continues to lose population at the rate of 500,000 a year, it will soon be a wasteland. If urban America cannot shed some of its excess population to improved areas it will suffocate. The situation is near the breaking point and that is when we, Americans, generally set our machinery in motion. We have never been much on foresight, but no doubt we can correct the situation with some exertion.

I have spent most of my career wrestling with the problem of developing our great rural resources of land and labor. Since 1940 over 30 million people have left the farm for overpopulated cities. During those years I have seen and worked with dozens of programs to slow this movement. Obviously these plans were something less than successful.

However, my long years of experience tell me that the Rural Development Act of 1972 includes the qualities of a successful program. Enhancing these qualities is the fact that it is an idea whose time has come. The overwhelming support of this bill from the urban and rural, Democratic and Republican, testifies to this.

My optimism is based on several factors, one of which is that most of the program will be administered by an

agency with unchallenged expertise. Farmers Home Administration is considered by many low-income rural residents to be one of the Federal Government's few redeeming qualities. This has nothing to do with welfare or handouts. FHA, by providing loans and advice in the correct proportions which in most cases has been more advice than loans, has developed into what is probably the Federal Government's most efficient and pragmatic agency. Now, under this act, FHA will serve more people for a greater variety of purposes.

I want to congratulate, again, Chairman POAGE and others on the Agriculture Committee, the urban Congressmen for their support, and I want to challenge all to see this bill through to implementation.

SALUTE TO THE ELEPHANT CHEESEBOARD MAN

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 24, 1972

Mr. McKINNEY. Mr. Speaker, in his inaugural address, President Nixon urged that our efforts to aid the poor be characterized "by extending a hand up and not a handout." The philosophy underlying that phrase has been the guiding motivation of a friend and associate of mine—Bill Sangiovanni.

I reserve this space in the CONGRESSIONAL RECORD to salute Bill's efforts and to use his involvement with the people of Appalachia as an example to others of the type of social endeavor which creates a partnership between men to improve and enrich each other's lives.

Sange, as he is known to his friends, spent his vacation last year with a group of Glenmary Brothers at their mission in Vanceburg, Ky., learning about the people, their customs and their problems. Out of that summer came the firm conviction that the wood products, quilts, and copperware produced by the men and women of Appalachia, if given exposure in areas such as New York and Connecticut, would provide additional work and income for the people in that economically depressed area. With that belief in hand, Sange set out on a friend to friend campaign, displaying the products he had brought back from Appalachia to everyone he came across. In just 6 months, he has gone from a car loaded with quilts, lazy susans, and cheeseboards to a store in Westport, Conn.

His devotion and untiring efforts have not only increased the sale of Appalachian handicrafts but allowed Appalachian Industries to hire additional workers to meet the increased demand.

Sange has involved a wide range of people in this volunteer, nonprofit endeavor. A visit to the store in Westport will uncover young and old together donating a couple of hours of their time a week to man the cash register and chat with customers about Appalachia.

If we need an answer to the question of what is right with America, then let us look to people like Bill Sangiovanni who have seen need and then done something to alleviate that need. All too often we get bogged down in the daily routine of our lives and let opportunities to extend a hand pass by. Yet, here is a man who in spite of a career in political life which, if anything, is time consuming, has made the time to use his talents to aid the less fortunate. His involvement and that of his coworkers should stand as an inspiration to us all that we need not wait on the monstrous bureaucracy of Government to aid the poor but rather that good men willing to work can provide the opportunity for others to improve their living conditions. This is what volunteerism is all about.

GIANT STEPS TAKEN TO DEVELOP BIG CYPRESS RECREATION AREA

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 24, 1972

Mr. BURKE of Florida. Mr. Speaker, the Nixon administration last week took a giant step toward preserving a fresh water supply area for millions of south Floridians, and at the same time preserving one of the most unique regions of the country when the President proposed that the Federal Government buy Big Cypress Swamp.

Last fall, I introduced legislation which would establish the Everglades-Big Cypress National Recreation Area so, I was happy when the administration proposed similar action. The preservation of this massive land area is long overdue and we can be thankful that no commercial development had been started near or on this area.

What will ultimately happen in the Big Cypress area, we do not know, but one thing we know is that any piece of land in Florida is subject to development of one form or another, because of the many benefits our State enjoys and the millions of people who wish to live in Florida.

It is strange to note how so few people realize that much of south Florida's fresh water supply stems from the Big Cypress watershed, and with the continued population increase in south Florida, fresh water could well be at a premium in the future.

There is more than a human need for water as we learned from the rash of fires that plagued and endangered the wildlife in Everglades National Park in recent years. The park, a 2,200-square-mile semitropical region, is the only recreation area of its kind in America, and many species of animals, birds, and fauna, not found anywhere else, can be found there.

Almost 56 percent of the Everglades Park water supply emanates from the Big Cypress area, located just north of the park.

Independent fisheries, as well as many Indians of the Miccosukee and Seminole Tribes, are dependent on the Big Cypress for their livelihood. In addition there are many visitors to the area who have found the wilderness excellent for fishing, hunting, camping, or just to get away from the problems of every day city life.

Suggestions have been made to preserve the area, including one that local or State restrictions be placed on the use of any of the land presently owned by some 21,000 different owners. However, regrettably restrictions can often be circumvented or changed to suite the whims of certain groups or individuals. This area is far too valuable to allow it to be corrupted by man.

The Department of Interior and the Council on Environmental Quality, after making studies, recommended that the Federal Government purchase the 546,000-acre area for use as a recreation and watershed area.

Although the estimated cost of $156 million for this land might seem high, I think when one thinks of Florida land it will be, in the long run, a small amount to pay to preserve this last frontier of Florida wilderness.

ESTONIAN INDEPENDENCE DAY

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 24, 1972

Mr. HOWARD. Mr. Speaker, today, in this Chamber, we commemorate the 54th Anniversary of Estonian Independence. It is ironic that, while we consider their former independence, the Estonians of today must live under a yoke of bondage—bound as if by heavy chains to the Soviet Union.

The proclamation of Estonian independence in 1918 brought to fruition the hopes of the Estonian people, who, throughout their history had struggled courageously against great odds to maintain their culture and to achieve a national existence. The incorporation of Estonia to the Soviet Union in 1940 brought to a standstill the efforts of a new and progressive government in that country—efforts which were bringing to fulfillment the desires of the people for education, technological productivity and social progress. While destroying their independence, however, this annexation could not destroy the desire in the hearts of all Estonians for freedom and self-determination as a nation. The Estonians of today continue in this heritage of free hearts and minds, despite the dark reality of forcible bondage to the Soviets.

In the free world, hearts and minds go out in sympathetic moral support of these valiant, freedom loving people. We are here today to reaffirm our support and pledge our continuing hope and prayers for their eventual independence.

A poet once said:

> Hope is the belief, more or less strong, that joy will come.

The joy for which we are all hoping is an independent Estonia once again numbered among sovereign nations of the free world community. I know this hope

is strongly held by all of us in this Chamber today.

In a reaffirmation of his hope, I would request permission to reprint House Concurrent Resolution 416, passed in the 89th Congress, affirming our support and calling on our Government to bring worldwide attention to the plight of these brave people.

The resolution follows:

HOUSE CONCURRENT RESOLUTION 416 ADOPTED BY THE HOUSE OF REPRESENTATIVES BY A RECORD VOTE OF 298 YEAS TO NO NAYS ON JUNE 21, 1965, AND UNANIMOUSLY PASSED BY THE UNITED STATES SENATE ON OCTOBER 22, 1966

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.

AN ECONOMIC IMPACT REPORT REGARDING REDUCED TIMBER SALES IN THE FLATHEAD NATIONAL FOREST

HON. RICHARD G. SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 24, 1972

Mr. SHOUP. Mr. Speaker, concern for proper management of timber resources on public lands is a vital issue to all Americans. It has special meaning to those who live in western Montana.

The harvesting of timber products from public lands forms the largest share of our economic base. To date an abundance of conservation data has been made available but I have noted a lack of information on the local economic effect of a policy change in timber management.

I feel, as I am sure most do, that before hard and fast decisions are made that all aspects must be investigated in their proper priority.

For this reason, I have requested the chamber of commerce of Kalispell, Mont., a community of some 20,000 people whose prime economic base is timber harvesting to advise me on the economic aspect of proposed timber management policies.

Mr. Speaker, I insert this report in the RECORD, as follows:

AN ECONOMIC IMPACT REPORT REGARDING REDUCED TIMBER SALES IN THE FLATHEAD NATIONAL FOREST

FOREWORD

This report was developed by the special Timber Resources Coordinating Committee of Kalispell, Montana to show the economic effect of reduced timber sales in the F.N.F. as projected by the U.S. Forest Service. It should be pointed out that source material used for this report showed some variation in statistical information and projections developed from that information. Whenever such variations were encountered the most conservative figure available was used.

The committee was formed at the request of Congressman Dick Shoup to determine these economic effects and identify and seek solutions for problems of timber and land management in the F.N.F. which have resulted in reduced timber sales.

The report shows that a very negative effect on employment and the general economic health of the area results when timber sales are reduced. This result becomes even more significant when the fact is considered that Flathead County has been declared eligible to receive Federal assistance through the Economic Development Administration because of chronic high unemployment rates.

The economy of Flathead County is directly related to the forest products industry. Any action which increases or decreases the level of activity for the forest products industry enhances or strains the economy. The 10 year Flathead Working Circle Management Plan adopted in 1969 for the Flathead National Forest has stated the allowable cut to be 181.6 million board feet of log scale. Presently, this plan has been modified to reduce the amount of timber harvested to 129 million board feet or a reduction of 52.6 million board feet. The results of this reduction will have an adverse effect upon the economy of Flathead County.

In 1971 the forest products industry in Flathead County harvested 250 million board feet of timber from Federal, State and privately owned lands. The Montana Employment Security Division estimates that 1,825 people were employed in this effort. This means that for every million board feet of timber harvested and converted to usable forest products, 7.3 man years of labor was required. Therefore, it is realistic to assume that for every million board feet the timber harvest is reduced seven jobs are lost. The proposed reduction of 52.6 million board feet will result in an aggregate loss of 368 jobs. In 1968 the average annual salary for the forest products industry was $6,700. Since wages for this industry have been increasing at approximately three percent per year, a conservative estimate of the 1972 annual wage is $7,300. The reduced employment will result in an annual reduction of $2,687,000 from forest products industry payrolls.

The job loss in the basic manufacturing industry is only the tip of the economic iceberg. For every job in the manufacturing, two jobs in the service field result.[1] That is, store clerks, mechanics and professional people are dependent upon the money the manufacturing segment spends. As the manufacturing work force decreases by 368 jobs the service field reduction is double that amount or 736 annual jobs are lost. The estimate 1972 annual income in this service field for Montana is $5,500.[2] The aggregate payroll loss for the service field segment will be $4,048,000.

By combining the loss of employment for the manufacturing and service segments, a total of 1,104 jobs will be lost due to the reduction of 52.6 million board feet of timber to be harvested. This will cause a total loss of $6,735,000 from the tootal income of the county.

The effect on County Taxes: The effect on county taxes is twofold. Unemployment will result in a reduction of tax revenue and an increase in welfare costs. The former can be determined on a specific dollar and cent basis, the latter is more difficult to estimate.

On an average, the wage earner pays $155.08 in county property tax.[3] If 1,104 persons lost jobs due to the direct and indirect effect of reduced timber harvest, tax revenue for the county would decrease by $171,208. This, of course, is assuming that other employment was not available for them. Today unemployment is running approximately 11.4 percent of the county work force so employment for an additional 1,104 persons would be difficult. Only the most skilled would find jobs. The balance would migrate to more lucrative locations or apply for welfare assistance. It has been conservatively estimated that 104 persons would apply for welfare assistance. The average monthly per family payment is $98. Multiply this figure by 104 and a total welfare payment of $10,912 per month is the result. The annual cost would be $122,304.

In 1970 Flathead County collected $379,249 from the Federal Forest Service. By law the county receives approximately 25 percent of the revenue derived from the sale of timber which lies within the county boundaries. This figure is adjusted as KV funds (the cost of thinning and direct stand improvement) are first deducted from the total revenue with the county receiving 25 percent of the remainder. If stumpage prices average $20 per thousand feet log scale, the county's actual portion amounts to approximately $4 per thousand.[4] A decrease of 52.6 million board feet in the timber harvest results in a total reduction of $200,400 ear marked for Flathead County.

It must be acknowledged that the 181.6 million board feet of timber was the scheduled harvest for the forest products industry from the F.N.F. based on the Flathead Working Circle Management Plan adopted in 1969. The revised allowable cut is 129 million board feet. If this latter figure is adopted the forest products industry in the county must reduce its output resulting in a reduction of the present work force or must seek a raw material source from State and private timber holdings which, at best, are not adequate to make up for the amount of the proposed reduction. Further, it is important to the public interest that these state and private lands not receive excessive harvest pressure as will in all probability occur unless timber sales on federal land are raised to a level more in line with the projected sales outlined in the Flathead Working Circle Management Plan.

FOOTNOTES

[1] In 1970, 4,837 people were employed by manufacturing firms or in agriculture whose primary market was exterior to Flathead County. Nine thousand seven hundred twelve persons were employed in the service segment within the County. An apparent ratio of two service related jobs for every manufacturing job can be concluded.

These figures are further substantiated by a report prepared by Business-Economic Advisory and Research, Inc. for the Washington Forest Protection Association titled "the Role of Forest Lands in the Washington Economy". This study indicates a $1.00 increase or decrease in the forest products industry resulting in a $3.00 related increase or decrease in the economy of Washington

State. A 1 to 2 ratio of employment is realistic.

[2] In 1968 income per worker outside the Agricultural segment averaged $5050 annually. A projection of 2.75% increase per year would indicate that in 1972 the average would conservatively increase to approximately $5500.00.

Montana Economic Study Part 1.

The Montana Economy Volume 2 Chapters 2–4.

Bureau of Business and Economic Research, University of Montana; Missoula, Montana, June 1970 pp 3.49

[3] Impact Report—A study authorized and conducted under the supervision of the Flathead County Commissioners. 1971 pp 3.

[4] Average Stumpage cost for Flathead National Forest.

(Per thousand board feet)

1968	$17.18
1969	$30.40
1970	$18.24
1971	$18.32

An estimated cost figure for 1972 of $20.00 per thousand board feet is realistic in light of greater demand for available forest products. Forest Service is presently averaging approximately $25.00 per thousand board feet. The $20.00 cited in this paper is therefore conservative.

TVA ACCELERATES STRIP MINE RECLAMATION PROGRAM

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 24, 1972

Mr. EVINS of Tennessee. Mr. Speaker, in view of the current wide interest in strip mine reclamation and the importance of reclamation practices and procedures in surface mining, I recommend to my colleagues the annual report for the Tennessee Valley Authority for 1971. This report reviews the measures taken to restore property that has been strip mined under TVA contracts.

This report points out that more than 2,500 acres of strip mined land were planted and seeded and reclaimed last year—including 1,170 acres in Tennessee.

Because of the wide interest in this matter of strip mine reclamation I place in the RECORD herewith excerpts from the TVA Annual Report for 1971 which relate to this subject.

The excerpts follow:

STRIP MINE RECLAMATION

Mine operators complying with reclamation provisions in Tennessee Valley Authority coal contracts have planted and seeded more than 2,500 acres of strip-mined land with trees and grasses in the past year.

Included were 1,239 acres in Kentucky, 1,170 acres in Tennessee, and small acreages in Alabama, Virginia, and Indiana.

The reclamation work carried out by TVA suppliers during the year made a total of more than 10,700 acres where initial water control work and replanting have been completed in the five planting seasons since TVA adopted reclamation requirements in its contract awards for strip-mined coal.

Depending on site characteristics the revegetation may include trees, grasses, and legumes. More than 6 million tree seedlings have been planted.

The mine operator's obligation does not end with this initial reclamation work, but continues until enough time has passed to prove the reclamation effective to the satisfaction of TVA inspectors. So far TVA has issued releases on about 1,000 acres of reclaimed lands where work has been completed.

During the year TVA strengthened its reclamation requirements, taking advantage of experience gained in previous reclamation work and incorporating new technological developments. The new requirements include closer attention to the handling and placement of overburden, more stringent slope restrictions, structures to control water flow and siltation, and a continuous year-round vegetation effort using hydraulically-applied seed, mulch and fertilizer to provide quicker stabilization of disturbed earth.

Approximately one-half of the coal purchased by TVA comes from underground mines, and the balance from surface mines, reflecting the general pattern of production in the states where TVA buys coal. As early as the 1940's, TVA began to encourage reclamation of surface-mined lands, and since 1965 all TVA term coal purchase contracts involving surface mining have required reclamation of the land involved.

Nevertheless, in March 1971, three environmental groups filed suit against TVA, seeking a judgment that TVA's purchases of strip-mined coal do not comply with the National Environmental Policy Act of 1969, and to enjoin purchases of coal under four TVA contracts. TVA has moved to dismiss the suit. Counsel for TVA consider that the agency has fully complied with the Act and that the suit is without merit.

Unreclaimed strip mining can produce serious environmental damage, but TVA believes that use of proper strip mine reclamation practices can prevent this damage and that it is not necessary to abolish this mining method and would be unwise to do so.

Coal procured by the strip mining method is essential to the Nation's energy needs. TVA's policy with respect to strip mining is based on the belief, demonstrated in practice, that the lands from which the coal is taken by this method can be reclaimed to useful conditions as good or better than those existing before mining; that the cost of reclamation must be included in the cost of coal; and that the achievement of reclamation, on a comprehensive basis applicable to all surface mining, can be assured only by stringent legislation, strictly enforced. All states in which TVA purchases coal now have state reclamation laws. TVA helped develop legislation which was pending at year's end to strengthen Tennessee's law.

TVA has promoted the adoption and vigorous enforcement of strip mine laws by each state in which mining is carried on, with regulations tailored to the unique needs of the particular area. However, on a national basis, since many states have failed to enact and enforce adequate controls, TVA favors the enactment of Federal legislation which would recognize state responsibility but provide guidelines and standards that will ensure overall environmental protection.

New developments in TVA's continuing research to develop improved reclamation methods include an innovative "bullet planting" technique. With this method—which has produced favorable results in tests over a 3-year period—pine seedlings grown in plastic tubes ("bullets") are planted with a pedal-operated cylinder or "gun." Studies continue on wildlife plant survival on toxic mine spoils; tests of hydraulic seeding methods; use of silt trap dams; and trials with grasses, legumes, pine trees, and fertilizer.

VOTING REPRESENTATION FOR THE DISTRICT OF COLUMBIA

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 24, 1972

Mr. GUDE. Mr. Speaker, there is great interest in the Washington area in obtaining voting representation in Congress for the residents of the District of Columbia. Many of us believe that such representation is long overdue.

WTOP radio and television broadcast an editorial on February 2 and 3 in support of voting representation and in praise of my Maryland colleague, Congressman LAWRENCE J. HOGAN. As a member of the Judiciary Committee, he has helped push voting representation along. As the editorial notes, he has been "persistent" in his efforts to right this local "perversion of democracy."

Here is the text of the editorial:

A WTOP EDITORIAL

The House Judiciary Committee is scheduled to vote next week on a proposed amendment to the U.S. Constitution which would grant to the District of Columbia full voting membership in both houses of Congress. Such an amendment would have very great merit.

Particular acknowledgment is due the persistent support for the measure by Congressman Larry Hogan of neighboring Maryland, who sits on the committee. Indications are that trouble will develop not in the Judiciary Committee but farther down the road—in the House Rules Committee and in the Senate.

The heaviest flak will be aimed at the part of the amendment which would award the District two seats in the upper chamber. The 50 states, it is said, won't look kindly on a dilution of their representation in the Senate, and incumbent members of the Senate won't welcome any dilution of their considerable power.

The political realities are all too clear, but so is the underlying principle. A couple of years ago, we calculated that in the last three decades D.C. citizens paid upwards of twelve billion dollars into the federal treasury without a shred of political representation in the body which levied those taxes.

That perversion of democracy may have made sense to some people back in the 18th century when the District was home to a relative handful of souls, but it makes no sense at all in the 20th century for a District which contains three-quarters of a million people—more, in fact, than many states.

The dilution argument made about seats in the Senate is vacuous under the circumstances of recent history. Where was that mighty doctrine when the residents of the Territory of Alaska and the Territory of Hawaii were welcomed into the Senate family?

The entire nation needs to be mobilized on this issue to persuade a reluctant Congress to allow 764,000 federal citizens to have a voice in their own federal government.

This was a WTOP Editorial . . . Norman Davis speaking for WTOP.

THE RETURN OF LOBOTOMY AND PSYCHOSURGERY

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 24, 1972

Mr. GALLAGHER. Mr. Speaker, I rise today to insert into the CONGRESSIONAL RECORD one of the most shocking documents I have ever seen. "The Return of Lobotomy and Psychosurgery," by Dr. Peter R. Breggin has not been previously published and represents the first critical review of the current resurgence of this mutilating operation on a wide scale. Dr. Breggin covers the world scene in the first section, concentrates on its use in the United States in the next two sections and concludes with a sensible program for prompt action. His bibliography is extensive and indicates the depth of his research.

Psychosurgery is now being used to control so-called "hyperactive" children and it is even used on children as young as 5 years old. Dr. Breggin describes the frightening use of this surgery on individuals who suffer from "anxiety" and "tension" and other forms of behavior which might be classified as neuroses, and he documents an increasing tendency to select women, older people and now children as targets. He cites dozens of on-going projects.

While there was a strong negative response to the original wave of psychosurgery which claimed up to 50,000 victims in the United States alone, this human revulsion was not widely expressed in the medical literature. I have been informed that the decline of lobotomy in America during the late 1950's was because of the increasing use of electroshock and drugs, not because of any public or professional outcry. This current wave of lobotomy and psychosurgery of all forms should be met with a prompt public interest and, in no case, should it be allowed to spread without informed scrutiny. Dr. Breggin performs a distinct public service by bringing forward an immense amount of information which has hitherto been buried in somewhat arcane journals.

Because of the nature of this unpublished material which I will insert, a few words about Dr. Breggin are in order. He is in private practice here in Washington and is on the faculty of the Washington School of Psychiatry. His training began at Harvard where he majored in social relations and graduated with honors. There he led the first large scale student-run mental hospital volunteer program which became a model of patient rehabilitation in the final report of the President's Joint Commission on Mental Health and Illness—1961. He took his medical training at Case Western Reserve in Cleveland and his psychiatric training at the New York Upstate Medical Center and the Massachusetts Mental Health Center, where he was a teaching fellow at Harvard Medical School.

Dr. Breggin has already written a much briefer paper without a bibliography which will appear in Medical Opinion and Review in March. He will give a paper analyzing the history and politics of psychosurgery at the Fourth International Congress of Society Psychiatry in May, and I am proud that Dr. Breggin has asked me to disclose the full details in a narrative form, complete with names, places, and descriptions of current and planned activities in this area.

Mr. Speaker, I have used the words "shocking" and "frightening" to describe what Dr. Breggin has disclosed. I am especially upset to discover that irreversible brain mutilation is being used on hyperactive children. When my privacy inquiry held a hearing on the use of behavior modification drugs on grammar schoolchildren in September 1970, we learned that there was nothing wrong with these children in the medical sense. It was behavior and behavior alone that created the diagnosis of minimal brain dysfunction and perhaps the only proper definition of that term was presented by Dr. Francis Crinella: "one of our most fashionable forms of consensual ignorance." At least 250,000 children, in all parts of the country, are now receiving drugs to mask the effects of MBD, but the drug therapy can be stopped. Nothing can undo brain mutilation, according to Dr. Breggin, and I am convinced that public debate must take place over the use of such irrevocable destruction of the creative personality.

Mr. Speaker, "shocking" and "frightening" are too mild to describe my reaction to this material. The following article, "The Return of Lobotomy and Psychosurgery," is copyright by Dr. Peter R. Breggin in 1972 and I think many Americans will be grateful to Dr. Breggin for allowing its publication in the RECORD. As a man who has been concerned about the erosion of human values for some 7 years and who has taken effective steps in the past to guarantee our citizens the right to pursue happiness in their own way, let me say that I am personally grateful to Dr. Breggin for his courage, scholarship, and humanity. I am proud to insert his copyrighted article in the RECORD at this point:

THE RETURN OF LOBOTOMY AND PSYCHOSURGERY

(Copyright 1972 by Peter R. Breggin)

INTRODUCTION

The purpose of this report is to alert the American public to the details of a current resurgence of lobotomy and psychosurgery in America and around the world.

In lobotomy and psychosurgery parts of the brain which show no demonstrable disease are nonetheless mutilated or cut out in order to affect the individual's emotions and personal conduct. In each of the studies presented here, the expressed purpose will be the control of some form of behavior—most often aggressive behavior—or the blunting of an emotion, usually "tension" or "anxiety."

The surgical methods vary widely both here and around the world, including the old-fashioned "modified" pre-frontal lobotomy, essentially a mutilating operation in which the surgeon cuts a narrow slice through the midline base of the frontal lobes, partially incapacitating the highest and most refined functions of the human brain and the human being. These frontal lobes, the highest evolutionary organ in the human being, are also being attacked with ultrasound, electrical coagulations and implanted radium seeds.

Newer operations also attack the amygdala of the temporal lobe of the brain, the cingulum which lies beneath the frontal lobes between the hemisphere, the thalamus, hypothalamus and related structures. As you will see in this survey, the great body of evidence supports the notion that all these operations accomplish the same thing—a "blunting" effect upon the human's emotional responsiveness. They are partial lobotomies.

The first wave of lobotomy and psychosurgery, which claimed 50,000 persons in the United States alone, was primarily aimed at state hospital patients with chronic disabilities. The current wave is aimed at an entirely different group—individuals who are relatively well-functioning, the large majority of them with the diagnosis of "neurosis," many of them individuals who are still living at home and performing on the job.

Women constitute the majority of the patients, with old people and children as other large groups. In Japan, Thailand, and India, children have been large target populations for some time; but now in America, for the first time in many years, numbers of children are again being submitted to psycho surgery, particularly at the University of Mississippi, where O. J. Andy is operating on "hyperactive" children as young as age five.

The current rate of psychosurgery in the United States is difficult to ascertain, but you will be able to make your own estimates from the mass of material presented here, including about 1,000 cases since 1965 which have come to my personal attention during my informal survey and review of the literature. Three American psychosurgeons have accounted for more than 500 among themselves in recent years, and I have counted at least 40 individuals currently involved in psychosurgical projects. In addition, several psychosurgeons who will be quoted have estimated a current rate of 400–600 cases per year, and most important, every psychosurgeon agrees that we are just beginning to witness a massive increase in psychosurgery to rival the wave of 50,000 two decades ago.

There are a number of signals indicating the start of a major resurgence. A new International Association for Psychosurgery has been formed with an American, Walter Scoville, as its head. Many promotional statements are again appearing in print in widely circulated magazines such as *Newsweek*, *Medical World News* and *Psychiatric News*. Current textbooks in psychiatry and current year books of treatment will be found reviving psychosurgery, and major publications such as the *Journal of the American Medical Association* and the *American Journal of Psychiatry* have been offering pro-lobotomy articles based upon inadequate scientific studies.

Current scientific studies will be found as wanting as those which originally led the prestigious Group for the Advance of Psychiatry to condemn the entire body of lobotomy literature as promotional and marred by exaggerations of success and denials of grossly mutilating effects upon the personality. Those few follow-up studies with matched controls (56, 73, 93) will describe a disastrous first wave which leaves little optimism for the future.

The material will be presented in three parts:

I. Current Psychosurgery Around the World, II. Current Psychosurgery in the United States, and III. Newest Advances in Mind Control. It is useful to start with the material around the world because it more clearly documents the menace of psychosurgery.

The bibliography is by far the most extensive published on psychosurgery since 1965. The great majority of articles describe current psychosurgery, while a few are retrospective evaluations, and most refer to the United States (1, 2, 10, 18, 22, 23, 26, 28, 29, 30, 37, 38, 39, 40, 42, 43, 44, 50, 51, 54, 58, 61,

65, 66, 71, 72, 77, 78, 79, 81, 85, 86, 87, 95, 96, 98), England (3, 12, 20, 21, 24, 42, 46, 47, 48, 53, 55, 57, 58, 70, 76, 78, 79, 82, 83, 84, 88, 89, 90), and Canada (4, 5, 7, 18, 52, 56, 59, 60, 88, 89, 90, 91).

Finally, I am grateful to Congressman Cornelius Gallagher for the opportunity to present the body of my research to the general public.

I. CURENT PSYCHOSURGERY AROUND THE WORLD

Psychosurgery is currently being done in Canada, Australia, France, Spain, Italy, West Germany, Norway, Sweden, Denmark, Finland, Switzerland, Thailand, India, and the world's leaders, Japan, England and the United States, nearly all of whom were represented among the one hundred psychosurgeons gathered in Denmark for the Second International Conference on Psychosurgery in the sumer of 1970 (79–80). Russia outlawed lobotomy and psychosurgery in 1951, and Khachaturian published a lengthy polemic explaining why.

My survey is based upon material which was presented at the International Conference, published in the literature or sent to me by the psychosurgeons with whom I have been in contact here in the United States. It is bound to be selective, since only the better work tends to get published or reported, while the less satisfactory work is discarded or kept out of sight. This will be particularly true in regard to a procedure like psychosurgery that has received considerable negative publicity.

Similarly, the published work and reported cases in any field of medicine are likely to reflect only a small portion of what is going on, and in the field of psychosurgery, the effects of the current promotion may not show up for some time.

Now for a review of psychosurgery around the world.

Some of the most candid reports come from Madras, India, one of the leading medical centers in that part of the world, where several high ranking medical and psychiatric authorities are deeply involved in the psychosurgery of children. The chief investigator is Dr. Balasubramaniam, Honorary Neurosurgeon, Government General Hospital and Government Mental Hospital, Madras. He is well-known among western psychosurgeons, delivered a paper at the Second International and publishes in English language journals.

He headlines his basic theoretical paper "Sedative Neurosurgery" and then opens with one of the most forthright and simplistic descriptions in the lobotomy literature: "Sedative neurosurgery is the term applied to that aspect of neurosurgery where a patient is made quiet and manageable by an operation." P. 377.

Classical prefrontal lobotomy, the operation done on so many tens of thousands, is one variant of sedative surgery, he says. His own up-to-date amygdalotomy and more occasional hypothalamtomy are newer variants. His work heavily involves children who are hospitalized, and he tells us: "The patient who requires this operation may manifest with one of the various behavioral disorders listed below. The commonest is restlessness." B. 377.

You will see that this is not a practice limited to India, and that both Japan and the United States are doing psychosurgery on hyperactive children.

Writing in July, 1970 in the American journal, *International Surgery*, Balasubramaniam summarizes his results with 115 patients, three of them *under age five* and another 36 *under age eleven*. Using diathermy or injections of foreign matter, such as olive oil, to destroy areas of these childrens' brains, he produces this result: "The improvement that occurs has been remarkable. In one case case a patent had been assaulting his colleagues and the ward doctors; after the operation he became a helpful addition to the ward staff and looked after other patients. In one case the patient became quiet, bashful and was a model of good behavior." P 21.

Balasubramaniams sums up in his concluding sentence: "This operation has proved to be useful in the management of patients who previously could not be managed by any other means." P22.

If this turns out to be true, as I believe it will, then cingulotomy surgery will be the ultimate "therapeutic weapon" for any state hospital superintendent or prison warden.

A bizarre report comes out of Thailand, where Chitanondh is also performing amygdalotomies on brain damaged patients, psychotics, neurotics, epileptics and behavior problems under the psychiatrically absurd rubric of "olefactory seizures and psychiatric disorders with olefactory hallucinations." In other words, if he finds a case where the sense of smell is involved in any fashion, then he chops out the amygdala on the grounds that it is involved in smell perception and elaboration. This is the same amygdala that Balasubramaniam mutilates on the grounds that it is involved in aggression. Again and again we will find this phenomenon—that the psychosurgeon picks out the symptom that he wants to focus upon, then destroys the brain's overall capacity to respond emotionally, in order to "cure" the symptom which he focused upon, completely neglecting that he has simply subdued the entire human being.

One of Chitanondh's patients is a nine-year-old boy whom he thinks has an olefactory hallucination but who is obviously involved in a behavioral struggle with his parents. This patient has a "habit" of running away from home, allegedly to smell engine oil in cars!

"Chief complaint of an obsessive smelling habit. For two years before admission he had a strong compulsion to smell engine oil . . . He would not give any reason why he had to do this. The parents punished the patient but he would not give up the peculiar habit." P. 192.

But despite the boy's denial that he was hallucinating, the neurosurgeon performs this "sedative neurosurgery" and of course the boy no longer runs away to smell engine oil.

In a rare show of public disagreement, the discussants quoted after this report seem piqued at their colleague's assault upon this child. One, a neurosurgeon, says: "If the neurosurgeons move psychosurgery from the frontal lobe to the temporal lobe (amygdala), we need to know some elementary psychiatry." P. 196.

Does this mean, as it seems, that it is *not* necessary to know elementary psychiatry if the neurosurgeon sticks to the frontal lobes—literally the heartland of man's highest and most subtle functions?

Another discussant of Chitanondh's work, a Japanese, warns that he, unlike the Thai, only operates on the mentally retarded! In a sentence he thus condemns his own methods as too gross or too inhumane for children of normal intelligence, while at the same time condemning the mentally retarded to sub-human status.

The Japanese have been doing both frontal lobotomies and the newer amygdalotomies (temporal lobotomies) steadily without going underground during the late 1950's and 1960's. They publish their work in English language journals and influence the international and American movement.

Narabayashi and Uno of Tokyo report in 1966 on a follow-up of 27 children ages *five to thirteen* who have had amygdalotomies. They operate on: ". . . children characterized by unsteadiness, hyperactive behavior disorders and poor concentration, rather than violent behavior; it was difficult to keep them interested in one object or a certain situation." P. 168.

Here is a description of the *best* results as achieved in five of their many cases: "(They) have reached the degree of satisfactory obedience and of constant, steady mood, which enabled the children to stay in their social environment, such as kindergarten or school for the feebleminded." P. 167.

Sano, also in Tokyo, reports on 22 cases beginning with the youngest *age four*. His *best* results? "Emotional and personality changes: the patient became markedly calm, passive and tractable, showing decreased spontaneity." P. 167.

Remember these descriptions when we get to the same operation as it is being done to depressed people, obsessive neurotics and a raft of others in the United States. Again and again we will find a kind of "tunnel vision" that allows a psychosurgeon to obliterate the liveliness and spontaneity of the individual while acting as if he is merely attacking a symptom or specific "illness" such as depression or obsessive neurosis.

Professor Sano is not an incompetent whose hypothalotomy operations cannot be trusted for technical expertise. He is an Honorary President of the International Association for Psychosurgery. Sano will be joining several American psychosurgeons (W. H. Sweet, Frank Ervin, Vernon Mark and others) at a large upcoming conference on violence and its treatment at the Texas University Medical School on March 9–11 in Houston (98).

The Japanese have not given up the more traditional frontal lobotomy either. From the recent Second International Conference, Kalinowsky comments "An impressive clinical report of 519 patients was given by the Japanese neuropsychiatrist S. Hirose, who prefers the orbitoventromedial undercutting procedure." This is a more limited, modified frontal lobotomy, involving cuts where they will do the most, in the brain pathways which lie toward the midline underside of the frontal lobes.

I have a summary of Hirose's talk given at the Second International in the summer of 1970 and there he describes 119 cases that he has done since 1957. He says that he operates on neurotics and psychotics, individuals with "protracted emotional tension states, oversensitivity, excessive self-consciousness, and obsessive states."

Much as he did in his 1965 *American Journal of Psychiatry* report, he continues to recommend mutilating the brains of people who are: "delicate, warm-hearted, conscientious, enthusiastic, perfectionistic . . ."

This is important—that even the old-fashioned lobotomists are now advocating their gross forms of intervention for more normally functioning human beings. "A kind of plastic surgery of mental states," Hirose calls it in 1965.

Moving away from the Far East, we find that the West Germans are very active.

Hassler and Dieckmann have been operating on the thalamus of children—13 cases reported in this article—in order to reduce "aggressiveness, destructiveness and agitation."

They also believe they can "treat" specific psychiatric illnesses when they attack and destroy sections of the brain. Their psychiatric rationalizations are extremely crude: "Obsessive-compulsive neuroses are comprised as well of the perpetual repetition of non-sensical ideas as also of the psychomotor phenomenon of compulsion . . . (sic) Thus the irrational activation of thought may result from functional disturbance of the intralaminar nuclei."

The notion that specific neurotic disorders might be traceable to a disturbance in a nucleus within the brain is so crude that even the Russian, Khachaaurian, with his own lack of sophistication, was able to dismiss it two decades ago.

The gross destructiveness of this kind of surgery, despite all apologies to the contrary in the literature, is again indicated by Hassler and Dieckmann's report that it can pro-

duce *severe amnesia* which lasts up to *six weeks* after surgery. And in their minds, this is not an untoward side-effect, but an important aspect of the treatment which *helps* the therapeutic result.

This is in fact a common theme—increased damage leads to increased result—in the early lobotomy literature of Freeman and Watts (1950). Freeman (1959) suggests that it is good to damage the intellectual capacity of the neurotic because the neurotic thinks too much (p. 1526); and similarly the West Germans boast of: "alleviation of impulsion and over-subtle reasoning in all cases."

One of their patients became dangerous and attacked two nurses after surgery.

Still in West Germany, F. D. Roeder experimented with lesions in the hypothalamic region in an effort to cure "sexual deviation." The written report is only 25 lines long but the pathology slide takes up half a page, in typical psychosurgical reverence for technology. This is what he accomplished: "Potency was weakened, but preserved . . . The aberrant sexuality of this patient was considerably suppressed, without serious side-effects. One important feature was the patient's incapacity of indulging in erotic fancies and stimulating visions . . ."

He boasts in addition that there was a disappearance of homosexual impulses and that psychiatric commitment could therefore be avoided. Psychiatric commitment avoided by obliterating a man's fantasty life!

Now for the English-speaking world.

In Sidney, Australia, a group including Harry Bailey and John Dowling has published a report of 50 cases of cingulotomy, with a report of 50 more on the way. The patients include a wide variety of people with depressions, including psychotics and obsessive-compulsive neurotics, and the cases were purposely selected to limit them to individuals with "basically sound personality structure" rather than to hopelessly deteriorated individuals.

The Australians report "excellent" results in the form of a statistical outline of psychological test results and impressions of post-surgical adjustment, including comments on the return of professional people to a successful professional life. But there is only one very short clinical description, and we must take their statistics on faith.

Nor can we trust their assertion that many return to professional work, since Freeman (1959) and Sargant and Slater (1964) have already disclosed that modified lobotomies return individuals to professional work but that they function with less sensitivity toward others and even with ruthlessness.

This Australian study also displays the typical lobotomist preference for women: 64% according to a small print footnote to a chart. These psychosurgeons lament public resistance to their work which apparently limits their access to patients. For some unexplained reason, they label this public resistance "the Ben Casey effect."

Nearer to home in the English speaking world, the Canadians are becoming active again. In recent years the old-fashioned modified prefrontal lobotomy has been used on a variety of non-schizophrenic patients by R. F. Hetherington, P. Haden and W. Craig, Departments of Surgery, Psychiatry and Psychology, Kingston Psychiatric Hospital and Queens University, Kingston, Ontario. Their report to the Second International Conference in 1970 admits that the hospital refused to allow them to operate on males because of the unfavorable publicity given to lobotomies in Canada after the negative follow-up studies of McKenzie. But they were allowed to operate on women, 17 in number.

Still in Canada, we find Earle Baker, Assistant Professor of Psychiatry, University of Toronto, reporting in 1970 on "A New Look at the Bimedial Prefrontal Leucotomy." (Leucotomy, or "cutting of the white matter," is used as a synonym for lobotomy.) He describes 44 cases with "hard core functional psychiatric illness," including *six with personality disorders and twenty-five with neuroses,* who have been lobotomized between *1959 and 1968!*

The article is fairly typical of the older literature with the exception of its more modern claim that lobotomy offers something for everyone: ". . . safe and effective method of reducing the symptoms of excessive tension, anxiety, fear or depression in patients with a wide variety of illnesses, including anxiety neurosis, phobic psychoneurosis, obsessional neurosis, neurotic or psychotic depressive reactions and schizophrenia. This operation should be considered in such neurotic, personality and psychotic illnesses when medical treatment has failed." P. 37.

Baker openly acknowledges that the operation produces an organic brain syndrome—a sign of generalized damage to the entire brain. In this instance, it is characterized by "some disorientation, apathy, silliness and denial," lasting up to two or three weeks and sometimes longer. In addition, as in the old days, there are "occasional changes in moral code, anger, sexuality or interpersonal relations," which the authors admit are permanent.

Women are their main targets, too, 27 females and 17 males, age 20–58, and as we continually see, the women "do better," 12 of 25 women accounted for declared to have an "excellent" result, while *only 4* of the 17 men accounted for have an "excellent" result. That's 48% against 23%, but the investigators involved do not even mention this enormous discrepancy. It must be taken out of a chart!

Baker and his associates give us some fascinating vignettes to support their contemporary use of the frontal lobotomy. Case #1 is a suburban housewife who is promiscuous, runs away from home and becomes suicidal on occasion. After her lobotomy she is no longer promiscuous and becomes a faithful partner in her marriage.

These modern lobotomists describe considerable changes in the lives of their patients and make facile moral judgments about these changes. One man sold the family business that he never wanted, one middle aged man went out dating for the first time in his life, two couples came to blows for the first time, and three marriages broke up—all of which the authors put their approval upon as signs that the operations made the patients "more open" and "less dependent."

One of their patients became so liberated that he went on to rob a bank. The judge gave him an extra heavy sentence, presumably to compensate for the moral obtuseness produced by the surgery.

Moore then wrote a response to the *Canadian Medical Association Journal* stating that the judge was wrong in giving the longer sentence because the patient's moral code would be unaltered by an "infinite jail sentence," as a result of his surgery.

But who is in fact morally responsible for that bank robber's actions? I believe that one single legal judgment holding a lobotomy a thing of the past.

Unlike the Far Eastern and some European psychosurgeons, the English by-and-large have retained an *unabated* preference for mutilating the frontal lobes.

The English total is now reaching or surpassing the 20,000 mark. Tooth and Newton took a national census of England and Wales and came up with an official count of 10,827 as of 1954—but even this figure excluded the several hundred done in general hospitals, as well as the unknown hundreds done before 1942.

Extrapolating from Pippard's official count of 400 plus in the year 1961, Sargant and Slater estimate a total of 15,000 by 1962. If that rate remained as constant as it had, we would now be reaching a grand total of 18–19,000 in 1972. But the rate seems to be accelerating! The British surgeon, Geoffrey Knight, for example, presented statistics on 1,050 cases of his own at the 1970 Second International, and much of his work originates after 1960.

I can only give a small sampling of the English literature, for England appears to have led the world since the relative decline of the lobotomy in America.

Knight and his associates seem to be the most busy, at least in the published literature. I add this qualification because Walter Freeman told me of one British surgeon who had done 4,000 without any follow-up studies, published or unpublished! But to return to Knight, his original method is described as a bimedial lobotomy with orbital area undercutting of the frontal lobes, really the old-fashioned modified frontal lobotomy which so many psychiatrists think has been long dead. It is an extensive mutilation of the brain, involving a narrow longitudinal 2 cm. wide by 6 cm. deep cut at the midline of the frontal lobes at about the level of the eyes or orbits. His first series included 550 patients, many of them with depressions.

It is impossible to judge the effects of his surgery, since he is a statistical lobotomist who offers practically no data whatsoever about the people involved. Even a surgeon reporting on a new technique for removing an appendix is likely to tell us something about the general condition of his patients as well as well as the exact kind of appendix he is talking about, purulent, ruptured or whatever. But in taking out pieces of the brain, Knight tells us nothing or next to nothing about the nature of the individuals involved either before or after surgery. It is no surprise then that Kalinowsky, in a phone conversation with me, said that some psychosurgeons read Knight's own data completely differently than he does, in this instance favoring the results of his older surgical methods to his new radiation implants.

Knights new radioactive technique, again applied to hundreds of patients, is simply a more sophisticated method for destroying frontal lobe tissue. He plants radioactive seeds in the areas he might otherwise attack surgically (57, 58, 83). But the actual effects upon the personalities of his patients cannot even be guessed at—except on the basis of our general knowledge about the effects of lobotomy. All we can find in Knight's many journal articles are meaningless lists of one or two word diagnoses paired statistically with equally meaningless categories of improvement.

Knight tells us in a 1966 report that he was inspired to action after reading about the increased admission rate of old people to the state hospitals. What is his solution? Rehabilitation centers? Better housing and more social opportunities for the old? No. His answer is increased lobotomizing of old people, and he has done exactly that.

An article by Sykes and Tredgold follows up another series of 350 patients, some of them apparently done by Knight. Again we have empty statistics, and the general impression that the lobotomy never had a bad side-effect on anyone, or hardly anyone. But one statistic tells us a great deal about the mentality of the lobotomist—only 59 of these 350 patients had a serious trial of psychotherapy before being subjected to surgery.

What is Knight's theoretical justification? It is the same old "reduction of intensity of emotional reaction," Knight tells us in 1969. And the elaboration of the theory behind this is crude and simplistic beyond belief: "Since primitive emotions are damaging emotions, it might be deduced empirically that the interruption of connections from primitive cortical areas would contribute to the results obtained." P. 257.

This theory amounts to nothing more than a *bias*—that strong emotions are bad. He calls these emotions "primitive," when in fact they may be the highest expression of our

human development. Indeed, the frontal lobes are integral to all of man's most sensitive, subtle and human qualities—love, empathy, creativity, abstract thinking and such (25, 26, 34, 92). Severing the connections between these lobes and the lower brain does not bleach the lobes of their primitive influences, but in fact ruins the function of these lobes. The lower portions of the brain are no more "primitive" in function than the heart and lungs which phylogenetically pre-date much of the brain's development.

But to return to Dr. Knight, he does give us a paragraph or two, more about the theoretical basis for his operation, drawn entirely now from animal experiments—as if the whole body of lobotomy literature did not exist. But what he says is what the lobotomists have been saying all along anyway. Animal psychosurgery succeeds in producing "quiescence and tameness."

Post and his colleagues are again representative of the statistical lobotomist, reporting on 52 patients in middle and late life who are allegedly helped (40% of them) by the old-fashioned bimedial frontal lobotomy.

Marks and his colleagues somehow came up with twenty-two cases of "agoraphobia"—fear of open spaces—and lobotomized them, again with the bimedial frontal lobotomy. They present no case material, so we can't judge what they mean by "agoraphobia" or why they would destroy a person's brain to cure such a symptom. In fact, agoraphobia as an isolated symptom is so rare that one must distrust their clinical judgment in its entirety. People crippled by such a symptom almost invariably demonstrate a complex of psychiatric symptoms, as do almost all individuals who are psychologically crippled.

The absurd becomes obscene in an unsigned editorial comment in 1969 in the *British Medical Journal* calling for brain surgery for sexual disorders (5). The editorial comment praises German investigators for destroying a portion of the brain (hypothalamus, in this instance) of three male homosexuals, resulting in "a distinct and sustained reduction in the level of sexual drive," and all other drives, of course, though they are unmentioned.

This editorial considers the "need to protect the public," but also suggests that voluntary consent should be obtained. But voluntary consent is a myth when the individual involved is a social deviant subject to the alternative of prison or involuntary mental hospitalization(13).

But why call this editorial obscene? Because the writer brings up the alternative of castration for homosexuals and argues that castration is "open to question on ethical grounds," while lobotomy is not. This Englishman would rather lose his brains than his testicles.

The Manchester Guardian, April 2, 1968, reports that a gambler who has stolen money has been sent from court into psychiatric custody for "voluntary" brain surgery to cure his gambling. The psychiatrist involved was Harry Fleming, senior consulting psychiatrist, Winwick Hospital.

Dr. Fleming did not go uncontested. Another psychiatrist, F.R.C. Casson wrote into the medical journal, *Lancet*, to complain: "I have not previously heard of leucotomy being suggested as a remedy for compulsive gambling. By its reduction of moral inhibitory factors, one would imagine that it might facilitate irresponsible gambling behavior." P. 815.

But Dr. Casson, as usual, is not protesting on ethical grounds, or even on any general principle against lobotomy. Instead he is merely taking care of his own, for he is the "Hon. Psychiatrist to Gamblers Anonymous."

Now for a look at the Americans in some greater detail and depth, and then one final look at the British again with one of their newer more frightening and futuristic techniques of mind control.

II. CURRENT PSYCHOSURGERY IN THE UNITED STATES

Petter Lindstrom, who has many hospital appointments around the country, including the Children's Hospital and Adult Medical Center in San Francisco, estimates that 400–600 psychosurgical operations are performed each year in the United States, and he personally accounts for 250 in the past five years in a recent letter to me. H. T. Ballantine, a psychosurgeon at the esteemed Massachusetts General Hospital, writes to me that he agrees with this estimate and that he has done 160 since 1965. Both Jack Lighthill and Mr. Hunter Brown in Santa Monica, California, also agree with the estimate and personally account for 110 cases in the past five years.

All the psychosurgeons who have written to me agree that the current rate is going up rapidly and that we are, in the words of one of them, approaching a "second wave" of psychosurgery.

No one knows for sure how many persons were mutilated in the "first wave." Walter Freeman, America's dean of lobotomy, has given me a personal and probably reliable estimate of 50,000. Most chronic mental hospitals—and there are hundreds in the country—have a caseload of old lobotomy patients. The past literature contains hundreds of articles, and many lobotomists and hospitals accounted for several thousand at a time. Freeman, for example, says that he did about 4,000.

Freeman, formerly Professor of Neurology, the George Washington University School of Medicine in Washington, D.C., has come out of retirement with invitations to speak at national and international conferences, including his appointment as an Honorary President of the new International Association for Psychosurgery. In a very recent (late 1971) article in the *British Journal of Psychiatry* he advocates operating upon schizophrenic patients early in their illness rather than as a last resort. This will open the way for another phase of massive institutional lobotomization of young people.

Speaking at the Washington, D.C. Academy of Neurosurgery in 1965 Freeman accurately describes the effects of his surgery when he points out that lobotomy leads to some of the same results as the last stages of deteriorating schizophrenia. When such a patient is so demoralized and deteriorated by institutional life that he no longer gives the ward any trouble, then there's no purpose to giving him surgery. Says Freeman: ". . . a deteriorated schizophrenic looks and acts the same with or without his frontal lobes. When the progress notes on such a patient read, "Gives no trouble on the ward," it is generally too late to expect any substantial result from operation." P. 157.

And Freeman agrees with many modern lobotomists and psychosurgeons that the true aim, the best result, is the blunting of emotions: "A successful operation bleaches the affect [emotions or feelings] attached to the ego, without disturbing intelligence, memory, or personality functions." P. 158.

Lothar Kalinowsky, Professor of Psychiatry, New York Medical College in New York City, has written numerous books on somatic therapy, and more recently has spent considerable time on promotionals for psychosurgery, including the *Psychiatric News* article, plus a publisher panel, and at least one unpublished panel on the West Coast.

In the published panel discussion, Chairman Kalinowsky is again touting lobotomies for "intractable and disabling neuroses, chronic depression unresponsive to other treatments." Panel member Henry Brill, a very well known state hospital psychiatrist from Pilgram State, Long Island, where several thousand lobotomies were once done, spoke with indignation when he defended this treatment as prematurely discarded and "cast aside too cavalierly." Brill also let on that "informal communications with American psychiatrists indicate that the operation has not been abandoned as completely as one might imagine from a casual reading of the literature."

Fritz Freyhand of St. Vincent's Hospital, New York City, James Cattell of the department of psychiatry of Columbia P and S, and Joseph Ransohoff, from Bellevue, both again in New York City, participated in the panel, Dr. Ransohoff mentioning that he'd done 35 lobotomies in the past five years.

Kalinowsky himself refused to give me an estimate on the phone or by mail concerning the number of lobotomy referrals he had done in the past few years. Only a few, he kept protesting, but with further questioning he admitted to having seen three patients in the last week (May 3, 1971) as possible candidates for lobotomy, one or two of whom he said would probably end up under the surgeon's knife.

E. A. Spiegel, Professor Emeritus at Philadelphia's Temple University, has been active as President of the International Society for Research in Stereoencephalotomy and as editor for the annual review called *Progress in Neurology and Psychiatry*. For the first time in many years, in 1970 he allowed psychosurgery to appear in his review book in the form of a three page survey.

Spiegel and his Philadelphia colleague, Henry T. Wycis, are pioneers in stereotaxic brain surgery, but they have done only a few psychosurgical or psychiatric cases in recent years, Wycis reporting at the Second International on four "compulsive neuroses" operated on during the previous four years (79).

Spiegel's *Progress in Neurology and Psychiatry* is not the only annual review to resurrect psychosurgery in America. *The Yearbook of Psychiatry and Applied Mental Health*, edited by Wortis, abstracts an article I will review in this section, and then the American psychiatrist Francis J. Braceland makes an editorial comment: "It is interesting that psychosurgery is once more being considered . . . The followup study is encouraging . . . Nevertheless, these procedures should be used only as a last resort, and after all other methods have failed."

Another major promotional figure in American psychosurgery, William B. Scoville of Hartford Hospital and Yale University, is President of the new International Society for Psychosurgery. In *Medical World News* he reports doing about two a month, (57) and in a letter to me he notes the demand is going up now. This Associate Clinical Professor of Neurology at Yale uses orbital undercutting, a frontal lobotomy not unlike that used by the dean himself, Walter Freeman, so many years ago, except that it is done under direct visualization, rather than through the eyesockets by Freeman's "ice pick method," as some lobotomists have called it.

Writing in 1969 Scoville recommends lobotomy for depressions and for anxiety states, especially in the aged, much as Knight recommends. He also lists some cases of conversion neurosis, severe obsessive-compulsive neurosis, and certain forms of schizophrenia, even though he says the delusions may get worse. And going contrary to many other lobotomists, he suggests it for some drug addicts.

Most important is his recommendation for depression, for depression is one of the most common problems in any psychiatric practice, especially in the elderly for whom he strongly favors lobotomy. His comments are particularly dangerous because he favors lobotomy over repeated courses of electroshock, stating: "More than one or two courses of shock treatment probably causes more diffuse brain damage than the newer fractional lobotomies." P. 153.

He repeats this allegation about electroshock in his promotion of lobotomy in *Medical World News* in January 1971. It is important because electroshock is used so very

widely, tens of thousands of patients every year, so that any trend to replace it with surgery would vastly increase the lobotomy population, a trend already apparent in England.

Still in his 1969 article, Scoville argues that all forms of psychosurgery accomplish the same basic mutilation, partial destruction of the "limbic system" or emotional regulating connections between the midbrain and frontal lobes, with a resultant disruption of the emotional component of the mind.

As he succinctly puts it: "All prefrontal surgery probably benefits by a blunting function." P. 456.

Consistent with this, he says: "It is apparent to this writer that different types of mental disease do not require different areas of ablation or tract interruptions. There appears no need to vary location of operation in the neuroses, cyclical depressions and schizophrenia." P. 456.

He adds that the lower down the cut, the more specific the suppression of emotion, while the higher the cut, the more intellectual impairment.

I agree with Scoville that the mind functions as a whole and is disrupted as a whole, and that the basic goal and the basic consequence of psychosurgery are always one in the same—to blunt, tame, quiet, sedate, or otherwise submerge or partially destroy the individual's unique emotional responsiveness.

In *Medical World News*, Scoville is said to have performed over a thousand lobotomies.

J. M. C. Holden, Associate Professor of Psychiatry and Physician Superintendent of the St. Louis State Hospital Complex, offers one of the most extensive and candid reviews of frontal lobotomy in late 1970 in *The American Journal of Psychiatry*, reporting on over 400 cases done some time ago in the St. Louis area. I wrote and asked about the numbers currently being done, and his colleague, L. Hofstatter, replied that the state hospitals no longer do them and that those being done are carried out in private practice.

Holden is very candid about the kind of damage done by the original lobotomy operations. "The frequent effect of such over-operation was irreversible change in mood, emotion, temperament, and all higher mental functions. The more extensive the section, the greater likelihood that such symptoms would develop. Postoperative mortality and morbidity, incidence and duration of confusion, urinary incontience, unequal pupils, facial assymetry, convulsions, and other neurological sequelae were greater when the section had been more extensive. Excessive weight gain and temporary or permanent changes in performance on the rational learning test and conventional intelligence and personality tests after operation were also reported . . . Some patients showed frank clinical deterioration that persisted after operation." P. 595.

He adds that not only did this prefrontal lobotomy destroy areas of the frontal lobe, but that the degeneration reached down into the thalamus.

Holden candidly describes the operation that mutilated tens of thousands in the English-speaking world alone, and then goes on to *praise it* as a necessary phase, a stepping stone, toward the newer, better surgery, and toward a better scientific understanding of the brain.

He recommends experimenting with more limited and localized surgery, but he himself admits that the areas attacked and destroyed—the hypothalamus, the nuclei of the thalamus, the amygdala—are all functionally *inter-related* "to mobilize the total body resources in stressful situations." "Interference with *any part* [my italic] of these circuits is reflected in changes in the homeostasis in others, but the nature of this interdependence and its precise relationship to behavior remains speculative." P. 593.

He acknowledges that some people have raised ethical objections, but he doesn't discuss it himself, and instead concludes that the modified *frontal lobotomy* should be continued in the United States as a "treatment" in neurotic and psychotic states characterized by a high degree of emotionality or tension.

Dr. Arthur Winter of East Orange, New Jersey, will soon be coming out with a book on lobotomies in collaboration with Scoville and with Heath. Winter writes to me that he is doing "stereotaxic prefrontal lobotomies," limited to one side of the frontal lobes, in some instances at least. He would not tell me how many cases he had done, but sent me a detailed report on one 33 year old man with a diagnosis of schizophrenia on whom he had operated in 1969. A photograph provided by him in *Medical World News* shows a good size "1 cm." obliteration looking as large as a walnut squarely in the middle of one frontal lobe.

Winter bases his work in large part on Shobe and Gildea's article in the *Journal of the American Medical Association*, October 7, 1968, a report which describes "excellent" follow up results with a group of largely older private patients with agitated depressions. There are no control groups and insufficient clinical data.

The use of prefrontal lobotomy on individuals with agitated depressions opens the way to massive lobotomization of large segments of the population. The individual with an agitated depression is typically an older woman (18 females to 9 males in Shobe's study) who becomes depressed, hypochondriacal, obsessive and generally tense during her midlife and menopause, and this person has always been a target for whatever current "therapy" someone wishes to push—insulin shock, electroshock, anti-depressants, tranquilizers, and now, lobotomy.

Peter Lindstrom of San Francisco has been reporting for many years on the use of destructive ultrasonic energy as a substitute for the surgeon's knife in frontal lobotomy. He calls it PST for Prefrontal Sonic Treatment. In *Medical World News* he is reported to have done 475 patients over the past twelve years on a variety of people from children age eleven to elderly people age eighty suffering from just about everything—anxiety, depression, obsessive neuroses, phobias, hypochondriasis, addictions and pain.

In a recent as yet unpublished paper presented at the Second International Conference on Psychosurgery (1970) and intended for the forthcoming book, Lindstrom presents this case: "A 13-year-old schizophrenic girl became disabled by progressive anxiety and psychosomatic symptoms in spite of drugs and psychotherapy, and was unable to go to school. Following the PST she was able to return to school and now has attended school regularly for four years, achieving passing grades. She has been helping with the work at home. Both the patient and the parents are pleased with the progress."

Writing in 1964, and talking about a series of 60 psychotics and 154 neurotics, he drops that typical statistic without remarking upon it—72% females among the psychotics, and 80% females among the neurotics.

Lindstrom apparently balks at being called a lobotomist. He says that he has been able to titrate his doses of energy so that he can reach a point where the damage is not grossly perceptable and hence does not constitute a lobotomy. But if he's getting a behavioral effect, he's done a lobotomy, even if it's merely a lobotomy by disruption of the brain chemistry. Otherwise it's a placebo.

Lindstrom, Winter, Scoville, and other lobotomists are making direct attacks on the frontal lobes. This is very likely still among the most popular approaches to the psychosurgery of American patients.

H. T. Ballantine, Jr., is performing cingulotomies at perhaps the most prestigious general hospital in the world, The Massachusetts General of Boston. Scoville says that this type of surgery represents a "fractional lobotomy" (77, 78), and we have seen its "sedative" taming effect on Asian children.

Ballantine also notes that the operation, when done on monkeys, produces "tameness and placidity," which certainly puts it in the class of the lobotomy in this regard.

Scoville, in his introduction to the unpublished Transactions of the Second International, believes that cingulotomy surgery is only successful because it is inaccurate and inadvertently cuts directly into some of the fiber tracts of the frontal lobes.

Ballantine makes references to other surgeons with series of 52 and 16 patients, and briefly describes his own series, mostly psychotics, ages fifteen to eighty-three, with that typical distribution, 26 females, 14 males. He tells us, virtually without explanation, that 22 were usefully improved, 10 were failures and 8 became *symptom free*.

Only dead people are symptom free.

Ballantine writes me that he is still active and has operated on 160 patients since 1965.

M. H. Brown and Jack Lighthill of Santa Monica, California, report in 1968 on another group of patients who have had their cingula obliterated. They have done 110 cases, 71% women. Two thirds of them had intractable neuroses, and 91.9% are considered good results, with little explanation of how this evaluation was arrived at. "Destructive emotional forces were removed," they tell us, including a reduction in anxiety, phobias, depression, hostility and obsessive thinking.

In recent personal correspondence with me, Dr. Lighthill sent copies from letters from other psychosurgeons applauding a "second wave" of psychosurgery around the world. He agreed with Lindstrom, as I mentioned, that 400–600 operations are being done a year in the United States, and said that his own group had operated on 110 patients before 1966, and an equal number, 110, *since* 1966.

Lighthill writes to me and Brown mentions at the Second International, that they see a bright future for operating on criminals, especially those who are *young* and *intelligent*, a promise you will see being fulfilled in Mississippi.

Neurosurgeon Glenn Meyer and psychiatrists at the University of Texas Medical Branch in Galveston have also been experimenting with cingulotomies for the past several years, with a total of 27 performed on "alcoholics" and "drug addicts", as reported in an unsigned front page article in *Psychiatric News*, the official newspaper of the American Psychiatric Association, December 16th, 1970 (71). A psychiatrist, Winston Martin, reports on the data in this article entitled "Psychosurgery Hailed in Experimental Texas Study." The report speaks of results that are "nothing short of spectacular." "The procedure either helps or completely rids the patient of his emotional illness." No side-effects are found whatsoever, but it is noted that 15% of the patients have seizures post-operatively. Their press release announces that a "cure" is found to "diseases" which will go being incurable for some time (71).

Vernon Mark, Frank Ervin and his associates from Boston City Hospital report in 1970 the details of one case of depression in which the psychosurgical operation was a great success but the patient killed herself.

Briefly here is the story. A woman with a long and difficult psychiatric history is brought in for psychosurgery, specifically a thalamotomy, mutilation of an emotion regulating portion of the brain. Her mother is heavily involved with her and with the psychiatrist and surgeon, and is probably a significant force in getting her to submit to surgery. The patient gets obviously worse after the first mutilation is performed, so she is done again with the convenience of her

implanted electrode. But after the second mutilation she becomes enraged at her psychiatrist and her neurosurgeon, and refuses to talk with or deal with her neurosurgeon any more. Nor will she ever submit to a suggested *third* operation. Her electrodes are therefore removed, but her rage is dismissed as "paranoid" by V. H. Mark and his associates.

Her mood then improves, as we are told, until she reaches a state of "high spirits." She is allowed out of the hospital to shop whereupon she goes directly to a phone booth, calls her mother to say "goodbye" and takes poison and kills herself.

Her suicide is not seen as the vengeful act of a mutilated soul against her mother and her physicians. Instead her suicide is interpreted as a sign that she was getting over her depression, a "gratifying" result of the operation—the word gratifying cropping up several times. All this is based upon the simplistic notion, sometimes taught to beginning psychiatric residents, that the occasionally observed phenomenon of suicide in the midst of an apparent recovery can be explained by a hydraulic conceptualization of increasing energy permitting the patient to suicide before the depression is fully over. This explanation overlooks the individual dynamics, which cry out in this case.

This is the *only* detailed case report I have found in the entire current lobotomy literature, and I am grateful for this one instance in which enough material is provided for an independent judgment of the "gratifying" effects of psychosurgery.

But I have left something considerably more disturbing for my last detailed report—the mutilation of very young children for the admitted purpose of making them more manageable at home, at school or in the hospital.

Led by Congressman Gallagher's committee hearings, there has been a public outcry against the *drugging* of hyperactive children. Now we have physicians performing mutilating *surgery* upon hyperactive children, sometimes with multiple operations that can lead to gross intellectual deterioration. Surgery, unlike medication, is always permanent! And while only one center in the United States is known to be pursuing this work at the present time, there is the *current* precedent of psychosurgery on hyperative children around the world (8, 9, 19, 62–64, 75) as well as a past precedent for multiple severely mutilating lobotomies on children have in the United States by Freeman, Watts and Williams (25,94). In addition, Ballantine has operated on children as young as fifteen and Lindstrom on children as young as eleven. I also have had personal communications with one well-known American professor of psychiatry who advocates lobotomy on children but feels that "irrational" public resistence would prevent it at the present time, and Brown and Lighthill want to operate on young psychopaths.

O. J. Andy, Professor and Department Director of Neurosurgery at the University of Mississippi School of Medicine in Jackson is currently active in operating on hyperactive children. He is assisted by a psychologist, Marion Jurko, but lists no psychiatrists on his team. In 1966, he decribes his surgery as "under the charge of I. S. Ravdin, Professor Emeritus of Surgery at the University of Pennsylvania and James D. Hardy, Professor and Chairman, Department of Surgery at the University of Mississippi in Jackson.

In a personal letter to me dated May 28, 1971, Andy writes that he has operated on 30–40 patients ages seven through fifty, the *majority* children. In another personel letter to me, his colleagues, Jurko, writes that the age range begins at *five*. The goal is frankly stated by Jurko—to "reduce the hyperactivity to levels manageable by parents"!

Andy and his colleague, Jurko, reported their work at the Second International Conference on Psychosurgery, as well as in American and international journals, but nonetheless Andy appears wary of the accusation that these children have "psychiatric problems." These are not psychiatric cases but "behavioral problems," presumably with neurological causes, he writes to me, though even he admits that he can find nothing neurologically wrong in many of these children, except something as meaningless as difficulty in a specific form of wrist co-ordination (alternating pronation and supination) which any anxious child might fumble with.

Whatever his protests about the non-psychiatric nature of these problem children, he goes on to describe them as suffering from "some form of hyperactivity, aggression and emotional instability." He makes this quite specific: the triology of symptoms is hyperactivity, aggression and emotional instability. As we'll see, *all* of his patients suffer from very well-defined psychiatric problems, and his surgery, thalamotomies and a few cingulotomies, is aimed at nothing more nor less than controlling aggression in difficult children. Andy writes to me:

"In relation to the operative results, the category under aggression appears to be alleviated to a much greater extent than the other two categories [hyperactivity and instability]."

But as Freeman and Watts discovered years earlier in *Psychosurgery* and as Williams and Freeman report in their study of lobotomized children, it can be very difficult to control a child surgically. But you can usually multilate him repeatedly until he stops bothering anyone. Quoting Andy's letter:

"On the other hand, although a child who is somewhat retarded and non-productive can also undergo a very dramatic change from an extremely aggressive and hyperactive individual to one who is cooperative and easily managed, although still not productive." (sic)

Just how hard it is to control a child is illustrated in a case which he reports on two occasions. In 1966 he describes J. M. as follows: "A boy of 9, had seizures and behavioral disorder (hyperactive, combative, explosive, destructive, sadistic)." [His parentheses.]

In the tradition of Freeman's mutilation of children and aggressive adults, he simply operates and operates and operates until the child causes no more trouble. He begins with a bilateral mutilation of the thalamus, and repeats it on one side nine months later. The patient's behavior then "improves" and he can return to special education. After a year, though, "symptoms of hyperirritability, aggressiveness, negativism, and combativeness slowly reappeared," so he brought back and operated on more extensively, this time mutilating the fornix. But now the patient gets worse and shows signs of brain damage from the surgery in the form of the loss of recent memory. So the child's brain is mutilated a fourth time. Now, Andy tells us, "the patient has again become adjusted to his environment and has displayed a marked improvement in behavior and memory."

Because Andy repeats the same four cases in a 1970 report, we find out that J. M., this little boy of 9, had about as bad an outcome as we might have imagined. He is of course still easy to manage. "Intellectually, however, the patient is deteriorating."

Andy operates in Jackson, Mississippi, but does not tell us the race of the children he has operated on.

Andy does not limit his brain surgery to children. The adolescents upon whom he operates, according to Jurko's letter, often have criminal records, with "explosive, impulsive and unpredictable behavior." Thus they are fulfilling Brown and Lighthill's hope for a great future for psychosurgery operating on people with criminal behavior. Jurko does not say, however, whether these adolescents are young *and* intelligent, as Brown and Lighthill would hope for their surgery candidates.

In the absence of an outraged response from the medical and lay public, we will probably be in for a tide of psychosurgical mutilations of children, much as we already have in India, Thailand and Japan!

Andy also operates on adults. Here is how his colleague, Jurko, pictures these adults in a letter to me: "The adults are average to above average in intelligence. Many have held jobs of responsibility prior to and even during their years of increasing discomfort (2–10 years). Most of them have a constant pain syndrome, face, chest quadrant, etc. . . . Most of them will tell you that they are tense, nervous, anxious, depressed, and have strong suicidal thoughts. Many show high specific anxiety and some have evidence of "free-floating" anxiety.

These people sound remarkably like very many psychotherapy patients prior to successful therapy.

Andy's case reports in the literature, so limited in number and simplistic in presentation, yield similar thumbnail sketches: in one case, "alcoholism, drug addiction, attempted suicide, aggressive and destructive outbursts, nervousness, and emotional instability," or in another case, "nervousness, spells of shaking all over, explosive anger, attempted suicide."

Earlier we found Brown and Lighthill advocating the use of psychosurgery for young criminals, and now we find Andy and Jurko are operating upon young individuals with criminal records. And at the time that I am making this report, a project has been uncovered in the California prison system aiming at the use of psychosurgery for the control of prison inmates (66)! A sharp condemnatory response from the press, congressional interest, and the work of the Berkeley Medical Committee for Human Rights (Edward Opton, Jr.) has caused the project to be temporarily tabled. But just today I have learned about the planned conference on violence in Houston sponsored by the University of Texas School of Medicine. Scheduled for March 9–11, this conference will give Sano, Ervin, William Sweet, Mark and other psychosurgeons an opportunity to again impress the public and the profession with the possibilities of pacifying prisoners and criminals by means of psychosurgery (98).

III: NEWEST ADVANCES IN MIND CONTROL

The psychosurgical techniques in this chapter seem especially suited to totalitarian application on a large scale for a wide variety of citizens, and so I have separated them out for special attention. Each of them has been developed for the specific purpose of controlling the individual without requiring prolonged hospitalization and without preventing him from returning to his family and his work. In each case the blunting of the individual can be carefully tailored to the needs of his family and his job.

The first study involves the direct use of "psychotherapy" by psychiatrists to monitor the gradual, progressive lobotomization of the individual. It first appeared in 1963 in *Current Psychiatric Therapy*, a widely read American yearbook, and it is still continuing.

The work, described as "progressive leucotomy," is reported by three Britishers, H. J. Crow, R. Cooper and D. G. Phillips, Burden Neurological Institute and Frenchay Hospital, Bristol, England.

The technique involves a carefully organized management of the individual patient as he undergoes progressive electrical frontal lobotomy over a period of half a year or more under the direct supervision of a psychotherapist.

The targets of the new technique are people with "anxiety-tension states" and "obsession syndromes," particularly individuals "of good intelligence and personality," who

"sometimes have heavy responsibilities." The goal is a carefully titrated lobotomy which blunts the individual's emotional responsiveness without incapacitating him in the performance of these responsibilities.

The technology utilizes 24–36 tiny electrodes which produce small coagulations of tissue when the current is turned on. After they are implanted within the frontal lobes through two holes in the skull, they can then be left in place within the brain for up to seven months, taped to the scalp in a hidden fashion which permits the patient to walk around and even to leave the hospital between his treatments. His physicians can then talk with his family and with the ward staff to evaluate how "good" his behavior has become, before subjecting him to further partial lobotomies.

That these physicians are not talking about minor damage to the brain is indicated by the admission that they "overdid it" in one of their fourteen cases, though they do not tell us what happened to the victim of this error in medical judgment.

As a psychiatrist, I am haunted by one aspect of this technique, the participation of the "psychotherapist," who literally sits beside his patient conducting an interview with him while the neurosurgeons gradually turn up the electrical current. In this manner the "therapist" monitors and titrates the amount of tissue destruction required to change the patient's ongoing emotional reactions. The patient himself cannot tell when his brain is being coagulated, but the therapist can tell immediately, since destruction of frontal lobe tissue is immediately reflected in a progressive loss of all those human functions related to the frontal lobes—insight, empathy, sensitivity, self-awareness, judgment, emotional responsiveness, and so on.

When Freeman and Watts' (1950) operated on their patients without general anesthesia, the patients sometimes cried out that they were dying from the surgery as they felt their vital mental functions being cut away. The surgeons would then tell them to pray or to sing patriotic songs or simply ignore them while going on with the cutting.

The newer methods of these Britishers are much more subtle, but basically the same. The patient is fussed over and given reassurance. And the process is so gradual and remote from him—controlled electrically with no obvious intervention taking place—that the patient never realizes what is happening to him. In fact, the patient gets so much attention from the ward team that other patients on the ward, who cannot discern the gradual extinction of his human qualities, ask if they can have the treatments, too.

H. J. Crow reports again on his work in 1965, and his report is noteworthy as a typical lobotomist article, all technology, a few sparse statistics about his successes, many diagrams, and *not one sentence* that could be called a clinical or human description of a patient. He continues to use "up to 34 separate small electrodes widely spread like a net across each frontal lobe," and has added electrodes in the anterior portion of the cingulum for patents with "obsessional" symptoms, thus performing both lobotomies and cingulotomies on some of his patients.

This article not only leaves out any descriptions of the patients beyond these one and two word diagnoses ("all anxiety syndromes, some having obsessional features"), it also seems to leave out that one disastrous case which they admit they "overdid" in the first article. Thus Crow says, "Of the first 25 cases . . . all have returned to a social life which is more or less normal."

We are told that individual and group psychotherapy goes on during the progressive lobotomization and then that intensive forms of therapy continue afterward for years. What we see described is a very directive influence, the sort we might expect would work with someone who has been brain damaged:

"From my experience, patients at this stage are amenable to, and eagerly seek advice about their future. Common-sense planning of their work and leisure, and advice about more ordinary attitudes in personal relationships, allows them to get started in a workable pattern of new life which they soon stamp with their own new and individual characteristics. They often need reassurance that an appropriate anxiety about, say, health or money is not a sign of returning illness. After an intensive course of advisory therapy an interview, often short, every month or two for half a year with lengthening intervals thereafter, is usually sufficient to help the patient to make and keep his readjustments."

He then says that some of these patients "require support for a long time," and goes on to describe social work, welfare, rehabilitation and psychological services, all of which may be brought to bear upon the patient.

Their lobotomized patients are thus given extensive often long-term services probably made available to very few if any other patients in Great Britain, certainly not to patients suffering from "anxiety syndromes," and yet they never once mention the possibility that whatever useful effects they achieve may be due entirely to these massive efforts mobilizing psychiatry, social work, welfare, rehabilitation and psychological services. And of course they have no control groups with patients who are given these services without lobotomies!

If the patients are not brain damaged, why do they need such intense supportive help in the management of the details of their everyday life? Why would regular psychotherapy be contra-indicated as "unnecessary and unprofitable at this stage, and will at best delay intrapsychic and social adjustments"? Freeman and Watts also found that lobotomy patients needed daily guidance and were poor candidates for psychotherapy, but the reason was obvious in their case—the surgically damaged patients had lost the capacity for insight and judgment.

Crow reassures us that there are no bad side-effects, specifically no "insensitivity in social relationships." But a few pages after this reassurance, he tells us that the surgery sometimes produces "an over-optimistic attitude to his own capacities and to others' good will."

He also seems to imply that this may often be a "permanent euphoria" typical of brain damaged patients:

"This can, of course, be a permanent euphoria, but I have seen cases where it has been a transient phenomenon and seemed to be a true joyfullness of release."

This kind of euphoria from brain damage is apparent in the two largest American studies from the 1950's: Greenblatt, Arnot and Solomon, and Freeman and Watts. Freeman and Watts' book is filled with case histories that read like classic studies of brain damaged individuals. In the other study, Harry Solomon in the introduction speaks of a "joyfulness" much as Crow does, but in a remote portion of the book the psychologist says the clinicians are too biased to be trusted and that the patients are actually brain damaged and "slap-happy." Many followup studies have found severe brain damage and deteriorating states years after lobotomy (23, 59, 61, 93).

Crow has sent me a page summary of his report at the Second International Conference on Psychosurgery, August 1970, in which he reports that he has done 103 patients since 1958. He summarizes a very naive and crude psychophysiological theory to justify his surgery, one in which, for example, a specific region, "the anterior para-cingulate" is "involved in retaining mental items in consciousness, and thus to obsessionalism." Unlike some other lobotomists, he is unwilling to admit the inter-relatedness of human brain and mind functions, and the general blunting function of all psychosurgical interventions.

Implanting electrodes into the brain is at the heart of all of what is called ESB, for Electrical Stimulation of the Brain. The "stimulation" can be mild and probably reversible, or permanently destructive, depending upon the strength of the electrical current.

One of the most active ESB psychosurgeons is Robert G. Heath, Chairman and Professor of the Department of Psychiatry and Neurology at Tulane in New Orleans. He will soon be publishing a new book as part of the revival of psychosurgery.

According to *Medical World News*, which provides a disturbing photograph of one of his patients "wired up," Heath holds this record of 125 electrode implantations at one time, a brain turned into a human pincushion. These tiny electrodes are attached to wires or injection catheters which must also pass through the brain tissue.

Heath claims that these implantations are "harmless," but in an aside he lets on that they are in fact so traumatic that "studies were not initiated until a minimal period of six months following operation, assuring elimination of any variation introduced by operative trauma, e.g., edema, anesthetic effects." 1963, p. 572. Six months is a long recovery time for a non-traumatic procedure. But since Heath will let a patient remain wired up for years, six months may not seem a long duration to him.

The justification for all this is "therapy," and Heath claims that it is never done for any reason except "therapeutic." But if you read his articles, you will find *almost nothing* about therapy in them. Sometimes he doesn't even mention what disease the patient is supposed to have! And many of his "results" offer nothing more than a sentence or two about a curious response of some scientific interest elicited by an obviously non-therapeutic stimulation exercise. And in keeping with this, and typical of most modern psychosurgical literature, his emphasis is almost entirely on developing a new technology. There are pages and pages about technique for every few lines about its effects upon the patient.

In "Electrical Self-stimulation of the Brain," Heath describes individuals who wear their own self-stimulation units on their belts, transisterized packets, which they can take with them as they walk around, even as they go to work outside the hospital. These experiments often involve research into "pleasure centers" within the brain, and sometimes patients will indulge themselves at the rate of more than one thousand stimulations an hour.

In one case a man pressed one of his several buttons in a "frantic" fashion because it built him up toward a feeling of orgasm that he was never quite able to consumate. This particular man's problem was "narcolepsy," a tendency to fall asleep unexpectedly in inappropriate situations, and since he wore his pack on his belt, his friends or other patients could simply press his "wake up" button for him when he began to doze off.

Electrodes can be implanted in pain centers as well as pleasure centers. The totalitarian potential is beyond belief—a permanent set of buttons for pain and pleasure which *other people* can control. And as we'll see when we get to Delgado, these portable stimulators can be manipulated by *remote control*, even by computers at a distance!

As we will also see in Delgado's work, sexual responses seem particularly easy to elicit by ESB. Another of Heath's patients was so subject to this kind of control that he would make a sexual reference whenever one particular electrode was activated. And though

Heath gives us no clinical details about this or any other of his patients' experiences, *Medical World News* reports that Heath has used these techniques to treat homosexuals and frigid women.

On rare occasions Heath elaborates a philosophical basis for his work. Writing in *The Journal of Neuropsychiatry*, for example, he takes a strong moral stand that Einstein's level of thought was better than Christine Keeler's, the woman who created a scandal around her sexual activities with British politicians in 1963. Heath explains that Einstein's thought was of a higher level because Einstein's thought was less pervaded with "emotion and wishes." It is an exact equivalent of Knight's statement that "primitive emotions" are bad emotions. And these men present these observations as their justification for coagulating, radiating slicing up or stimulating the brains of their patients.

In a more recent publication (1968A), again technological rather than clinical, he lists some of the sites of "pleasure responses" and they correspond to the same areas of the midbrain that the lobotomists are now destroying surgically to provide us with more tame mental patients. It appears that the lobotomists may be simply obliterating the patient's capacity to respond pleasurably to life, so that the patient doesn't feel frustrated in his empty life.

Heath's concerns go far beyond the laboratory. He was elected President of the Society for Biological Psychiatry in May, 1969, at their Miami Beach annual meeting. In his presidential address, published as "Perspectives in Biological Psychiatry," he takes the stand that *all* the significant advances in psychiatry have been biological, and he postulates that so-called mental patients suffer from "inappropriate anxiety." Therefore the cure—"instantaneous replacement of irrelevant anxiety with positive pleasure feelings" by psychosurgical techniques.

He becomes quite specific in his presidential address when he talks about drug addiction. Is the root of the problem poverty and racism, since drug addiction around the world and in America is overwhelmingly a problem of the poor! No, it's not that. Is the new phenomenon of drug addiction among middle class youth related to the disaffection of youth from the society? No. Does it relate to the tremendous profits made by criminal groups from promoting drugs among the poor? No. What then is the problem of drug addiction according to Dr. Heath? Drug addiction, he says, is an attempt at self-medication for pleasure in people who have a *neurologic defect in their pleasure centers!* His cure then is corrective surgery or a better, more efficient pleasure producing compound.

Three or four years ago (1968B), Heath had already reported psychosurgical operations on 58 patients, at least 44 with psychiatric illnesses. By now he has most likely done many more. But the influence of his work goes far beyond the clinical through his positions of leadership within the psychiatric world, including his directorship of the Department of Psychiatry and Neurology at Tulane.

Perhaps the first of the new batch of books on electrical psychosurgery is *Depth-Electrical Stimulation of the Human Brain* by Mayo Clinic trained C. W. Sem-Jacobsen, M.D., who has returned to Norway, where he is Medical Director, Gaustad Sykehus, Oslo. Sem-Jacobsen's book is a classic of technology devoid of human considerations. The book can be read from cover to cover without ever gaining a clear idea what purpose all this psychosurgical gadgetry will serve. His discussion of ethics is limited entirely to *medical* considerations, such as not causing undue pain, avoiding unnecessary surgery, showing concern for the patient, and the like, all admirable, but hardly inclusive when dealing with physical control of the human mind.

We learn more about Sem-Jacobsen's work from his unpublished report to the Second International Conference on Psychosurgery, and from a description of it in *Medical World News*. He has operated on at least 132 patients for various psychiatric problems. Feeding half a dozen or more electrodes through a single hole in the skull, he can elicit, he says, almost every mood and emotion—depression, wild euphoria, grave fright, irrational confusion. His methods for treating people involve stimulating the brain electrically until the unwanted behavior is located, and then coagulating the area with electricity.

Though technologically exacting, this method must rank as one of the most anachronistic, considering the outmoded theory behind it—that mental illness can be reduced to foci of disordered brain tissue. That theory was outmoded and even an embarrassment to lobotomist Freeman (1950) when Moniz first proposed it in 1935 to justify the very first mutilations on a large scale. But since Sem-Jacobsen doesn't report anything about his patients' lives—not even the usual thumbnail sketches—in his book or in any sources available to me in the literature, we have no idea what his psychosurgery is actually doing to his clients.

The political potential of lobotomy and electrical stimulation of the brain is promoted outright by Jose M. R. Delgado, M.D., Professor of Physiology at Yale University and author of the recent book *Physical Control of the Mind*, "Toward a Psychocivilized Society," published in 1969 and available in paperback. Delgado was brought to America from Spain by John Fulton, an American physiologist whose animal lobotomy experiments and whose enthusiasm for experimenting on the human brain inspired Moniz and Freeman and whose book, *Frontal Lobotomy and Affective Behavior*, praises Moniz for his courage in defying the outrage of the medical community against his brain mutilations.

Delgado's goal is nothing less than physical exploration and physical control of the mind for the advancement of civilization:

"The thesis of this book is that we now possess the necessary technology for the experimental investigation of mental activities, and that we have reached a critical turning point in the evolution of man at which the mind can be used to influence its own structure, functions and purpose, thereby ensuring both the preservation and advance of civilization. The following pages contain a discussion of what the mind is, the technical problems involved in its possible control by physical means, and the outlook for development of a future psychocivilized society." P. 19–20.

Note that he is specifically talking about tampering with the "structure, functions, and purpose" of the mind and "its possible control by physical means."

After pages of documentation about what has already been done by a few investigators working with very little funds, he then proposes a giant billion dollar government investment in mind control:

"National agencies should be created in order to coordinate plans, budgets, and actions just as NASA in the United States has directed public interest and technology, launching the country into the adventures and accomplishments of outer space." P. 259.

He advocates a complete educational program, from infancy and nursery through adulthood and mass education for the indoctrination of the people into a respect for physical control of the mind:

"The mass media must be mobilized for this purpose, and preparation of entertaining and informative programs should be encouraged and promoted by the neurobehavioral institutes." P. 262.

In his introductory remarks to the section on controlling "behaving subjects" he promotes the ideal of *remote control* of human beings by other human beings. He points out that he can open garage doors from a distance, adjust a television set without leaving our seat, and direct orbiting space craft from earth. Then he makes his point:

"These accomplishments should familiarize us with the idea that we may also control the biological functions of living organisms from a distance. Cats, monkeys, or *human beings* can be induced to flex a limb, to reject food, or to feel emotional excitement under the influence of electrical impulses reaching the depths of their brains through radio waves purposefully sent by an investigator. P. 75. (My Italic.)

But he is aware that this may disturb some of his readers, and so he denies time and again that the human being can be controlled in any "bad" ways, turning them into robots, or the like. But he says outright that the problem fascinates him and preoccupies him:

". . . we have the possibility of investigating experimentally some of the classic problems of mind-brain correlations. In addition to new answers, implanting of electrodes has introduced new problems: Is it feasible to induce a robotlike performance in animals and men by pushing buttons of a cerebral radio stimulator? Could drives, desires and thoughts be placed under the artificial command of electronics? Can personality be influenced by ESB? Can the mind be physically controlled," P. 97.

Delgado is working on the ultimate lobotomy—direct long term physical control of human beings. He has even gone so far as to work it out cosmetically:

"Some women have shown their feminine adaptability to circumstances by wearing attractive hats or wigs to conceal their electrical headgear, and many people have been able to enjoy a normal life as outpatients." P. 88.

Again despite his denials that there is anything reminiscent of 1984 about all this, he has been working on remote control of humans by *computers* which can selectively inhibit various emotions as they are detected and recorded from brain waves:

"A two-way radio communication system could be established between the brain of a subject and a computer . . . anxiety, depression, or rage could be recognized in order to trigger stimulation of specific inhibitory structures." P. 201.

While this is "speculative," it is by no means a remote possibility. If a few men can do what they have done working in isolated labs with little financial support, they might in a crash program develop complete computerized control of humans in a matter of years.

They are well on the way already. Using the computerized remote control technique, they have been able to suppress the activity of a monkey's amygdala simply by putting an inhibitory or negative and painful stimulus into the brain every time the amygdala sent out any signs of activity (p. 92). The amygdala is that portion of the brain which the psychosurgeons cut out in order to tame human beings. There is no doubt that they will soon be able to do this to humans with computers and electrodes by remote control!

The experiments Delgado describes with monkeys have gone further than any he tells us about with human beings, but the model can be easily transferred to human behavior. In groups of monkeys he has been able to activate the followers to depose the leaders, and to activate the leaders in more aggressive activities against the followers.

But he and his colleagues have already done enough to show us what is in store for mankind in the "psychocivilized" society. Not only do we have the work of Heath and Sem-Jacobsen with chronically implanted electrodes and human beings working and living with self-stimulator packs on their belts, but we have the reports of Delgado himself.

In one case, a 36-year-old woman was stimulated electrically:

". . . the patient reported a pleasant tingling sensation in the left side of her body 'from my face down to the bottom of my legs.' She started giggling and making funny comments, stating that she enjoyed the sensation 'very much.' Repetition of these stimulations made the patient more communicative and flirtatious, and she ended by openly expressing her desire to marry the therapist." P. 145.

This was a women who had no interest in her therapist and who showed no unusual behavior when not under ESB. Another woman who was "rather reserved and poised" became "more intimate" with the therapist when under ESB: "This patient openly expressed her fondness for the therapist (who was new to her), kissed his hands, and talked about her immense gratitude for what was being done for her." P. 145.

In a third case, an 11-year-old boy who was otherwise normal in his behavior became so sexually excited about his male therapist while being stimulated electronically that he defied his identity and decided that he would rather be a girl:

"Following another excitation he remarked with evident pleasure: 'You're doin' it now,' and then he said, 'I'd like to be a girl.'" P. 147.

Delgado is also able to control both physical activity and the person's interpretation of that activity. In one case a patient is being stimulated and doesn't realize it, so that when the stimulation makes him turn and look around in robot-like searching behavior, he makes up explanations to justify what he is doing, such as "I heard a noise," or "I was looking under the bed." (p. 116). In another case where the client is being made to flex his hand, he is told to fight the impulse, but he cannot. He admits, "I guess, Doctor, that your electricity is stronger than my will."

In another example, Delgado shows that the subject's state of *anxiety* can sometimes be brought under the direct control of the psychosurgeon: "One could sit with one's hand on the knob and control the level of her anxiety." P. 135.

The degree of overall brain control is then alluded to in experiments which we can only imagine:

"Often the patients performed automatisms such as undressing or fumbling, without remembering the incidents afterward. Some of our patients said they felt as if their minds were blank or as if they had been drinking a lot of beer." P. 174–175.

And then he concludes his section on "Electrical Activation of the 'Will,'" with this portentious pronouncement:

"We may conclude that ESB can activate and influence some of the cerebral mechanisms involved in willful behavior. In this way we are able to investigate the neuronal functions related to the so-called will, and in the near future this experimental approach should permit clarification of such highly controversial subjects as "freedom," "individuality," and "spontaneity" in factual terms rather than in elusive semantic discussions. The possibility of influencing willful activities by electrical means has obvious ethical implications, which will be discussed later." P. 189.

Delgado does discuss these ethical implications and invokes the model of involuntary psychiatric treatment and electroshock therapy (p. 216) as justifications for going ahead with ESB control.

The degree to which Delgado wants to control people comes out most clearly as he summarizes what's wrong with current therapy and how much more effective ESB can be. "Phychoanalysis requires a long time, and a person can easily withdraw his cooperation and refuse to express intimate thoughts." P. 216.

Even electroshock is no good in part *because he can't use it on normal people*: "Electroshock is a crude method of doubtful efficacy in normal people." P. 216.

Now listen to what his methods have to offer compared to analysis or shock:

"Although electrical stimulation of the brain is still in the initial stage of its development, it is in contrast far more selective and powerful; it may delay a heart beat, move a finger, bring a word to memory, or set a determined behavioral tone." P. 216.

He offers us a vision of generals and armies controlled by Electrical Stimulation of the Brain—in the interest of "preventing violence" of course (p. 176). And finally leads himself into sophistries about freedom and individuality which undermine the basic tenets of western political freedom:

"The individual may think that the most important fact of reality is his own existence, but this is only his personal point of view, a relative frame of reference which is not shared by the rest of the living world. This self-importance also lacks historical perspective, for the brief existence of one person should be considered in the terms of the world population, mankind, and the whole universe." P. 236.

He then goes on to *attack* the notion that man has "the *right* to develop his own mind," to develop his own unique potential "while remaining independent and self sufficient." As he concludes:

"This kind of liberal orientation has great appeal, but unfortunately its assumptions are not supported by neurophysiological and psychological studies of intracerebral mechanisms." P. 239.

Delgado is the theoretician of the lobotomists, the great apologist for Technologic Totalitarianism (17), complete with an outright attack on "liberal" politics, meaning not the liberalism of the left, but principles of personal autonomy, independence and freedom, man's "inalienable rights" as annunciated in the Declaration of Independence.

IV. CONCLUSIONS AND RECOMMENDATIONS

All forms of psychosurgery blunt the individual's emotions and make him more docile. Each technique attacks and mutilates brain tissue that has nothing demonstrably wrong with it, and each does this within the delicately balanced "limbic system" of the brain which harmonizes the most highly developed human capacities, including emotional responsiveness.

While the more advanced methods of brain stimulation have a greater variety of effects, to the extent that they destroy tissue within the brain, they will tend to reduce emotional responsiveness as "partial lobotomies." And of course they subject the individual to the control of others.

Scientifically, lobotomy and psychosurgery have no rational or empirical basis. Empirically, no study has ever been done involving matched control groups. That is, no one has ever taken two similar groups and subjected one to surgery and left one alone for comparison. This is the scientific method at its best and it is totally absent from the hundreds of pro-lobotomy articles in both the first and second waves of psychosurgery.

Three controlled studies have been done retrospectively matching as nearly as possible the surgical groups and the regular hospital population upon which no surgery was done (Robin Vosburg and McKenzie). In all three studies lobotomy was found to have no beneficial effect whatsoever Vosburg, Moser and even pro-lobotomy followups such as Dynes and Miller found that the lobotomy surgery had left the patients with crippling brain damage. Vosburg found that the patients had surgically-produced brain damage as well as their initial psychiatric difficulties and that "In sum, they act as if they have been hurt."

The current literature is as woefully inadequate scientifically as the earlier literature, and in fact bases itself on studies by Shobe, Tooth and Newton and others which fall by every standard of scientific research.

The scientific *rationale* is no more solid than the empirical evidence. As we have seen, psychosurgery is a uniformly damaging operation—exactly what one would expect from mutilating normal brain tissue. There can be no rationale for "helping" an individual by blunting his highest adaptive mechanisms. This method simply hides the individual's failure to adapt by partially doing away with the individual's responsiveness. In every case we are dealing with the eradication of symptoms by partially eradicating the individual. To repeat the obvious, improvement in function cannot follow mutilation of the functioning brain.

In defense of psychosurgery, the alleged biological origin of "mental illness" is often raised. Elsewhere Thomas Szasz and I (14, 15, 17) have raised serious questions about the medical model for human problems. But this distinction is not even relevant here. If we grant that some problems may be biological, it makes even less sense to mutilate the biologic process. Since the brain is such a delicately balanced instrument with unimaginable inter-relations, senseless mutilations of one part or another can only disrupt the harmony still further, resulting in a general subduing of the organism and a general malfunction of his adaptational processes.

Vidor describes how an artist can no longer create after his lobotomy, and the dean of lobotomists, Walter Freeman (1959), tells us how in the newer modified lobotomies creativity is still reduced to zero:

"What the investigator misses the most in the more highly intelligent individuals is the ability to introspect, to speculate, to philosophize, especially in regard to the self." P. 1526.

"Creativeness seems to be the highest form of human endeavor. It requires imagination, concentration, visualization, self-criticism, and persistence in the face of frustration, as well as trained manual dexterity. . . . Theoretically, on the basis of psychologic and personality studies, creativeness should be abolished by lobotomy. . . . On the whole, psychosurgery reduces creativity, sometimes to the vanishing point." P. 1534–5.

He then says that some businessmen can return to work, but that they too are impaired:

"Although they may not become leaders in their professions, they serve adequately and comfortably." P. 1535.

This is not the writing of an anti-lobotomist, but the statements of the world's most experienced psychosurgeon, an Honorary President of the new International Association for Psychosurgery. And the words are written as the definitive statement on psychosurgery in the prestigious source book, *The American Handbook of Psychiatry* (1959).

Ethically, psychosurgery is equally unsound. At best it blunts the individual, and at worst, it destroys all his highest capacities. As Freeman has said on many occasions, this amounts to destroying the "self" of the individual (1950, 1959). The "self" is the ethical foundation of many modern psychological theories, where it often appears in terms of "identity" or "self-insight," and other related concepts. Similarly, psychosurgery blunts or destroys the individual's capacity for autonomy and independence (14). Crow, a very modern British psychosurgeon, describes how his clients need careful guidance and support for years after their surgery in the most simple life problems. Psychosurgery offends the whole western ethical tradition of respect for the individual.

Politically, the dangers from psychosurgery are so vast as to defy summary. In his definitive text in 1950 we can see the political function of psychosurgery in the state hospital system in terms of Freeman's first four

categories of success over a fifteen year period (p. 515):

First, "older patients."

Second, women more than men.

Third, Negroes especially, particularly Negro females, his most successful group.

Fourth, "simpler" occupations.

Thus he used the surgery to blunt those people whom the society found most vulnerable and most easily returnable to relatively non-functional or low level tasks within the society.

Greenblatt, Arnot and Solomon blithely sum up that "Freeman and Watts offer the opinion that results of prefrontal lobotomy are slightly better with females, Jews and Negroes." p. 21. Freeman and Watts did not say *slightly*.

Both Freeman and Watts and Greenblatt, Arnot and Solomon in their classic studies say that a major function of state hospital lobotomy is to make it easier and economically cheaper to keep the patients institutionalized! No wonder, as Greenblatt, Arnot and Solomon again quote their colleagues, "Freeman and Watts reported that patients showing the best post-operative results were those who were confused, dull, and retarded for several days after operation." p. 23.

We are again seeing an attempt to revive the use of psychosurgery to blunt and control inmates—Andy with institutionalized children, the California prison system with difficult prisoners (66) and the upcoming Houston conference on psychosurgery approaches to violence and penitentiary problems (98). We are on the verge of a new slaughter of inmates—men, women and children.

But the total political threat of psychosurgery is considerably larger than the institutional threat. In my newest novel, *The Hebrew Disease* (15), I describe a futurist use of psychosurgery for political control within the society. But while I was writing this novel, I had no idea that Delgado had already formulated a political program for the control of the society under an enormous NASA-like project for physical control of the mind. Nor did I know that he and others like Heath were already far along in experimenting with implanted electrodes for the longterm (years!) control of individuals—even by remote control! Nor did I know that a number of social, economic and political problems—drug addiction, alcoholism, homosexuality, depressions of old age—were being dealt with psychosurgically. We are in danger of creating a society in which everyone who deviates from the norm will be in danger of surgical mutilation. The increasing application of these methods to "neurotics" and to people who are already well enough to work and to live with their families raises the specter of wide scale applications, particularly to women, who continue to be the majority of victims.

On a tape recording made for the archives of the American Psychiatric Association Museum and Library, Walter Freeman discusses the original outcry against lobotomy when it first began in Portugal (29). Dismissing this outcry, Freeman laughs and quips "Oh, there's plenty of Portuguese." This is an attitude which cannot be permitted to thrive again in America as it did in the 1940's and 1950's when 50,000 victims fell to psychosurgery. Russia outlawed lobotomy in 1950 (45). We are too far behind them in this regard.

While accepting these scientific, ethical and political objections to psychosurgery in general, some well-meaning physicians and laymen still see a use for psychosurgery in the relief of intractable pain and anxiety in terminal illness (96). But the use of psychosurgery for this purpose borders on euthanasia—a partial destruction of the responsive "self" or "identity" of the living human being—and therefore suffers from all the dangers inherent in euthanasia. But still more important, to allow its use for this one purpose opens up experimentation on thousands of dying patients and further promotes its future use for other more dangerous purposes.

Some individuals with a civil libertarian orientation also believe that while psychosurgery is personally repugnant to them it should nonetheless be left up to individual choice. According to this principle, involuntary psychosurgery would be abolished, but not voluntary psychosurgery. But the distinction between voluntary and involuntary becomes very blurred within psychiatry. We have already found examples of "voluntary" psychosurgery performed on a chronic gambler and upon sexual deviants who were under threat of criminal prosecution. The psychosurgery to be performed upon the prisoners in California was also supposed to be "voluntary." And as I have analyzed in some detail (13) and described at great length in my first novel (15), so-called voluntary treatment is often forced upon the psychiatric patient by threats and outright coercion even in the best of voluntary hospitals.

There is still another reason to prohibit voluntary psychosurgery, and that has to do with its mutilating effect upon the individual's mind. To the extent that psychosurgery "blunts" the individual, I personally feel that it partially kills the individual. If we accept this concept, then we can allow the person the right to suicide or partial suicide but we cannot allow a second party to aid him in the suicide. Just as it is against the law to take a person's life even with his consent, so it should be against the law to take *part* of a person's life, even with his consent.

For these reasons, I believe that all forms of psychosurgery should be outlawed in America as they were in Russia (45).

The outlawing of psychosurgery can be accomplished directly by federal and state legislation. It can also be accomplished indirectly by taking psychosurgeons to court when this seems warranted. Suits might be based upon any tendency to make exaggerated claims, thus leading to "uninformed consent" on the patient's part. Other suits might be brought upon the grounds that the patient has been robbed of his civil rights by being deprived of his mental capacity to exercise them.

In the meanwhile, the public must apply the sort of pressure that has brought a temporary stop to psychosurgery in the California prisons. Psychiatric hospitals, institutions for the mentally retarded and general hospitals (where most are now being performed) must prohibit psychosurgery within their walls. Hospital review committees must be set up where necessary to determine if questionable cases fall into the category of psychosurgery—brain surgery which mutilates healthy tissue for the purpose of blunting emotions and controlling personal conduct.

Well over 100,000 persons have already been subjected to psychosurgery around the world, including 20,000 in England, perhaps 50,000 in America, many more thousands in Canada. We are now in the midst of a resurgence, including multiple forms of psychosurgery upon hyperactive children. It is time to take action before this revival takes on the proportions of the first wave that peaked in the 1950's.

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THE HISTORICAL BACKGROUND OF CHINA—RARICK REPORTS TO HIS PEOPLE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 24, 1972

Mr. RARICK. Mr. Speaker, I recently reported to my people on the historical background of China. I insert my report in the RECORD at this point:

RARICK REPORTS TO HIS PEOPLE ON THE HISTORICAL BACKGROUND OF CHINA

While this telecast is being made, world attention is focused on Peiping where the President of the United States is visiting and meeting with Communist Chinese leaders. So I thought it would be timely to talk today about China—to consider its historical background so as to understand better the present situation in China to better understand the future.

The name for China in Chinese is Chung kuo which means Middle Kingdom. China has traditionally been considered by the Chinese people as the center of the universe, the apex of culture, and the wellspring of civilization.

While other civilizations such as the Assyrian, Egyptian, Greek, and Roman have risen and fallen with little remaining which links the present descendants of these cultures with their remote past, the civilization of China stands out in contrast by its unbroken continuity of approximately 4,000 years. This may be explained perhaps by the stoic nature of the Chinese people, their reverence for the elderly, their ancestors, and ancestral homes and by geographical conditions. As you can see from a map, China is geographically closed off from the rest of the world by lofty mountains, thick jungles, deserts, and oceans. This factor of geography has caused the Chinese as a people to have little contact with the rest of the world, to be largely self reliant, and to develop their own civilization.

Chinese merchants did, however, engage in a small amount of external trade and were trading with the Philippines and the islands of Indonesia about 500 years before the English, Dutch, and Portuguese. Through trading contacts, Chinese culture reached Japan, Tibet, Korea, Burma, and Thailand and did influence the lives of the people of these countries.

Until the Twentieth Century, China was ruled by a series of dynasties ranging in duration from a few years to over 400 years.

China's history has been characterized by the rise and fall of these dynasties. Once a strong dynasty had established control, it would hold power for two to three hundred years until a rival power succeeded in overthrowing it. This was always characterized by military action. In some instances, a new dynasty took over the reigns of government at once. In most cases, changes of dynasties were marked by vacancies on the throne or transitional periods lasting from 20 to 40 years or longer. Then there would ensue a long period of peace.

For example, the Ching or Manchu dynasty lasted from 1644 to 1912.

In 1792, about midway during this period, King George III of England sent an embassy to China. In a description of his travels, the English Ambassador wrote that "everywhere he was struck by the perfect orderliness of life, and by the peaceful industriousness of the people." In the traditional Chinese society everyone had and knew his place and his responsibilities to others. The emperor and his officials recognized the great responsibilities they had towards the people. The smooth functioning of traditional Chinese society depended largely upon a class of scholar-officials known as "mandarins". They were trained in the humanities—studies such as history, literature, art, poetry, and music. Through civil service examinations these scholar-officials competed for positions ranging from village school teacher to the highest office under the emperor.

During the 19th Century and the early part of this century, China underwent several humiliations at the hands of Japan and Western European trading nations as well as internal disorders.

Some of the merchant class who had business dealings with foreign business houses sent their sons abroad to study and to prepare them for the changes that were taking place. Likewise, other families who had for centuries provided scholar-officials to the empire sent their sons to study in foreign universities.

Upon their return to China, these students cast aside the traditional views and looked upon Chinese life and institutions in a more modern way. While all felt that the Manchu dynasty must go, they had varied opinions as to China's future.

Among these foreign-educated students was one who would become the Father of the Republic of China. He was Dr. Sun Yat-sen who was from near Canton in Southern China. With financial aid from abroad and the help of sympathizers within China, Sun Yat-sen and his followers were successful in gaining power and in proclaiming the Republic of China on January 1, 1912, with Dr. Sun Yat-sen as its first President.

It was Dr. Sun's hope that China would quickly become a modern democratic nation. Its Constitution and institutions were to be modeled upon those of the United States and France. Unfortunately, Dr. Sun, as many of the other foreign trained students, were not in touch with the realites of Chinese life.

Instead of becoming united, China underwent a scramble for power by local despots or warlords who used their private armies to try to eliminate each other.

By 1920, China was in a state of confusion. Dr. Sun was a disillusioned man with no source of help in sight to aid him in his struggle. Unexpectedly, the newly formed Union of Soviet Socialist Republics offered to surrender most of the concessions exacted from China by the Russian Tsars and to send military and civil advisers to help Dr. Sun reorganize his party. Dr. Sun accepted the Russian's offer.

Realizing that democracy had not worked in China, Dr. Sun's followers organized the Kuomintang or Nationalist Party modeled on the Russian Communist Party with rigid discipline.

The Chinese Communist Party was founded in 1921. Two of the founders were Mao Tse Tung and Chou En-lai. Dr. Sun did not object to working with the Communists, either Russian or Chinese, and members of the Communist Party could join his Nationalist Party.

In order for Dr. Sun's Nationalist Party to govern China, it was necessary to curb the power of the warlords. To do this, Dr. Sun set out to build a national army. He sent a promising young general named Chiang Kai-shek to Moscow to study advanced military strategy. Upon his return, Chiang Kai-shek headed the Military Academy at Canton to train officers for the National Army. From this Military Academy were graduated most of the generals who would years later fight in the struggle between the Nationalists and Communists for control of China.

General Chiang Kai-shek succeeded Dr. Sun Yat-sen as head of the Nationalist Party upon Dr. Sun's death in 1925.

It is of interest that the widow of Dr. Sun has been Vice Premier of the People's Republic of China since its beginning in 1949 while a sister of hers is the wife of Chiang Kia-shek.

Chiang broke with the Communists in March, 1927. The Russian advisers were sent back to Russia, the Communist Party was outlawed and many of its leaders were arrested or killed. Chou En-lai, narrowly escaped with his life.

The Nationalists established their capital at Nanking. For the next two decades, the Nationalists were occupied fighting a civil war with the communists and a foreign war with the Japanese.

The Communist forces, thanks to the aid of their friends in key positions in the U.S. Government, finally won over the Nationalist forces which either surrendered or were evacuated to the Island of Taiwan or Formosa. On October 1st, 1949, the People's Republic of China was proclaimed in Peking.

The history textbooks and the national news media for some strange reason have not told the American people how from 1945 to 1950 the United States helped the Chinese Communists and undermined the Chinese Nationalists.

In this period when China was being delivered to the Communists, many writers insisted that the Chinese Reds were not Communists but only "agrarian reformers". This in spite of the fact that General Albert C. Wedemeyer had reported that Mao Tse-tung and Chou En-lai called at his headquarters and admitted freely that they were Communists.

General George Marshall in March, 1946, backed up by President Truman, placed an embargo on the sale of arms, ammunition and replacements to Nationalist China. The General boasted that with a stroke of the pen he had disarmed 39 of Chiang's divisions. While General Marshall was disarming the Nationalist Chinese, the Communist Chinese were being armed with Japanese arms which were turned over to them by the Soviet Army in Manchuria. The United States allowed Russia to come into the war against Japan a few days before the end of the war. As a result, the Soviets with practically no fighting were able to take the surrender of the Japanese Army in Manchuria with all of its arms and ammunition.

Since achieving power, Mao Tse-tung, Chou En-lai and the other Communist leaders of the People's Republic of China have sought to consolidate their control by raw power and through destruction of the family, religion, and private property and by liquidating any opposition.

In addition to killing from 34 to 64 million people, Mao and Chou have weakened the traditional strong Chinese family ties by establishing communes. Journalist and China expert Edward Hunter described a commune as an ant heap. "A man stays in his own ant heap. He can be shipped to projects anywhere, but belongs to the commune. He belongs to his commune and his wife does too. He may rarely see her. or not at all, or they are shipped to different places." The children are taken away and put in so-called nurseries.

In testimony before the Senate Committee on Internal Security in 1959, Hunter stated: "The child already is being taken from the cradle. He begins receiving military training as soon as he or she can walk. The intent is to raise a generation of brainwashed human ants that can be depended upon . . . to be sent or used anywhere like janissaries to fulfill unthinkingly whatever instructions come from the top."

In a report entitled "The Human Cost of Communism in China" to the Senate Internal Security Subcommittee in July 1971, Professor Richard L. Walker, a lifetime student of Chinese affairs, unmasked Mao Tse-tung and Chou En-lai as the barbarians and murderers that they are. Their crimes and murders exceed those of Stalin and Khrushchev. Dr. Walker's evidence shows that from the time of the first Chinese civil war starting in 1927 until today, Communism in China

has cost a minimum of 34 million lives and that total may go as high as 64 million lives.

During the agrarian reform of 1949–52 several million landlords were executed. Their crime was to have owned land. Then came the campaign against the counter-revolutionaries of 1951–52 during the first 12 months of which it was estimated that 1½ million were executed. There were additional purges from time to time to assure that there was no opposition to the Communist tyrannical rule. Many of the executions took place in public and were deliberately cruel, torturous, and inhumane so as to impress on the populace what would happen to them if they got out of step with the dictatorship.

In 1965–66, Mao launched the Great Proletarian Cultural Revolution which lasted until 1969. This was accompanied by executions, purges, and terror.

And this barbarian treatment of fellow human beings continues today as we learn from a few who have managed to escape from the slave labor camp which is Red China. Even as recently as last summer, troops of the People's Liberation Army machine-gunned scores of their fellow Chinese who attempted to escape to Hong Kong.

Such are the atrocities of the international bandits Mao and Chou with whom our President and Mrs. Nixon are being wined and dined and put on world public exhibition at the expense of the American taxpayers.

Some feel this historic meeting may benefit our President. Most certainly it will benefit the Chinese by dignifying their rule and in tightening their control over the Chinese people.

The American President, who must attribute his success in public life to insinuations that others were "soft on communism," now serves as an apologist for communism.

Perhaps the history of China from the end of the Manchu dynasty in 1911 including the present Red Chinese regime is just a part of the pause between dynasties which has been so characteristic of the centuries old China story. Will Chinese history again repeat itself?

LITHUANIA SHOULD BE FREE

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1972

Mr. COLLIER. Mr. Speaker, ever since the close of World War II, the Soviet Union has violently denounced the Western Nations for practicing imperialism, despite the fact that most of the former British, French, and other colonies have been free for some time. While more than 70 nations have become independent since 1945, the Soviet Union has made no move to free Lithuania, Latvia, and Estonia, the Baltic republics that it seized back in 1940.

Last week many Americans of Lithuanian descent, including a large number who reside in my district, observed the 54th anniversary of the independence of the land of their ancestors. Lithuania had enjoyed a generation of freedom between the two world conflagrations, having declared its independence on February 16, 1918, but a few months after the Bolsheviks had come to power in Russia.

During the summer of 1940, Lithuania was invaded and occupied by its powerful neighbor. One-party elections resulted in a parliament of stooges who voted for incorporation with the Soviet Empire. Lithuania's agriculture was collectivized, its industry nationalized, and its people regimented in every possible way. Its only respite from the horrors of communism came when it was occupied by the forces of National Socialist Germany, which had broken with its ideological brethen and invaded Russia. This was merely an exchange of one set of oppressors for another.

Why should not Lithuania be free once again? Its 3,129,000 people are more numerous than those of some of the new countries that have come into existence in late years.

Why should not Lithuania be independent as it once was? Its 26,173 square miles make it much larger than many of the nations that have recently emerged from colonialism.

Why should not Lithuania's liberties be restored? Surely its inhabitants are entitled to freedom of speech—its language is the oldest living tongue in Europe. Surely they deserve the right to worship God—they were Christians centuries before the gospel had reached many of the remote places where new countries have but recently come into being.

Mr. Speaker, we hear a great deal about the importance of freedom of choice, self-determination, and free elections. It is high time that these noble principles were put into effect in Lithuania and the other Baltic nations.

LITHUANIA FREEDOM

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 24, 1972

Mr. BELL. Mr. Speaker, in further observance of the 54th anniversary of Lithuanian independence, I submit the following editorial from the Los Angeles Herald-Examiner of February 20, 1972:

LITHUANIA FREEDOM

A bittersweet observance is underway in Los Angeles this week.

Americans of Lithuanian origin and descent are marking the 54th anniversary of the Republic of Lithuania and the 721st year of the formation of their homeland.

There is little joy in the occasion, however. Lithuania, like its tiny Baltic sister states of Latvia and Estonia, was swallowed by the Soviet Union 30 years ago.

Only indistinct dotted lines denote its borders on the red map of Russia.

The sweet dream of freedom lives on, though, especially in the minds of those Lithuanians who have adopted the United States as their home.

They know what freedom is, and they want it more than ever for the friends and relatives left behind.

All but the youngest remember the brief six weeks of independence wrested from the Russians in 1941—liberty that was smashed by Nazi Germany, and further suppressed by Russia after World War II.

That bright moment in an otherwise dark history will be recalled by Lithuanian Americans at a rally at John Marshall High School today. They also will honor the brave but futile attempt by a Lithuanian seaman, Simas Kurdirka, to seek asylum aboard a U.S. Coast Guard vessel in 1970.

Americans of all ethnic origins would do well to reflect upon their own freedom at this time, and to hope with their Lithuanian neighbors that it one day will return to the shores of the Baltic Sea.

The last words of Kurdirka, spoken after he was sentenced to 15 years at hard labor for his leap to freedom, express that desire:

"I have nothing to add to what I have already said, only one wish, more specifically, a request to the supreme court and the government of the Soviet Union: I ask you grant my homeland, Lithuania, independence."

L. C. RINGHAVER

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 24, 1972

Mr. FUQUA. Mr. Speaker, the February issue of the Jacksonville Seafarer of Jacksonville, Fla., recognized an outstanding public servant as that Florida Port's Man of the Year.

L. C. Ringhaver is one of those dynamic leaders in business who gives of themselves in public service and there is no better example of this selfless spirit than "Ring." Across the length and breadth of the State, he is recognized as one of the great leaders of Florida.

The Cross-Florida Barge Canal is a project for which he worked diligently to complete. The suspension of the project by President Nixon was a great shock to those of us who felt this waterway would be a vital addition to America's transportation system.

Now it is an uncompleted dream.

There are those who have not abandoned the quest, and "Ring" directs the responsible leadership in our State that seeks to have a full debate on the constitutional question of whether a President can completely ignore the decisions made by the Congress.

I would like to pay tribute to "Ring" by having the article from the Seafarer reprinted here, with my personal comment that I feel his selection for this honor was well deserved.

L. C. RINGHAVER—MAN OF THE YEAR

The Propeller Club, Port of Jacksonville, presented its 1971 Man of the Year Award January 28 to L. C. Ringhaver, president of Ring Power Corporation, chairman of DESCO Marine Sales, chairman of the Canal Authority of Florida, former president of the Gator Bowl Association, director of Atlantic National Bank and American Heritage Life Insurance Company, director of Seafarer, and leader in numerous other business and civic affairs in Jacksonville.

"Ring", as he is known along the waterfront, has been all those things. He has enjoyed marked success in everything he has done.

The Propeller Club board of governors chose him for the award, however, for the one effort he has not yet won; the one battle which is the most difficult he has ever faced; the one battle he is now most determined to win: Resumption of work on the Cross-Florida Barge Canal.

For the past year, "Ring" has been on the cutting edge of the most significant confrontation in this nation (and perhaps the

world) between forces commonly identified as the Ecologists and the Developers.

When President Nixon chose to halt work on the Cross-Florida Barge Canal a year ago, Ringhaver was thrust into the role of the individual who must respond, challenge the president and lead the defense of the project.

There is no more loyal citizen of the United States than L. C. Ringhaver and it is not in his nature to go around challenging the President.

Ringhaver had three real choices. (1) He could just sit, accept the President's decision, and abandon the project which he and his closest friends, including J. H. Coppedge, had worked years to accomplish. (2) He could marshal a team of press agents and sound off, accomplishing little or nothing. Or, (3) he could take the facts into the calm arena of the courtroom.

Wisely, Ringhaver chose the third alternative.

The Ecologists tried to block this move, but failed. Shouts of the fanatics were useless in the muffled chambers of the court. While they protested, Ringhaver quietly set the stage for a full hearing on all the issues—including the constitutional debate over the privilege of the President to ignore the decisions of Congress.

Careful planning and right judgment have made "Ring" successful in all his previous efforts. The Propeller Club believes he made the right decision again when the chips were down in January 1971. They believe he will succeed again, and for this, he was definitely the Port's Man of the Year.

HON. ED CRAFT

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 22, 1972

Mr. ARENDS. Mr. Speaker, while I have not had occasion to work closely with Ed Craft, as have the members of the Ways and Means Committee, I have seen the handiwork of his fine legal mind and I know about him. His motto has been: "Work unseen; be more than you seem." I know the tremendous contribution he has made over the years as our legislative counsel, and I cannot permit him to retire without expressing to him publicly my very real appreciation of his service to this House.

It is one thing for us to make a decision as to what should be embodied in a bill; it is quite another to have that decision translated into the proper legal language, that it says precisely what we decided, no more and no less. To be able to do this requires more than a lawyer. It requires a "lawyer's lawyer." It requires more than a general knowledge of the law. It requires a technical knowledge and a special skill.

This is especially true in the drafting of our tax law. The Internal Revenue Code of 1954, the Revenue Act of 1962 and the Trade Expansion Act of 1962 are but a few of the major pieces of legislation which are the work of Ed Craft. They do not bear his name. His name does not appear in any of the legislative debate nor in the committee reports. Nonetheless, such measures as these are a product of his knowledge and skill.

Ed Craft became a member of the Office of the Legislative Counsel in December of 1941 and, except for a period of over 2 years in the military service during World War II, he has served in the Office of Legislative Counsel. He became legislative counsel, in charge of the office, on February 1, 1962.

We will miss Ed Craft. We will miss him greatly. I extend to him "thanks" and very best wishes in his well deserved retirement.

AMERICA'S STRENGTH: ANOTHER VIEW

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 24, 1972

Mr. LENT. Mr. Speaker, Mr. Joseph Curran of Levittown, N.Y., recently brought to my attention the remarks made by Comdr. Robert T. Molloy of the U.S.S. *Will Rogers* upon the completion of a recent patrol. So that my colleagues may have the benefit of Commander Molloy's remarks, I enter them here:

SOME THOUGHTS UPON RETURN FROM PATROL

As we finish patrol, some of you may wonder what we've really accomplished out here, and was it really worth it. A few may even have misgivings about the need for any military forces at all, feeling that if we lay down our weapons the rest of the world will graciously do likewise. The reasoning runs something like this; if I simply sit in my front yard, bothering no one, reading poetry contemplating nature and eating grapes, then everyone else will blissfully do the same, and we'll all enjoy a quiet, rosey colored cream puff world. Well, well, well. . . . Regrettably, the ways of the world don't choose to operate that way. History is full of examples, century after century, culture after culture of nations that have grown, become strong, and then faded away. The Phoenicians, then the Greeks, the Romans, the Hapsburg Empire—the list could reach as long as you want to make it. The common point of all these cultures, or nations, was that they faded and were demolished because they became weak. They thought they could contemplate nature and eat grapes. They lost sight of the fact that a basic trait of much of mankind, stretching back to the dawn of history has been that the strong prevail over the weak. Whether you believe this situation to be right, wrong or indifferent is immaterial—Why? Because it is a fact, a fact of history as well as of the present. And since there is no evidence to cause belief that the bulk of mankind who subscribe to the "strong will prevail" philosophy will suddenly change their basic nature, then there is little likelihood that the "strong will prevail" philosophy will change in the foreseeable future.

What has all this to do with me you're asking. Only this; as Americans, like it or not, you belong to a society that has created a culture unparalleled in history for its enoblement—yes its enoblement, its enrichment, its glorification—of the dignity and worth of individual human beings. This magnificent culture we call American democracy hasn't happened over night just because we wished it. It's taken work, my friends, hard work, a lot of personal sacrifice and more than a little bit of high principle. In spite of the dark predictions of the French observer Alexis DeTorqueville in the early 1800's that the "American experiment" could not last long because it gave too much power to the people, in spite of the fact that the American people have exercised the substantial power of a free people, our experiment has done pretty well.

We have created a system looked up to by much of the world as a model of free government and responsible personal liberty. Our constitution has stood longer than any other document of similar character except the Magna Carta which was more an expression of principles than a constitutional document. Men risk their lives, abandon their material goods to enter our culture, else how do you explain the 30,000 plus souls who have fled their homes in Cuba to an uncertain future in the United States; the thousands who "voted with their feet" and have risked (and often suffered) death, to escape over the Berlin wall to the West; the abortive attempt by the Lithuanian seaman Simas Jonovich Kudirka to seek political asylum on the coast guard cutter *Vigilant*. You can recall the incidents as well as I of the many people—young, old, male, female, rich, poor—who have faced death and suffering just to get to America—America—the culture that you are all members of simply by circumstance of birth. Think about it—we must have something going for us when thousands of people risk their lives just to get where we already are.

"But I don't like the Vietnam War," someone may be thinking, "and there is some poverty in the United States you know . . ." How about that? Nobody likes the Vietnam War, nor does any rational person espouse poverty as being good. The important thing is that men of good will are trying very hard to correct these, and a thousand other vexous problems. Innumerable persons, both high government officials as well as conscientious private citizens are not simply wringing their hands over these problem areas, but are working and striving, with considerable effort to improve bad situations and thereby make America and the World a better place to live.

The world is not a perfect place, and not likely to become so anytime soon, but a land where individual dignity is honored, the rights of others respected, and vast humanistic attempts are made to help the less fortunate has got to be better (if you put any value on individual worth) than a land of secret police, Siberian concentration camps, and as in China, communal living enforced at the point of a gun.

America is what she is, in the noblest sense, because she is strong enough and has enough moral strength in her people to stand up to the tough guy who lives across the pond, and to any other bully who moves into the neighborhood. The day America sits down, strips away her muscle, lights up her marijuana cigarette, leans back in a fairytale haze and says, "all's right with the world," is the day the tough guy is going to lace up his spiked shoes, pick up his bat, and commence remaking the world—the whole world—over to his liking. What's going to happen to your Democratic institutions then? Where will that "due process of law" have disappeared to? How come "individual worth" will suddenly seem to be subordinated to "the good of the State?" And by the way, what ever did happen to that constitution with that—what did they call it—oh yes, that 5th amendment so many of the "tear it down" boys hid behind.

Well it could happen. It's happened countless times before in the long march of mankind. But it doesn't have to happen—TO YOU, your grandchildren or their grandchildren—if America stays strong. I don't mean strong so we can lord it over our neighbors, but I do mean strong so that our potential enemies can't lord it over us, and thereby strip away the fruits of the finest experiment in human government ever achieved on this planet. No matter how hard one or all of us might wish it, man's basic nature will remain constant, and the strong will continue to prevail over the weak. Aren't we better off to maintain a strength of sufficient magnitude that our institutions, our lives, our religions can carry on in freedom, than to cast

aside our weapons and our strength only to find later—tragically later—that we also cast aside our ability to protect the very survival of our institutions, our lives and our religions.

Your presence here, this ship's presence here, the very existence of the Navy all serve to preserve for each of us a life, a family, a land that we can go home to in peace and security. Whether you're a proud professional or a citizen sailor serving your minimum tour, you've all played a significant roll in keeping the tough guy on his side of the pond, and in preserving and protecting the social and political environment under which American democratic institution, as well as you yourselves can live with dignity. Every one of you can stand proud, for you have all contributed to keeping your country standing free.

For those of you leaving the Navy, I thank you for your services. You've been part of what Admiral Nelson called a great band of brothers with long and honored traditions, many of them written with the blood and sweat of your forebears. Don't be tempted by small irritations or petty grievences to disclaim this exposure to tradition and principles, for these traditions and principles have helped weave the fabric of your free America. To those of you sailoring professionals who remain, I can only in an inadequate way express my pride in you and my appreciation of your talents, your service, and your magnificent skill and dedication in doing a tough job well. It is fortunate indeed for the United States of America that men of your caliber—serve—in her protection and defense.

Commander ROBERT T. MELOY,
U.S.S. *Will Rogers*.

CATALINA AND YUMA HIGH SCHOOL BANDS INVITED TO INTERNATIONAL COMPETITION

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 24, 1972

Mr. UDALL. Mr. Speaker, the Catalina High School Symphonic and Marching Band of Tucson and the Yuma High School Band of Yuma—more than 180 of my younger constituents in all—have been invited to participate in the first International Band Festival in Vienna, Austria, in July. Thirty of the top 2 percent of high school bands in this country and bands from 50 other countries in the free world will attend and compete.

Dr. William Revelli, former director of the University of Michigan Marching Band, will be music director for the festival. From July 11–17 there will be competition in concert and marching events in Vienna. Trophies for the bands and scholarships for band directors and bandsmen will be awarded. The trip will last 22 days and the bands will travel through other Austrian provinces, Switzerland, Germany, and Italy playing concerts. The festival is part of "Youth Year—1972," sponsored by the Austrian Federal Minister of Education. Both the Yuma and Catalina groups are busily and imaginatively engaged in raising funds for the trip.

I am really proud that both bands for Arizona will be coming from the congressional district I represent. The youths, their directors and chaperones will serve as goodwill ambassadors from Arizona to Europe this summer.

NEED FOR PARAPLEGIC RESEARCH

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 24, 1972

Mr. HANSEN of Idaho. Mr. Speaker, last year I was privileged to make the acquaintance of Mr. Alan Reich, the Deputy Assistant Secretary of State for Educational and Cultural Affairs, through whom I was made aware of scientific efforts currently under way to find a cure for paraplegia. To persons who have not been directly affected by the tragedy of an accident or illness resulting in paraplegia, the thought that there is a reasonable basis to someday prevent and cure the affliction comes as a surprise.

Yet, the basis for this hope is sound, and the details are succinctly spelled out in an article appearing in the January 1972 issue of Occupational Health Nursing by Richard P. Veraa, who is a member of the board of directors of the National Paraplegia Foundation. Other information concerning this problem can be found in my own remarks in the July 21, 1971, issue of the CONGRESSIONAL RECORD.

Since that date, Mr. Speaker, I have continued my study of the most appropriate means of mobilizing the needed research and financial assistance. The focal point of my investigation was a luncheon I sponsored October 14, 1971, which was attended by representatives of the scientific community and by key officials of those Federal departments and agencies which will be interested or involved in the needed research program.

I was also pleased that two of my colleagues in the House, Representatives MCKAY and BIESTER, were able to meet with us. Many others expressed a strong interest in and support for our efforts.

The conversation and ideas discussed that day were engrossing, and I wish that it were possible to reprint here a verbatim transcript as it would reflect the fact that there was little or no disagreement as to whether there is reason to believe that the goal can be reached. The only area of disagreement was seemingly confined to the question of how we can best work to try to achieve it.

Some expressed the view that the effort should immediately begin on the broadest possible scale, to encompass any and all problems relating to trauma, such as authorizing the creation of a new institute within the existing National Institute of Health. Others expressed the view that the initial mandate should be more narrowly honed in to the specific neuroscientific problem of spinal cord regeneration, with the hope and expectation that the ultimate breakthrough will have beneficial spinoff effects for sufferers of other neurological disorders.

The various possibilities were outlined in a letter which I received from Dr. William Windle following our luncheon. Dr. Windle is one of the Nation's most highly respected research neurologists, and from 1954–60 headed a section on regeneration research with the Laboratory of Neuroanatomical Sciences within the National Institute of Neurological Diseases and Stroke.

Unfortunately, this section was disbanded when he left the institute, and it is my understanding that no such organized effort now exists. I do not mean to imply criticism of the NINDS by mentioning this fact, for as Dr. Windle stated to us, it was only recently that anyone believed that a regeneration program would be of much value, and indeed scientists were not able to propose any detailed program for regeneration research.

However, as we can see from the information contained in the article by Mr. Veraa, the situation has changed and we are now aware of the need for coordinated Federal leadership and support, such as we had several years ago in our efforts to find a cure for polio. Without this dedication and commitment at the Federal level of government, we simply will not be successful.

It is the estimate of Dr. Paul M. Bucy, chairman of the National Committee for Research in Neurological Disorders, that there are between 5,000 and 10,000 young Americans paralyzed by spinal cord injury each year. Surprisingly, almost all of them are young people 18 to 25 years of age, and 85 percent of them are men. Dr. Bucy further estimates that there are approximately 125,000 people chronically paralyzed as the result of injury to their spinal cords living in the United States today. Of these 125,000 are more than 2,200 young men who have been paralyzed by injuries received in Vietnam.

Insurance experts estimate that the financial loss to our society, including hospital and long-term costs as well as loss of income resulting from these yearly injuries per year and maintaining those already paralyzed, exceeds $1 billion annually in the United States.

So, we see, Mr. Speaker, the extent of society's loss. It is staggering both in terms of economic and human values.

We are beginning to recognize that much of this damage can be ameliorated by providing proper early care for these victims. This aspect of the problem will soon be brought to my colleagues' attention by my friend, Congressman STEWART MCKINNEY, of Connecticut, who informs me that he will shortly summarize his findings in the CONGRESSIONAL RECORD. I look forward to studying his conclusions regarding the need for proper care subsequent to the spinal cord injury. As he will thoroughly cover the subject, I shall limit my own remarks to the cure aspect of paraplegia.

It would seem that three plans of attack are possible, Mr. Speaker. They are not necessarily mutually exclusive, and we can immediately begin with the most inexpensive and feasible one, as we organize and plan the more complex and long-range approaches.

First, we should, at the very minimum, reestablish a section on regeneration research within one of the existing laboratories at the National Institute of Neurological Diseases and Stroke. Such a section may be composed of three or four scientists and two or three assistants; and would occupy about 1,500 feet of laboratory space.

As this would be a very modest beginning, it is obvious that the range of investigations would be extremely limited, and must be considered only as a tem-

porary measure while a broader research program is being organized. It is my belief that such a nuclei is necessary now to coordinate current intramural and extramural activities, and also to foster and encourage pertinent neuroscientific research in various laboratories throughout the world so that a full interchange of information can be facilitated. It seems reasonable to suggest that such a modest beginning will require no more than $1 million during the next fiscal year.

When the organizational work is completed, and a broader research program becomes possible, we will then be able to establish a Laboratory of Nerve Regeneration within the NINDS. As compared to a section, a laboratory will probably be composed of four or more sections comprising a total of 30 trained personnel.

The value of the laboratory is apparent when we consider that it can encompass sections dealing with biochemistry, physiology, cell biology, and pathology. By bringing scientists from such various disciplines together in a joint effort on a common theme, the interdisciplinary research will obviously be far greater in scope than could be accomplished by one scientist working individually.

This unified effort will unquestionably yield enough valuable data so that eventually we may consider the possibility of establishing a National Trauma Institute, which could not only perform research into regeneration and repair of all types of traumatic injury, but could also establish a tissue bank that could furnish direct assistance to victims of all kinds of disasters.

I think that establishing an institute level of research is certainly the goal which we must strive for. But for the present, I believe that we can do no less than mandate, in this session of the 92d Congress, the sense of Congress that the NINDS must create a section of Regeneration Research within one of the existing laboratories, and we must direct that one of its primary responsibilities will be to come forward within 2 years with specific plans for the establishment of a new Laboratory of Nerve Regeneration, with specific recommendations regarding the amount of money, space, and personnel which will be needed to conduct a full scale attack on the problem.

To this end, I intend to place the above facts before the appropriate committees and the National Institute of Health in hope that sufficient money can be budgeted and allocated for the initial work in fiscal year 1973. In this effort, I enlist the assistance of each of my colleagues.

As a part of my remarks, I would also like to insert an article on this subject, which appeared in the Boston Globe on November 10, 1971, concerning the efforts of Alan Reich, whom I mentioned earlier:

[From Occupational Health Nursing, January 1972]

NEW HOPE FOR A PARAPLEGIA CURE

(By Richard P. Veraa)

(NOTE.—Mr. Veraa is a member of the Board of Directors of the National Paraplegia Foundation and is President of the South Florida Paraplegia Association.)

The history of spinal cord injury has been a tale of hopelessness for as long as there have been vertebrates on the earth. Until this century there was not even the hope of life. You broke your neck, and you died. Period. A natural law. But medical science in the past 30 years has changed all that, and now a new type of person lives and wheels about the earth—the paraplegic, with 200,000 now living in the United States, and 10,000 new cases added each year.

But what of this paralysis, can't it be cured Ah, no. That is impossible. You damage the spinal cord and you are paralyzed. A natural law. But is it? The possibility that regeneration of severed axons in the central nervous system could occur was first raised almost a century ago.[1,2] Ramón y Cajal[3] was among the first to accurately picture it. It was discovered early that if the spinal cord of a fish it cut, it will grow back by itself—regenerate spontaneously—and the fish will recover.[4,5] The early investigators saw that the spinal cord of a fish is very similar to that of man, and began to wonder if it were possible to make man's regenerate as well. The problem was puzzled over and discussed, but no solution was found, and all that could be said was that some "natural law" made it impossible. Hopeless.

And so the question rested until, after World War II, a new generation of scientists again approached the old enigma. They were able to demonstrate several encouraging findings, most important of which was that after an injury a few feeble little nerve fibers actually *did* spout and try to grow.[6,7] The new fibers seemed to be blocked by scar tissue, and ways were sought to eliminate the block. It was discovered that pyrogen drugs slowed scar tissue formation, and the number of regenerating fibers was increased.[8,9] Later, a sheath of porous material was found to prevent infiltration of scar formation at the site of injury in the spinal cord.[10] Still, a very few axons grew across the break, and though it was shown that they could conduct impulses across the break,[11] and some minimal functional restoration was observed,[12] useful function was never restored. No clinical cure was found, the mystery seemed as inscrutable as ever, and the old "natural law" was invoked, shutting the door on continued research. The few scientists who wished to continue the quest found it difficult to obtain grants for this impossible dream, and most took up new areas of research. A prominent Pennsylvania scientist, recounting those days, said: "Practically everyone . . . had the experience that research proposals in this area have been denied and the only way that work . . . could be done was to disguise its target objective by a title carefully worded to avoid incrimination through relation to central regeneration." Of 30 scientists principally concerned with this problem in 1954, only three were still actively engaged on it in 1969.

It is easy for a paralyzed person (like myself) to condemn the prevailing scientific attitude as close-minded (and I did), but the fact is that little more could have been done at that time. Scientific technology and the state of biological science were simply not far enough advanced to study the problem on the basic level where significant answers were to be found.

In 1962. Dr. W. F. Windle[13] told a conference on paraplegia:

"It is my belief that prospects of . . . a "breakthrough" in the near future are not very bright if we continue to concentrate our effort on mammalian experiments and improvements in surgical techniques. There are too many crucial unknowns, and too little basic work has been done to provide the information that is needed to understand growth and regeneration in the central nervous system. . . . We are going to have to know more about fine-structure and something about chemical and functional differences [among species] . . . to understand the phenomenon of central nervous regeneration.

"Solutions to many human neurological problems certainly depend upon application of the findings of basic sciences. Indeed, in most instances solutions rest upon discoveries as yet unmade in comparative neurocytology and neurochemistry. The enigma of function restitution in the human paraplegic is not going to be solved in the wards of hospitals, but rather in the laboratories of biological scientists. The discoveries that must be made, I predict, will come from investigators who have little or no knowledge of the clinical aspects of paraplegia."

The lowest point was reached after November 1967, when a surgeon in Toronto announced to the press that he had in fact cured paraplegics by a surgical procedure.[14] The reports were almost immediately proved false, and the cruel misunderstanding placed the concept of CNS regeneration in discredit, so that it was looked on by many as the work of charlatans. Still, the few reputable scientific endeavors in this field were beginning to show hopeful, if undramatic, results. More important, while regeneration research had lain dormant, biological science had moved forward in what has been called a "biological revolution." From artificial enzymes to birth control pills and organ transplants, inconceivable developments were commonplace, and the technology of science—the tools and techniques of investigation—expanded on all fronts. Molecular biology, unknown a decade before, became a major branch of science.

Concerned for the poor repute of regneration research in the face of developments holding the possibility of realistic optimism, Dr. Erich G. Krueger, Director of the VA Spinal Injury Service, invited Dr. Windle to address the Seventeenth Veterans Administration Spinal Cord Injury Conference in September 1969.[15] Dr. Windle reiterated the need for research on a basic level of biological science and closed his talk by saying:

"My plea to you is that you stop perpetuating the time-worn cliche, 'regeneration is impossible in the severed spinal cord,' and start stressing the need for more incentives for scientists to conduct research at the basic level. Had the advisors of NASA been as lacking in imagination as those who have been advising agencies administering public funds for health research, I'm sure we would still be earthbound awaiting word of a Russian landing on the moon."

In discussing this talk, Dr. William Geisler pointed out that

"Crick and Watson have shown that the impossible is possible when they discovered the genetic code. Surely the answer to the regeneration of the central nervous system lies in further understanding and elaboration of the potential that exists in the genetic code. . . . We need facilities and money to encourage physicians, mathematicians, geneticists, biochemists, and physicists to join the search."

In view of many expressions of interest, the officers of the National Paraplegia Foundation deemed it advisable to hold a Conference on the Enigma of Central Nervous System Regeneration to reassess the problem, the first such conference since 1954. Twenty-two scientists from the United States and England met in Palm Beach, Florida, in February 1970. They represented many fields of biological science: genetics, neurology, anatomy, immunology, physiology, molecular biology, and others. At first, most of the conferees were frankly skeptical, but as each began to describe recent work in his own field it seemed to fit together with the contributions of others as if each had brought one piece of the same jigsaw puzzle. The interlocking pieces fit, and though there were still many gaps in the picture, the overall pattern was now visible. The result was that the conferees not only agreed unanimously that a cure for paraplegia should no longer be con-

Footnotes at end of article.

sidered impossible, but they were also able to propose a broad program of attack on the problem. Scar tissue was apparently not the deciding factor. The secret lies in the growth and development of the individual nerve cell, its chemical processes and its genetic make-up.

The published proceedings of the conference concluded.[16]

"The path of future research seems rather clear. The process of collateral sprouting must be investigated physiologically and biochemically as well as histologically. The process of protein synthesis, transport and degradation in neutrons can now be studied biochemically and autoradiographically, and attention needs to be focused on the regulatory mechanisms that determine the relative rates of these processes. Neuronal specificities must be further investigated by biochemical studies in tissue culture. The temporal factors resulting in changes of nerve specificities during embryonic development and perhaps during adult life must be investigated more extensively. Finally, the dynamics of the metabolic or trophic interactions between all cells of the central nervous system, neurons, neuroglia, and vascular elements, must be thoroughly analyzed.

"There is no guarantee that a concerted attack on these problems will resolve the enigma of regeneration in the mammalial central nervous system, much less result in a cure for paraplegia. But as of today the problem should not be considered insoluble. This noteworthy conclusion was agreed upon by all the conferees."

After the conference, one of the participants, Dr. Ray S. Snider, Director of the Center for Brain Research at the University of Rochester, said: "No longer does paraplegia appear to be the hopeless rest-of-your life disease. We have small wedges in the door and it is ajar. Dedicated intelligent work will open it."

Largely as a result of this conference, there has been a resurgence of interest in central nervous system regeneration, which may lead not only to a cure for paraplegia, but for a multitude of forms of central nervous system damage, such as cerebral palsy, brain damage from stroke and trauma, multiple sclerosis, and neurologically-caused blindness, to name a few. No one dares to claim that a clinical cure is around the corner, but the possibility of eventual success is there, and a major effort is certainly called for. Since the 1970 conference, 22 major articles reporting new research in this field have been accepted for publication in one journal, *Experimental Neurology*. Many others have appeared in the hundreds of other scientific journals.

With this auspicious beginning, the National Paraplegia Foundation has begun an exciting new program to stimulate research and renewed interest. A Scientific Advisory Committee established last year has been actively working with the NPF officers to plan the most effective action. This committee, chaired by Dr. Windle, includes Dr. Carmine D. Clemente, Chairman of the Department of Anatomy at UCLA; Dr. Lloyd Guth, Head of the Section on Trophic Nerve Function of the National Institute of Neurological Diseases and Stroke; Dr. Francis O. Schmitt, Chairman of the Neurosciences Research Program at MIT; and Dr. Richard Sidman, Professor of Neuropathology at Harvard Medical School.

At the NPF Convention last June, President Timothy J. Nugent announced the establishment of an annual $10,000 award for the scientist in the world making the most significant contribution toward a cure for paraplegia. The winner will be chosen by a distinguished panel of 18 scientists with international reputations.

The first award will be presented next May at another conference in Palm Beach. This conference will continue the work begun in 1970, and, in view of recent developments, is expected to be even more significant than the previous one in outlining and coordinating future research and in stimulating interest. Principal topics for discussion will be in the areas of genetics, molecular biology, and neurophysiology. Scientists are expected to attend from the U.S., Canada, England, Sweden, and Czechoslovakia, and one of the sessions in the three-day meeting will be led by Sir John C. Eccles, 1963 winner of the Nobel Prize for Medicine.

The National Paraplegia Foundation believes that this will be an extremely important occasion. The conference will present the possibilities for future research, and the annual award will provide an incentive for pursuing this line of investigation.

In announcing the award, Professor Nugent stated that "we have conquered polio and continued to close in on cancer—both, like paraplegia, long considered incurable. Now we must obtain this same national commitment—from the scientific community, from the public, from the government—to battle on behalf of veterans, accident cases, and all others afflicted with paraplegia."

At last there is hope—and NPF is working hard to realize that hope.

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[From the Paraplegia News, January, 1972]

NPF RESEARCH NOTES

(By Richard Veraa)

This is the first of a series of columns devoted to the quest for the ultimate solution to paraplegia—a cure. Such a cure was considered impossible until quite recently, when new developments in biology, which were discussed at NPF's 1970 scientific conference—as reported in *Paraplegia News* at the time—resulted in the unanimous conclusion by the participating scientists that "it is now entirely reasonable to abandon the view that central nervous regeneration cannot be accomplished in man."

The conferees were also able to propose a broad plan of research that might be expected to accomplish this goal. I will discuss this in some detail in later articles.

The scientists, of course, held out no guarantee of success, and they admit that the quest may take a very long time. But the possibility has now been firmly established, and the hope exists, even if it is a hope that may only be realized by a future generation of paraplegics.

In this first article, I would like to bring up the question of what we, as paraplegics, should do with that hope. Obviously, we must not sit on our backsides to passively await some miraculous cure. On the contrary, we should work all the more energetically in all that we do, and direct our collective efforts toward speeding the day when paraplegics will be cured.

CAN BE FORCE

Many scientists have dedicated their lives and careers to this task—and we can be an effective force in helping them to achieve it. Simply by our presence—all 200,000 of us—we point out the situation and the need. In addition, we should lose no opportunity to bring the situation, the work that is being done, and the hope that it engenders to the attention of the public and the government—and build a significant national commitment to solve this problem once and for all time.

At the NPF Convention last summer, Dr. William F. Windle, chairman of the NPF Scientific Advisory Committee, pointed out that the money our country spends on all medical research is hardly one-seventh of what we spend for the highways on which most accidents occur.

"And yet," he continued, "some of our leaders in Washington have no qualms about imposing economic restrictions on dollars for medical research, while eagerly supporting . . . other projects; and the reason for this is that they hear no voices from the citizens who are most tragically affected. If advances are to be made in research toward a cure for paraplegia, the Congress must hear from you—loud and clear."

COMMITMENT NEEDED

At the same convention, Prof. Timothy Nugent, president of NPF, told the delegates, "We have conquered polio and continue to close in on cancer—both, like paraplegia, long considered incurable. Now we must obtain this same national commitment—from the scientific community, from the public, from the government—to battle on behalf of veterans, accident cases, and all others afflicted with paraplegia."

In these articles, I'll be discussing many aspects of research on central nervous regeneration: new developments in current research, historical background on the century of investigation since regeneration was

first studied, information on the scientists engaged in this work, and items on the efforts of paraplegics and the public to support this research.

Most important, I hope to hear from you—your questions, your suggestions, items you think should be reported here. I don't pretend to know all the answers, or even many of them, but I can try to find out.

Please address correspondence to: Richard Veraa, 3397 N.W. 33 Court, Fort Lauderdale, Fla. 33309.

[From the Boston Evening Globe, Nov. 10, 1971]

THE $10,000 SPUR TO SCIENTISTS: CURE SOUGHT FOR PARAPLEGIA

(By Herbert Black)

Alan Anderson Reich, 40, of Sudbury, US deputy assistant secretary of state for educational and cultural affairs, is a paraplegic who runs his world-spanning job from a wheelchair.

He was in Boston recently and aroused much interest in promoting international exchange programs in an address before the American Academy of Dental Science.

That his work is arduous and energy-consuming is indicated by the fact that since 1946 more than 36,000 Americans and 67,000 foreign nationals have participated in academic exchange alone.

But Reich, despite his handicap has other interests in addition to his official duties.

His major outside activity is helping his fellow-handicapped. Since 1967 he has been a director of the National Paraplegia Foundation. During 1969 and 1970 he served as the Foundation president and helped launch an international program to seek a cure for paraplegia.

Reich is one of 200,000 Americans confined to wheelchairs or beds with partial or near-total paralysis due to spinal cord injuries. He lost total use of his legs and partial use of his arms in a diving accident at White Pond, Concord.

But Reich refuses to be sorry for himself and prefers not to talk about his personal misfortune. He feels fortunate about his happy college experiences at Dartmouth, where he played football and was a track star. He studied at Oxford, holds a master's degree in Russian civilization from Middlebury, is a graduate of Harvard Business School and served in the Army in Germany.

He has an attractive wife and four children with whom he now lives in McLean, Virginia. Before going to Washington, Reich was for 10 years an executive with Polaroid Corp. in Cambridge.

What Alan Reich does want to talk about, and he did so in an animated and intense manner, is the National Paraplegia Foundation, and especially the Foundation's award of $10,000 offered to the scientist who contributes the most this year toward finding a cure.

He says much of the effort in the past has gone to pushing for better facilities for paraplegics—such things as better wheelchairs and more ramps for access to buildings. But with 10,000 spinal cord injuries a year the cost to the nation is now mounting to $1 billion annually, including loss of pay and cost of care.

Reich compares the push for a cure to the days of the polio epidemic. He says, "Seeking a cure while we improve care is the same as seeking a polio vaccine at the same time the iron lung was improved."

Nominations for the award now are being received from throughout the world. A distinguished panel of judges has been selected. Nominations will close shortly after the first of the year and the first award will be made in the spring. Headquarters for the competition is National Paraplegia Foundation, 333 North Michigan av., Chicago.

"If ever there was need for a cure, "says Reich, "it is now when 2159 of our young men have become paraplegics or quadriplegics through the Vietnam war."

The Paraplegia Foundation did not sponsor the award without a great deal of soul-searching and consideration. In fact, some members felt this was not the best use of meager resources. Yet with 2000 to 6000 of the 10,000 spinal injuries a year resulting in paraplegia, it was felt a new beginning must be made in seeking a cure. Up to now, very little scientific effort has gone into the search for a cure. For example, the National Institute of Health held a conference in 1955 on possibilities of finding an answer. Another conference was not held until 1970, when the NIR funded a conference sponsored by the National Paraplegia Foundation.

What provides hope for a cure, and what prompts the Foundation to spur the search with its award?

Dr. William Windle of Denison University, a pioneer in the study of spinal cord regeneration and a leader in establishing the award, has this to say. "Last year in our meeting we got 22 scientists together from a number of disciplines. They pooled their knowledge of the latest developments and concluded the problem no longer should be considered insoluble.

The scientist refrained from suggesting any breakthrough in the near future. Nor did they even promise a long-range success. What they said was that the effort is worth trying because of gains in biochemistry and molecular biology over the past 20 years.

Dr. Windle said "I think a new ray of hope is piercing the gloom." He added that the problem revolves about the intact spinal cord, which though crushed is not severed.

Prof. Timothy Nugent, University of Illinois, president of the National Paraplegia Foundation, said there are four main areas into which scientists are probing. These include collateral sprouting, regrowth of neurons, neurotrophic interaction and nerve specificities.

All of these deal with a natural capacity for regrowth which scientists are trying to harness, guide and direct. Studies include cellular interactions, gene expression in cells, muscle fibre enervation and nerve cellactivity.

There have been a few encouraging developments recently. At Hahnemann Hospital in Philadelphia, Dr. Jewell Osterholm has discovered in animals a key mechanism that causes paralysis when the spinal cord is hit, but not severed. With this knowledge, a team of doctors there was a able to prevent paralysis in nearly 100 experimental cats which otherwise would have been totally crippled by spinal injuries.

They reported that a drug injection given 15 minutes after the injury aborted the crippling process. The drug is too toxic for human use but the development is seen as a step toward finding usable drugs.

Already the Paraplegia Foundation of Arizona, working through hospitals, St. Joseph's and Good Samaritan, is concentrating on a search for a cure in addition to treatment.

Liberty Mutual Insurance Company, with headquarters in Boston and a research center in Hopkinton, is among the leaders in this area working on spinal cord problems. It is estimated that the cost of a shattered career can run anywhere from $50,000 to $75,000 to more than $100,000 per year depending on the extent of injuries, the amount of care needed and loss of income.

These are some reasons the Paraplegia Foundation has offered the award for work contributing to finding a cure and selected a panel of distinguished scientists such as Dr. John C. Eccles of the State University of New York; Dr. Edward E. MacNichol, Jr., National Institute of Neurology, Diseases and Stroke, N.I.H.; Dr. Howard A. Rusk of New York; Dr. Francis O. Schmitt of M.I.T., and others to make the award.

MEDICAL CARE AS A RIGHT—A REFUTATION

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 24, 1972

Mr. SCHMITZ. Mr. Speaker, as new giant steps toward socialized medicine in the United States are brought before us under the name of "national health insurance," we should all take a closer look at the basic premises we have in mind as we consider such legislation. Many are assuming, without careful and logical thought, that medical care is a right, on the same order as the rights guaranteed in the first 10 amendments to our Constitution. Yet in fact, necessary though medical care may be, it is not and cannot be any man's right, because that implies that another man—the doctor—may have to give up his rights in order to provide it. This point is ably developed by Dr. Robert M. Sade in the following article which appeared in the December 2, 1971, issue of the New England Journal of Medicine:

MEDICAL CARE AS A RIGHT: A REFUTATION

(By Robert M. Sade, M.D.)

ABSTRACT

From man's primary right—the right to his own life—derive all others, including the rights to select and pursue his own values, and to dispose of these values, once gained, without coercion. The choice of the conditions under which a physician's services are rendered belongs to the physician as a consequence of his right to support his own life.

If medical care, which includes physician's services, is considered the right of the patient, that right should properly be protected by government law. Since the ultimate authority of all law is force of arms, the physician's professional judgment—that is, his mind—is controlled through threat of violence by the state. Force is the antithesis of mind, and man cannot survive qua man without the free use of his mind. Thus, since the concept of medical care as the right of the patient entails the use or threat of violence against physicians, that concept is antimind—therefore, antilife, and, therefore, immoral.

The current debate on health care in the United States is of the first order of importance to the health professions, and of no less importance to the political future of the nation, for precedents are now being set that will be applied to the rest of American society in the future. In the enormous volume of verbiage that has poured forth, certain fundamental issues have been so often misrepresented that they have now become commonly accepted fallacies. This paper will be concerned with the most important of these misconceptions, that health care is a right, as well as a brief consideration of some of its corollary fallacies.

RIGHTS—MORALITY AND POLITICS

The concept of rights has its roots in the moral nature of man and its practical expression in the political system that he creates. Both morality and politics must be discussed before the relation between political rights and health care can be appreciated.

A "right" defines a freedom of action. For instance, a right to a material object is the uncoerced choice of the use to which that object will be put; a right to a specific action, such as free speech, is the freedom to engage in that activity without forceful repression. The moral foundation of the rights of man begins with the fact that he is a living creature; he has the right to his own life. All

other rights are corollaries of this primary one; without the right of life, there can be no others, and the concept of rights itself becomes meaningless.

The freedom to live, however, does not automatically ensure life. For man, a specific course of action is required to sustain his life, a course of action that must be guided by reason and reality and has as its goal the creation or acquisition of material values, such as food and clothing, and intellectual values, such as self-esteem and integrity. His moral system is the means by which he is able to select the values that will support his life and achieve his happiness.

Man must maintain a rather delicate homeostasis in a highly demanding and threatening environment, but has at his disposal a unique and efficient mechanism for dealing with it: his mind. His mind is able to perceive, to identify percepts, to integrate them into concepts, and to use those concepts in choosing actions suitable to the maintenance of his life. The rational function of mind is volitional, however; a man must *choose* to think, to be aware, to evaluate, to make conscious decisions. The extent to which he is able to achieve his goals will be directly proportional to his commitment to reason in seeking them.

The right to life implies three corollaries: the right to select the values that one deems necessary to sustain one's own life; the right to exercise one's own judgment of the best course of action to achieve the chosen values; and the right to dispose of those values, once gained, in any way one chooses, without coercion by other men. The denial of any one of these corollaries severely compromises or destroys the right to life itself. A man who is not allowed to choose his own goals, is prevented from setting his own course in achieving those goals and is not free to dispose of the values he has earned is no less than a slave to those who usurp those rights. The right to private property, therefore, is essential and indispensable to maintaining free men in a free society.

Thus, it is the nature of man as a living, thinking being that determines his rights—his "natural rights." The concept of natural rights was slow in dawning on human civilization. The first political expression of that concept had its beginnings in 17th and 18th century England through such exponents as John Locke and Edmund Burke, but came to its brilliant debut as a form of government after the American Revolution. Under the leadership of such men as Thomas Paine and Thomas Jefferson, the concept of man as a being sovereign unto himself, rather than a subdivision of the sovereignty of a king, emperor or state, was incorporated into the formal structure of government for the first time. Protection of the lives and property of individual citizens was the salient characteristic of the Constitution of 1787. Ayn Rand has pointed out that the principle of protection of the individual against the coercive force of government made the United States the first moral society in history.[1]

In a free society, man exercises his right to sustain his own life by producing economic values in the form of goods and services that he is, or should be, free to exchange with other men who are similarly free to trade with him or not. The economic values produced, however, are not given as gifts by nature, but exist only by virtue of the thought and effort of individual men. Goods and services are thus owned as a consequence of the right to sustain life by one's own physical and mental effort.

If the chain of natural rights is interrupted, and the right to a loaf of bread, for example, is proclaimed as primary (avoiding the necessity of earning it), every man owns a loaf of bread, regardless of who produced it. Since ownership is the power of disposal,[2] every man may take his loaf from the baker and dispose of it as he wishes with or without the baker's permission. Another element has thus been introduced into the relation between men: the use of force. It is crucial to observe who has initiated the use of force: it is the man who demands unearned bread as a right, not the man who produced it. At the level of an unstructured society it is clear who is moral and who immoral. The man who acted rationally by producing food to support his own life is moral. The man who expropriated the bread by force is immoral.

To protect this basic right to provide for the support of one's own life, men band together for their mutual protection and form governments. This is the only proper function of government: to provide for the defense of individuals against those who would take their lives or property by force. The state is the respository for retaliatory force in a just society wherein the only actions prohibited to individuals are those of physical harm or the threat of physical harm to other men. The closest that man has ever come to achieving this ideal of government was in this country after its War of Independence.

When a government ignores the progression of natural rights arising from the right to life, and agrees with a man, a group of men, or even a majority of its citizens, that every man has a right to a loaf of bread, it must protect that right by the passage of laws ensuring that everyone gets his loaf—in the process depriving the baker of the freedom to dispose of his own product. If the baker disobeys the law, asserting the priority of his right to support himself by his own rational disposition of the fruits of his mental and physical labor, he will be taken to court by force or threat of force where he will have more property forcibly taken from him (by fine) or have his liberty taken away (by incarceration). Now the initiator of violence is the government itself. The degree to which a government exercises its monopoly on the retaliatory use of force by asserting a claim to the lives and property of its citizens is the degree to which it has eroded its own legitimacy. It is a frequently overlooked fact that behind every law is a policeman's gun or a soldier's bayonet. When that gun and bayonet are used to initiate violence, to take property or to restrict liberty by force, there are no longer any rights, for the lives of the citizens belong to the state. In a just society with a moral government, it is clear that the only "right" to the bread belongs to the baker, and that a claim by any other man to that right is unjustified and can be enforced only by violence or the threat of violence.

RIGHTS—POLITICS AND MEDICINE

The concept of medical care as the patient's right is immoral because it denies the most fundamental of all rights, that of a man to his own life and the freedom of action to support it. Medical care is neither a right nor a privilege: it is a service that is provided by doctors and others to people who wish to purchase it. It is the provision of this service that a doctor depends upon for his livelihood, and is his means of supporting his own life. If the right to health care belongs to the patient, he starts out owning the services of a doctor without the necessity of either earning them or receiving them as a gift from the only man who has the right to give them: the doctor himself. In the narrative above substitute "doctor" for "baker" and "medical service" for "bread." American medicine is now at the point in the story where the state has proclaimed the non-existent "right" to medical care as a fact of public policy, and has begun to pass the laws to enforce it. The doctor finds himself less and less his own master and more and more controlled by forces outside of his own judgment.

For instance, under the proposed Kennedy-Griffiths bill,[3] there will be a "Health Security Board," which will be responsible for administering the new controls to be imposed on doctors, hospitals, and other "providers" of health care (Sec. 121). Specialized services, such as major surgery, will be done by "qualified specialists" [Sec. 22(b)(2)], such qualifications being determined by the Board (Sec. 42). Furthermore, the patient can no longer exercise his own initiative in finding a specialist to do his operation, since he must be referred to the specialist by a nonspecialist—i.e., a general practitioner or family doctor [Sec. 22(b)]. Licensure by his own state will not be enough to be a qualified practitioner; physicians will also be subject to a second set of standards, those established by the Board [Sec. 42(a)]. Doctors will no longer be considered competent to determine their own needs for continuing education, but must meet requirements established by the Board [Sec. 42(e)]. The professional staff of a hospital will no longer be able to determine which of its members are qualified to perform which kinds of major surgery; specialty-board certification or eligibility will be required, with certain exceptions that include meeting standards established by the Board [Sec. 42(d)].

Control of doctors through control of the hospitals in which they practice will also be exercised by the Board by way of a list of requirements, the last of which is a "sleeper" that will by its vagueness allow the Board almost any regulation of the hospital: the hospital must meet "such other requirements as the Board finds necessary in the interest of quality of care and the safety of patients in the institution" [Sec. 43(i)]. Hospitals will also not be allowed to undertake construction without higher approval by a state agency or by the Board (Sec. 52).

In the name of better organization and co-ordination of services, hospitals, nursing homes and other providers will be further controlled through the Board's power to issue directives forcing the provider to furnish services selected by the Board [Sec. 131(a)(1),(2)] at a place selected by the Board [Sec. 131(a)(3)]. The Board can also direct these providers to form associations with one another of various sorts, including "making available to one provider the professional and technical skills of another" [Sec. 131(a)(B)], and such other linkages as the Board thinks best [Sec. 131(a)(4)(C)].

These are only a few of the bill's controls of the health-care industry. It is difficult to believe that such patent subjugation of an entire profession could ever be considered a fit topic for discussion in any but the darkest corner of a country founded on the principles of life and liberty. Yet the Kennedy-Griffiths bill is being seriously debated today in the Congress of the United States.

The irony of this bill is that, on the basis of the philosophic premises of its authors, it does provide a rationally organized system for attempting to fulfill its goals, such as "making health services available to all residents of the United States." If the government is to spend tens of billions of dollars on health services, it must assure in some way that the money is not being wasted. Every bill currently before the national legislature does, should, and must provide some such controls. The Kennedy-Griffiths bill is the closest we have yet come to the logical conclusion and inevitable consequence of two fundamental fallacies; that health care is a right, and that doctors and other health workers will function as efficiently serving as chattels of the state as they will living as sovereign human beings. It is not, and they will not.

Any act of force is anti-mind. It is a con-

Footnotes at end of article.

fession of the failure of persuasion, the failure of reason. When politicians say that the health system must be forced into a mold of their own design, they are admitting their inability to persuade doctors and patients to use the plan voluntarily; they are proclaiming the supremacy of the state's logic over the judgments of the individual minds of all concerned with health care. Statists throughout history have never learned that compulsion and reason are contradictory, that a forced mind cannot think effectively and, by extension, that a regimented profession will eventually choke and stagnate from its own lack of freedom. A persuasive example of this is the moribund condition of medicine as a profession in Sweden, a country that has enjoyed socialized medicine since 1955. Werko, a Swedish physician, has stated: "The details and the complicated working schedule have not yet been determined in all hospitals and districts, but the general feeling of belonging to a free profession, free to decide—at least in principle—how to organize its work has been lost. Many hospital-based physicians regard their work now with an apathy previously unknown."[4] One wonders how American legislators will like having their myocardial infarctions treated by apathetic internists, their mitral valves replaced by apathetic surgeons, their wives' tumors removed by apathetic gynecologists. They will find it very difficult to legislate self-esteem, integrity and competence into the doctors whose minds and judgments they have throttled.

If anyone doubts that health legislation involves the use of force, a dramatic demonstration of the practical political meaning of the "right to health care" was acted out in Quebec in the closing months of 1970.[5] In that unprecedented threat of violence by a modern Western government against a group of its citizens, the doctors of Quebec were literally imprisoned in the province by Bill 41, possibly the most repressive piece of legislation ever enacted against the medical profession, and far more worthy of the Soviet Union or Red China than a western democracy. Doctors objecting to a new Medicare law were forced to continue working under penalty of jail sentence and fines of up to $500 a day away from their practices. Those who spoke out publicly against the bill were subject to jail sentences of up to a year and fines of up to $50,000 a day. The facts that the doctors did return to work and that no one was therefore jailed or fined do not mitigate the nature or implications of the passage of Bill 41. Although the dispute between the Quebec physicians and their government was not one of principle but of the details of compensation, the reaction of the state to resistance against coercise professional regulation was a classic example of the naked force that lies behind every act of social legislation.

Any doctor who is forced by law to join a group or a hospital he does not choose, or is prevented by law from prescribing a drug he thinks is best for his patient, or is compelled by law to make any decision he would not otherwise have made, is being forced to act against his own mind, which means forced to act against his own life. He is also being forced to violate his most fundamental professional commitment, that of using his own best judgment at all times for the greatest benefit of his patient. It is remarkable that this principle has never been identified by a public voice in the medical profession, and that the vast majority of doctors in this country are being led down the path to civil servitude, never knowing that their feelings of uneasy foreboding have a profoundly moral origin, and never recognizing that the main issues at stake are not those being formulated in Washington, but are their own honor, integrity and freedom, and their own survival as sovereign human beings.

SOME COROLLARIES

The basic fallacy that health care is a right has led to several corollary fallacies, among them the following:

That health is primarily a community or social rather than an individual concern.[6] A simple calculation from American mortality statistics[7] quickly corrects that false concept: 67 per cent of deaths in 1967 were due to diseases known to be caused or exacerbated by alcohol, tobacco smoking or overeating, or were due to accidents. Each of those factors is either largely or wholly correctable by individual action. Although no statistics are available, it is likely that morbidity, with the exception of common respiratory infections, has a relation like that of mortality to personal habits and excesses.

That state medicine has worked better in other countries than free enterprise has worked here. There is no evidence to support that contention, other than anecdotal testimonals and the spurious citation of infant mortality and longevity statistics. There is, on the other hand, a good deal of evidence to the contrary.[8,9]

That the provision of medical care somehow lies outside the laws of supply and demand, and that government-controlled health care will be free care. In fact, no service or commodity lies outside the economic laws. Regarding health care, market demand, individual want, and medical need are entirely different things, and have a very complex relation with the cost and the total supply of available care, as recently discussed and clarified by Jeffers et al.[10] They point out that " 'health is purchaseable', meaning that somebody has to pay for it, individually or collectively, at the expense of foregoing the current or future consumption of other things." The question is whether the decision of how to allocate the consumer's dollar should belong to the consumer or to the state. It has already been shown that the choice of how a doctor's services should be rendered belongs only to the doctor: in the same way the choice of whether to buy a doctor's service rather than some other commodity or service belongs to the consumer as a logical consequence of the right of his own life.

That opposition to national health legislation is tantamount to opposition to progress in health care. Progress is made by the free interaction of free minds developing new ideas in an atmosphere conducive to experimentation and trial. If group practice really is better than solo, we will find out because the success of groups will result in more groups (which has, in fact, been happening); if prepaid comprehensive care really is the best form of practice, it will succeed and the health industry will swell with new Kaiser-Permanente plans. But let one of these or any other form of practice become the law, and the system is in a straitjacket that will stifle progress. Progress requires freedom of action, and that is precisely what national health legislation aims at restricting.

That doctors should help design the legislation for a national health system, since they must live with and within whatever legislation is enacted. To accept this concept is to concede to the opposition its philosophic premises, and thus to lose the battle. The means by which nonproducers and hangers-on throughout history have been able to expropriate material and intellectual values from the producers has been identified only relatively recently: the sanction of the victim.[11] Historically, few people have lost their freedom and their rights without some degree of complicity in the plunder. If the American medical profession accepts the concept of health care as the right of the patient, it will have earned the Kennedy-Griffiths bill by default. The alternative for any health professional is to withhold his sanction and make clear who is being victimized. Any physician can say to those who would shackle his judgment and control his profession: I do not recognize your right to my life and my mind, which belong to me and me alone; I will not participate in any legislated solution to any health problem.

In the face of the raw power that lies behind government programs, nonparticipation is the only way in which personal values can be maintained. And it is only with the attainment of the highest of those values—integrity, honesty and self-esteem—that the physician can achieve his most important professional value, the absolute priority of the welfare of his patients.

The preceding discussion should not be interpreted as proposing that there are no problems in the delivery of medical care. Problems such as high cost, few doctors, low quantity of available care in economically depressed areas may be real, but it is naïve to believe that governmental solutions through coercive legislation can be anything but shortsighted and formulated on the basis of political expediency. The only long-range plan that can hope to provide for the day after tomorrow is a "nonsystem"—that is, a system that proscribes the imposition by force (legislation) of any one group's conception of the best forms of medical care. We must identify our problems and seek to solve them by experimentation and trial in an atmosphere of freedom from compulsion. Our sanction of anything less will mean the loss of our personal values, the death of our profession, and a heavy blow to political liberty.

FOOTNOTES

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[10] Jeffers, J. R., Bognanno, M. F., Bartlett, J. C.: On the demand versus need for medical services and the concept of "shortage." Am. J. Publ. Health 61:46–63, 1971.

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MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 24, 1972

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

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

NETWORK NEWSMEN HAVE LITTLE TO SAY AS NIXON LANDS IN PEKING

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 24, 1972

Mr. DERWINSKI. Mr. Speaker, one of the most knowledgeable observers of the television scene is the Chicago Tribune's Clarence Petersen who, in his column of February 22, very objectively analyzed the manner in which networks have taken covering the President's visit to Peking.

The column follows:

NETWORK NEWSMEN HAVE LITTLE TO SAY AS NIXON LANDS IN PEKING

(By Clarence Petersen)

By the time President Nixon returns from his historic seven-day trip to mainland China, the three television networks will have spent about $10 million covering the event. That works out to about $1.4 million a day, and frankly, the first day coverage Sunday wasn't quite worth it.

Maybe I missed something by changing channels so often, but the main impression I got—from Walter Cronkite, Dan Rather, Eric Sevareid, Edwin Newman, John Chancellor, Barbara Walters, Harry Reasoner, and Howard K. Smith—was that we probably shouldn't make too much of the small crowds that turned out at the airport to welcome the President.

"What do you make of that?" someone in New York would ask someone in Peking, or vice versa.

"Well, I think it would be a mistake to make too much of it," someone in Peking would say to someone in New York, or vice versa.

Then, on CBS, three experts on China would speculate on the size of the crowd, each in his own way advising that we not make too much of it.

I did not make too much of the size of the crowd.

Other than that, it looked pretty much like every other state visit. The door opened right after the plane rolled smoothly into the terminal, and the President stepped out, smiled and shook hands, and exchanged what one presumes were pleasantries with a receiving line.

Prime Minister Chou En-lai was at the head of the line, but Chairman Mao Tse-tung wasn't there at all. We were told not to make too much out of that either because Chairman Mao does not, according to Chinese protocol, show up at airports very often.

Then the President reviewed a long line of troops. That too was routine altho it occurred to me that perhaps we would have a more peaceful world if that part of the ritual were reexamined. Why should anyone hosting a state visit designed to promote peace start out by showing his guest what a sharp army he has?

But let us not make too much of that because it is a tradition, a matter of inertia; it probably has no significance at all.

Then a Chinese band played our national anthem and also theirs. If my recollections of playing our national anthem four or five hundred times during my two years in an army band are correct, the Chinese band played it at a retarded tempo. They played their own anthem at a spritely pace.

We probably shouldn't make too much out of that either, considering that Chinese musicians haven't had much practice playing our national anthem in the last 20 years.

Then the President went thru a second receiving line. I had NBC on at the time and heard Ed Newman ask Chancellor what that second line was.

Chancellor said, candidly, that he hadn't the slightest idea. Fortunately someone else did have the slightest idea, so Chancellor could explain a moment later that it was the revolutionary committee of the city of Peking. Chancellor explained that they were very important, but he didn't say whether we were supposed to make too much out of that or not. I chose not to.

Then the President got into his car and took the road from the airport, which, according to Harry Reasoner, I think, was officially named "The Road to the Airport" and the name did not change even if you were riding in the other direction.

While the President was riding, we saw pictures along the route taken earlier during a "rush hour." There are lots of bicycles on the road during a rush hour in Peking but very few cars. I thought that was pretty interesting.

Everything was gray and dreary and flat on my black-and-white set. It looked very much like the Illinois countryside in the winter altho I did not notice any smog. The leaves were off the trees—or at least it seemed that way. And the buildings did not look very oriental—no pagodas or dragons or anything like that.

While the motorcade was en route, there developed some differences of opinion between New York and Peking about whether Prime Minister Chou and President Nixon would make any statements upon arrival in Tien An Men Square. As it turned out, there were no speeches.

Later that night—the schedule said 2 a.m. Monday Chicago time—there would be an exchange of toasts at a state dinner.

There would be food for speculation on the dinner menu, it was explained. Its importance could be gauged by the number of courses served and by the number of people who showed up. No one had much advance information. The Chinese newspapers carried only a brief mention of the visit, and the American newsmen had been in Peking for only 48 hours.

It was also mentioned several times that perhaps it was a mistake to make too much of the President's visit itself because the administration had repeatedly emphasized that you do not clear up two decades of hostility in one seven-day visit.

Meanwhile, we shall see some interesting travel films as Pesident and Mrs. Nixon tour the country, so let's enjoy them and try not to make too much of it.

THE 54TH ANNIVERSARY OF LITHUANIAN INDEPENDENCE

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1972

Mr. DELANEY. Mr. Speaker, I am pleased to join my colleagues in marking the 54th anniversary of Lithuanian independence.

Tragically, the great, freedom-loving people now living in Lithuania are unable to join in celebrating this auspicious occasion, as they are forced to live in bondage under the ruthless tyranny of the Soviet Union.

The 700-year-old nation of Lithuania, like her Baltic neighbors, Estonia and Latvia, has for centuries suffered from "the accident of geography," and been under attack from East and West. For more than a century, Lithuanians were under subjugation of the Russian Empire, but were finally successful in gaining independence on February 16, 1918.

However, this peacful and productive interlude of freedom was shattered in June 1940, under the brutal heel of the Soviet army, and Lithuania was forcefully annexed as a part of the Soviet Union. During this period of Communist occupation the people of Lithuania have suffered severe hardship. It is estimated that in just one brief period alone, between June 15 and June 21, 1940, 45,000 of her people lost their lives or were deported.

Despite their long suffering, no amount of repression has succeeded in stifling their inate yearning for and constant dedication to liberty. No better example of this can be shown than the dramatic—but regrettably unsuccessful—attempt by the Lithuanian seaman, Simas Kudirka, to escape from Soviet bondage onto a U.S. Coast Guard vessel.

Hopefully by focusing world attention on the lack of freedom of these noble and courageous people, the Soviet Union will ultimately be forced to loose the chains of slavery, and allow this great nation to once again take her place among the free nations of the world.

HON. CARL HAYDEN

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1972

Mr. MORSE. Mr. Speaker, the Nation has lost a great and good man in the recent passing of Carl Hayden. This distinguished legislator and statesman, elected to the Congress of the United States when Arizona was first admitted to the Union, served his State and his country tirelessly for 67 years. In 1969, when he voluntarily retired, he was missed greatly by the entire Congress, where his wisdom, leadership, and guidance had brought him the admiration of all Americans.

Born in 1877, Carl Hayden began his public life at the age of 25, when he was elected to the city council of his frontier town, Tempe, Ariz. He next served as the treasurer of Maricopa County, and then as sheriff of the county until his election, in 1912, to the 62d Congress as a Member of the House of Representatives. In 1927, he was elected to the Senate, where he served longer than any other person in our history. During these years, he built a record of public service which may never be equaled. Through these years, he saw his home achieve statehood and saw it become one of the most prosperous and fastest growing States in the Union. As the chairman of the Senate Committee on Appropriations for many years, and as President pro tempore of the Senate for 12 years, he brought enormous prestige and dignity to the Congress.

Senator Carl Hayden was a truly great citizen, who has earned the lasting gratitude of all Americans. His immense impact on the development of our country stands as an example for all to follow, and it is with deep regret that I join my colleagues in paying tribute to this outstanding statesman.

HUNTER COLLEGE ALUMNI ASSOCIATION CELEBRATES THE 90TH ANNIVERSARY OF FRANKLIN D. ROOSEVELT'S BIRTH

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 24, 1972

Mrs. ABZUG. Mr. Speaker, several weeks ago, the Hunter College Alumni Association sponsored a program marking the 90th anniversary of the birth of Franklin Delano Roosevelt. In 1940, as president of the Hunter Student Council, I had the privilege of welcoming this great man to Hunter College, and I am pleased that my alma mater paid tribute to him this year.

F. D. R. became the leader of our Nation when it was struggling through its worst economic crisis; his spirit convinced us all that we could once again stand on our feet; his bold leadership enabled us to institute urgently needed social programs and carried us through a long and terrible war.

I include at the conclusion of my remarks the program of the anniversary observance and two papers—Bernard Shull's "The Economic Policies of the New Deal" and Abba Schwartz's "F. D. R. and Refugee Policy"—delivered there:

FRANKLIN D. ROOSEVELT—A COMMEMORATION OF THE 90TH ANNIVERSARY OF HIS BIRTH

THE PARTICIPANTS

Hertha Dreher Winsch, president of the Alumni Association, credits her officers, board members, committee chairman, and members with successfully moving the Alumni into a closer alliance with the College; broadening and extending the lines of communication; sponsoring memorable or time-honored events such as the Centennial Dinner, the Spring Gala, Homecoming; and innovating new programs such as this Commemoration of Franklin D. Roosevelt. By profession a biology and general science teacher in New York City secondary schools, she is presently program chairman of New Dorp High School, Staten Island.

Anna Michels Trinsey was president of the Alumni Association from 1962 to 1966. Earlier, she was Dean of Students and Associate Professor of English at Hunter College. Since her retirement, she has been active in advancing the opportunity for free public higher education for all through the City University Alumni Coordinating Council and through the Council for Public Higher Education.

Naomi Block Stern was elected president of her class at Hunter and president of the student body. Her friendship with Eleanor Roosevelt began at Hunter before her graduation thirty years ago and lasted until Mrs. Roosevelt's death in 1962. She has been with Revlon since 1955 and is current Director of Retail Services.

Franklin D. Roosevelt, Jr., an attorney and former government official and congressman, is now an automobile company executive. He represented the Twentieth District of New York in the Eighty-first Congress (filling an unexpired term) and was re-elected to the Eighty-second and Eighty-third Congresses. He served as Undersecretary of Commerce and in 1965–1966 as Chairman of the Equal Employment Opportunity Commission. In 1966 he was the Liberal Party candidate for governor of New York State. He holds a lifetime appointment as one of three United States members of the Roosevelt Campobello International Park Commission.

Jacqueline Wexler, President of Hunter College since January 1970, was formerly President of Webster College in St. Louis. A participant in high-level educational conferences and seminars across the nation, she was appointed in 1963 to the President's Advisory Panel on Research and Development in Education, which helped set up Project Head Start. As an educational innovator and believer in educational opportunity for all, she has supported and carried out the policy of open admissions at Hunter. Her publications include articles in educational and general periodicals and the book *Where I Am Going* (1968), a collection of her speeches. Under her administration and guidance, all Hunter alumni have been welcomed as an integral part of the College community.

James L. Whitehead was acquainted with President and Mrs. Roosevelt while a member of the original staff of the FDR Library, serving as Assistant Archivist (his first professional job after doctoral studies in history). After two years, he left Hyde Park in 1942 to perform civilian public service during the war. After the war, he served as Assistant to the Director of the Minnesota Historical Society and from 1951 to 1961 as Director of the Staten Island Institute of Arts and Sciences. From 1961 to 1964 he was Assistant to the President of Pratt Institute in Brooklyn. He has been Curator of the FDR Library since 1967.

George N. Shuster, President Emeritus of Hunter College, welcomed Franklin D. Roosevelt at the time of his visit to Hunter in 1940. He is a distinguished author, scholar, editor, and translator. Since leaving Hunter in 1960 he has served as Assistant to the President of Notre Dame. A multi-faceted educator and administrator, he has been appointed to a long list of national and international organizations and commissions, including the United Nations Educational, Scientific, and Cultural Organization (UNESCO). During his administration at Hunter he negotiated with President Roosevelt for the acquisition of Roosevelt House (the New York City home of the Roosevelt family) as a center for student religious groups.

Meta J. Schechter is now celebrating the sixtieth anniversary of her graduation from Hunter. One of her achievements as an undergraduate was the Dundon Prize for Elocution. An instructor of German, she taught in elementary and high schools in New York City. She is a former first vice president of the Alumni Association and has also served on the Board of Directors and on the Executive Council.

Nora Davis, a college senior majoring in dramatics, is the daughter of the actress Ruby Dee—a Hunter alumna—and of the actor-writer Ossie Davis. Her parents are also noted for their activities in civil rights movements.

Arthur Schlesinger, Jr., has been Albert Schweitzer Professor of the Humanities at The City University of New York since the Fall of 1966, having previously taught at Harvard. His government posts have included service as Special Assistant to President Kennedy (a role he continued in briefly with President Johnson). Earlier, in 1952 and 1956 he had been a member of Adlai Stevenson's campaign staff. Among his publications are the 1946 Pulitzer Prize-winning work *The Age of Jackson* and *A Thousand Days: John F. Kennedy in the White House* (published in 1965 and subsequently the winner of the National Book Award for History and Biography and the Pulitzer Prize for Biography). His most recent books are *The Bitter Heritage: Vietnam and American Democracy 1941–1966* (1967); *Violence: America in the Sixties* (1968); *The Crisis of Confidence: Ideas, Power and Violence in America* (1969); and *History of American Presidential Elections* (1971—edited with F. L. Israel). He is the author of the three-volume work *The Age of Roosevelt: The Crisis of the Old Order*, which won the Bancroft Prize and the Parkman Prize for History in 1957: *The Coming of the New Deal* (1958); and *The Politics of Upheaval* (1960). A fourth volume is in preparation.

Robert S. Hirschfield, Professor and Chairman of the Department of Political Science at Hunter College, is also Director of the Center for Education in Politics, which administers the City University Seminar/Internship Program in New York City Government. Primarily interested in the field of American government and politics, he has also taught at Harvard, New York University, and Fordham. He has lectured throughout the United States and abroad and appears on television as a political analyst and commentator. An active participant in public affairs at the national and local levels, he has served as educational consultant to state and city officials and as an adviser to Mayor John V. Lindsay, Mayor Robert F. Wagner, Senator Robert F. Kennedy, and Adlai Stevenson. His publications include contributions to academic and general periodicals and the books *The Constitution and the Court* and *The Power of the Presidency*.

Bernard Shull, Professor of Economics at Hunter College, served previously with the Federal Reserve Board—as Associate Adviser (1970); Chief, Banking Markets Section (1967–1970); Director of Research Projects and Senior Economist for the Reappraisal of the Federal Reserve Discount Mechanism (1965–1968). He has also had posts as an economist with the Office of the Comptroller of the Currency of the U.S. Treasury Department (1963–1965) and the Federal Reserve Bank of Philadelphia (1958–1963) and has lectured at the University of Pennsylvania. A consultant to the President's Commission on Financial Structure and Regulation (Hunt Commission) and to the Board of Governors of the Federal Reserve System, he is the author of articles on banking and the Federal Reserve System.

John G. Stoessinger is Professor of Political Science at Hunter College and Director of the City University's Institute on the United Nations. At the age of eleven he fled from Nazi-occupied Austria to Czechoslovakia. Three years later he fled again via Siberia to China, where he lived for seven years. In Shanghai he served the International Refugee Organization. He arrived in the United States in 1947 and after completing his academic studies taught at Harvard, Wellesley, MIT, and Columbia. He is Book Review Editor of the periodical *Foreign Affairs* and is a member of the Council on Foreign Relations. His publications include *The Might of Nations: World Politics in Our Times* (awarded the Bancroft Prize in 1963); *The Refugee and the World Community* (1956); *Financing the United Nations* (1964, for the Brookings Institution); *The United Nations and the Superpowers* (1965); and *Nations in Darkness: China, Russia and America* (1971).

Abba P. Schwartz is an international lawyer, a recognized expert on refugee affairs, and a former government official. His interest in refugees began at college in 1940, when he helped organize student assistance for refugees in association with Eleanor Roosevelt. His close relationship with Mrs. Roosevelt continued until her death in 1962. He has served as an official of the Intergovernmental Committee on Refugees (London, 1946–1947); Reparations Director of the

United Nations International Refugee Organization (Geneva, 1947–1949). One of the organizers of the Intergovernmental Committee for European Migration (ICEM), he was its Special Counsel from 1953 to 1962. He was a close adviser to President Kennedy, who appointed him Assistant Secretary of State in charge of the Bureau of Security and Consular Affairs with responsibility for U.S. immigration and refugee policies and programs. He was also a close adviser to Senator Robert F. Kennedy. His book *The Open Society* deals in part with U.S. policy on refugees.

Eli Arthur Schwartz began his autobiographical statement for a Woodrow Wilson Fellowship by recalling his reactions—as a seven-year old—to the announcement on the radio of the death of President Roosevelt. From Hunter he went on to study politics at Princeton and economics and finance at New York University. Since 1963 he has been with Moody's Investors Service. As Financial Economist, he writes about the stock, bond and money markets. His article, warning of a business recession, "The Dark Side of the Boom," appeared in the Summer, 1969, *Hunter Alumni Quarterly*. Currently, he is chairman of the Alumni Association's investments committee. As chairman, he wrote the "Report of the Special Committee for Advising on the Securing for Hunter Graduates a Role in the Governance of their College," reprinted in the Winter, 1970–71, *Alumni Quarterly*. Heading the nominating committee's 1972–75 slate as candidate for president of the Alumni Association, he is the first man put forth for that office in the organization's one-hundred-year history.

THE ECONOMIC POLICIES OF THE NEW DEAL

(By Bernard Shull*)

The economic policies of the New Deal were shaped by the monumental problems that confronted Franklin Roosevelt on his election in 1933. Memory may have dimmed the magnitude of the economic disaster that occurred between 1929 and 1933, but the cold data still reveal the incredible idling of men and machines—the worst depression in American history.

On taking office, President Roosevelt could look back on almost four years of persistent decline. Real income had dropped more than 30 per cent. Most firms were operating far below capacity, failure rates were high; it would have taken an ingenious man to secure credit and a courageous man to invest it. Gross private investment had dropped from $35 billion in 1929 to $4 billion in 1933. Construction had come to a standstill; no mortgage money was available and the prices of houses had fallen below their reproduction costs. More than 25 per cent of the labor force was totally unemployed, (with perhaps 30 million people directly affected); and, of those men unemployed, almost one-half had been unemployed for 2 or more years. A substantial number of those who were employed worked only part-time.

Farm production during the period had not dropped as had industrial production; in 1933 it was still 95 per cent of what it had been in 1929; but farm prices had fallen 50 per cent and the income of farmers had fallen to only about 35 per cent of what it had been in 1929.

These figures, it should be noted, are averages. In many communities and many industries the decline was much more severe. For example, imagine the effect of an 82 per cent decline in residential construction for construction workers and a 65 per cent decline in automobile production for Detroit. But data such as this reflects only the downward course of the economy, not the irreparable damage that had been done in the course of the decline to the institutions that had supported it. The structures and conventions on which the substantial expansion of the 1920's had been based had come apart. Mass unemployment and poverty of long duration could not be handled in the way unemployment and poverty had traditionally been handled—by relatives, private charity and the local community. The precipitous decline in farm income and the consequent mass delinquency in payment of taxes and debt service could not be handled by forced sale and foreclosure. The international financial system that had supported a substantial volume of foreign trade and capital flows had been abandoned by the major trading countries; it could not be simply or easily be replaced. The banking system and the securities markets were in complete collapse, and the traditional methods of handling illiquidity and insolvency simply made matters worse. And, finally, the quasi-governmental institution in which so much confidence had been placed during the 1920's—the Federal Reserve System—had proved to be of little value in the emergency—in the views of some modern students, worse then useless.

With economic decline and institutional destruction had come a depression of spirit that was extremely inhospitable to economic recovery. There had been repeated disappointments around each corner, rather than prosperity.

The inauguration of Franklin Roosevelt marked an economic turning point. The first contribution of the New Deal was a new confidence. Roosevelt, by his nature and personal characteristics and perhaps by his identification with the distressed, revived hope and altered expectations. The impact of the New Deal was reflected in the change in Walter Lippman's attitude. In 1932 he had found Franklin Roosevelt "without any important qualifications for the office (of President)".[1] But on March 7, 1933—2 days after the declaration of a nationwide bank holiday he wrote:

"The American people have at least had a lucky break. The culminating crisis of the depression has occurred at the precise moment when they are in the best possible position to take advantage of it. . . . The inauguration of Mr. Roosevelt has brought to the Presidency a man who is fresh in mind and bold in spirit, who has instantly captured the confidence of the people, whose power to act in the emergency will not be questioned. . . . Every crisis breaks a deadlock and sets events in motion. It is either a disaster or an opportunity. . . . The present crisis is a good crisis."[2]

To change expectations was, of course, not sufficient. But nevertheless, Lippman turned out to be right in stating that the bank holiday was the culminating crisis of the depression. The economic bottom was reached in March of 1933.

Nevertheless, the economic recovery proved to be excruciatingly slow and painful. Initial emphasis on raising price levels through the devaluation of the dollar in terms of gold and foreign currencies proved to be a false start. Attempts to promote recovery by agreement among private businessmen, labor and government through NRA "codes of fair behavior" proved to be, at a minimum, insufficient.

In retrospect, it is somewhat easier to see now than it must have been at the time that the irreparable damage done to the institutions that supported economic activity precluded a rapid recovery no matter what was done. But in retrospect also it can be seen that what have now become traditional governmental remedies for economic decline—appropriate fiscal and monetary policies—were not effectively implemented. But, then these remedies were hardly "traditional" at the time.

Fiscal policy under FDR was barely more sophisticated (in modern terms) than it had been under Hoover. In the 1929–33 period, the size of the Federal Government's budget relative to the size of the economy was so small as to make an expansionary fiscal policy difficult, even if it had been desired. But it was hardly desired. When the Federal deficit exceeded $2 billion in 1931, President Hoover had called for an increase in taxes. The Revenue Act of 1932 provided the largest percentage tax increase ever enacted in American peacetime history. But FDR, also, had campaigned for a balanced budget, and soon after election reduced government expenditures—principally veterans benefits and salaries of government employees. Throughout the 1930's Federal fiscal policy was erratic in its contribution to recovery. State and local governments, normally constrained by law to balanced budgets, were pushed to bankruptcy and could make no positive contribution. Many increased taxes. Federal Reserve policy which had failed to prevent just the sort of financial panic it was intended to prevent was thought, for the most part, to be ineffective. Nevertheless, relatively easy monetary policies appear to have contributed to recovery for several years after 1933, and monetary restriction contributed to a sharp economic decline in 1937.

Throughout the decade, unemployment remained above 14 per cent. It was not until 1941 that unemployment fell to 10 per cent and Gross National Product began to approximate its full employment potential.

It has been estimated that the lost output in "real" terms between 1929–33 was (in 1929 prices) $75.2 billion. Between 1933–41 it amounted to about $284 billion. In total (in real terms) lost output during the 1929–41 period was over $350 billion. The loss is almost beyond comprehension. It is as if the economy had simply shut down completely in 1929 for about 3 years.

In the repair of institutional structures, however, I believe the New Deal economic policies served better. Each change effected has been, of course, subject to a good deal of criticism: (1) the promotion of trade unions and sanctioning of collective bargaining; (2) the introduction of social security, unemployment insurance and minimum wages; (3) the establishment of TVA and the control of public utility holding companies; (4) the separation of commercial and investment banking; (5) the establishment of Federal deposit insurance; (6) the reorganization of the Federal Reserve; and (7) the regulation of security markets.

The direct contribution of these and other well-known institutional reforms to recovery in the 1930's is difficult if not impossible to calculate. It is possible that their immediate contribution, on balance, was quite small. And yet, it is also likely that at least a number of them were vital—necessary if not sufficient conditions for recovery. And, what is perhaps more important, during the long sustained post World War II boom these repaired and altered institutions proved sufficiently viable to withstand for many years the strains and stresses that continued expansion inevitably generates. It is only within recent years that widespread and fundamental changes appear necessary. Given the life of institutions in the modern age this isn't too bad.

In an open letter to President Roosevelt in 1933, J. M. Keynes, the English economist, pointed out that the New Deal policy involved two objectives—recovery and reform; and of these, recovery was of more immediate importance. But recovery was mysteriously slow, and reform was practicable as well as necessary. If the image of FDR as an economic tactician has been tarnished as a result, the reality of FDR is something different. The truth is that it is still not complete-

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[1] *New York Herald Tribune*, January 8, 1932.

[2] *New York Herald Tribune*, March 7, 1932.

ly clear why the Great Depression began, why it went on for so long, why it was so severe and what should have been done about it in 1933. (It is much easier to say what should have been done about it in 1929 and 1930.) Of the men who were available for national leadership at the time, it is hardly likely that any would have done better, and difficult to believe that any would have done as well.

F. D. R. AND REFUGEE POLICY

President Roosevelt has been both condemned for not having done enough to assist the victims of Nazi persecution, principally Jews, and praised for the measures he took to extend relief and a haven which saved the lives of many persecutees. The picture is a mixed one which can be judged fairly only by examination of the economic and political factors which influenced the policies of the United States Government towards refugees between 1933, when Hitler came to power, and the end of World War II.

The restrictionist attitude of the United States toward the admission of refugees evident in the Roosevelt Administration in 1933 was in fact a continuation of the policy adopted by the Hoover Administration in 1930 to curb all immigration to the fullest extent in view of a huge unemployment problem. The immigration law of 1917 excluded from admission to the United States all persons "likely to become a public charge." A strict interpretation of that clause by the Hoover Administration required that an intending immigrant either have personal funds sufficient to support himself or affidavits of friends or relatives in the United States assuring his financial support if he was unemployed, a real likelihood in view of the existing depression.

Anti-immigration sentiment, reflected in the basic 1924 Immigration Law and increased by the economic depression, was so strong that a 1931 immigration bill to reduce by 90% the full immigration quota of 156,000 passed the House and would have passed the Senate if it had come to a vote before the session ended.

With the appointment of Hitler as Chancellor of Germany on President Roosevelt's birthday, January 30, 1933, Jews were subjected to economic boycotts and exclusion from the Civil Service and many professions, so that within a year of Hitler's rule, over thirty thousand Jews had fled Germany into France, Belgium, Switzerland and other Western European countries.

The position of Jews continued to worsen. The Nuremburg laws of September 1935 stripped them of all rights as German citizens and thousands more fled the country.

Responding to this worsening situation, President Roosevelt, despite the continuing anti-immigration sentiment in the country, ordered a liberalization of the interpretation of the "public charge" clause. Consuls were ordered by the State Department to give refugees fleeing Germany "the most considerate attention and the most generous and favorable treatment possible". The result of this and similar additional instructions to the Consuls was a marked increase in immigration from Germany. But with 15 million people—one-fifth of the labor force—out of work in the United States, with people frightened and hungry, public opinion was deeply antagonistic to any action that would appear to increase competition for employment.

The intensified persecution of Jews and other anti-Nazis following Germany's annexation of Austria in March, 1938 triggered an immediate reaction from President Roosevelt. Within ten days, on March 23, 1938, at President Roosevelt's initiative, the State Department invited Western European and Latin American Governments, Australia, Canada, and New Zealand, to join the United States in a conference looking toward the establishment of an international body to facilitate the emigration of refugees from Austria and Germany and to assist in resettling those who had temporary asylum in other countries. At the same time he established the President's Advisory Committee on Political Refugees (PAC) headed by James G. McDonald, with George L. Warren as Executive Secretary to assist in formulating proposals for the conference.

The conference, attended by thirty governments, was held in Evian, France, in July 1938, and marked the first attempt by the United States to stimulate international cooperation in establishing permanent resettlement opportunities for refugees.

Recognizing that there was no chance of obtaining a liberalized immigration policy in the Congress, the State Department's invitation to the governments to attend the conference emphasized that "no country would be expected or asked to receive a greater number of immigrants than is permitted by existing legislation". But in April, before the conference, to alleviate the desperate situation of the persecutees in Austria, President Roosevelt, under existing statutory authority, merged the small Austrian quota into the German quota, making larger quota available to the Austrian persecutees as well as the Germans.

When the Evian Conference met in July 1938, a *Fortune Magazine* poll reported that 67.4% of the persons polled felt that in view of domestic unemployment "we should try to keep them (refugees) out". 18.2% felt we should allow them to come in "but not raise our immigration quotas". At about the same time, the *Brooklyn Jewish Examiner* conducted a poll among Congressmen to raise the immigration quotas 50 or 60% to allow in more refugees. Only two of six Jewish Congressmen who replied favored the proposal.

In what was regarded as a politically dangerous move domestically, the United States at the opening of the Evian Conference announced that it was making fully available to refugees the total combined German and Austrian quotas of 27,370. But thereafter country after country at the Conference stated its inability to accept an increased number of refugees.

Though unsuccessful in obtaining any commitments for increased acceptance of refugees, the Conference did agree to establish a new international organization to assist refugees, called the Intergovernmental Committee for Refugees, to be headquartered in London with membership limited to potential countries of resettlement, thus avoiding the mistake of the League of Nations which in earlier times had been hampered in its efforts to assist refugees by the negative votes of Germany and other refugee-producing states.

The first Director of the Intergovernmental Committee, Mr. George Rublee, negotiated with Germany through Dr. Hjalmar Schacht, President of the Reichsbank, to permit refugees to transfer abroad some of their assets which would have made them more attractive immigrants for whom resettlement opportunities would have opened. Although Rublee's efforts failed, the concept of planned international migration took root; and in a few years it was to become the principal means of resettling millions of refugees dislocated by World War II.

The Roosevelt Administration did not make any serious effort to persuade the Congress to enlarge the immigration quotas, because it was the fear of the Administration and of those groups which favored liberalizing the law to admit greater numbers of refugees that any serious effort to do so would result in imposition of even greater restrictions by the Congress. The reason for this again was less prejudice than the fear of workers, unions, and citizens that an influx of refugees would reduce the number of jobs available to Americans. Only one attempt was made to liberalize the law—the introduction of the Wagner-Rogers Bill to admit 20,000 refugee children under the age of 14, to be sponsored by the Quakers. Despite its humanitarian appeal, the bill never got out of Committee and never reached the floor of the Congress. It was withdrawn when the only basis for its passage was a compromise to charge the twenty thousand children against the quotas for adults.

Throughout the Roosevelt Administration our refugee admissions policy in the thirties and forties was generally indistinguishable from our restrictive immigration policies as reflected in our basic 1924 Immigration Law policies intensified by the Depression.

The failure of the Congress to liberalize the quotas to meet the pressing need of refugees and the failure of the Roosevelt Administration to press hard for remedial legislation reflected public opinion which could not be overcome. A Gallup Poll in 1939 reported only 26% approval for admission of 10,000 German refugee children; 66% opposed; and 8% with no opinion. There was even less support for modification of the quotas in favor of adults. In March 1938, when Germany absorbed Austria only 17% favored admitting "a larger number of Jewish exiles from Germany"; 75% opposed; and 8% had no opinion.

An example of the anti-refugee feeling because of the fear of competition for jobs focussed publicly on department store hiring. Many stores had Jewish owners and were accused of depriving Americans of jobs in favor of newly arrived refugees. The situation was so serious that Macy's, Abraham and Strauss, and others issued public denials. Bloomingdale's executed an affidavit that out of 2,500 workers, it had employed only 11 refugees in three years.

Though the influx of refugees was small in proportion to the population, and all were consumers and less than half wage earners, it wasn't possible to persuade the public or the Congress or the trades unions that their increased admission would not add to the millions unemployed. As a result, proponents of assistance to refugees did not advocate increasing the limited quotas with respect to adults. They concentrated on admission of children outside the quotas, and even that failed.

The Jewish organizations concerned with refugees, the State Department, the leading members of Congress, as well as civic leaders all agreed that efforts to enlarge the quotas would most likely result in further restrictions.

In mid-1940, as Western Europe fell before the Germin armies, the Nazi fifth-column was believed to be a major cause of Hitler's success. As a result, aliens became suspect everywhere, including the United States, and it was believed essential that controls be more carefully enforced against possible entry of Nazi agents into the United States. In an effort to tighten controls over aliens. President Roosevelt asked the Congress in May, 1940 to transfer the Immigration Service from the Labor Department to the Department of Justice, to which the Congress responded immediately. Beginning in the summer of 1940, more stringent controls were imposed on immigration from Germany and Eastern European countries. This fear of subversion resulted in the quotas being unused to the extent of 50%.

With the Congress and public opposed to any remedial legislation, President Roosevelt sought to assist the increasing number of refugees by executive action as the Nazis swept through Europe in 1943. At a conference in Bermuda in April 1943, between representatives of the U.S. and Great Britain, it was decided to channel funds to the Intergovernmental Committee which had been established at the Evian Conference to be used to assist any refugees the Committee could reach. This marked the first time that

governmental funds were contributed to an international organization to assist refugees. In the League days, all funds for refugee assistance came from private sources. This effort to assist through the Intergovernmental Committee did not result in any activity until the countries under Nazi domination were liberated.

During all of this time, President Roosevelt left largely to the State Department, which was generally unsympathetic to the refugee problem, formulation of refugee policy. His major concern was winning the war which would solve the refugee problem along with all others.

At the suggestion of Secretary of the Treasury Henry Morgenthau, President Roosevelt in 1944 established as part of his Executive Office the War Refugee Board, a small group composed of the Secretaries of State, War and Treasury with a staff of 20. Its mandate was to take "all measures within its power to rescue victims of enemy oppression who are in imminent danger of death" and "to develop plans and programs and other measures for the rescue, transportation, maintenance, and the relief of the victims of enemy oppression, and the establishment of havens of temporary refuge." Operating with its small staff in Washington and representatives in Switzerland, Sweden, Portugal, Turkey, Great Britain, Italy and North Africa, it was relieved of the usual government red tape and was able to effectively assist through clandestine operations behind enemy lines and to work with underground groups. Among other effective actions, it was able to establish escape routes and to find temporary asylum in unoccupied countries. It rescued some thousands of refugees from Estonia, Latvia, and Lithuania, from Denmark and Northern Germany, and more than 15,000 from occupied Norway. And with State Department approval, it arranged for special negotiations in Switzerland for the release of Jews from concentration camps. As allied military success mounted, some Gestapo officials sought to buy insurance for their personal protections through better treatment for Jews. The Board authorized Mr. Saly Mayer, a Swiss citizen who represented the American Joint Distribution Committee, to conduct negotiations with the Germans. It authorized the transfer of $5 million to Mr. Mayer which he used as bait to persuade the Nazis to send some 1,600 concentration camp victims to Switzerland and to divert to Switzerland and to divert to Austria 17,000 Hungarian Jews who were headed for the concentration camp at Auschwitz. No funds were ever turned over to the Nazis, but these lives were saved. Also among its major rescue measures was the transport, with President Roosevelt's approval, of almost a thousand refugees of all nationalities who had escaped into Italy, to an emergency rescue shelter in Oswego, New York, where they remained until the end of the war when they were permitted to remain permanently in the United States. All of these activities were carried out in close cooperation with American private refugee organizations.

In contrast to our Post-World War II refugee policies when, by a series of special legislative acts, the Congress admitted about a million refugees, from 1933 to the end of World War II, our refugee immigration policy was generally indistinguishable from our basic restrictive immigration laws.

Between 1933 and the end of the Roosevelt Administration, we admitted about 250,000 refugees, including 15,000 visitors who remained as permanent immigrants. Had the fear of subversion not caused the tightening of rules and reimposition of the Public Charge Clause in 1941 and very stringent screening in 1944, thousands more would have found refuge in the United States.

President Roosevelt's decision not to expel 15,000 visitors in 1938 was regarded as a major accomplishment. His merging of the Austrian and German quotas to benefit Austrian persecutees caused Congressional criticism, as did his directive to open the available quotas in full for refugees.

These helpful actions, together with the work of the War Refugee Board, hardly met the refugee crisis. Only by enlarging the quotas could more effective relief have been extended to refugees during the Roosevelt Administrations. Failure to do so reflected the regrettable but firm determination of the Congress, the Trades Unions and public opinion. The policies followed by President Roosevelt might have been improved upon, but they were what the American public wanted. He could have pressed harder but it is doubtful whether he could have achieved more, and in the process he might have endangered other measures essential to the basic objective of stopping Hitler and Nazism.

Considering the times, a great deal was in fact accomplished. The indifference of the majority of the public to the plight of victims of Hitler's persecution was not dissimilar to the indifference in our time of the Government to the plight of untold numbers of Bengalis who suffered at the hands of an invading force the last few months; of indifference to Biafrans who were slaughtered without much outcry or effective action by our Government; and even today of indifference to innocent civilian Vietnamese who are the victims of a discredited war policy universally condemned by the American people.

Today, however, the Executive fails to respond to the enlightened American public's concern. In President Roosevelt's time, the Executive had to strive against the isolationist attitude of the public and the Congress.

PRECARIOUS POLITICAL POLICY

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 24, 1972

Mr. SCHERLE. Mr. Speaker, the West German Government under Socialist Chancellor Willy Brandt has isolated itself by its one-sided "Ostpolitik." Brandt's trip to Crimea in September of last year to meet the chairman of the Communist Party of the Soviet Union, Leonid Brezhnev, was not cleared with Germany's Western allies. The concessions he made in the Moscow and Warsaw Treaties in 1970 were granted without the support of the Western world and serve to strengthen the Soviet Union. In pressing for ratification of his treaties with the East European Communists, Brandt has been acting against the interests of the free world.

Even in his own country, Brandt is isolated. His government was not elected by a majority of the voters in 1969, and he won a tiny majority of six votes for his coalition in the Bundestag only by close political maneuvering. With this tiny majority, Brandt initiated his "Ostpolitik" without clear mandate from the German people. He is now pressing for ratification of the Moscow and Warsaw Treaties against strong opposition from the biggest party in the Bundestag, and despite the fact that in the upper chamber of the German Parliament, the Bunderat, his coalition is actually in the minority by one vote. Obviously, his foreign policy is based on very shaky assumptions of support from his constituency, and the United States should be wary of backing him. Nobel Peace Prize or no, Brandt may be rejected by the German people the next time they have an opportunity to express their views in the ballot box.

SEMINAR ON ENVIRONMENTAL LAW

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 24, 1972

Mr. DINGELL. Mr. Speaker, I insert into the CONGRESSIONAL RECORD the very fine remarks of a distinguished American, Mr. Timothy B. Atkeson, General Counsel of the Council on Environmental Quality, at the American Law Institute-American Bar Association Seminar on Environmental Law held jointly with the Smithsonian Institution at the National Museum of Natural History on February 17, 1972.

Mr. Atkeson's fine remarks setting out the history of NEPA merit careful reading by all persons interested in environmental law and in the effective accomplishment of a wholesome and decent environment for all Americans.

The remarks follow:

THE NATIONAL ENVIRONMENTAL POLICY ACT: REMARKS OF TIMOTHY B. ATKESON, GENERAL COUNSEL TO THE COUNCIL ON ENVIRONMENTAL QUALITY,* FEBRUARY 17, 1972

"An Overview of the Impact of NEPA on the Federal Government Decision Making Process."

The Act we are discussing tonight, the National Environmental Policy Act ("NEPA"), since its passage has never failed to elicit strong reactions. Perceptive commentators at an early date after its passage, concluded:

In form, the National Environmental Policy Act is a statute; in spirit a constitution. . . . In sum, it does not seem farfetched to suggest that the National Environmental Policy Act could well become our Environmental Bill of Rights.[1]

At the same time, two other commentators on NEPA were writing articles entitled "NEPA: Full of Sound and Fury . . .?"[2] and "NEPA: A Sheep in Wolf's Clothing?"[3] More recent commentators have had a rapidly growing accumulation of Federal Court opinions on which to base their judgment—we now have over fifty district court opinions and some seventeen Court of Appeals opinions and new NEPA opinions are being handed down at the rate of about one a week. Contemplating the impact of NEPA on the Alaska pipeline permit application one text writer has observed:

In a case such as this, the National Environmental Policy Act certainly can take on the sobriquet once reserved for the Colt revolver: 'the great equalizer'.[4]

* The remarks of the author reflect his individual views and not necessarily those of the Council on Environmental Quality.

[1] Eva and John Hanks, "An Environmental Bill of Rights: The Citizen Suit and NEPA" 24 *Rutgers Law Review* 230 (1970).

[2] Note, "NEPA: Full of Sound and Fury . . .?" 6 *U. Richmond L. Rev.* 116 (1971).

[3] Note, "National Environmental Policy Act: A Sheep in Wolf's Clothing?," 37 *Brooklyn L. Rev.* 139 (1970).

[4] Arnold Reitze, *Environmental Law* North American International, Washington, D.C. (1972) P. One–113.

Our task tonight is to trace NEPA from the days in 1969 when it passed the Senate on the consent calendar to its present formidable role in Federal Government decisionmaking.

I. INDICES OF WHAT IS HAPPENING IN THE EXECUTIVE BRANCH

Although the Administration did not seek the passage of NEPA, there has been a strong Executive Branch initiative in implementation of the Act's policies and requirements.

Some of the highlights: a) After using the signing of NEPA symbolically as his first official act of the decade of the seventies, the President appointed a strong environmentally oriented panel as the first three members of the new Council on Environmental Quality created by Title II of NEPA, b) Promptly thereafter the President issued a broad Executive Order (E.O. 11514) giving the implementation of NEPA a strong impetus with public information provisions that went beyond NEPA and by filling the unmet need in NEPA for overall coordination,—assigning this role to the Council on Environmental Quality, c) Making immediate broad use of the Council, the President assigned it the task of being "keeper of our environmental conscience" "with responsibility for ensuring that all our programs and actions are undertaken with a careful respect for the needs of environmental quality." Most significantly he assigned the Council the task of drawing together his annual Environmental Messages and major responsibilities for new program development, d) In the area of project review the President a year later cited the advice of the Council on Environmental Quality and the policy of NEPA as grounds for cancelling the Cross Florida Barge Canal on which over fifty million dollars had been spent.

This month, two years after the Council on Environmental Quality was appointed, we report in the February 102 Monitor—the monthly summary of environmental impact statements the Council publishes in addition to the weekly listings we put in the Federal Register, that the Council has received a cumulative total of draft and final environmental impact statements on about 2,400 actions. (This means we have received over 4,000 environmental impact statements since each action now requires both a draft and final impact statement.) These are now being received at a rate that has averaged over 200 draft or final statements a month in the last six months or about 10 per working day. About half come from DOT (principally on airports and highways). The next largest groups are those on water resource projects (about a fourth of the total) and power (about 100 actions). The general quality of the statements has greatly improved as the agencies have geared up to meet the requirements of NEPA and the Council's implementing guidelines. NEPA procedures, for over 40 agencies or bureaus in agencies—in addition to the Council's overall NEPA Guidelines—have now been published in the Federal Register and responsibility for NEPA compliance have been assigned to a senior level in the Departments principally affected.

Voluntarily or in response to Court order, NEPA is bringing significant changes in the agency decisionmaking process. There can be no doubt that environmental considerations now play a fundamentally new role in AEC's decisions, for example. Interior approaches offshore oil leasing in a very different way than it did in 1968 in the leases that led to the Santa Barbara spill. DOT takes a new view of airport siting and highway location and the Coast Guard carefully evaluates a bridge permit across San Francisco Bay in terms of possible adverse impact on mass transit plans for the area. Corps of Engineers dredge and fill permits have a major environmental input. DOD takes a whole new view of munitions disposal and, as I will note later, NEPA is giving us a handle on the assessment of new technology. The Council is not satisfied that NEPA is having the full effect it should on agency decisionmaking but it would be unrealistic not to describe NEPA's impact to date as considerable and generally useful.

II. THE ROLE OF CEQ UNDER NEPA

When you read the environmental impact statement requirement in Section 102(2)(C) of NEPA you will note that it is addressed directly to the Federal agencies responsible for taking the proposed action and that the only role expressly assigned the Council is one of receiving copies of the impact statement and the comments thereon. There is the direction in Section 102(2)(B) that agencies in consultation with CEQ identify ways of insuring that presently unquantified environmental values will be given appropriate consideration in decisionmaking along with economic and technical considerations and the potentially significant later direction in Section 102(2)(H) of NEPA that all Federal agencies "assist the Council on Environmental Quality established by title II of this Act" and authority in Section 204(3) for the Council to review and appraise the various programs and activities of the Federal Government in the light of the policy of NEPA and to make recommendations to the President in this connection. The most direct assignment of responsibility to the CEQ with respect to environmental impact statements is, as I have noted, through Executive Order 11514 where CEQ is assigned its guideline and coordinating responsibilities.

On the CEQ staff the General Counsel's Office has responsibility for the guidelines and for procedural and litigation questions arising under NEPA and a staff of Federal Impact examiners has responsibility for reviewing the substance of impact statements. The Federal Impact Staff is organized under six headings—transportation, water resource projects, energy, lands, community development, and DOD-NASA-AEC. The Council expresses its views on a minority of the statements, sometimes in writing and sometimes by phone or at meetings; usually its views are addressed to the responsible agency but sometimes they are to OMB or the White House. The Council is not a commenting agency under NEPA in the sense that its comments are attached to the impact statement and no inference is to be drawn from the Council's failure to comment. Unlike EPA, whose comments are required by both NEPA and by Section 309 of the Clean Air Act to be public or the other agencies whose comment is required by Section 102, CEQ plays the role of internal advisor to the Executive Branch and the President. Its objectives in the review of 102 statements are principally three: 1. To check agency compliance with NEPA and the Council's Guidelines, 2. To identify environmental problem areas where some general reform via executive order or legislation would be desirable, and 3. To monitor important and highly controversial actions via the 102 process and to keep the White House and OMB advised.

It is sometimes said that the Council should take a more publicly activist posture with respect to environmental impact statements and controversial Government actions. By placing the Council in the Executive Office of the President and making the Council an advisor to the President, Congress opted for a different pattern. It was specifically intended that the Council not become another clearance point in day-to-day operations. The Council's public impact comes through its general directives, analyses and reports,—the 102 Guidelines, the *102 Monitor*, such special reports as those on ocean dumping, toxic materials and innovations in state land use regulation, and more comprehensively in the Council's Annual Environmental Quality Reports. The Council's objective, which is supported by the language and legislative history of NEPA, is to bring the NEPA process in agency decision making as close to a self-enforcing procedure as possible. If an assessment of environmental impacts is available to the decision makers in a timely and intelligible form, if there is ample public notice and opportunity for comment or hearings, if the expert Federal, State and local commenting agencies do their job, there should be little need for CEQ intervention in most cases. While the Council recognizes that we have not yet reached this state of affairs, its objective is to build up the environmental judgment of the agencies rather than to substitute its own.

Since this panel is addressed primarily to the legal implications of NEPA I will not dwell on the policy study and recommendation side of the Council's work or on the very substantial work involved in its Annual Environmental Quality reports. Suffice it to say with respect to the Council's coordinating role that the environmental problems before the Federal Government are still very much multi-agency and are not solved by the consolidation of our major pollution control programs in EPA. On oil spills, for example, it was still necessary for CEQ to issue the Contingency Plan which coordinates the responses of EPA, the Coast Guard, the Geological Survey and the Corps of Engineers. On the Refuse Act Permit Program CEQ has been involved in coordinating the roles of the Corps, EPA, the Fish and Wildlife Service, NOAA and Justice. More recently CEQ has been assisting AEC in obtaining timely responses from the other Federal agencies to its new post *Calvert Cliffs* NEPA procedures and has taken the lead, together with the Council of State Governments, EPA and Interior in developing plans for a National Symposium on State environmental legislation to be held in Washington next month.

III. COURT ENFORCEABILITY OF NEPA

As we noted in the chapter on "The Law and the Environment" in the Council's Second Annual Report (copies of which are available to you in your Conference materials), most Courts have concluded that the NEPA "102" environmental statement procedure is court enforceable at the suit of interested citizens. The Council takes the view that environmental protection laws carry with them a broad concept of standing to sue and has endorsed citizen suits to enforce Federal environmental legislation. With respect to citizen suits against the Government itself to enforce NEPA I cannot do better than quote a great Republican President:

"It is as much the duty of Government to render prompt justice against itself, in favor of citizens, as it is to administer the same, between individuals." (Abraham Lincoln)

All of us, I know, will be most interested to study the Supreme Court's forthcoming treatment of the standing issue in the *Mineral King* case now awaiting decision. But with respect to citizen suits under NEPA it should be noted that the Solicitor General's brief in the *Mineral King* case conceded that NEPA carries a legislative background endorsing enforceability by citizen suit.

Whereas at the time last summer we wrote about "The Law and the Environment" there were some 20 reported Federal district court decisions involving citizen challenges to Federal action under NEPA, we now have over 50 District Court opinions on the subject and are approaching the 20 mark for Court of Appeals decisions. Overall we have identified about 160 cases in the following categories: 43 against DOT, 34 against the Corps, 8 against the rest of DOD, 17 against Interior, 15 against USDA, 13 against AEC, 9

against HUD, and the remainder against a scattering of agencies. This surely is one of the most rapidly growing areas of Federal jurisprudence and proves the truth of De-Tocqueville's observation about our country that what would remain issues of political policy or administration in other countries become legal issues in America and are put to the courts for decision.

We have attempted to analyze the significant general NEPA issues handled to date by the courts and they seem to be as follows:

a. *The applicability of NEPA to Federal actions initiated prior to NEPA.* Here the leading opinions among the Circuit Courts are *Calvert Cliffs* 449 F 2d 1109, 2 E.R.C. 1779 (D.C. Cir. 1971), *Penna. Environmental Council* v. *Bartlett* 3 E.R.C. 1421 (3d Cir. 1971), *Greene County Planning Board* v. *FPC* (No. 71-1991 (2d Cir., Jan. 17, 1972)) and there are at least a half dozen district court opinions. We believe that these opinions sustain the position taken in Section 11 of the Council's Guidelines,—that with respect to projects or programs initiated prior to January 1, 1970 where it is not practicable to reassess the basic course of action, it is still important that, by doing an environmental impact statement, further incremental major actions be shaped so as to minimize adverse environmental consequences.

b. *Interpreting the key phrases "major" (action) and "significant" (as in "significantly affecting the quality of the human environment").* To date there have been few cases directly relevant to these problems of interpretation. Our aim is to give greater precision to these concepts via the CEQ Guidelines and more particularly, with respect to individual agency programs, through the agency NEPA procedures. As you know, these agency procedures are published in the *Federal Register* and we have invited comment.

Increasingly we would expect the courts to apply the rule that "[s]uch administrative interpretation cannot be ignored except for the strongest reasons, particularly where the interpretation is a construction of the statute by the men designated by the statute to put it into effect." (*EDF* v. *TVA*, (E. D. Tenn., Jan. 1972), slip opinion at p. 12). Indeed, a very well reasoned opinion of Judge Gignoux has just followed this approach in upholding a Department of Defense determination that no impact statement was needed on a proposed action. *Citizens for Reid State Park* v. *Laird*, No. 13-18 (D. Me. Jan. 21, 1972).

Plaintiffs here seek judicial review of the Navy's determination that no such significant effect would be occasioned by Operation Snowy Beach. The Act plainly commits this preliminary determination to the agency. The statutory language 'significantly affecting the quality of the human environment' is extremely broad and not susceptible of precise definition. The standard of review in such cases is limited; for in the language of the Supreme Court:

Where the Congress has provided that an administrative agency initially apply a broad statutory term to a particular situation, our function is limited to determining whether the (agency's) decision "has 'warrant in the record' and a reasonable basis in law." *Atlantic Refining Co.* v. *FPC*, 381 U.S. 357, 367 (1965), *citing Labor Board* v. *Hearst Publications, Inc.*, 322 U.S. 111, 131 (1944).

c. *Preparation and content of environmental statements.* Three of the most important NEPA decisions to date are the decisions of the Court of Appeals for the District of Columbia in *Calvert Cliffs Coordinating Committee* v. *AEC*, 449 F 2d 1109, 2 E.R.C. 1779 (D.C. Cir. 1971), *Committee for Nuclear Responsibility* v. *Seaborg*, 3 E.R.C. 1127 (D.C. Cir. 1971), and *Natural Resources Defense Council* v. *Morton* (D.C. Cir. Jan. 13, 1972). Each of those opinions discusses in some detail the function which the 102(2)(C) statement should fufill and the considerations which should go into preparation of such statements. In *Calvert Cliffs*, the court noted:

Environmental amenities will often be in conflict with "economic and technical considerations." To "consider" the former "along with" the latter must involve a balancing process. In some instances environmental costs may outweigh economic and technical benefits and in other instances they may not. But NEPA mandates a rather finely tuned and "systematic" balancing analysis in each instance.

In *Committee for Nuclear Responsibility* v. *Seaborg*, the court considered the extent to which an environmental statement must reflect opposing scientific and public opinion. The court elaborated in some detail on an agency's duty to set forth for public consideration responsible views on environmental issues—both favorable and opposing:

[The statement should set] forth the opposing scientific views, and [should] not take the arbitrary and impermissible approach of completely omitting from the statement, and hence from the focus that the statement was intended to provide for the deciding officials, any reference whatever to the existence of *responsible* scientific opinions concerning possible adverse environmental effects. Only responsible opposing views need be included and hence there is room for discretion on the part of the officials preparing the statement; but there is no room for an assumption that their determination is conclusive. The agency need not set forth at full length views with which it disagrees; all that is required is a meaningful reference that identifies the problem at hand for the responsible official. The agency, of course, is not foreclosed from noting in the statement that it accepts certain contentions or rejects others.

In *Natural Resources Defense Council* v. *Morton*, the court focused on the requirement that agencies consider "alternatives" to the proposed action. The court found that an environmental statement prepared by the Department of the Interior on a proposed sale of offshore oil and gas leases was inadequate in this respect. Agencies must evaluate the environmental consequences of reasonable alternatives to proposed action in order that the ultimate decision-makers—the agency, Congress, or the President—may consider these consequences along with the various other elements of the public interest.

Each of these opinions reaffirm the view that NEPA, at the very least, is a "full disclosure law," requiring conscientious attention to "all known possible environmental consequences of proposed agency action." *Environmental Defense Fund* v. *Corps of Engineers*, 2 E.R.C. 1260, 1267 (E.D. Ark. 1971). In this respect, these decisions make clear that NEPA only requires what should already be implicit in the notion of responsible decision-making. Decisions which ignore adverse environmental effects of proposed actions are excluding relevant costs and disadvantages which can only make them less than fully responsible choices.

d. *Citizen Participation in NEPA.* Although the National Environmental Policy Act does not explicitly refer to securing public participation in the agency's environmental assessments, Executive Order 11514 suggests that agencies develop "procedures to ensure the fullest practicable provision of timely public information and understanding of Federal plans and programs with environmental impact in order to obtain the views of interested parties." Provisions in the CEQ Guidelines for draft and final environmental statements, and for making such statements available for public comment reflect this concern for public involvement, as do judicial opinions upholding citizen standing to bring suit under NEPA.

The Court of Appeals for the Second Circuit has recently stressed the importance of ensuring that environmental statements are made available for—and ultimately take into account—examination and comment by interested members of the public. See *Greene County Planning Board* v. *FPC*, No. 71-1991 (2d Cir., Jan. 17, 1972). This decision, however, also draws attention to the fact that liberal provision for citizen participation in agency decisions under NEPA carries with it corresponding obligations for citizen adherence to established agency review procedures. Thus the court in *Greene County* refused to halt certain actions allegedly taken in violation of NEPA because "petitioners, having made timely motions to intervene, offered no objections to the construction of the two lines and did not petition . . . for review within [the time provided by statute]." Slip opin. at 1417. Other courts have similarly indicated that citizens who have actual notice of agency procedures designed to secure public participation in the decision-making process, and who fail to take advantage of such procedures, should not later be able to challenge the agency action in a judicial proceeding. See *Sierra Club* v. *Hardin*, 2 E.R.C. 1385, 1396-97 (D. Alaska, 1971). By combining these doctrines of "laches" and "exhaustion of administrative remedies" with broad opportunity for public participation in the agency's environmental assessments, courts are helping to ensure that the agency decision-making process is both responsive to the public and at the same time not subjected to undue and untimely delay.

e. *NEPA's Broadening Effect on Agency Authority.* Not all litigation under NEPA has been aimed at Federal agencies; in some cases, NEPA has been invoked to support, rather than to invalidate, government action. The primary example is *Zabel v. Tabb*, 430 F. 2d 199 (5th Cir. 1970), in which the court reversed the district court's holding that the denial of a dredge and fill permit by the Army Corps of Engineers, on the basis of adverse environmental effects, exceeded the Secretary of the Army's statutory authority. The Fifth Circuit held that NEPA requires that:

. . . the Army must consult with, consider and reecive, and then evaluate the recommendations of . . . other agencies . . . on . . . environmental factors. In rejecting a permit on non-navigational grounds, the Secretary of the Army does not abdicate his sole ultimate responsibility. Rather in weighing the application, the Secretary of the Army is acting under a Congressional mandate [NEPA] to collaborate and consider all of the [environmental] factors.

Thus NEPA serves to aid Federal agencies which, in the absence of NEPA, might be forced to operate under mandates arguably incompatible with environmentally responsible decisionmaking.

With respect to the role of the courts under NEPA it should be noted that we have not yet had a Supreme Court decision applying NEPA and that to date, apart from the broadened authority NEPA gives agencies as in *Zabel v. Tabb*, NEPA has been treated in the courts essentially as a procedural requirement. Of course there is always the possibility even under traditional standards of review that a court could strike down an arbitrary or clearly unreasonable administrative decision, as was pointed out in *Calvert Cliffs:*

The reviewing courts probably cannot reverse a substantive decision on its merits, under Section 101 (of NEPA), unless it be shown that the actual balance of costs and benefits that was struck was arbitrary or clearly gave insufficient weight to environmental values.

The view of the courts of their function under NEPA at this time is probably best reflected in the concluding comment in *NRDC v. Morton:*

. . . In this as in other areas, the functions of courts and agencies, rightly understood, are not in opposition but in collaboration, toward achievement of the end pre-

sented by Congress. So long as the officials and agencies have taken the "hard look" at environmental consequences mandated by Congress, the court does not seek to impose unreasonable extremes or to interject itself within the area of discretion of the executive as to the choice of action to be taken. *Natural Resources Defense Council* v. *Morton, supra* (slip opinion at 19).

I have one further observation about the implications of court enforceability of NEPA. This is that citizen suits under NEPA have given us, *de facto*, a highly potent and omnipresent environmental "ombudsman." With much more independence and effect than any public officer would ever be granted, citizen groups are free to check and test administrative action against the environmental policy of NEPA. To my knowledge no other country has yet experienced this development. We believe that through this process, in addition to the efforts of the Council and the administrative agencies themselves, we will have the most rigorous probing of the environmental impact of government action and of private action subject to government regulation.

IV. THE ISSUES NEPA POSES FOR THE GOVERNMENTAL DECISIONMAKER

I have left the more difficult questions NEPA poses for the Federal Government decisionmaker to the end of my prepared remarks and with respect to these questions I have only some suggestions:

a. *The problem of getting timely and meaningful data and alternatives to the decisionmaker*, NEPA, the CEQ guidelines and agency NEPA procedures cannot of themselves reform agency decisionmaking. Coupled with court enforcement of NEPA they can delay and harass the administrator who ignores them but they cannot ever equal the impact of agency leadership that sees in NEPA a tool to reshape and revitalize agency thinking and performance. In the Council we have found the environmental policies of NEPA a flexible and far-reaching tool to review government decisionmaking as we put together packages of legislation and administrative action for the President's Environmental Messages.

We have reexamined tax policy, energy policy, land use questions, pollution controls, transportation policies and recreation issues, all under the broad rubric of the "environment." We see in the Interior Department's proposed new organic legislation for management of the public lands, the AEC's more comprehensive and early review of nuclear power plants, and the new Interior-HUD-DOT coordination implicit in the President's revised state land use policy bill the translation of NEPA policies into beter management. My OMB friends say, in a comment I only partially comprehend, "It took NEPA to put PPB into effect," which I take to mean that NEPA can be used to upgrade the quality of analysis of alternatives, consultation and decisionmaking. In short, smart agency leadership should see NEPA as an opportunity rather than a stumbling block.

b. *The problem of coordination of multi-agency action and of getting a multi-agency perspective on alternatives in the NEPA review. Calvert Cliffs* set us an agenda under NEPA for the coordination of such multi-agency actions as nuclear power plan licensing (which involves AEC licensing under the Atomic Energy Act, Refuse Act permits from the Corps and EPA, and major inputs from Interior, NOAA and FPC) that will have application to other Federal decisions such as FPC licensing of hydro facilities involving important Interior and EPA reviews, such multifaceted regional water resources projects as the proposed Tocks Island Dam (Corps and DRBC), recreation area (Interior) and pumped storage facility (FPC) and regional airports such as the new airport for Miami (which involves DOT, Interior and EPA as well as Florida State and local agencies). There is a need to work out lead agency arrangements or special multi-agency preparation of the environmental impact analysis required. CEQ is prepared to assist in this task and has found in the Tocks Island case that an "overview" impact statement—prepared on the basis of Corps, FPC and DRBC impact statements on components—may be the best solution. *NRDC v. Morton*, which requires an analysis of alternatives beyond those available to the action agency, also highlights the need under NEPA for coordination and an early bringing together of the multi-agency elements that are necessary for a government-wide perspective on the options to be considered. (In the *NRDC v. Morton* case, involving an Interior decision on offshore drilling leases, the Court indicated a need for analysis of the alternatives of nuclear power (AEC) of change in the oil import quota (OOEP and Interior) and a change in FPC pricing policy on natural gas as well as a range of other options open to Interior). The Court pointed to the possibility that the Energy Subcommitee of the Domestic Council should have prepared an overall environmental impact statement as a basis for the President's energy message of last June. While we have not yet tried such a broad approach, there has been simultaneous preparation of environmental impact statements on their key legislative proposals by the lead agencies involved in this year's Environmental Message (EPA, Interior, Treasury).

c. *The need for comprehensive energy, transportation and land use policies to resolve the questions posed by NEPA.* A result of NEPA that has been highlighted in the multi-agency coordination and perspective problems is our lack of, and need for, more comprehensive energy, transportation and land use policies.

Without such policies and the underlying analysis that can be incorporated into an impact statement's assessment of alternatives, it becomes painfully clear we are making *ad hoc* "seat of the pants" or inconsistent judgments about significant issues. As I indicated, the DOT highway and airport impact statements constitute 50% of the total volume. How can the important underlying issues be resolved without the sort of state land use policy legislation as the President recommended in this years Environment Message? The same is true of the need in AEC, FPC and Corps of Engineer impact statements on power plants for some such overall framework for decision as the Administration's power plant siting bill. The energy hearings of the Senate Interior Committee are developing the theme that NEPA at present is our only tool for bringing together in decisionmaking the elements of an energy policy. As *NRDC v. Morton* indicates, we are as yet poorly prepared for the task.

d. *NEPA as a tool for technology assessment.* In the concluding chapter of the Council's most recent Annual Environmental Quality Report the Council said:

Clearly there must be linkage between technology assessment and mechanisms to control the impact of technologies. If we develop tools to predict more accurately the consequences of technological developments, we must also develop policy mechanisms to act upon these findings.

We have found that the environmental impact statement process provides one such link. This year we will see important examples of technology assessment and use of the findings involved in the environmental impact statements done by AEC on atomic waste disposal and the liquid metal breeder reactor, by NASA on the space shuttle, Interior on coal gasification, geothermal steam, and water desalinization, and NOAA and Interior on weather modification.

e. *Handling fundamental issues: e.g. the inevitability or desirability of growth, setting priorities, what is environmental quality? etc.* The NEPA process is not, after all, the oracle at Delphi (although prolonged reading of numerous impact statements is said to induce the same sort of trance the Greeks got from breathing mercury fumes in a windy cave while consulting their oracle). The analysis it produces is unlikely to depart from basic assumptions of our society—however flawed and obsolete some of these assumptions might be. The strong input we are getting from judges—who appear to be fascinated by NEPA—is, however, imparting a very vigorous tone and broad scope to this analysis.

I have the feeling that the NEPA process, if we do not overload the system and if we admit of a reasonable degree of administrative flexibility may surprise us with the variety, usefulness and incisiveness of its results. It is, of course, experimental in nature and we should be able to find ways to sharpen its focus. It is neither a sheep in wolf's clothing, Holy Writ, nor a constitutional provision. But it is one of the most interesting and exciting experiments in governmental self-reform going and we with the Council feel privileged to share in this experience.

TOM ANDERSON ON RACISM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 24, 1972

Mr. RARICK. Mr. Speaker, billions of taxpayers' dollars are being spent on busing of schoolchildren, urban renewal, and myriad social experiments based on the assumption that an improvement in the environment will raise the level of intelligence. Anyone who disputes this assumption runs the risk of being labeled as a racist, bigot, or hater.

It should be obvious by now that those who use such trigger words as "racist," "bigot," or "extremist" are not only letting someone else drain their brain but also stand judged by their own utterances. Such trite expressions are intended as psychological ammunition to intimidate the good citizen by cutting off rebuttal or factual discussion, thereby denying him his freedom of speech, press, assembly, association, and petition for grievances. If you understand that racism, bigotry, and extremism are acts of freedom, then you must also understand that they can never be eliminated unless freedom is abolished.

One fearless American patriot who tells the truth as he sees it, even if it is unpopular to do so, is columnist Tom Anderson of Southern Farm Publications in Nashville, Tenn. I include his recent column entitled "Racism Defined" in the RECORD at this point:

RACISM DEFINED

(By Tom Anderson)

A racist is a person who believes in genetics, history and his eyes. The epithet "racist" is something few people, including many scientists who know that truth is being smothered, can stand to be labeled with.

If "racist" means a person who hates another person because of his race, it applies to very few white people. More Negroes hate whites because they are white than vice versa. My dictionary says racism is "a belief that race is the primary determinant of hu-

man traits and capabilities and that racial differences produce an inherent superiority of a particular race." An overwhelming percentage of white Americans obviously are racists, then, whether they admit it or not. As Voltaire said: "Prejudice is opinion without judgement."

To talk of superiority and inferiority today is to mention the unmentionable. Truth has become bigotry. Fact has become racism. Discrimination has become hate. Hereford breeders don't hate Angus cows merely because they don't want to cross breed with Angus.

Mr. ——— honestly believes the average Negro is as good as he is. And I do too. But to get honest comparisons, one must compare average with average, that is, average white with average black.

To feel superior to someone or to a race of people, is not to hate them.

There is no such thing as equality. There is not even such a thing as "equal opportunity." If the same opportunity is offered a child prodigy and a moron, they do not have an equal chance. Everything, including the stars, is unequal. "One star differeth from another in glory." (I Corinthians 15:41.) The baby given to an orphanage at birth hardly has the same opportunity as the baby who has one million dollars put in his name at birth. Although the un-earned wealth *could* turn out to be a disadvantage.

What stable and civilized republic in all history was predominately or even substantially Negro? What high culture have Negroes anytime anywhere produced themselves? What high culture, once achieved, ever *remained* a high culture once it became substantially mixed with Negro bloodlines? What Negro republic or free civilization now or ever has shown the necessary attributes of self-control, self-reliance, self-responsibility and self-help to build and maintain a great civilization? Despite what you've been told, Negro history has not been obliterated. There wasn't any. During the past 5,000 years the history of Black Africa is blank. Not just *here*. Everywhere. It's blank in Africa too. Until other races arrived, there was no literate civilization south of the Sahara Desert. The Black African had not invented a plow or a wheel, domesticated an animal or a crop. He had no written language, no numerals, no calendar or system of measurement.

The only buildings he had ever built were a thatched, windowless mud hut and a stockade. His external trade consisted only of his own slaves, ivory, palm oil and mahogany. He carried things only in his hands or in human skulls. His medicine was administered by witch doctors. He was sometimes cannibalistic. He was, in short, a savage.

Instead of saying the Negro is everywhere and at all times "inferior" to the white man, let us say that he is different. About that there is no doubt. When two things or two groups differ, one has to be better in some ways than the other. The Black, on the average, scores significantly below the White in abstract intelligence. The Negro lacks the White's ability to deal with symbols. He can memorize equally, but he cannot reason equally. He cannot compete with the White in science, statesmanship, arts, literature. Physically, he is equal or ahead.

Most of the Negroes who have achieved greatness had White blood. An exception is Dr. George Washington Carver. But peanut butter is not exactly the invention of the ages.

Color of skin has nothing to do with it. The Japanese, 25 years after suffering one of history's most devastating defeats, are now third, behind the United States and Russia, in national production. They are doubling national output every seven years. They are now the most dynamic society in the world. They now do more with what they've got than any other people. They are *not* equal. They are superior. And *not* white. Even "Liberal" historian Toynbee admits that "when we classify mankind by color, the only one of the primary races . . . which has not made a creative contribution to any one of our 21 civilizations is the Black Race." And then Toynbee apologetically adds that only 6,000 years have elapsed since the first civilizations appeared on earth, which is, perhaps, too early to judge whether the Negro is "in a daydream . . . paralyzed . . . or out of the running." To which another writer rejoined: "If 60 centuries is too short a period for man to draw general inference about his past, then Toynbee's life work has been a waste of time."

Few other races, and least of all the Negro, have even approached the cultural, scientific, material and moral achievements of the Anglo-Saxons. In comparing race, to get a true picture, you must compare average with average, or best with best.

As someone has said: "However weak the individual white man, his ancestors produced the greatness of Europe; however strong the individual black, his ancestors never lifted themselves from the darkness of Africa."

History shows that once the support of other races is withdrawn from the Negro, he retrogresses, as in Haiti.

Washington, Jefferson, Madison, Lincoln, Clay and Franklin all believed the Negro to be basically inferior to whites, unsuited to our society, and all advocated that Negroes be sent back to Africa.

Negro slaves were barbarians, most of whom had been slaves in Africa. They were sold to white traders by other Negroes. And when they got to America, they had never had it so good. The American Negroes came from a race which had never had what could truly be called a "civilization" of its own. Declaring them equal heirs of a civilization Anglo-Saxons had taken thousands of years developing into history's best is as absurd as calling Bishop Pike a Christian.

The best thing that ever happened to the Negro was that he was sold into slavery. Otherwise he'd still be in Central and North Africa.

I'm for allowing the Negro the opportunity to develop himself to his fullest capabilities, to contribute his utmost to mankind, and to develop pride of race which will not let him force himself upon those who do not want to associate with him on equal terms.

Millions of Americans have been brainwashed into believing that the Negro is simply a dark-skinned white man; that all the Negro lacks to live and compete equally in our society is equal environment and equal opportunity. The "Liberal" bleeding hearts have tried to keep it a deep dark secret, but an accumulation of scientific evidence indicates that Negroes possess a genetically lower intelligence potential than Caucasians and Orientals. Dr. William Shockley, Nobel Prize winning physicist, says he fears the Negro's position in American society will deteriorate rather than improve because of a "disproportionately high birth rate among Negroes of lowest potential intelligence." He added that many Negro welfare mothers "have children as pets," and said he believed consideration should be given to sterilization of welfare recipients who produce an excessively large number of children.

Dr. Shockley says a scientific study conducted in London indicates that heredity is about three times more important than environment in determining one individual's intelligence. Emotionalism concerning this subject, he says, has prevented "a sound diagnosis, agonizing though it may be, which might prevent worse agony in the future."

Dr. Shockley is a scientist who is unwilling to be bought off by the educational establishment and the do-gooders.

Ours is the age of distortions, half-truths and Big Lies. Even the panel on the Jefferson Memorial in Washington is a lie—because a deletion has been made which distorts his meaning. President Jfferson's complete statement on slaves, emancipation and future race relations as contained in the "Jeffersionian Cyclopedia," page 816, published by Funk and Wagnalls in 1900, says: "It was found that the public mind would not bear the proposition (gradual emancipation) nor will it bear it even at this day (1821). Yet the day is not distant, when it must bear and adopt it, or worse will follow. Nothing is more certainly written in the book of fate, than that these people are to be free; *nor is it less certain, that the two races, equally free, cannot live in the same government. Nature, habit, opinion have drawn indelible lines of distinction between them, it is still in our power to direct the process of emancipation and deportation, peacefully, and in such slow degree, as that the evil will wear off insensibly, and their place be, 'paripassu', filled up by free white laborers. If on the contrary, it is left to force itself on, human nature must shudder at the prospect held up."*

The brainwashers' all-out effort to tell it like it ain't, reminds me of when one of the best marksmen in the country was passing through a small town and noticed numerous bulls' eyes drawn everywhere, on fences, trees, walls. Every target had a bullet hole *exactly* in the center. "Who *is* this great marksman?" he asked. They took him to the town idiot.

"This is amazing marksmanship! I've never seen its equal!" enthused the marksman. "How in the world do you do it?"

"Easy, I shoot first and then draw the circle."

SAN DIEGO POLICE FOSTER IMPROVED COMMUNITY RELATIONS

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 24, 1972

Mr. VAN DEERLIN. Mr. Speaker, police everywhere have never been under such close public scrutiny, a generally welcome development if we are to achieve truly responsive law enforcement forces.

Nevertheless, from time to time the police take a bum rap. Bad news, after all, is usually more newsworthy than happier developments, so the sins of some police departments tend to be magnified by unrelenting exposure out of proportion to the inherent virtues of the same agencies.

Far too often the good deeds of the police go unreported, perhaps because they are commonplace.

The police department of my home city of San Diego was recently responsible for a gesture of good will, involving a sizable segment of the community, which I consider significant enough to merit the attention of our colleagues.

This is the force which will have primary responsibility for maintaining order during the Republican National Convention, August 21 to 23 in San Diego. I think the activity which I am about to describe is typical of our fine San Diego force, and it should also prove reassuring to those of you who will be attending the convention.

The program undertaken by our police had a deceptively simple goal: To make Christmas a joyous occasion for more than 1,000 needy San Diego families.

The logistics involved in "Operation 1,000," as the police termed it, were formidable. Great quantities of food and toys had to be located, collected, assembled and stored for distribution just before the holiday.

The drive opened November 22.

News releases were given to all media wherein the goal of "Operation 1,000" was pointed out and the public was informed as to what was being sought.

Reports Police Capt. Ralph M. Davis, an officer in charge of the project. It was decided that police reserves would be utilized to pick up donations, and that a 15-day period, from December 6 through December 20, would be reserved for a sustained effort to bring in the canned goods, food and cash that would make the program a success.

Throughout this effort the cooperation of the media was essential, and according to Captain Davis, it was freely given. Radio and television stations as well as newspapers conducted lengthy interviews on the project, and also counseled would-be donors on how to make contact with the police-sponsors of "Operation 1,000."

The police community relations office remained open from 8 in the morning until 10 at night to take calls from people offering donations; these were then picked up by the reserves and taken to a police warehouse near police headquarters in downtown San Diego. Canned goods and toys were classified and stacked, and unusable toys discarded. Items that were usable but not suitable for "Operation 1,000" were passed along to the Salvation Army or Goodwill Industries.

In its final week, the drive was again perked up by television publicity.

On December 21, the day after the drive ended, volunteers swarmed into the warehouse to prepare for distribution of the great quantities of food and toys that had been collected. First, blocks of goods were prepared for delivery to the outlying areas of San Ysidro and Linda Vista. After those communities were accomodated, preselected members of the general public came in, starting at 9 a.m. on the 22d, to help themselves. The giving continued until 6 p.m. on December 23. In all, 1,120 families were provided with a complete Christmas dinner, including a turkey, two sacks of canned goods, two loaves of bread and a toy for each child. In all—and I find this figure quite awesome—7 tons of turkey were purchased and dispensed. That is 14,000 pounds of bird, acquired through the dedication of the local police.

Besides the 1,120 families who received the full turkey dinners, more than 100 additional families were given modified dinners that featured canned meat products held in reserve for this purpose plus bread and toys.

"Operation 1,000," which actually served nearly 1,300 families, was in every respect an unqualified success—and an outstanding demonstration of police service to the public.

REPUBLIC OF ESTONIA

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 24, 1972

Mr. LONG of Maryland. Mr. Speaker, today I pay tribute to the brave Estonian people as they celebrate the 54th anniversary of the Declaration of the Republic of Estonia.

The Estonians have a long history of progress followed by setbacks in their struggle for independence. The country has been occupied alternately by Germans and Russians since it declared its independence in 1918, with intermittent periods of constitutional government.

Despite mass arrests and executions by the Germans and the Russians, the Estonian people have never given up their hope for independence. Estonians continue their annual celebration of the anniversary of their independence.

As we near the 200th anniversary of our own independence, it is appropriate that we call attention to the Estonians and the citizens of other captive nations who do not enjoy this freedom. The United States has always stood for liberty for all people, and I hope that Estonia will be able to celebrate its 55th anniversary as an independent nation.

BUSING ISSUE TRANSCENDS OLD LABELS

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 24, 1972

Mr. ARCHER. Mr. Speaker, the question may be legitimately asked these days, "just who is for the busing of children to achieve a racial balance in our Nation's schools?" Not many, if you follow recent polls taken in every section of the country.

The old labels have broken down over this issue, and it is no longer possible to predict the position of whites and blacks, "conservatives" and "liberals," northerners and southerners. The reason is that the people know that individual dignity and opportunity are the essence of America and our Constitution. To try to make any judgments on the basis of skin color makes a mockery of justice to all individuals in this great country. That has become the basis of concern for most Americans. "Busing," is not the real issue at all.

A recent Wall Street Journal column by Vermont Royster puts this problem in greater perspective, and I commend his remarks to the attention of my colleagues:

THINKING THINGS OVER—SUFFER THE CHILDREN

(By Vermont Royster)

For anyone with a grisly sense of humor—sick humor, in the current phrase—there is bound to be sardonic laughter in the rise of school busing as a social and political issue outside the South.

For one thing it does is expose some monumental hypocrisy. Over many years those in other parts of the country have treated the issue as one peculiar to the Southern states. Objections to hauling children all over the countryside to obtain a preconceived "racial balance" in the public schools were supposed to stem only from racial prejudice and to be raised only by Southern white racists.

Any other objections to this kind of busing—whether on educational grounds, the disruption of neighborhood cohesion, inconvenience to the children or parents, or considerations of cost—all were disdainfully dismissed as merely the rationalizations of diehard segregationists. Where, as sometimes happened, blacks in the South likewise objected they were dismissed as "Uncle Toms."

It was treated, in short, as a purely regional issue. The rest of the country looked on with smug equanimity as court decisions, government policy and public pressure forced area-wide school busing on community after community. After all, so said the rest of the country, it's not our problem.

Well, it is now. In the North, the Midwest and even in the Far West, in community after community, there have of late been eruptions of public protest when the same policy of area-wide busing came to be applied. And every poll of public sentiment is now showing that school busing for arbitrary racial balance has become a nationwide issue.

Congress is having to come to grips with it both as a substantive and a political issue. The House has already passed anti-busing legislation; it is also considering a Constitutional amendment banning busing. The Senate to the agony of so many presidential hopefuls is finding it daily harder to avoid the issue because the people back home—all over the country—are forcing it.

In this, too, there is cause for sardonic laughter. Of all those Senate presidential hopefuls with school-age children only Senator Jackson (the most "conservative" of the Democratic aspirants) has his children in a Washington public school. The others, liberals all, send their own children to private schools while proclaiming their devotion to business for everybody else.

But for all this exposed hypocrisy there is, in all truth, nothing to laugh at, sardonically or otherwise. The whole business has become too sad even for sick humor.

A part of the sadness lies in the fact that this great convulsion over school busing comes at a time when the public, in the South and elsewhere, is at long last casting aside old prejudices. Just recently the National Opinion Research Center, as cited in a Wall Street Journal story, found that 80% of the nation (including half of the Southern white population) today accepts integration in schools and other aspects of public life. That is, acceptance of integration and opposition to school busing have grown together.

This paradox is only a seeming one. What the evidence shows is that it is no longer correct to treat the school busing issue as solely a "racist" one. Many blacks, as recent demonstrations witness, also oppose area-wide busing. So too do many whites who are not only not "racists" but actively support racial integration in the school system. The busing issue now transcends the old labels.

This ought to be understandable to anyone who can put aside stereotyped thinking. There is, first of all, something absurd about busing a child, who lives within a few blocks of an elementary school, a half-day's journey across country, with some starting before dawn and returning long after dark. For years the country labored expanding its school system to avoid just this sort of necessity. Now when it isn't necessary we are reverting to it in the name of having the "right" racial quota.

The expense of it is ridiculous. The cruelty of it is that it takes a small child and makes him consume an 8 or 10 hour day for a few hours of schooling, and put him in the position where the friends of his school are not the friends of his neighborhood or vice-versa. He (or she), aged six or ten, has his life disrupted over a social policy of his elders.

And that, I think, gets us to what is really sad about the way we, the elders, have gone about the long overdue and necessary task of ending the segregation and isolation of the blacks among us.

It was a happenstance of history that the first major decision of the Supreme Court

striking down the old laws and customs of segregation came in an elementary school case. The other court decisions and the various civil rights laws came afterward. But that happenstance focused the issue, first and foremost, on the school system.

And nowhere have we since applied the pressure as implacably as on the elementary school system. In the schools the courts have said that there is a legally correct "balance" and that if necessary children must be moved around to enforce it.

Were else have we said the same thing? Segregation has been struck down and properly so, at the college level also. But no court has ordered any public college to truck a certain portion of its white students to a black college, or the other way around, to enforce the quota concept.

The courts and the statutes have attacked *de facto* segregation in neighborhood housing by striking down racial covenants and limiting the rights of sellers and renters. But nowhere is there a court decision or a law compelling people to move from one neighborhood to another, by a governmental fiat, in order to achieve some preconceived idea of what constitutes a correct neighborhood balance of the races.

The reason why this has not been done is quite plain. The people, white and black, would consider it outrageous; it could not be done by anything short of a Soviet type dictatorship. And the people would be quite right. The law of a free people ought to prohibit segregation of any of its citizens in any form. A law to *compel* people to move from one place to another would make our society no longer one of a free people.

But what we, the elders, have refused to decree for ourselves and our own lives we have, by some tortured logic, decreed for our children. However you may dismiss the inconvenience or the cost of this wholesale busing, we have asked our children to suffer what we will not. And the wrong of that cannot easily be dismissed.

PEYSER WANTS TRANSPORTATION FOR THE ELDERLY AND THE HANDICAPPED

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 24, 1972

Mr. PEYSER. Mr. Speaker, over the past year, I have become increasingly concerned about the problems facing the elderly and the physically handicapped in the smaller cities and rural areas of our country as pertains to transportation. The sole method of transportation in many of these areas is by bus. These buslines, both public and private, are increasingly having difficulty in maintaining adequate service and reasonable fare rates. In spite of the fact that we in Congress have discussed this problem, we do not seem to be reaching any solution. In order that the elderly and the handicapped have a better opportunity of gaining help in this direction, I am going to add amendments to every bill where, it is applicable, that will call for funds directly aimed at solving this problem. I am presently doing this with the Education and Labor Committee on my bill to strengthen and improve the older Americans act of 1965, on the proposed new manpower bill, and on the new vocational and rehabilitation bill. I hope the other Members of this House will join in support of this program.

U.S. ATTORNEY CALLS REFUSE ACT OF 1899 "SUPERIOR ENFORCEMENT TOOL"

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 24, 1972

Mr. REUSS. Mr. Speaker, earlier this month the administration sent to Congress a lengthy letter signed by President Nixon's two environmental leaders—Mr. Ruckelshaus and Mr. Train—urging that Congress amend the Refuse Act of 1899 so as to limit it to consideration of navigation only.

The letter and attachments are printed in full in the February 11, 1972, edition of the Environment Reporter, pages 1247–1250.

I have previously expressed my opposition to this proposal of the administration—see CONGRESSIONAL RECORD of February 7, 1972, pages 2935–12936. Since then, I have received a copy of Mr. Ross Sandler's excellent speech—entitled "Prosecuting Water Pollution Cases"—which was prepared for the young lawyers' section at the New York State Bar Association meeting, January 29, 1972. Mr. Sandler is the chief, environmental protection unit, U.S. attorney's office for the southern district of New York. Mr. Whitney North Seymour, Jr., is the U.S. attorney for that district.

Mr. Sandler states that the Refuse Act of 1899 "has emerged as the primary pollution abatement statute—of the Federal Government—for the simple reason that it, alone, has proven enforcible and that the Refuse Act has developed into a superior enforcement tool for the betterment of our environment."

What better reason do we need for rejecting the administration's proposal to repeal the Refuse Act as an antipollution tool?

Mr. Speaker, I include at this point in the RECORD the text of Mr. Sandler's remarks:

PROSECUTING WATER POLLUTION CASES

For persons genuinely interested in the environment and the abatement of pollution, the last year or possibly two years must surely look like the dawning of a new age. Never before, at least in recent history, have as many people been motivated to do something to save our environment; never before have so many candidates for political office run on platforms calling for massive abatement of water pollution; and never before have so many enforcement agencies at various levels of government been actively and methodically prosecuting polluters.

The distinction in my opinion between today's relatively optimistic picture, and the past, is the emerging consensus that government must use its enforcement powers to bring a halt to pollution and to reclaim our natural environment. By enforcement I mean simply the power to order that something be done, and that, if not done, the imposition of sanctions. A few examples might help explain the distinction.

It is one thing for the federal government to purchase or retain ownership of forest land for recreation and protection of a watershed—it is quite another to enforce pollution abatement by criminally indicting an otherwise reputable industry for using a watershed for its private waste disposal system. It is one thing for the government to spend millions of dollars to build sewers and plants to treat the waste of industries, and homes as well—but it is quite another to enforce sewer codes by cutting off a company's water until the company installs adequate and costly pre-treatment facilities. It is one thing for the government to give industry a tax break for installing pollution control equipment—and it is quite another to enforce pollution abatement by seeking an injunction against the company halting full operation of its plant until the adequate pollution control machinery is installed.

Although bills currently pending in Congress would give the Federal government a comprehensive and detailed scheme of enforcement, the actual work of enforcement currently being carried out by the federal government through the Department of Justice, the Environmental Protection Agency and the Army Corps of Engineers is built upon what is almost a common law of water pollution abatement. The primary federal statute remains the Refuse Act of 1899. That statute says simply, in language that approaches a Biblical commandment, that no one may discharge refuse into the navigable waters of the United States. While there is some legislative history to the contrary it is fairly clear that the refuse to which the statute referred to was primarily the type of refuse which would tend to affect navigation, and not refuse causing pollution. Even as late as 1970, J. Clarence Davies in his book *The Politics of Pollution* could dismiss the Refuse Act with one sentence stating that the 1899 Act was designed only to prevent impediments to navigation, "not to clean up the water" (page 38).

But the Refuse Act has emerged as the primary pollution abatement statute on the federal level for the simple reason that it, alone, has proven enforcible.

In my law school criminal class, the professor repeatedly taught that in criminal law, it was the certainty of being caught and punished that caused people to conform to the law, even more than the harshness of the penalty.

The professor gave as his example of the rule the reputed fact that the Norwegian people during the World War II would engage in the most dangerous partisan activities, but would not turn on their lights during blackouts to lead in Allied aircraft. While there is of course many differences, the analogy holds true; The Refuse Act of 1899 has emerged as the premier anti-pollution statute because of the certainty that persons violating its simple command will be caught and punished.

The certainty is not seen entirely by even a careful reading of the statute. It has taken the courts and imaginative litigation by numerous prosecutors to round out the full meaning of the statute. Let me list some of the clauses which have been judicially read into the statute and which have made real enforcement possible.

1. The Refuse Act appears on first reading to create nothing more than a misdemeanor penal provison and is therefor a status essentially lacking in a credible punishment. The statute provides that if convicted, a defendant can be fined a minimum of $500 and a maximum of $2,500, and, if a natural person, can receive a term of imprisonment of not less than 30 days nor more than one year. Yet the statute has ample teeth, since prosecutors may charge defendants with multiple counts based on the actual workings of the defendant's plant. Thus if a plant has one shift a day, and the polluting discharge virtually stops with the ending of that shift, each day becomes a separate count in the indictment or information.

Recently in the Southern District a defendant felt the full impact of this aspect of the Refuse Act. Anaconda Wire & Cable Co., a division of Anaconda Company, routinely discharged large amounts of copper from its

plant in Hastings-on-Hudson. The metal, which is highly toxic to virtually all life, was discharged from the plant as traces in its process water. After hearing the evidence our Special Grand Jury charged Anaconda with 100 counts—an alleged violation of the Act on practically every working day in the first half of 1971. Anaconda pleaded guilty to the indictment, and was fined $2,000 per count for a total fine of $200,000. There is no doubt that a fine of such severity has the desired impact of deterrence. The fine, of course, buys no capital equipment, and the corporation must still pay for and install abatement equipment. Other fines in the Southern District have been relatively as severe, running on the order of $25,000, $50,000 and, in the case of Standard Brands, $125,000.

2. The Refuse Act makes no provision for civil relief. It reads as if it were only a criminal provision. It would appear that the statute was defective as the corner stone of federal enforcement in that it contains no provision for the federal government to require a polluter to abate his pollution. But judicial interpretation has entirely filled that void. Relying on Supreme Court cases under companion sections of the Rivers and Harbor Act which held that the government could sue to enjoin violations, the Department of Justice brought, in March, 1970, the first two cases seeking civil relief under the Refuse Act—one in Florida against Florida Power and Light, and the second in the Southern District of New York, against Oceana Terminals. In both cases the courts upheld the federal government's right to sue to enjoin pollution. Since March of 1970, the Department of Justice has brought 90 additional civil actions. These suits were often brought in conjunction with a criminal action. In all of the approximately fifteen criminal cases brought in the Southern District, we initiated a civil action calling for abatement of the pollution. The only exceptions were cases where the pollution resulted from a one time operation or accident, or where the State or local agencies stepped in with an adequate abatement order.

The civil relief obtained has been designed to abate the particular pollution at issue. In Oceans Terminals, where the problem was oil leaching into the East River from an oil saturated shore, the defendant was required to maintain an adequate boom and to continuously clean the oil from the water, while at the same time he was required to repair the underground leaks from his tanks. In Marathon Battery, the defendant was required to install pre-treatment equipment to clean the toxic metal cadmium from its effluent.

Marathon Battery is a particularly interesting case. Marathon and its predessor companies operated a cadmium-nickel battery plant at Cold Spring, and routinely discharged waste water into a sluggish tidal marsh area in Foundry Cove. The cadmium and nickle built up in the area over a 20-year period, so that today, in some areas the bottom muds are almost 16% cadmium. We have asked the court to order Marathon and its predessors to dredge the bottom muds—virtually cadmium ore—out. The issue is still in litigation; but if we are successful we will have firmly established the principle that a polluter can be held to correct the damage he has caused.

3. The Refuse Act appears defective because it has no standards of any kind written into it. It merely states that it is unlawful to discharge refuse. The absence of fixed standards bothers many people, and in large measure the so-called Muskie Bill is an attempt to create standards. But I really doubt that the Muskie Bill in fact says more in the way of standards than that which has already been developed as standards under the Refuse Act. There have been no Court decisions to deal directly with this problem, yet the prosecutor in enforcing the Refuse Act, works with the only standard that as a practical matter can work—the maximum feasible abatement under the present technology. That is the standard for the relief that we seek in our civil suits and that is the abatement sought by the EPA, as I understand it, in evaluating permit applications.

While I do not wish to seem too cavalier about standards, there really is to my mind much too much made of the fact that no one has precisely stated as law what standards are applicable to each and every discharge under each and every condition. It is ludicrous to observe responsible enforcement officials discussing whether 5 parts or .5 parts per million of copper, for instance, should be the standard for industrial discharge. The fact is that many companies are discharging 50 and 100 parts per million, and that technology exists which can reduce the discharge down to about 5 parts per million or less without exorbitant costs.

In my judgment, the absence of absolute standards is, and has been, no bar to adequate enforcement. As Martin Lang, the Commissioner of Water Resources of New York City stated recently, the only certainty about standards is that they are going to get tougher. Logic and practicality dictate, as a result, that the only acceptable standard for abatement, is the maximum feasible abatement under the present technology.

4. The Refuse Act appears defective in another regard. It creates no laboratories, no investigative arms and no enforcement machinery. No administrative program is included to process and evaluate permit applications These defects were, of course, in large measure corrected with the executive order establishing the Refuse Act Permit Program and by the creation and reorganization of the EPA. But one of the strongest tools of enforcement comes directly from the Refuse Act itself without special proclamations or funding. The Refuse Act is a criminal statute and violation of it may be investigated in same manner as any criminal conduct—by Grand Jury investigation. In the Southern District of New York we have had a Special Grand Jury sitting since September, 1970. It has indicted 15 companies, and investigated many more. It has the power to subpoena anyone it wishes to hear testify. This is a significant power Most potential defendants are corporations, and do not enjoy a Fifth Amendment privilege. In the past, and even today, much of the investigative work by the Corps of Engineers begins and ends with a boat ride and the dipping of a glass jar into some noxious smelling liquid. But the Grand Jury can circumvent that procedure of evidence gathering entirely. It simply subpoenas the corporation's responsible officials before it and asks them to explain under oath just what chemicals and other refuse the plant discharges.

The actual investigation may well take many months, however, since often detailed laboratory tests must be made by the defendant before it can adequately report to the Grand Jury the content of its discharge.

This method of investigation has, for the prosecutor, the added advantage that the defendant cannot readily challenge the evidence against him. Most indictments are based on admissions by corporate officials in the Grand Jury, or on tests made by the defendant at the request of the Grand Jury. By the end of the investigation, there is little left for the defendant to dispute, and, as has been our experience, practically all defendants enter guilty pleas.

It should be obvious that I am of the opinion that the Refuse Act has developed into a superior enforcement tool for the betterment of our environment. An examination of the record of enforcement bears this out.

Criminal indictments are increasingly being voted by Grand Juries around the country. In the two years ending July 1, 1969 a total of 87 criminal cases were brought under the Refuse Act. In the next two years ending July 1, 1971, almost four times as many criminal actions were brought—a total of 320. Once convicted, defendants can expect a substantial fine. As Judge Croake stated when he imposed the $200,000 fine upon Anaconda, no longer can pollution fines be viewed as merely a cost of doing business.

Such actions by the Department of Justice and the United States Attorneys bring credibility to the commitment to clean up. Without the certainty of being caught and punished, there is little left to that commitment, no matter how grand the administrative machinery or how stringent the standards. Business Week magazine reported in its first issue of this year that Dow Chemical spent $30.5 million on capital equipment and operations in 1971 for pollution abatement. GM reported to the Southern District that it was spending $43.7 million on abatement equipment to be completed by 1973. These kind of expenditures will only be made when strong enforcement action creates a climate in which businessmen sense that they must abate or face even sterner action by the government.

Strong enforcement of the Refuse Act, along with the growing momentum brought on by knowledgeable and concerned private citizens and organizations, has in addition created the climate in which local and state governments must now emphasize enforcement to a greater extent than ever before. Practically every municipality running a sewage treatment plant has enacted codes which, if enforced, would reduce the amount of toxic metals and oils passing through these plants into the water.

The State has vast powers and resources both for preventing direct pollution and indirect pollution of the waterways. A United States Attorney who vigorously enforces the Refuse Act, such as has Whitney North Seymour, Jr., in this District cannot help but cause the competitive fires to ignite in these local and state agencies. The same competition works between the EPA and the United States Attorney offices, as well as between United States Attorneys in neighboring districts. While it may not be obvious to even the most well informed people, this has been one of the most important products of the Refuse Act. Competition in the form of concurrent jurisdiction is of course not unusual in law enforcement. But there is probably no other area where the competition fostered by concurrent jurisdiction had a more beneficial effect. The Refuse Act is necessary and has been successful on this basis alone—actions under it have proven enforcement is possible and desirable, and have made others uncomfortable if they were not being equally as tough.

If I were to grade the importance of the Refuse Act and enforcement under it I would list these things as the most important, above even the significant successes of individual cases:

It has and is creating a climate in which industry—the potential defendants—now feels growing certainty that it can no longer pollute with impunity, and;

It has and is creating a climate in which local and state agencies can become more stern in their enforcement policies.

Much remains to be done. But in my opinion, there could not be a more explicit mandate than is now found in the Refuse Act; nor could that be a more workable scheme of enforcement than has evolved under the present statute.

THE IRRESPONSIBILITY OF FEDERAL DEFICIT FINANCING

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 24, 1972

Mr. ROUSSELOT. Mr. Speaker, this Congress, this session, needs desperately to come to grips with the problem of deficit financing. I have spoken on this subject before and I intend to continue this dialog and debate until the 92d Congress takes a more responsible attitude to correct the pell-mell course leading to Federal bankruptcy.

A recent article in the Washington Daily News, which was reprinted in Human Events, February 19, 1972, entitled "Public Is Still Misled by U.S. Budget Figures," reemphasizes many points we should have studied more seriously when we were debating the administration's request to increase the debt ceiling by $50 billion. This Congress decided to increase the debt ceiling by $20 billion.

When Congress votes to constantly increase the debt ceiling, although many of us have stood firm in opposition to that effort, we are in effect creating an inflationary pressure through another form of Government overspending. As this article which appeared in the Washington Daily News states:

In short, the deficits of the Nixon Administration on the basis of simple arithmetic are stunning enough; but when the inflationary possibilities are counted, they are frightening.

It is time for this Congress to face up to assuming its responsibility under the U.S. Constitution to manage debts and expenditures more responsibly. I ask my colleagues to consider this thoughtful article from the Washington Daily News:

PUBLIC IS STILL MISLED BY U.S. BUDGET FIGURES

According to President Nixon's budget calculations, the 1972 fiscal year (ending June 30) will incur a deficit of $38.8 billion and he projects a deficit of $25.5 billion in his 1973 budget.

This is deceptive.

The Nixon budgets, as did Lyndon B. Johnson budgets in the previous administration, lump all receipts in one pocket—including the trust funds, such as Social Security, unemployment compensation, etc.

The trust funds are special, separate and distinct from general government spending. They are set up for specific purposes. The money belongs to those who are entitled to Social Security benefits or unemployment payments—it is not for general government use.

Moreover, these funds usually have a surplus—it is estimated, for instance, that trust funds receipts in 1973 will total $83.2 billion while outlays will amount to only $72.5 billion. This is why the budget makers lump them in with other receipts—it makes the whole budget look better.

The fact is that without counting receipts and expenditures from the trust funds, the government deficit for this fiscal year would be $45 billion (not $38.8 billion) and for 1973 the deficit would be $36 billion (not $25.5 billion).

This is why it is more accurate to talk in terms of increases in the federal debt—which Mr. Nixon estimates will hit $493.2 billion at the end of June, next year, from its present level of $425 billion. That is the real measure of the government's red ink, as some in Congress now are pointing out—Senate Appropriations Chairman Allen J. Ellender, for instance.

The government also uses the trust funds (Social Security and the others) to bail itself out in another way.

These funds, which have surpluses against future obligations, buy up federal securities. Federal agencies, using trust fund money, own more than 25 per cent of the government's debt, while the Federal Reserve System has around 16 per cent and the general public (banks, individuals and other investors) the rest.

Using trust fund money to help the government with its debt relieves the competition the government faces in the money market in selling its securities. And, to that extent, reduces the pressure on interest rates.

But the new debt created by the government's deficits in the 1971, 1972 and 1973 fiscal years, will be increasingly financed by selling securities to the general public, thus tending to inflate interest rates.

Moreover, as the official budget analysis concedes, when the Federal Reserve System buys government bonds, notes, etc., this leads to an expansion of bank reserves and enlarges the country's money supply. It's like printing money, and it is inflationary.

In short, the deficits of the Nixon Administration on the basis of simple arithmetic are stuuning enough; but when the inflationary possibilities are counted, they are frightening.

RESOLUTION FOR DETROIT LITHUANIAN ORGANIZATIONS CENTER

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 24, 1972

Mr. DINGELL. Mr. Speaker, pursuant to permission granted I insert into the CONGRESSIONAL RECORD a letter just received by me from the fine people of the Detroit Lithuanian Organizations Center.

That group of fine Americans of Lithuanian descent has enacted resolutions included in that communication which merit the careful consideration of all.

DETROIT LITHUANIAN ORGANIZATIONS CENTER,
Detroit, Mich., February 13, 1972.

The Hon. JOHN D. DINGELL,
House of Representatives,
House Office Building,
Washington, D.C.

HONORABLE REPRESENTATIVE DINGELL: We, Americans of Lithuanian descent, having gathered on February 13, 1972 at Mercy College's McAuley Auditorium in Detroit, Michigan to commemorate our native Lithuania's Independence Day, and having heard the eminent speakers of this occasion, have unanimously resolved to address and inform you, Sir, that we follow your actions in search of a permanent and just peace for the United States and the whole world with great interest. With confidence we support, and will continue to support, your actions for this cause.

At the same time, however, we find it necessary to focus your attention on the ineffectiveness of appeasement and privileges such as were granted to Hitler and his ally Stalin, as well as to his successors. These attempts for peace only succeeded in bringing the world greater suffering. Appeasement in Munich, and later in Teheran, Yalta, and Potsdam did not bring peace, but instead ate up millions of lives and brought on some of the many wars that are currently raging on battlefields as well as those still being fought in the minds and hearts of all oppressed peoples.

In the history of mankind the perpetrators of appeasement have been marked as short-sighted politicians who have forsaken the main principles of humanity. That inalienable human rights are being abused today as a result of appeasement is being fully demonstrated through such actions as: the trial of Simas Kudirka in Vilnius; the trials of Lithuanian priests in Alytus, Kaunas, and Vilnius; the trials of Jews in Leningrad, Riga, Kiev, and Lithuania's capital Vilnius; and many other similar staged trials which the Soviets have attempted to keep secret.

Therefore be it resolved:

(1) that in the European Security Conference there be no concessions to the Soviets impairng the captive European nations,

(2) that the United States support by all possible means the efforts of Eastern European nations to escape from U.S.S.R. subjugation,

(3) that the State Department not only rescind its decison to abolish the Assembly of Captive Nations, but strengthen its activities.

The motive behind the abolishment of the Assembly is painfully obvious appeasement and not a matter of budget reduction. With billions of dollars being sent to Vietnam and the Middle East, the out-lays for the Assembly are, in comparison, a mere drop in the bucket, while the activities of the Assembly are as meaningful as the fight on the broader plane.

We are confident, Sir, that you will use your power and influence to implement and effect these above resolutions. Thank you.

RAYMOND G. SAKIS,
D. L. O. C. President.
VYTAHTAS BAUKYS,
President of the General Meeting.

ANNOUNCEMENT OF HEARINGS ON THE RESPONSIBILITIES OF FEDERAL POWER COMMISSION IN THE AREA OF CIVIL RIGHTS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 24, 1972

Mr. EDWARDS of California. Mr. Speaker, I would like to announce that the Civil Rights Oversight Subcommittee of the House Committee on the Judiciary will hold hearings on the responsibilities of the Federal Power Commission in the area of civil rights. These hearings will commence with testimony from the Federal Power Commission on March 2, 1972, at 10 a.m. in room 2237 of the Rayburn House Office Building. Additional witnesses may be scheduled to testify at later dates.

Those wishing to testify or to submit statements for the record should address their requests to the Committee on the Judiciary, U.S. House of Representatives, room 2137, Rayburn House Office Building, Washington, D.C. 20515.

OUR NEIGHBORS, BIG INDUSTRY

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 24, 1972

Mr. WALDIE. Mr. Speaker, I would like to preface this letter that I am submitting for my colleagues' interest and information with a very brief comment.

I find this letter to be a moving and eloquent statement on the right of the American people to a clean environment. It would seem that Mr. Hautala has correctly diagnosed the situation as one in which personal accountability stops short of the really big people in America—namely big industry. His illustration of individual accountability to one's neighbors is an apt one and perhaps it is time we began to think of our industries as just that—neighbors who are accountable to us all for their polluting actions.

The letter follows:

JANUARY 30, 1972.

Representative JEROME WALDIE,
United States Congress,
Washington, D.C.

DEAR SIR: I cannot know the legislative or legal ramifications of what I propose. Surely someone has had similar ideas, but I feel the need to put them my own way, perhaps with better results.

One of the problems which sums to perplex our society is *pollution*. Whether this problem is real or not I cannot judge. If it is a real problem, as dire as some authorities would have us believe, then we all need to work on it.

If I were to vent my sewage on my neighbor's lawn, he would take immediate legal measures to *force* me to cease and desist. His property rights would be protected by our existing legal framework. Similarly, the people of this nation hold the property rights to the navigable waters and three miles of coastal waters. We have allowed our neighbors to vent their sewage on our property, that which we hold in common. When seen as one issue of property rights the problems of water, air, and land pollution seem easier to handle because the legal means for redress are already at hand.

I am by training a chemist. Because of my specialty, I conclude that the technology for pollution abatement is available. Pollution control is not a question of science but one of economics.

Since the destination of every stream is eventually one of the oceans it is impossible for a polluter to continue his imposition without trespassing on the property rights of the people. The matter of cleanup can be handled like any other debt. The polluter must pay for that which he pollutes. As a goal, the quality of effluent downstream from any user must be equal to or better than the quality of the input. The achievement of this goal would see every user recycle and reuse every natural resource.

To soften the financial blow, give full tax credit for the cost of approved capital investments for pollution control.

In Martinez, the populace has suffered annually from the sulphurous stench of the Fibreboard plant in Antioch when the winter fogs drift down the Sacramento River. The technology for removing this air borne unpleasantness has been known for at least 50 years. Oxides of nitrogen from high temperature combustion can be removed from the exhaust gases of steel mills. The acid used to pickle steel need never enter a stream.

The value of such changes cannot be calculated on the basis of a cost-benefit ratio. What is it worth to see a living pelican, a clear stream or a mountain 40 miles away? Perhaps it is worth the pride of this nation, the mental and physical health of its people.

I do not know if the property of the people can be protected from the encroachments of pollution. If we have a nation governed by law, then one of our pressing needs is legislation which places lighter strictures on the sphincters of pollution emitters.

Sincerely yours,

EARL HAUTALA.

HERMAN H. DINSMORE EXPOSES PRESS ROLE IN CONSTRUCTING A STATISTICAL BALANCE OF POWER FOR OUR ENEMIES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 24, 1972

Mr. RARICK. Mr. Speaker, for many years the mass news media of the United States—press, radio, and TV—have been engaged in the practice of intentionally influencing national policy.

Over a period of years, I have noted as the result of an extensive correspondence from many parts of the Nation that our people are no longer hoodwinked by glib journalists, particularly those who rely upon Government press releases instead of doing their news gathering and research. This discernment has markedly increased since the appearance in 1969 of Herman H. Dinsmore's potent volume with the alluring title of "All the News That Fits," which is a critical analysis of the news and editorial contents of the New York Times, published by Arlington House of New York.

A former associate foreign editor of the New York Times and from 1951 to 1960 the editor of its international edition, Mr. Dinsmore writes and speaks with the authority of long experience as well as careful scholarship.

In his first address in New York City since publication of his book, made before the East Side Conservative Club of New York City at the Hotel Lexington, Mr. Dinsmore successfully removed the masks of the "news twisters."

As examples of how the media avoids objective reporting, he tells the story of how the U.S.S.R. got the atomic bomb, how basic Soviet-industrial capacity was created or restored by Western capital and enterprise, and how some of the major tragedies of the last 30 years may be explained by the design of those controlling the news media to form a statistical balance of power against the United States.

In his exposure of press deceits and their disastrous consequences, especially the lives of our youth in no-win wars, Mr. Dinsmore has rendered a service of the highest importance.

In order that our colleagues may have the benefit of his notable February 24 address in New York City, I quote it as part of my remarks:

CURRENT HISTORY WE NEED TO KNOW

(By Herman H. Dinsmore)

This is an important first in my life. It is the first live face-to-face audience I have addressed in New York City since my book, *All The News That Fits,* was published in June of 1969. I believe it would be fair to say that I had been frozen out, and that at long last I am breaking the ice. We Conservatives may have a long way to go, but we are moving. The first large sign was the election of James Buckley as a United States Senator for the State of New York. I voted for Senator Buckley while I was in Memphis, Tennessee, by absentee ballot with only a prayer that he would win, but win he did, and I may say I am far more satisfied with his actions in the Senate than I am with those of another whom I voted for and who is in the White House. Wtih a deficit of more than $38 billion this year and a proposed deficit of almost that much next year and a balance of payments deficit this year of $29 billion by one method of figuring and $22 billion by another method—with those deficits for the United States, I feel sure that John Maynard Keynes, if he were alive today, would say, How Keynesian can you get! And I think he might even put the nix on that kind of Keynesianism.

But I am here tonight to talk to you about Current History That We All Need To Know if we are going to assess domestic and foreign affairs properly—that is, with safety for ourselves, our children, and, even, above all, for our country, which is the custodian of all of us.

Henry Ford, the founder of the Ford Motor Company, astounded the nation in 1919 when he said, "History is bunk." Lincoln had said in 1862, "we cannot escape history. . . . We of this Congress and tihs administration will be remembered in spite of ourselves. The fiery trial through which we pass will light us down, in honor or dishonor, to the last generation." I prefer Lincoln's estimate of the past to Henry Ford's because it appeals to my most civilized instincts. But I know perfectly well that much of our current history is bunk, and that is why I have chosen to talk on this topic.

News is another name for current history. What I will try to show is that much current history is not regarded as news, and that some highly essential facts about the history of the last thirty years are not known to the general public. You cannot avoid errors by learning from history if you do not know history in the first place. There have been so many omissions, distortions and fabrications that one could not tell them all in one evening, even if one knew them all, and aside from sheer modesty, we know we do not know it all because of a great deal of information that we ought to know is classified as secret by the Government. Nonetheless I will touch upon some startling matters that our news media, in whole or in part, have neglected to tell us.

But just before I get into talking about this, I want to point out a most remarkable thing, and that is that in 1951 John T. Flynn came out with a book called *While You Slept.* In it he said that "this country has become a laboratory for the dark and insidious science of modern revolutionary propaganda. It is difficult for the American to realize that the ideas, the prejudices, the convictions he holds may have been deliberately—though slyly—planted in his mind by men who have a settled purpose in performing that operation, who possess the instruments of thought control and understand how to operate them. Miracles can be wrought by those who know this art." The thing that I find so remarkable about that statement is that here in 1972, 21 years later, I am talking about precisely the same matter that John T. Flynn tried so valiantly but vainly to tell the people. He did not have the whole picture but he had a most important piece of it, and we who toil in this field today must use many of his findings.

One of the tenderest state secrets still among classified documents in Washington is the matter of how the United States came

to supply to the Soviet Government information and materials to make the atomic bomb. The decision to inform the Russians that the United States was planning to manufacture atomic bombs was made by someone as early as 1942. Without doubt the Russians received large amounts of information in regard to the American atomic bomb project from spies, but the handing over of atomic materials in massive amounts was done on orders of high United States Government officials and by 1945 the United States had shipped or flown more than 22 million pounds of scarce and needed atomic bomb materials to the Soviet Union.

More than 99 per cent of all Americans, including officials, knew nothing about the United States atomic project until the bomb was exploded in 1945. Yet by 1944 the Russians boasted in the Soviet Union that they too had a Manhattan Project, which was the American name given to the supposedly secret United States atomic bomb project. One American historian called it "sacredly secret." How wrong his history was! W. L. White, another American, wrote a book called *Report on the Russians*, published in 1945. But it was not until March 17, 1950, that he felt able to tell in the *Kansas City Star* that a Russian in Leningrad in 1944 had asked him if he knew about the Manhattan Project in the United States. Of course, the American W. L. White did not even know the name of the American project in 1944.

It is by such a backdoor method that we the people discover that the Russians had an atomic bomb project—or said that they had such a project—as early as 1944. But I did not learn about this Russian knowledge and alleged activity until 1969, 25 years later, and I am supposed to be a newspaper man. *The New York Times* recently published a picture of an atomic reactor that the Russians say they had in 1946, but that is by no means certain. It was in 1969 that I read Mayor George Racey Jordan's *Diaries*, a book which was published in 1952 and which gave the details of our shipments and air cargoes to the U.S.S.R. of 22,958,742 pounds of materials used in the construction of atomic bombs, plus "millions of dollars worth of mining, ore-crushing, and construction equipment." The newspapers unfortunately did not compete with one another for the publication rights to Major Jordan's revelations, and the published reviews treated it as just another book of no great moment, and, in fact, of dubious content.

Who was Major Jordan? Could he really know what he was writing about and speaking about? Did he have the respect of his fellow-officers? The answers are all yes. I know two men who were his fellow officers—a highly respected colonel in the Army and a scholarly captain in the Navy. It was the colonel who suggested that Major Jordan publish his diaries. Major Jordan was a flier with the American Expeditionary Force in France in World War I, and as an Army officer in World War II he was the expediter of materials sent to the Soviet Union to aid it in fighting Nazi Germany. He was a worthy, courageous and altogether admirable citizen who did in fact serve his country above and beyond the call of duty.

The millions of pounds of atomic bomb-making materials sent to the Soviets went by way of Lend-Lease, which was under the direction of Harry Hopkins. Small quantities of uranium ore were sent by the Manhattan Project itself, with the knowledge of Gen. Leslie R. Groves, the commander. General Groves was not trying to help the Russians, and apparently he did not know about the large Lend-Lease shipments to the Russians at the time during World War II. The secrecy about the bomb was so hush-hush that the Russians were able to take advantage of that very situation, and, of course, they had many friends at court. Major Jordan received no medals or Pulitzer Prizes for his efforts to tell the people what went on. On the contrary, he was charged by one writer with having had a suspicious attitude toward the Russians and with making unauthorized inspections of American materials being flown to the Soviet Union. More foolish charges than those cannot be imagined.

Here is a quotation from Major Jordan's Diaries:

"That the Russians found out everything (about the United States atomic bomb project) from alpha to omega, has been established by volumes of proof. Through trials in Canada, England and the United States there has been revealed the existence of an espionage network so enormously effective that Russia, scientists calculated, 'should have been able to make a bomb considerably before September, 1949.' . . .

(It may be that scientists thought that but technologists did not, as I will show later I continue with the quotation:)

"In the light of these disclosures, there stands in plain view the answer to a mystery that troubled James F. Byrnes, (United States) Secretary of State, at the Potsdam Conference (in 1945). Following a session of the 'Big Three,' on the afternoon of July 24, 1945, (President) Harry S. Truman walked around the large circular table to Joseph Stalin's chair. We had perfected a new bomb, (Mr. Truman) said, more powerful than anything known. Unless there was an early surrender, we would use it against Japan.

" 'Stalin's only reply,' writes Mr. Byrnes, 'was to say that he was glad to hear of the bomb and he hoped we would use it. I was surprised at Stalin's lack of interest. I concluded that he had not grasped the importance of the discovery. I thought that the following day he would ask for more information about it. He did not. . . .' [1]

(I again interrupt Major Jordan's quotation to remark that apparently the Secretary of State also had not been informed of the Lend-Lease shipments of atomic-bomb materials to the Russians, though it is hard to see how he could have been ignorant of the fact that the Russians also most probably had been fed numbers of secret documents relating to the atomic bomb. We do not yet know the whole story, but we would have thought the Secretary of State did know it. At any rate here's how Major Jordan concluded his own view of the matter:)

"Stalin probably knew more about the bomb than Truman and Byrnes together. Perhaps (Stalin) was struck speechless by the simplicity of his American guests. What did they take him for, he may have been thinking, not to have informed himself to the last particular regarding a weapon bound to revolutionize war?"

It is hard to believe that President Truman did not then know about the Soviet efforts to build the atomic bomb. He said in 1953, just after leaving office, that he did not believe that the Russians "have the bomb." At any rate, the Soviet Government did know about our atomic work, and the Moscow Government then as now regarded itself as our enemy. Meanwhile, the American people groped in total darkness, since neither the Government nor the press was seeking to keep them informed of this current history. I am not suggesting that the public ought to have been told the secrets concerning the manufacture of the bomb. I am asserting that the people had a right to know what we had given the Russians at some point, possibly some time in 1945 after the issuance of the Smyth Report, which told something about how the bomb was made.

There were without doubt a number of Americans who knew parts of this story, but the newspapers and other communications media—television, radio, periodicals—were not then, nor are they now, bent upon getting and giving the facts in this matter to the public. This is not merely accidental. Dr. Anthony Kubek of Dallas University wrote an excellent book describing the background, entitled, *How the Far East Was Lost*. It was not reviewed in some essential book channels to the people. One organ that omitted any mention of the volume was *The New York Times*. Dr. Kubek wrote:

"On the eve of General Follett Bradley's departure for Moscow (in 1942), (President) Roosevelt turned to him and remarked: 'the important thing to impress on the Russians is that we are wholly realistic about shipments to Russia.' Every effort will be made 'to make deliveries by any and all practical means.' Our position should be to say to the Russians that 'we can let them have almost everything they want.' (I may say here that as it turned out the Russians may well have received everything they wanted. It is not likely that even today we know all that they got.)

"A flood of American Lend-Lease goods began to pour into Russia. . . . 'Our policy,' writes General (John R.) Deane, 'was to make any of our new inventions in electronics and other fields available to the Russians . . .' Each month the General received a revised list of secret American equipment about which Russia could be informed.

"In addition, with the enthusiastic help of Harry Hopkins, the United States shipped, year after year, millions of pounds of atomic bomb material. 'Every possible effort will be made to meet all Protocol commitments at the earliest possible date,' said Hopkins. 'The United States remains firm in the belief that material aid' to the Soviet Union is of 'highest strategical importance.' In 1943 (note that), the U.S. government issued export licenses for the delivery of atomic bomb materials to the U.S.S.R. Restricted orders of the Manhattan Project (under General Groves) were bypassed by the Canadian Radium and Uranium Corporation, an American firm with the 'right' contacts in Washington."

General Groves did everything he could to keep both materials and secrets from the Russians during the war and afterward, but he was not as powerful as President Roosevelt during the war, nor as strong as the Acheson-Lilienthal group which after the war actually wanted to build atomic bomb plants in Russia and elsewhere around the world. That plan was thwarted by Bernard Baruch and others in the United Nations Atomic Energy Commission. That story is well told in Dr. Medford Evans' brilliant book, *The Secret War for The A-Bomb*, a book that was never reviewed by *The New York Times* or any other newspaper in New York, Boston or Washington. It was published in 1953 by Henry Regnery Company, a well-respected book publisher. Dr. Evans is a doctor of philosophy from Yale University and was the security officer of the United States Atomic Energy Commission until he resigned because none of his security measures was accepted.

I will return to Dr. Evans and his amazing charges after the next disclosure. This suggests enormous omissions by the press and other communications media. This information came to me as a thunderous surprise only in November of last year in a work that Dr. Evans in a review called the greatest publication since The Bible. This work, in three volumes, is entitled, *Western Technology and Soviet Economic Development*. It was written by Dr. Antony C. Sutton of the Hoover Institution at Stanford University in California. (I mention California, not because I do not believe that you know that Stanford is in California, but because it seems to me to be especially interesting that this work was *not* produced in an Eastern university. I cannot imagine that it would come out of Harvard, Princeton, Yale, Colum-

[1] From *Speaking Frankly*, by James F. Byrnes (Harper, 1947), page 263.

bia, or Chicago.) (Nor, of course, would it have come out of the University of California at Berkeley or Santa Barbara, but it did arise out of a university in California rather than in the East.)

Dr. Sutton discloses in *Western Technology and Soviet Economic Development* that virtually all of basic Soviet industry has been restored or created by Western capital and enterprise. This brilliant researcher does this with a methodological virtuosity and comprehensiveness that leave no doubt that the people of the Western world would have been subjected to some remarkable misconceptions in regard to Soviet Russian capabilities in the civilian area, whatever they may be able to do militarily. Even today the Italian Fiat company is building the first large mass-production automobile plant in the Soviet Union, and Soviet leaders are now arranging for Westerners, chiefly Americans, to construct in Russia the largest mass-production truck plant in the world.

The Soviet Union does have large industrial capacity and capabilities, but they have been put there by the West. Why? We will come to that very shortly. Dr. Sutton believes that, "Without capitalism or some variant of a market system, centrally planned systems are doomed to technical stagnation," and that "This is why copying is pervasive and has persisted for 50 years" of Sovietism. That is why, no doubt, one more Russian attached to the United Nations in New York was arrested only recently and accused of seeking information about a United States military plane. Dr. Sutton found also that during the 1930's the United States and other free countries helped the Soviet Government to obtain "30 years of technical development in three years." True, some of this was wiped out in World War II, but here is what the Stanford savant says about that:

"Looking at the picture as a whole, there were two massive injections of Western technology and capacity (into the Soviet Union), in the periods 1930–3 and 1943–5. Even given the extensive destruction of World II, and assuming that 25 per cent of the Soviet economy was destroyed, the Soviets were far better off in terms of both capacity and technology by 1946 than before the war. Destroyed facilities were more than replaced by reparations and Lend-Lease, and, more importantly, replaced with equipment 10 to 15 years more advanced.

"No major technology or major plant under construction between 1930 and 1945 has been identified as a purely Soviet effort . . . . Soviet technology was almost completely a transfer from Western countries; only two major Soviet innovations have been identified: SKB synthetic rubber and the Ramzin once-through boiler; both were supplemented with Western methods by 1945."

Through this penetrating study we get for the first time a clear picture of the strange economy of the Soviet Union. We begin at last to understand why the Soviet regime could show some remarkable technical achievements (offered, of course, entirely as its own) while never certain from year to year that it could feed its people. But we did not learn these vital facts through the national news media. It is a notable fact that we have to go to the *Reader's Digest* to get the news of Soviet revolutionary activity in Mexico. It is also of interest, technically and otherwise, that no pictures of a Soviet atomic explosion have ever been published anywhere. Nor have we ever seen a picture of a Soviet blast-off or landing of a space machine of any kind.

In the autumn of 1971 a Soviet space scientist, Leonid Vladimirov, defected in England, allegedly with hard proofs that the Russian space program is a hoax "aimed at persuading the West that the Soviets had reached a high level of advanced technology comparable with that of the United States," according to an Associated Press dispatch of November 25. This news was not published in the New York Times; nor, apparently, did it make headlines anywhere. The omission is part of an unbroken pattern. How can the Establishment communications media break down the country that they have been at such great pains to build up?

The knowledge of the overriding Western contributions to Soviet economic development came as a great surprise to me, even though for some years I handled the news from Russia for The New York Times and have since tried to keep up with Soviet progress or whatever it is. This ignorance is not hard to understand. Only one newspaper in the world up to December of 1971, had reviewed either one of the first two volumes of Dr. Sutton's great work, and that was the Phoenix *Arizona Republic* to its credit. In other times this work might have been analyzed in *The New York Times* and other newspapers around the country. Now it is the purpose both of the Government and of the national news media to shape the news to fit the preconceived ideas of what the people have a right to know. Books are reviewed or not reviewed to suit this aim.

However, when it fits the purposes of the same media to do so, they will stress a general right of the people to know, as in the case of the purloined Pentagon Papers, so called. The publication of those documents and biased opinions had the specific object for *The New York Times* and its tributary press of discrediting the entire basis of the Vietnam War, even when the President of the United States was withdrawing American forces as rapidly as he deemed consistent with the national interest. This object of *The Times* was shared by the *Washington Post* and some other newspapers.

In the case of Soviet activity, at home and abroad, we can only guess at the extent to which American readers, viewers and listeners have been deprived of the facts of current history. No serious effort has been made to present the truth in the manner achieved by Dr. Sutton, because that is not the aim of *The Times*, the *Washington Post*, the *Los Angeles Times* and other segments of the news media. Recently I asked Dr. Sutton whether he was familiar with Major Jordan's revelations about United States atomic assistance to the Soviets. He said he was, and that he had gone to Washington, D.C., to check the original Lend-Lease invoices with those listed by Major Jordan in his book. He assumed that if the Jordan figures tallied with the original sources in a half dozen cases, then it would be possible to accept the Jordan material as authentic. With Congressional help, Dr. Sutton made a sample check, and he found that Major Jordan's data tallied with the originals. Dr. Sutton said that much work remained to be done and that much of the material involved was still classified.

The Stanford researcher said that it was his conclusion that, technically, the Soviets could not have manufactured an atomic bomb without U.S., British or Swiss assistance because those were the only sources of some of the machine tools needed. What is more, he said, the Soviets could not even manufacture the extrusions needed to build certain aircraft early in the 1940's. I believe that there is no probability or even possibility that the story of our handing over to the Soviet Government to make the atomic bomb is false.

But here is something even more extraordinary—which happened after the United States became the sole possessor of atomic weapons.

Dr. Medford Evans said in his book:

"The classic illustration of the reliability of official U.S. releases was given by Harry Truman in January 1953, just one week to the day after he left the White House.

"'I am not convinced,' the ex-President told an INS reporter in Kansas City—'I am not convinced the Russians have achieved the know-how to put the complicated mechanism together to make an A-bomb work. I am not convinced they have the bomb.'"

It was Mr. Truman as President of the United States who announced to the world the first Russian atomic explosion in 1949. Now he seemed to be saying that he did not believe the Russians were capable of making atomic bombs and that, therefore, what they had exploded were atomic devices. But his statement left open the possibility that the Russians had detonated bombs that they had not manufactured. This would fit in with the theory of Dr. Evans that it is entirely possible and even probable that the first atomic bombs exploded by the Russians were stolen from Los Alamos. He speculates on other possibilities that are far more alarming. In retrospect it is easy to see why Dr. Evans' book got no reviews in New York, Boston or Washington newspapers, or in popular or scholarly periodicals. Obviously he had stumbled into the Establishment Wonderland, where only the Tales of Hoffmann and other grotesqueries and fantasies of the Council on Foreign Relations are permitted. Dr. Evans' book sold only 2,500 copies. It is now out of print; it was never published in paperback; yet it is an absolute must for the intelligent reader, and it can be obtained in libraries. I quote now from page 53:

"Well, it could hardly have been supposed before 1945 that a great nation (the United States) would be intimidated by its own victory and, clearly alone in the first rank, would devote its diplomatic talents to the task of creating a balance of power against itself. It could hardly have been supposed that the inventors and makers of a revolutionary weapon would in the very moment of their triumphant discovery betray abruptly such signs of neurasthenia as, without renouncing war, to attempt to renounce their newest and most powerful instrument of war. The whole atomic policy of the United States since 1945 has been incredible."

Thus Dr. Evans saw clearly and earlier than most of us that the United States was indeed setting up a balance of power against itself. I share his view, and I saw what was happening from 1945 onward. Unfortunately we who opposed the policy of weakening the United States and strengthening the enemy were scattered, isolated and reduced to silence. No newspaper or periodical or radio or television station or network sent reporters to Washington to check Major Jordan's revelations, as Dr. Sutton did. *There* is the proof that the same sources that were so eager to publish the stolen Pentagon papers would not lift a finger to fulfill the public's right to know all about this atomic bomb matter. In fact, they would oppose it on the ground that it would not help to build bridges to the East. What they would really mean is that it might help to upset the balance of power that they have so patiently and clandestinely built up over all the years since the end of World War II. In this balance of power the Soviet Government and Communist China are played off against the Western nations in a terribly costly effort to maintain what is called peace.

Now if the West built the industrial basis of the Soviet Union—as, indeed, it did—then the Soviet leaders are well aware that their country is being used as a counterweight against the West, especially the United States. In other words, the leaders of the U.S.S.R. know that their nation is part of a balance of power set up by elements or forces in the West. Thus, any war involving the use of atomic bombs would in the most literal sense have been *engineered* by the West. If, however, the West should blunder into any war instigated by the Russians, as in Korea and Vietnam, the Russians (and the Chinese Communists) are guaranteed against a West-

ern victory. The balance of power is an ideal setup—for the Communists. Has this phase of current history been clearly presented by the national news media? On the contrary, most persons are given the impression that all the world's troubles are the fault of the United States. That is a massive omission, distortion and fabrication of current history. Why do the news media fail to point out that the industrial part of the Soviet military-industrial complex is highly vulnerable because of its dependence on the West? Is the United States military-industrial complex under attack for that very reason?

I wonder if the people have any understanding of the enormity of this situation. Our great country has been shorn of much of its strength through transference of some of our vital resources to an enemy country. Our prestige has been reduced. We have lost more than 100,000 American lives in two wars that we refused to win, and in which we have suffered more than 400,000 wounded. American youths have been terrorized into believing that they would be sacrificed without limit. The Russians have the run of our country through the United Nations and the Soviet Embassy. They fish out our waters. They interfere with our naval maneuvers. They veto our peace efforts. They engineer all manner of riots and uprisings in our country. They feed the flames of war in Vietnam, as they instigated and officered and carried on the Korean War from beginning to end, knowing full well that they would not be permitted to lose. They have corrupted our press and other communications media, with the eager cooperation of these media.

The President and Vice President of the United States have both commented on the new newspapers. On April 30, 1970, President Nixon said that other Presidents had made more notable decisions than his decision to send American troops into Cambodia. Then Mr. Nixon added:

"But between those decisions (of other Presidents) and this decision (to enter Cambodia), there is a difference that is very fundamental. In those decisions the American people were not assailed by counsels of doubt and defeat from some of the most widely known opinion leaders of the nation."

I don't think there is any doubt as to whom he meant. Vice President Agnew, the alter ego of the President, had been specific on a previous occasion when he said that the "day when network commentators and even gentlemen of *The New York Times* enjoyed a form of diplomatic immunity from comment and criticism—that day is over."

The national news media can build up or hold down an event, a book, a personality or a situation. The mediums of communication can present matters of life and death in a bad light or a good light—such as war. Certain mental stances or bents of mind can be programmed into the minds of the people. This is how the beliefs of the people are fashioned, and not one of us escapes entirely from this programming. With a straight face the very persons and publications that talked about the struggle for the minds of men were systematically engaged in capturing men's minds—by distorting, omitting and fabricating the news. This is mental warfare. The aim of news distortion is to rig the thought control processes of the nation—to mold the minds of the people to a pattern, and to block freedom of thought.

I received some months ago a letter from a distinguished professor at the University of California at Berkeley, Dr. Hardin B. Jones, in which he said:

"Systematic editorial bias of news through the conditioned minds of reflex liberals is a pathetic situation for a civilization founded upon truthful principles, but the deletion of bits of news here and there is a catastrophe when, as you establish, it happens within a recurrent pattern. . . . The communication world is not only literally sick but it is too paranoid to face and be responsible for criticism it must understand."

In 1970 I spoke to two groups of engineers of the Vandenberg Air Force Base in California, and I suggested to them that they would never have put a weather-observing satellite or other planetary object into space, nor would the United States ever have been able to send men to the moon, if the engineers' scientific principles had been arbitrarily changed and made wrong—that is, not truthful. Dr. Jones said our civilization rests upon truthful principles. Precisely. Because much of our society is based upon science, which is a body of truthful principles that cannot be tampered with. So also to poison the well springs of our daily news is indeed a catastrophe.

The miscoverage of the Vietnam War by our national news media is one of the great suppressed scandals of our times (which could be a pun). Time does not permit me to go into this fascinating and ugly chapter of American journalism. But I should like to say that the nation that could lead many other nations to victory in World War II could easily have defeated North Vietnam in a matter of weeks or months with conventional military power if it had been applied against a small country that has no air force worthy of the name, no navy, and no effective supply lines. And it is my opinion that we could have won this war without causing either Communist China or Soviet Russia to intervene more than they were already intervening. We did not win immediately because that would have upset the balance of power. We were not supposed to win.

It is the unassailable verdict of history that a people gets the kind and quality of government that it deserves or that it is capable as a nation of creating. I suppose also that that is the kind of newspaper a people gets. But a people lives according to some well-established rules. When the rules are changed without notice, the people will be deceived. But, as Lincoln said, you cannot fool them all all the time. We can reverse the trend of defeatism and deception by refusing to abandon South Vietnam and by giving it sufficient support to enable it to have a chance to sink or swim. Henceforth we should fight no wars that we do not intend to win. We have had wars since 1945, and we will have them forever until we win one. It is the nature of Communism to bleed us forever. And, quite obviously, it is the nature of some Americans to help the Communists to do this. We must not permit it. What we are witnessing in our news media is a veritable effort to create an artificial world in order to set up concepts that would govern the inner impulses and orderly actions of the people. It is like something out of the Tales of Hoffman.

No one can foretell the future. But one has a right to know what is going on during the present and what has happened in the past. I have tried to show at least *some* of the current history that has been omitted, distorted or fabricated. The media have been at great pains to give the most extensive publicity and coverage to the exploits of Ralph Nader in his charges against the automobile industry and others. The name of this consumer advocate is now a household word. But if he were undertaking to purify the national news media, I can predict without fear or favor that he would be as little known as your speaker—his name, his books, and his words would be among the rare artifacts of the North American continent.

The question has been asked me, What good does it do to tell all these things to the public? It is asserted that the ways of our society have already been set, and that I cannot change them. It is true that we have engaged on this bitter course of appeasement for years. Can anything or anybody dissuade the American public—the whole free world public—to change its course? Yes, I think so. But even if nothing could, it would still be my duty as a journalist to tell you the facts—facts, I may say, which are already in the public domain but have probably not been brought to your attention.

It is my belief that when the people come to know that they have been fed untruths deliberately by a corrupt press, when they come to know that their country is being torn down before their very own eyes in order to construct an artificial world of make-believe, then the people will act with new insights and understanding. The people of the United States always have many ways of expressing themselves, and they *will* be heard. If *I* can know the truth, so can you. If *I* can act on this new and startling knowledge, so can you. Together we can change the course of the country as radically and as beneficially as George Washington did.

John Philpot Curran of Dublin said on July 10, 1970:

"The condition upon which God hath given liberty to man is eternal vigilance; which condition if he break, servitude is at once the consequence of his crime, and the punishment of his guilt."

The erosion of our liberty is already well under way, and servitude will surely follow unless we are vigilant and active.

LEGISLATION IS NEEDED TO IMPROVE PRISON SYSTEM

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 24, 1972

Mr. HALPERN. Mr. Speaker, the attention which has recently focused on the American prison system has made it apparent that this system is totally inadequate. The President, the Attorney General, and the Director of the U.S. Bureau of Prisons all agree that our prison system has failed. Several of my colleagues in the House and Senate have joined me in criticizing the deplorable conditions in our prisons.

To improve our prison system legislation is needed. A bill I have introduced with 19 cosponsors, H.R. 11290, would provide financial assistance for State and local small, community-based correctional facilities. One of the major features of my bill is the provision for funding research and demonstration projects to help find solutions to the problems of the prisons.

Recently the Washington Post ran an excellent series of articles on our prison system. One of the best was by Ben H. Bagdikian entitled "A Human Wasteland in the Name of Justice." In a carefully researched and documented article Mr. Bagdikian discussed the failings of the prison system and emphasized the need for research in this area:

> For all the public clamor about crime and punishment, this field remains a wasteland of research, the most remarkable void of reliable analysis of any major institution in American life.

I recommend this article to all of my colleagues interested in solving the crisis facing the American prison system:

[From the Washington Post, Jan. 30, 1972]

A HUMAN WASTELAND IN THE NAME OF JUSTICE

(By Ben H. Bagdikian)

If today is average, 8,000 American men, women and children for the first time in their lives will enter locked cages in the name of justice.

If theirs is an average experience they will, in addition to any genuine justice received, be forced into programs of psychological destruction; if they serve sentences most of them will not be by decision of judges acting under the Constitution but by casual bureaucrats acting under no rules whatever; they will undergo a significant probability of forced homosexualism, and they will emerge from this experience a greater threat to society than when they went in.

"Justice" in the United States today is so bad that conservative reformers talk openly of salvaging law-breakers by "diversion from the criminal justice system wherever possible" (The American Bar Association Commission on Correctional Facilities and Services).

It so efficiently educates children into crime that one official could say, "It would be better if young people who commit crimes got away with them because we just make them worse" (Milton Luger, Director of the New York State Division of Youth).

American convicts serve a majority of their sentences at the mercy of parole boards whose decisions on which prisoners to release are so irrational that it can be statistically proved that society would be better protected if some passerby pulled names of convicts at random out of a hat.

Coerced homosexualism is merely one of the psychological distortions built into the prison system. It appears to be prevalent among 80 percent of all women prisoners, from 20 to 50 per cent of male prisoners, and an unknown but significant proportion of juveniles.

Ninety-seven per cent of all prisoners are eventually released back into society, where from 40 to 70 per cent of them commit new crimes.

Human prisoners in the United States are more carelessly handled than animals in our zoos, which have more space and get more "humane" care. Eighty per cent of all prison guards in the country are paid less than $8,000; all keepers of animals in the National Zoo in Washington are paid between $8,400 and $9,100.

Almost everyone seems to agree that our prisons are terrible.

President Nixon: "No institution within our society has a record which presents such a conclusive case of failure as does our prison system."

John Mitchell, Attorney General of the United States: "The state of America's prisons comes close to a national shame. No civilized society should allow it to continue."

Norman Carlson, director of the U.S. Bureau of Prisons: "Anyone not a criminal will be when he gets out of jail."

But the change is glacial. In most places there is no change at all.

The system is hardly a true system, but a disjointed collection of buildings and jurisdictions. The smallest is the federal, generally accepted as the more carefully designed, if bureaucratic.

On any given day the prisoner population in federal prisons is about 20,000, or less than 10 per cent of all sentenced prisoners in the country.

The states have 200 facilities, ranging from the big state penitentiaries to an assortment of reformatories, forestry camps and juvenile halls, ranging from some of the most humane in the country to some of the worst. They hold over 200,000 prisoners each day.

There are 4,037 jails and uncounted city and town lockups where the range in conditions runs from fairly good to filthy and dangerous. Technically, "jail" is a place where a person is held awaiting trial, "prison" where he serves a sentence.

The county jails hold about 161,000 persons a day, 5 per cent of them juveniles (usually mixed with adults) and 5 per cent women. Including jails, the total incarcerated population is about 1 million. If one includes town "drunk tanks," 3 million Americans pass through cells each year.

Who are the Americans who find themselves behind bars?

They are overwhelmingly the poor, black and the young. A profound sense of being cheated runs through them. They may have been cheated by the environment they grew up in, by chaotic families, poor neighborhoods, ineffective schools, depressing career opportunities. But this is not the usual reason the average prisoner feels cheated. He feels that he has been unfairly treated by the criminal justice system. He is right.

A TINY MINORITY OF LAWBREAKERS

The President's Crime Commission in 1967 showed that from 3 to 10 times more crime is committed than is ever reported to police. They cite a survey showing that in a sample of 1,700 persons of all social levels, 91 per cent admitted committing acts for which they might have been imprisoned but were never caught. So most law-breakers are never caught.

If they are, the affluent tend to avoid imprisonment. The concentration in prison of the poor, the black and the young reflects, among other things, a special selection by which we decide whom to put behind bars.

Once found guilty, the fate of a sentenced man is subject to the wildest accidents of fate. Robert Apablaza sold a matchbox of marijuana and happened to find himself in a particular courtroom in New Orleans where he was sentenced to 50 years in prison; hundreds of others have done the same thing elsewhere and not gone to prison.

So every prisoner knows other offenders who received substantially better treatment than he did. He knows, and statistics prove, that justice is not evenhanded.

Once committed to prison, he is still governed by chance. The building he is in may be a 100-year-old fortress with four men in a narrow, dark and damp cell, or he may be in a clean one, one man to a cell. More than a quarter of all prisoners are in prisons 70 years or older.

If he is in Delaware, the state will spend $13.71 a day on his food and custody; if he is in Arkansas, $1.55 a day. If he is in Pennsylvania he will get meat and three vegetables almost every meal; if in South Carolina, meat once a week and other times greens and beans.

In some prisons he will be raped homosexually unless he is strong and has a weapon; in others he will be left alone. In some, the guards will abuse him and turn him over to psychopathic or racketeering fellow inmates, and censor his mail to make sure he gets no word of it to the outside. In other prisons he will be treated humanely and can appeal punishments to an impartial board, including inmates, and communicate with the free world.

The people on whom such uncertain justice is visited are men, women and children who already have been unlucky. At least half have been involved in drugs or alcohol. They are generally of normal intelligence (the median for federal prisoners is 104 I.Q.; for a typical Midwest state, 99.78) but they test out between 7th and 8th grade achievement.

In a typical state 25 per cent are in for burglary, 22 per cent for larceny, 12 per cent for robbery, 8 per cent for forgery, 6 per cent for assault, 5 per cent for drugs, 5 per cent for auto theft, 4 per cent for homicide, and 2 per cent for some sex offense.

THE PROTECTION OF SOCIETY

The President's Crime Commission showed that in 1965 there were 2,780,000 serious crimes reported to police and 727,000 arrests made and of these 63,000 people imprisoned. Thus just for reported crime, which is a minority, only 2 per cent of criminals went to prison. If they were all released they would not materially increase the law-breaking population.

If they were released the prisoners conceivably could affect the crime rate in another way: by encouraging otherwise inhibited people to commit crimes because they felt they would not be punished.

But nobody knows this or can even guess intelligently.

For all the public clamor about crime and punishment, this field remains a wasteland of research, the most remarkable void of reliable analysis of any major institution in American life. The worst void is prison and prison programs where, in the words of one administrator, "we are sorting marbles in the dark." The American prison system is a monument to mindless procedures in the midst of a society that prides itself on being scientific and measuring everything in sight.

The result is that the lives of millions of prisoners, the billions of dollars spent on them (about $1.5 billion this year), the safety of citizens from crime and the loss of $20 billion to victims of crime, continue to be governed by archaic conventional wisdoms. The only thing we are fairly certain of is that most of these conventional wisdoms are wrong.

It is one of the conventional wisdoms that the current rise in crime is strongly influenced by excessive leniency by prosecutors and courts. Another is that harsh punishment will reduce crime. J. Edgar Hoover told a recent Senate committee, "The difficulty is with district attorneys who make deals and judges who are too soft. Some are bleeding hearts."

According to the FBI, from 1960 to 1965 the crime rate per 100,000 rose 35 percent. Beginning in 1964, federal courts and most state judges began giving out longer sentences. From 1964 to 1970, federal sentences became 38 per cent longer and time served was even more because the federal parole board began reducing paroles. California's sentences have risen 50 per cent.

But from 1965 to 1970 the national crime rate—during the harsher period—rose 45 per cent.

Robert Martinson studied every report on treatment of prisoners since 1945 and analyzed the 231 studies. He concluded:

". . . There is very little evidence in these studies that any prevailing mode of correctional treatment has a decisive effect in reducing recidivism of convicted offenders." "Recidivism" refers to crimes committed by released prisoners.

James Robinson of the National Council on Crime and Delinquency, and Gerald Smith, of the University of Utah, made one of the most rigorous analyses of various treatment of American prisons and concluded:

"It is difficult to escape the conclusion that the act of incarcerating a person at all will impair whatever potential he has for a crime-free future adjustment and that, regardless of which 'treatments' are administered while he is in prison, the longer he is kept there the more he will deteriorate and the more likely is it that he will recidivate."

A CONFLICT OF MOTIVES

A fundamental reason for confusion is that unlike some countries, the United States has never decided what it wants its prisons to do. There are several motives for criminal punishment:

1. Hurting the prisoner so that he will feel free of guilt, having paid for his act;

2. Using the criminal as a scapegoat for others in society who feel the same criminal impulses within themselves and by punishing the criminal purge themselves;

3. The need of some to feel morally superior by sustaining outcasts in a despised and degraded condition;

4. Keeping the criminal out of circulation;

5. Revenge imposed by the state to prevent the victim or his family from taking private revenge, as in family feuds;

6. Revenge in the name of all society so that the public will not impose its own version of justice, as in lynch mobs;

7. Deterrence of the criminal who, by being hurt, will decide that committing the crime is not worth it;

8. Deterrence of others who, seeing the criminal suffer, will not imitate his crime; and

9. Reforming the criminal so that he will learn to live in peace with society.

Criminal punishment may accomplish a number of these objectives simultaneously. But some are contradictory and cannot be done together. It is not possible to cause a man to respect those who treat him with deliberate cruelty. Scapegoating does not eliminate the illicit impulse; where punishment of the individual is violent and cruel, it promotes violence and cruelty in society at large.

The confusion in goals for prison has its roots in a curious phenomenon: the most damaging practices in criminal justice were started as humanitarian reforms.

The prison itself is an American invention created out of genuine compassion.

For centuries, people were incarcerated only until the local lord or king could impose punishment. Punishment would then be death by hanging, drowning, stoning, burning at the stake, or beheading, usually with a large crowd observing to deter them from imitation.

A PLACE FOR PENITENCE

In the 1780s, the Quakers of Philadelphia, taking soup to the jails, were appalled by conditions. They organized to pass laws substituting sentences of incarceration in permanent, well-designed prisons as a substitute for death, mutiliation or flogging.

They designed the new prisons for solitude and meditation on the prevailing theory that men do wicked things because the devil has invaded them and only through contemplation of their sins could they become penitent and innocent again. The new institutions for penitence were called penitentiaries. The prisoners were forbidden to speak and saw no one, sometimes not even their jailers.

Europeans studying the new country reported on the new institution and adopted it, though some, like DeTocqueville and Dickens, observed that penitentiaries often produced insanity.

In the late 1800s, it was observed that country people on their farms had been law-abiding but after they moved to the impoverished industrial cities they became criminals. It was thought that there might be some connection between environment and crime, that prisons might be a way to counteract bad environment.

The impact of Freud and psychology complicated the view of human behavior, adding to the physical environment the emotional history of the individual. If prison was an opportunity to change the environment, it might also be a place to give the prisoner a more accurate view and control of himself.

But the conflicts have never been resolved between punishment and "treatment," between the purpose of protecting society by keeping the criminal locked up and the goal of protecting society by trying to condition him for peaceful return to the community.

THE USEFULNESS OF "INDUSTRIES"

Only this continuing confusion could explain the survival of irrationalities like "prison industries" and the decisions of parole boards.

Most work inside federal prisons, for example, is done for an independent corporation called Federal Prison Industries, Inc. It has a board of directors mostly of executives of private corporations who serve without pay. It maintains 52 shops and factories at 22 federal institutions where it employs about 25 per cent of all federal prisoners.

Historically, at the insistence of private business and labor unions (George Meany, head of the AFL–CIO also is on the board of FPI), they do not make goods that will compete with privately made goods, which means that they usually do not develop skills that will let the ex-convict compete in private industry after he gets out.

The chief customer is the federal government. Pay rates are from 19 to 47 cents a day.

FPI in 1970 had earnings of $9.9 million on $58 million in sales, or 17 per cent profit on sales, the highest of any industry in the United States (average for all U.S. industry is 4.5 per cent on sales, the highest being the mining industry at 11 per cent).

FPI has proudly announced that it declared a dividend every year since 1946 and that these dividends total $82 million. To whom was this dividend on captive labor issued? The American taxpayer—the general treasury of the United States.

Federal prison officials agree that a major reason for repeated crime by ex-convicts is their lack of skill in the jobs that are needed in free life—medical and dental technicians and other categories that will hire all the qualified help they can get. They also admit that they lack the money to train significant numbers of convicts in these marketable skills. Yet they have regularly turned back large profits made by prisoner labor.

THE EFFECTS OF PAROLE

Even prison industries cannot match the performance of parole boards for lack of success and lack of accountability. Parole is another humanitarian reform that was perverted. It was supposed to give the prisoner incentive to improve himself to earn a release earlier than his full term. It was supposed to shorten time spent behind bars. It has lengthened it.

Most prisoners are eligible to apply for parole after one-third of their sentences have been served. Judges and legislatures know that, so they have increased sentences on the assumption that most prisoners will be released in something like one-third their time. The prisoners have not been released at that rate. Consequently, American prisoners serve the longest sentences in the Western world.

But that is not the worst characteristic of American parole boards. Their purpose is to release the prisoner as soon as possible consistent with his own good and protecting society from repetition of crime. The boards are in the position of predicting human behavior, a difficult task for even the most perceptive and wise individuals.

Most parole boards are appointed by governors and include his cronies or former secretaries.

Parole boards regularly release the worst risks, as measured by the best data.

Take the case of Jack Crowell (not his real name, but a real person). He is a stocky, 41-year-old Navy veteran doing 10 years in a Southern state. He had such a good record in the state penitentiary that toward the end of his sentence he was permitted to join the state's work release program.

Under work release he left prison to live in an unlocked dormitory in a city. He got up each morning, drove his boss's truck to work site where he became a master plumber, supervising an assistant. At the end of the day he returned to the dormitory. He earned $140 a week, and had saved $1800. He applied for a parole. The prison system recommended him. He was turned down.

Typically they didn't tell him why except that he wasn't "ready." They did parole some men direct from the state prison who had never had a chance to show that they could hold a good job and handle freedom.

WHO ARE THE WORST RISKS?

Crowell's is a typical case. One can guess what happened. He was in for manslaughter. Parole boards do not like to parole killers and sex offenders because it makes for bad public relations. They fear the headlines if such men repeat crimes while on parole. But contrary to conventional wisdom, murderers and sex offenders are the most likely not to repeat a crime.

In 1969 parole boards reporting to the Uniform Parole Reports released 25,563 prisoners before they completed their full sentences. Almost one-third of them were burglars who in their first year had their usual rate of repeated crime of 31 per cent. There were 2,870 armed robbers released and in the first year 27 per cent went back to prison. The boards released 2,417 forgers, 36 per cent of whom were re-imprisoned, and they released 2,299 larcenists, of whom 30 per cent went back for various violations. Murders and rapists released had failure rates of 11 to 17 per cent.

These are the failure rates for various offenders as compiled by the most authoritative group, the Uniform Parole Reports of the National Probation and Parole Institutes of the Nation Council on Crime and Delinquency:

	Percent
Negligent manslaughter	11
Willful homicide	12
Statutory rape	15
Forcible rape	17
All other sex offenses	17
Aggravated assault	22
Armed robbery	27
Unarmed robbery	30
Larceny	30
Burglary	31
Forgery	36

(These are failure rates for the first year on parole; the rate increases as the group is out longer but the rank order does not change significantly over the years.)

It appears reasonable for parole boards to be more cautious in releasing violent men. Even if burglars repeat their crimes, theft of property is less harmful to society than killing and raping. But here, too, the data do not support the parole boards: murderers and rapists on their second offense do not commit as many added murders and rapes as do other kinds of criminals. Of 30 cases of willful homicide that sent 1969 parolees back to prison in their first year of freedom, 24 were committed by people not originally in for willful homicide. Six released murderers went back to prison for another killing, but nine burglars went back for murders.

The 511 forcible rapists on parole, to take another example, committed four new forcible rapes; burglars during their paroles committed eight. All men whose original conviction was for property crimes while on parole committed 12 forcible rapes.

The rate of new homicides and rapes by all categories of released prisoners is about the same, approximately one-half of 1 per cent. Since murderers and rapists represent a small proportion of all released prisoners, about 12 per cent for all such categories, their one-half of 1 per cent represents less of a threat to society than do the violent new episodes by other kinds of criminals.

Because they regularly release the worst risks, parole boards would do better picking parolees at random.

Parole boards are not solely to blame. Whatever other notions are in their heads when they make their decisions, they are seriously influenced by public opinion. The police and the general public are outraged at the violent crimes of released prisoners; they don't know that 97 per cent of all prisoners are released anyway and that the longer criminals stay in prison, the more crimes they commit afterwards.

THE TORTURE OF UNCERTAINTY

In prison after prison, the uncertainty of the sentence was mentioned as the most excruciating part of prison. "Give me a fixed sentence anytime," is common.

Or, "I behaved myself, the warden recommended me, I had a job on the outside, my family said they had a place for me and they turned me down. I ask them why and they say, 'You're not ready.'

"I ask them what that means and they don't say. What am I supposed to do? Give me five, give me ten but let me know how much time I have to do and don't keep me hanging all the time."

Society takes elaborate pains to assure that lawyers and judges are qualified to exercise their power over the freedom of their fellow citizens and that no person is deprived of his liberty without due process of law, including a review of grave decisions. Yet the gravest of decision—a majority of the time a citizen may spend imprisoned—is determined most of the time by untrained persons acting without adequate information in opposition to the best data and without accountability.

During the last few years, the federal parole board has reduced paroles by 20 per cent.

In Louisiana they stopped giving all convicted armed robbers parole, after which armed robberies in the state rose 57 per cent.

It is tragic for the protection of society and the future success of prisoners that carefully selected boards do not use the best available data to decide the issue of liberty or imprisonment. It unnecessarily exposes society to more crime, it stunts the potential for change within convicted criminals and it suffuses American prisons with frustration and bitterness.

THE LEAST STUDIED INSTITUTION

What remains after the available data on criminality are sifted is the remarkable absence of other good data on American prisons and their effectiveness. Prisons would seem to be ideal laboratories for social scientists—controlled populations in a variety of conditions, available to be measured and compared. But they remain the least scientifically studied of any major American institution.

George Saleeby, associate director of the California Youth Authority, was asked why it is that a society apprehensive about crime, and a country anxious about criminals, did not insist on rigorous study and analysis.

"Wait a minute," Saleeby said. "Wait a minute. Who said society was concerned? Who said they give a damn? They want some people put away and then they want to forget about them."

Why don't prison administrators themselves look carefully at their own results? George Beto, director of Texas prisons, says:

"I know of no institution unless it be organized Christianity which has shown a greater reluctance to measure the effectiveness of its varied programs than has corrections."

The answer seems to be that what happens to prisoners inside American prisons has very little to do with the prisoners themselves or what will happen to them after they are released into the free world. The state of prisons seems mainly determined by the values of the American citizen who considers himself law-abiding.

John Irwin served five years in Soledad Prison for armed robbery. He is now a college professor at San Francisco State College, specializing in penal studies. He says:

"The radicals talk of abolishing punishment, but they really want to start punishing a new population of 'capitalist pigs.' The liberals want punishment but call it 'treatment.' The conservatives are the only ones honest about it, but they want such disproportionate amounts that it's crazy."

It is hard to avoid the conclusion that what goes on inside American prisons tells more about the character of people outside the walls than it does about the inmates inside.

A PLEA TO ASSURE SURVIVAL OF THE ARTS

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 24, 1972

Mr. BRADEMAS. Mr. Speaker, I insert at this point the text of an excellent editorial from the Plymouth, Ind., Pilot-News entitled "A Plea To Assure Survival of the Arts."

The editorial follows:

A PLEA TO ASSURE SURVIVAL OF THE ARTS

More than 600 million Americans visit museums each year. Over 12 million go to symphony concerts. Millions more attend opera, ballet and other performances. Lincoln Center outsells Yankee Stadium three to one.

All told, we spend about $2 billion annually on the arts and everything that fits under that broad heading.

Yet at the same time, orchestras are in the red, museums are being forced to curtail services and many fine arts organizations are balanced on the edge of bankruptcy.

In spite of increasing interest, the arts are not flourishing. For example, when the Boston Symphony Orchestra was organized 90 years ago, it served a city of 350,000. Today it is still the only major orchestra in a metropolitan area of nearly 2 million.

Unfortunately, broadcasting networks do not lay out great bundles of cash to televise the "Symphony of the Week," etc., as they do with pro football and other sports.

And just as if someone was reaching into the till and taking the money away, inflation is reducing the ability of the arts and of artists to serve the community. The ability of the people to give is being cut by the same inflation.

Business can raise prices when its costs go up. Government can raise taxes. But what are the arts to do? To raise ticket prices beyond certain limits is to exclude the public. To reduce costs is to cut the very services the community demands.

"I believe we must ask for a wholly new priority for the arts in this country," says Amyas Ames, chairman of the board of New York's Lincoln Center for the Performing Arts. "We should do for the arts and humanities in the 1970s what we did for the sciences in the 1940s and 1950s."

Current federal funding for the National Endowment of the arts provides almost $30 million. But this, he argues, is not adequate for a nation of 200 million people. It amounts to about 15 cents a person.

Ames asks support for new legislation to provide federal aid equal to at least 10 per cent of what Americans now spend on the arts. This would be $200 million a year, about $1 a person.

It would compare with $1.40 per person spent on the arts in Canada, $2 in Sweden and Austria and $2.42 in West Germany. It is only 1 per cent of what we spend on roads each year—the cost of about 15 miles of superhighway.

It would still leave 90 per cent of the support of the arts to be paid from ticket sales and from the gifts of individuals, corporations and by local government subsidy.

"What we ask is modest when measured in terms of other federal projects," says Ames. "Above all, what we ask for is a wholly new priority for the arts and humanities—for that which gives our lives richness and meaning."

PRICE CONTROL: ITS FAILURE DURING THE AMERICAN REVOLUTION

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 24, 1972

Mr. CRANE. Mr. Speaker, in his address to the Nation on the rising cost of living on October 17, 1969, President Nixon declared that:

> My own first job in Government was with the old Office of Price Administration at the beginning of World War II. And from personal experience, let me say this: Wage and price controls are bad for business, bad for the workingman, and bad for the consumer. Rationing, black markets, regimentation—that is the wrong road for America, and I will not take the Nation down that road.

When he expressed these thoughts, President Nixon was speaking from the experience of history. What has happened since that time to change his mind and to cause him to adopt the very wage and price controls which he condemned, is difficult to understand. It is unlikely that history's lessons will be shown to be incorrect by our current experience with a state-supervised economy.

Since these historical lessons seem to have been forgotten in our own country at this time, it is important to reflect upon them. One important example is the effort to stop inflation with governmental controls during the American Revolution.

The Continental Congress first authorized the printing of Continental notes in 1775. At that time the Congress was warned against printing more and more of them. But the Congress refused to heed this advice and continued to print paper money.

Prof. Percy L. Greaves, Jr., points out that at that time the price of pork rose from 4 cents to 8 cents a pound. Beef soared from about 4 cents to 10 cents a pound. Prices reached the level of 480 percent above the prewar average.

The Legislature of Pennsylvania, in order to stem the rising tide of prices, decided to try "a period of price control, limited to domestic commodities essential for the use of the army." It was believed that such a policy would reduce the cost of feeding and supporting the Continental Army.

Professor Greaves notes that:

> The controls were quite arbitrary. Many farmers refused to sell their goods at the prescribed prices. Few would take the paper Continentals. Some, with large families to feed and clothe, sold their farm products stealthily to the British in return for gold. For it was only with gold that they could buy the necessities of life which they could not produce for themselves.

This policy occurred during the winter of Valley Forge in 1777. Professor Greaves writes that:

> Valley Forge taught George Washington and the Pennsylvania advocates of price control a very costly lesson. They had hoped for plenty at low prices. Instead they got scarcity and indescribable misery.

By June 1, 1778, the act of regulating prices was wholly suspended.

Those who once knew this lesson so well seem now to have forgotten it. They seem to have forgotten, as Professor Greaves states, that:

The power of allocating the necessities of life is the power of life and death. Under price control that power is given to the political powers that be. Consumers are entirely at their mercy. Price control is, therefore, the very antithesis of freedom. Price control is economic slavery.

All of us seek to stem the tide of inflation. Such a result cannot come, however, from an approach which has failed repeatedly in the past. The lesson of Pennsylvania during the years of 1777 and 1778 is an important example of this fact from our own past.

I wish to share Professor Greaves' article, which originally appeared in Christian Economics of May 20, 1952, with my colleagues and insert it as it appears in the February 1972, issue of the Freeman in the RECORD at this time:

FROM PRICE CONTROL TO VALLEY FORGE, 1777–78

(By Percy L. Greaves, Jr.)

Price control has been often tried. It has been strongly enforced. Yet, it has consistently failed to produce the desired results. Our ancestors learned the follies of paper money and price control the hard way. They learned a lesson which many present-day Americans seem to have forgotten. Price controls almost wiped out our independence in the first years of our existence.

Our Continental Congress first authorized the printing of Continental notes in 1775. The Congress was warned against printing more and more of them. In a 1776 pamphlet, Pelatiah Webster, America's first economist, told his fellow men that Continental currency might soon become worthless unless something was done to curb the further printing and issuance of this paper money.

The people and the Congress refused to listen to his wise advice. With more and more paper money in circulation, consumers kept bidding up prices. Pork rose from 4¢ to 8¢ a pound. Beef soared from about 4¢ to 10¢ a pound. As one historian tells us, "By November, 1777, commodity prices were 480% above the prewar average."

The situation became so bad in Pennsylvania that the people and legislature of this state decided to try "a period of price control, limited to domestic commodities essential for the use of the army." It was thought that this would reduce the cost of feeding and supplying our Continental Army. It was expected to reduce the burden of war.

The prices of uncontrolled, imported goods then went sky high, and it was almost impossible to buy any of the domestic commodities needed for the Army. The controls were quite arbitrary. Many farmers refused to sell their goods at the prescribed prices. Few would take the paper Continentals. Some, with large families to feed and clothe, sold their farm products stealthily to the British in return for gold. For it was only with gold that they could buy the necessities of life which they could not produce for themselves.

On December 5, 1777, the Army's Quartermaster-General, refusing to pay more than the government-set prices, issued a statement from his Reading, Pennsylvania headquarters saying, "If the farmers do not like the prices allowed them for this produce let them choose men of more learning and understanding the next election."

This was the winter of Valley Forge, the very nadir of American history. On December 23, 1777, George Washington wrote to the President of the Congress, "that, notwithstanding it is a standing order, and often repeated, that the troops shall always have two days' provisions by them, that they might be ready at any sudden call; yet an opportunity has scarcely ever offered, of taking an advantage of the enemy, that has not been either totally obstructed, or greatly impeded, on this account. . . . we have no less than two thousand eight hundred and ninety-eight men now in camp unfit for duty, because they are barefoot and otherwise naked. . . . I am now convinced beyond a doubt, that, unless some great and capital change suddenly takes place, this army must inevitably be reduced to one or other of these three things: starve, dissolve, or disperse in order to obtain subsistence in the best manner they can."

LESSON LEARNED

The severity of the situation increased. Our ragged regimentals were dispersing. In February, 1778, the Pennsylvania Assembly "passed a law appointing commissioners in every city of the state with full power to purchase or to seize, at stated prices, all provisions necessary for the army." But, appeals to patriotism, accompanied by force and threats of more force, failed to bring out the necessary provisions. The farmers just would not trade the fruit of their hard labors for paper money which bought less and less as the weeks passed by.

On April 21, 1778, George Washington wrote a delegate in Congress, "Men may speculate as they will; they may talk of patriotism; they may draw a few examples from ancient history, of great achievements performed by its influence; but whoever builds upon them, as a sufficient basis for conducting a long and bloody war, will find themselves deceived in the end. We must take the passions of men as nature has given them, and those principles as a guide, which are generally the rule of action. I do not mean to exclude altogether the idea of patriotism. I know it exists, and I know it has done much in the present contest. But I will venture to assert, that a great and lasting war can never be supported on this principle alone. It must be aided by a prospect of interest, or some reward. For a time it may, of itself, push men to action, to bear much, to encounter difficulties; but it will not endure unassisted by interest."

Valley Forge taught George Washington and the Pennsylvania advocates of price control a very costly lesson. They had hoped for plenty at low prices. Instead they got scarcity and indescribable misery. Anne Bezanson's valuable book, *Prices and Inflation during the American Revolution, tells us,* "By June 1, 1778, the act of regulating the several articles on the price lists was wholly suspended." Price control had failed.

ARMY BETTER FED

This same book informs us that after this date the commissary agents were instructed "to give the current price . . . let it be what it may, rather than the army should suffer which you have to supply and the intended expedition be retarded for want of it." As a result the Army was better provided for in the fall of 1778 than had previously been the case. In the words of Miss Bezanson, "the flexibility in offering prices and successful purchasing in the country in 1778 procured needed winter supplies wanting in the previous year."

In January, 1780, Pelatiah Webster wrote, "As experiment is the surest proof of the natural effects of all speculations of this kind . . . it is strange, it is marvelous to me, that any person of common discernment, who has been acquainted with all the above-mentioned trials and effects, should entertain any idea of the expediency of trying any such methods again. . . . Trade, if let alone, will ever make its own way best, and like an irresistible river, will ever run safest, do least mischief and most good, suffered to run without obstruction in its own natural channel."

Price control is an attempt to alter God's law of supply and demand. Those who endorse it frequently believe that the supply of goods and human satisfactions can be maintained at prices which are legally set below the free market price. They are ever doomed to disappointment. When a price is set below the free market price, marginal producers will always cease to produce. The available supply is thus reduced. On the other hand, prices held below the free market rates always attract more prospective buyers than the higher market prices. The result will ever be, other things being equal, a decreased supply and an increased demand.

Free prices allocate scarce goods to the highest bidder. In consumers goods, the highest bidder is the person who has best served society. In producers goods, the highest bidder is usually the person who can make the best use of the scarce labor and materials available. He can pay the highest price because he expects society to pay him more for his final product than it will pay for the product of any lower bidder. When the state, or some bureaucratic agent of the state, sets prices, he must also decide who shall have and who shall have not.

The power of allocating the necessities of life is the power of life and death. Under price control that power is given to the political powers that be. Consumers are entirely at their mercy. Price control is, therefore, the very antithesis of freedom. Price control is economic slavery.

POSTAL "SERVICE"

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 24, 1972

Mr. DULSKI. Mr. Speaker, a year ago the newly created Board of Governors began the transition of the Post Office Department into the corporate structure of the U.S. Postal Service which was to take over on July 1, 1971.

The complete takeover now has been in effect only since last July, but the official transition began months earlier and the administration team has been in charge for more than 3 years.

Where are we on postal service today? That is a good question which I am asked repeatedly, day in and day out.

I have no answer—and less information than ever. What I do know is that the complaints on postal service never have been as numerous as they are today. And the situation is getting no better.

I advocated postal reform from the outset and there is no doubt that the system needed a major shakeup; it was antiquated. My own approach to reform was different from the system that finally was adopted. I accepted the decision of my colleagues, hoping sincerely that the administration plan might work after all and that my fears of chaos might be mistaken.

So far, we have had little but chaos.

The complaints flow in. Never in my memory has postal service been so unreliable.

One of the arguments for the corporate plan was that it would encourage continuity of management. Where's the continuity. How many of the original management team are still around? Very few.

What we need is more service in the postal service and it can come none too soon.

In my home city of Buffalo, N.Y., a newspaper reports the new Postal Service forgot to collect mail from at least one mailbox the other day and wound up making a refund for the wasted postage on the time-value mail. Does this set a new precedent?

The article follows:

[From Buffalo (N.Y.) Courier Express, Feb. 15, 1972]

REFUND PROMISED ON MAIL DELAY

An East Side businessman, who will be reimbursed for $4.08 in stamps he lost when collection of time-value mail he placed in a postal box at E. Ferry and Wohlers was delayed, said Monday that evidence that such mail collection delays are not isolated incidents, as implied by the U.S. Postal Service.

Herbert L. Bellamy, president of the Community Service Center, 1490 Jefferson Ave. and owner of a liquor store at 405 E. Ferry St., said it took four days before 40 meeting announcements were collected from the box last Saturday. The meeting, scheduled for Saturday, had to be canceled.

"HUMAN ERROR"

James J. Leary, director of the Post Office operations division, claimed the delay was a "human error" caused by a switch last week from motorized carrier to foot carrier.

"I have received at least 15 phone calls this morning reporting similar delays in business districts throughout the East Side," Bellamy said Monday.

"There is just not the same extent of service at collection boxes in these business areas," Bellamy claimed. He said his own survey indicated only one collection a day at boxes at E. Ferry and Masten, E. Utica and Michigan, Humboldt and E. Utica and Clinton and Jefferson, all predominantly black business areas.

FREQUENT COLLECTIONS

He said there are at least two and often three daily collections at such locations as Comstock and E. Amherst and Bailey and E. Delavan.

Bellamy quoted one caller, owner of a Clinton St. liquor store, as saying he had stood by the mail box at the time collection was scheduled and the mailman "never showed."

"A mailman told me he would never put mail in these boxes," Bellamy said. "Some people drive to boxes on Main St. to be sure their letters get picked up."

Bellamy said a telegram he sent to Postmaster Joseph D. Sedita on the problem has not been answered.

Sedita is out of town, the Postal Service, 1200 William St., reported Monday.

Leary, informed of Bellamy's charges of generally inadequate service, said his department would investigate the complaints.

TELLS OF SURVEYS

"I don't know what he is talking about," Leary said. "Our continual problem is that everyone wants to have a box on his own street."

He said the Postal Service surveys mail volume twice a year and changes its collection schedules accordingly. Changes based on a recent survey, which went into effect last Monday, were responsible for the omission of the E. Ferry and Wohlers collection, Leary said.

He said boxes having only one daily pick-up usually indicated another box, often no more than a block away, where mail will be picked up later in the day.

"Mail patterns change continually and I'll be glad to discuss problems with Mr. Bellamy," Leary said.

Earlier this month, the New York Times published an editorial about postal service and promptly reaped a pile of letters to the editor. I am including with my remarks the text of the editorial as well as excerpts from some of the letters—which, incidentally, are typical of the letters and complaints I am receiving.

I also am including a column by Marquis Childs on postal service.

The articles follow:

[From the New York Times, Feb. 2, 1972]

POSTAL "SERVICE"

The United States Postal Service has been established only a few months and so we suppose it is churlish to voice complaint at this early stage; but it does have nearly 200 years of Post Office Department experience behind it. The mailing and delivery of letters is not exactly a new development, nor for that matter, is the sending of telegrams.

Yet these two simple methods of communication between, for example, two cities within the United States, are obviously becoming steadily more uncertain and less reliable—seemingly in direct proportion to the increasing ease with which man is now communicating with outer space.

Has anyone tried to send a personal Western Union telegram recently? We did, not long ago, and it was delivered by mail a week or two later. Has anyone tried to send a letter by the United States Postal Service recently? We did, by air mail from central Chicago to central Manhattan last week; it was delivered exactly five days after posting.

Or special delivery? We did: a first-class letter was mailed in the Hartford post office about 10 o'clock on a recent Thursday morning; it was postmarked received in New York City at 8:30 Friday night (and was actually delivered to the addressee the following day). Even between post offices, that's approximately 34 hours to travel 120 miles. That's an easy walking pace. Of course, if one walked it, one would be tired. But so, it seems, is the United States Postal Service.

Any other examples?

[From the New York Times, Feb. 15, 1972]

NEITHER SNOW NOR RAIN NOR HEAT NOR GLOOM OF NIGHT . . .

(Following is a sampling of letters or excerpts from letters received in response to the Feb. 2 editorial "Postal 'Service.'")

TO THE EDITOR:

I mailed a contract last month in New York on a Wednesday. It arrived the following Wednesday in Manchester, Conn.—too late. I could have walked faster.

KENNETH E. MORSE.

GLASTONBURY, CONN., *February 5, 1972.*

TO THE EDITOR:

My own most recent example of bad service: A correctly addressed and stamped letter containing tickets for a Thursday evening concert was mailed to me in Manhattan from Huntington, L.I. (about forty miles away), on the Monday preceding the concert. The tickets, alas, did not arrive until the Saturday following.

PAMELA S. BROMBERG.

NEW YORK, *February 2, 1972.*

TO THE EDITOR:

As a young man while going to school many years ago, I worked for nearly three years as a substitute clerk in the G.P.O. post office at Eighth Avenue and 33d Street. The mail moved swiftly and safely—the reason, "brain and brawn," no computers, no sophisticated machines, and the mail was delivered on time.

W. G. LEBOWITZ.

NEW YORK, *February 3, 1972.*

TO THE EDITOR:

After everyone else has been flayed to the bone, you gleefully turn once more on the poor old post office.

Since your "experiment" seems to have been wholly frivolous rather than a scientific mailing test, my Special Delivery example of recent date should be as good a sample as yours. I am enclosing a cover that was dispatched from here to Binghamton at approximately 4:45 P.M. on Jan. 18. It was backstamped in New York at 5 A.M. on the nineteenth and was received at the downtown delivery office at 7:30 A.M. The addressee received it the morning of the nineteenth.

RALPH G. CLARK.

TROUT CREEK, N.Y., *February 4, 1972.*

TO THE EDITOR:

In mid-1971 it took five weeks for a piece of mail, fully addressed with zip code and sent by special handling from New York City, to reach me in Princeton, N.J., which is less than fifty miles away.

(Prof.) BRUCE M. METZGER.

PRINCETON, N.J., *February 2, 1972.*

TO THE EDITOR:

An absentee-ballot application sent to our daughter at college in New Haven was routed through Columbus, Ohio, and arrived at the New Haven zip code on the envelope a week later than it should have. Our daughter lost her vote.

Our daily letters to our other daughter, in college near Boston, average seven days from and including date of mailing and date of receipt.

A prescription sent to the same daughter, registered, special handling and insured, parcel post, took ten days.

Mr. and Mrs. R. W. MORSE.

CHATHAM, N.Y., *February 6, 1972.*

TO THE EDITOR:

I am a boxholder at the G.P.O., New York, N.Y. 10001, because local delivery service is so poor. Routine test letters from the mail slot in the G.P.O. intended solely for mail to the G.P.O. zone, New York, NY. 10001, took over 24 hours to get the 200 feet to the other side of the post office in more than one test out of two It has never taken less than twelve hours—in the same building.

VICTOR R. COHEN.

NEW YORK, *February 2, 1972.*

TO THE EDITOR:

In the Milton-on-Hudson post office, a letter mailed at 5 P.M. or later does not even leave that post office until 5 P.M. the following day—24 hours to rest up for the journey.

JO-ANN HALUSKA.

MILTON, N.Y., *February 6, 1972.*

TO THE EDITOR:

I have invented a method of delivery that will greatly speed our mail service. It is an original and revolutionary suggestion, but I believe it is worth a try:

A horse stable should be established at Manhattan's main post office. It would be provided with fast horses and young riders of fearlessness and derring-do. First-class mail would be packed in leather saddle bags, and horse and rider would immediately gallop off to, say, Brooklyn.

At the entrance to the Brooklyn Bridge, an auxiliary stable would be established, provided with fresh horses. Upon galloping up, the rider would fling himself from his winded mount, take his saddle bag and leap upon a fresh mount without wasting an instant. He would then gallop off to the Brooklyn post office. The same method could be used for more distant deliveries.

It could be called "Horse Express" or "Equine Express" or something like that.

LAWRENCE SANDERS.

NEW YORK, *February 4, 1972.*

[From Washington Post, Feb. 22, 1972]

SEVENTH-CLASS POSTAL SERVICE

(By Marquis Childs)

The theory was that a postal service divorced from the patronage control of Congress would be able to move a letter between two principal cities in, say, a day and a half instead of two to three days. Efficiency, economy—that was the pitch of former Postmaster General Winston M. Blount, a super-salesman who argued that it was time to junk the old mess for a business operation.

Today, nearly two years after the divorce, the turgid mass of the mail moves at the same glacial pace. Nothing so directly touches millions of Americans as the delay and uncertainty in the delivery of the mails. It is everybody's business and yet almost nobody seems able to do anything about it, if only because the process has the same impenetrable bureaucratic look as it had when Congress was calling the shots.

Elmer Cerin, a Washington lawyer who has made himself a postal expert, did a careful study last year on first-class mail delivery. He concluded that a program heralded as making better use of manpower and equipment had resulted in increasing mail handling time by 29 per cent for outgoing letter mail originating and destined for the nation's 10 principal post offices. The Cerin study was put in the congressional record by Sen. Gale McGee (D-Wyo.) chairman of the Post Office and Civil Service Committee, with the threat that the post office reorganization act would be greatly modified or even repealed if things did not look up.

A fair-minded man, Cerin says there has been a slight improvement since he did his duty. But it is almost imperceptible as the P.S. faces the same frozen structure of union rigidity, rapid turnover of personnel and outmoded techniques as under the old system.

The choice is between stepping up efficiency and raising rates in the hope that more money will turn the trick. A business operation, the service was to pay its own way and Congress surrendered control over the mail rates.

In May the first-class letter rate went from six cents to eight cents. The air-mail rate is soon to jump from 11 to 13 cents. Business and banks, the principal users of first-class mail, will simply pass it on to the consumer, which means another upward notch in the inflationary spiral.

The power of the P.S. over rates cuts a wide swath. It threatens to put in further jeopardy the printed word that is now hard pressed under the impact of television. Nothing could illustrate this better than the way the Nixon China expedition is tailored for the cameras with the new technology of the satellite.

Under the old system Congress provided a subsidy for second-class mail covering magazines and newspapers. This was in the belief, advanced in the early days of the republic, in the educational value of the printed word. With that subsidy wiped out the Postal Service is proposing a 142 per cent increase in second-class rates.

In testimony the other day before Sen. Sam Ervin's Subcommittee on Freedom of Information, Andrew Heiskell, chairman of the board of Time, Inc., said the increase would raise the mailing costs of Time's four magazines by $27 million over a five-year period.

And he set this against profits before taxes of the four publications. According to Heiskell, it is even worse, with pretax earnings of $50 million under the gun of a rate increase of $130 million by 1976.

The concept of the subsidy as underwriting education has been stretched a long way, with publications pandering to sensationalism and others that offer thinly disguised political propaganda.

Yet the demise of the printed word is a fact of the television era. Collier's, The Saturday Evening Post, and Look have gone. And Life suffers heavy losses. Metropolitan dailies benefited little, if at all, from the subsidy, since distribution was largely by truck. But weeklies, the specialized periodicals of nationwide organizations and a host of other printed media will feel the heavy hand of the rate increase.

Setting up published service standards late last year, the P.S. promised one-day delivery within a 600-mile radius for first-class mail and a 95 per cent improvement in delivery of air mail. The way is open for infinite improvement.

ED PAULEY AND THE UNIVERSITY OF CALIFORNIA

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 24, 1972

Mr. ANDERSON of California. Mr. Speaker, for 8 years, I had the honor of serving as a regent of the University of California.

In that capacity, I had the privilege of knowing Ed Pauley as a Californian, as a regent, and as a friend.

Mr. Pauley has been particularly devoted to the University of California, and I can personally attest to the many years, months, weeks, and days that he spent helping to build the university.

On February 29, 1972, after 32 years' service on the board, Ed Pauley will retire.

Mr. Speaker, he will be missed, but the works that Ed played such a major role in establishing will continue to prosper as a tribute to his dedication, his foresight, and his leadership.

In the February 22, 1972, issue of the University of California News, Dean Johnson wrote an article recalling the accomplishments of the 32 years Ed Pauley served on the board of regents. At this point, I include this article in the RECORD, and I commend it to the attention of my colleagues:

ED PAULEY AND THE UNIVERSITY OF CALIFORNIA

When Edwin W. Pauley retires the end of this month as a Regent of the University of California, he will look back on 32 years of service—almost one-third the time the University has existed.

This Thursday and Friday (February 17–18) he will attend his last Regents' meeting as the senior Regent in terms of years on the Board. His successor will be appointed by the Governor and begin serving March 1.

In Pauley's three decades he has contributed to significant advances in higher education, twice guided UC matters as chairman of the Board, participated in decisions at historic moments in the University's history, and donated more than $2.2 million to UC.

"Regent Pauley over the years has contributed perhaps more than any other member of the Board to the growth and stature of the University," Regents' Chairman William French Smith said. "His has been a strong voice in higher education, and I know he will remain close to the University he has loved and supported for nearly a third of a century."

Pauley was appointed a Regent in 1940 by Governor Culbert Olson, but he really first became a member of the University community in 1919 when he enrolled as a student in UC's Southern Branch, now UCLA. He later transferred to Occidental College, and came to Berkeley in 1921.

"I have been closely associated with the University ever since and the sense of its worth has increased through the years," Pauley reminisced in a recent book. He received his B.S. degree in 1923 and started work toward a master's degree. The following year he left UC to help his father's business, and in 1929 he founded The Petrol Corporation. In 1958 he founded Pauley Petroleum, Inc. He is now its board chairman.

He returned as a Regent, and as UC President Charles J. Hitch commented in a recent testimonial: "So began an association of man and institution remarkable both for its length and for its intensity."

In 1940 there were only two general campuses at Berkeley and Los Angeles. Now there are nine campuses. "That the University has grown so enormously—in size and in stature—is due in no small part to Ed's wise counsel and generous spirit," Hitch said. "He has contributed time, effort, love, and treasure to the growing University, and she will bear forever both the tangible and intangible marks of his generosity." Some of Pauley's contributions:

He gave $1 million toward development of UCLA's Memorial Activities Center; the Pauley Pavilion there was named in his honor. He donated another $1 million toward construction of the Student Union at Berkeley. The Barbara McHenry Pauley Ballroom there is named for his wife.

A $25,000 gift aided development of the Jules Stein Eye Institute at UCLA, which performs research related to vision, cares for patients with eye diseases, and carries on education in ophthalmology.

Use of instructional TV got its start at UC Santa Barbara with Pauley's gift of cameras and other equipment for televised lecture-demonstrations to supplement classroom and laboratory sessions.

Pauley donated funds for scholarships, medical and scientific research, alumni and student facilities, athletics, development of musical talent, and other purposes. His support helped the famed Berkeley band perform in concert tours abroad.

He donated funds for the Chester W. Nimitz Room at Berkeley; the room houses books, trophies and memorabilia tracing Admiral Nimitz's career.

Pauley and his wife have also helped develop the Institute of Marine Biology at the University of Hawaii by donating facilities and providing grants to UC graduates in marine science for a year of research.

Pauley helped inspire and develop UC Berkeley's Lawrence Hall of Science, a center for research and development programs to enhance science education for the nation's youth. The octagonal shaped building high in the Berkeley hills in a memorial to the late Ernest O. Lawrence, nuclear scientist, Nobelist and first director of the Lawrence Berkeley Laboratory. In 1958 Pauley served as chair-

man of the original planning comittee for the building, and later gave $100,000 toward its development. An area for exhibits and demonstration programs there is named the Edwin W. Pauley Nuclear Science Center.

The gifts are only part of the story. "Regent Pauley understood the potentials of nuclear science," said Dr. Edwin McMillan, Nobel Laureate and current director of the Lawrence Berkeley Laboratory. "His vigorous support helped make possible the extensive intellectual and practical contributions of the Lawrence Berkeley Laboratory and the Lawrence Livermore Laboratory."

With other Regents, Pauley supported creation and development of new campuses at Irvine, San Diego and Santa Cruz. He also helped support creation of special programs, among them Regents and President's Scholarships for outstanding students who need financial aid to attend the University; scholarship assistance for highly talented high school students whose motivation and preparation may not have been adequate to assure University admission; and intercampus exchange programs to bring students throughout UC together for educational and cultural activities.

While a Regent, Pauley served as board chairman in 1956–58 and 1960–62. He has been a member of several regental committees, chairman of the Investments and Finance committees, and chairman of several special committees. "University concerns take up nearly half my time," he wrote two years ago. When he was board chairman, he added, they took up even more.

"He has been one of the hardest working and most dedicated members of the Board," noted Secretary of the Regents Marjorie Woolman. "I think this love for the University results from his deep loyalty and his pride in its achievements and contributions. His and Mrs. Pauley's commitment has been such that the University will remain a vitally important part of their lives."

For many years Pauley was also active in national and international affairs. He was President Roosevelt's personal representative on the first Lend Lease Mission to the Soviet Union when the Nazis attacked the USSR. (So to confer with Stalin, he flew from Scotland around the Cape of Norway to Russia in an unarmed and vulnerable PBY.) He organized and staffed the Petroleum Administration for War which built the first transcontinental oil pipeline from Texas to the fuel-starved East Coast.

He also served in government positions during World War II, culminating in his appointment as President Truman's personal representative and U.S. Ambassador for Reparations; he later attended the Potsdam Conference as a presidential adviser. He then was Truman's Ambassador for Japanese Reparations. The President later appointed me special assistant to the Secretary of Defense," Pauley recalled, "to aid in the organization of the various branches of the military into one department."

In addition to his regental and public service posts, Pauley is a director of Western Airlines, Inc., a member of the Boards of Trustees of Occidental and Pepperdine Colleges and of the Governing Board of Georgia Military Academy. He has received honorary degrees from Pepperdine and Santa Clara University.

Pauley's vision of the future for the University of California could apply to any of his other activities, or to almost any other important human endeavor. In the University's future, he said recently, "challenge—and opportunity—and indeed a splendid destiny await us. We—if we will and if we dare—can bring a vast resource of human spirit and probing mind to bear on problems that beset our day. And out of our effort—if indeed we make the effort and, making it, prevail—will come the promise, better yet, the guarantee of the enduring enhancement of the quality of human life."

ESTONIAN INDEPENDENCE DAY

HON. PAUL S. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 24, 1972

Mr. SARBANES. Mr. Speaker, February 24, 1918, stands as a historic milestone for all men and women who cherish freedom. On that date, after centuries of foreign oppression the Republic of Estonia declared itself sovereign and independent of all foreign rulers. This bold decision in the closing days of World War I was indeed a courageous one for Estonia who was at that time under occupation by foreign armies. The proud, determined Estonians under the leadership of Col. Johan Laidoner rose up to expel their oppressors and of February 24, 1919—the first anniversary of Estonian Independence Day—it could be reported that the occupying forces had been cleared from national territory. The names of Konstantin Pats, Jaan Tonisson, and Jaan Teenant will always be remembered for their contributions to the Estonian independence movement and later to the government of the country.

Bounded on the west by the Baltic Sea, Estonia's land and ports have been desired by foreign nations throughout history. It has been repeatedly invaded and occupied by aggressive neighbors. Despite its tragic history however this small nation and its people survived these repeated onslaughts with a strength and resiliency of character and purpose that preserved its culture and traditions.

Estonia's proud and rich history dates from the earliest days of recorded time. The Roman historian Tacitus mentioned the Estonians in his Germania and the Vikings settled in Estonia in the 9th century A.D. Unfortunately, the country would suffer frequent invasions in subsequent centuries. During the 19th century the Estonians further strengthened and developed their national culture. In 1838, F. R. Faehlmann organized the Estonian Learned Society which collected under the direction of F. R. Kreutzwald the narrative folk songs into a national epic poem, the Kalevipoeg. The first Estonian newspaper, Parnu Postimees, was founded by J. W. Jannsen in 1857. One cannot underestimate the importance of the first national singing festival at Tartu in 1869; such festivals later became a lasting tradition.

The turmoil and confusion at the end of World War I gave the provisional Estonian government the crucial opportunity to declare independence on February 24, 1918. A constituent assembly was elected and, with August Rei as president, approved a new constitution. Many scholars have noted the fair mindedness and sensitivity tc human rights which characterized Estonia's Constitution. It has been described as:

> The mature deliberation of a people staunchly devoted to the cause of democracy and impelled to the creation of a regime of social and political liberty by every tradition of a somber past.

One example of this sensitivity to human rights was the guaranteeing to linguistic minorities in the country the use of their own languages in the courts.

Estonia's hard won freedom was short-lived, however, for in the critical days before World War II Estonia was occupied by Soviet Russia. Subsequently, the advancing Nazis were to become the occupying force for most of World War II, but as they retreated at the war's end, the Russians again cverran the country to place it behind the Iron Curtain.

The people of Estonia cannot celebrate freely with us on this 54th anniversary of Estonian Independence Day for they are denied the important principles of self-determination, independence and liberty. It is therefore especially important that on this day citizens who cherish freedom share the hope that someday the flame of liberty will once again burn brightly in Estonia.

SCIENCE AND GOVERNMENT REPORT NEWSLETTER SHOWS TECHNICAL UNEMPLOYMENT WORSE THAN REALIZED

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 24, 1972

Mr. BRADEMAS. Mr. Speaker, at a time when many of our serious domestic problems could be at least in part alleviated by the application of scientific and technical solutions, the United States is confronted by disgracefully high unemployment among scientists and engineers. The Nixon administration has tried to downplay the extent of this unemployment, but as noted in the Washington-based and highly authoritative publication, Science and Government Report, the actual extent of joblessness among highly trained scientists and engineers exceeds the official figures. To help illuminate this problem, I place in the RECORD the following article from the December 16, 1971, issue of Science and Government Report:

> Unemployment among scientists and engineers is far worse than government figures indicate, and it is getting still worse.
>
> That is the conclusion that emerges from

an effort by SGR to pin down the source of the "50,000 to 65,000" that administration officials routinely cite as the range of current professional unemployment in the research and development community. Whatever the realism of the numbers, their durability cannot be faulted, though the period over which they have been stated has been characterized by a continuing deterioration in the employment situation. The debut of 50,000 to 65,000 took place last February when the Department of Labor's Division of Labor Market Information issued a special study. Though the information that went into that study was a bit stale at the time, the Division has not returned to the subject, and officials there still recite the study numbers when asked about unemployment among scientists and engineers.

The next appearance apparently was in March, when Malcolm R. Lovell, Assistant Secretary of Labor for Manpower, addressed a meeting of science advisers to state governments. This time, however, technicians were added and the scope was narrowed to aerospace and defense employment. "Our best estimates," Lovell said, "are that these cutbacks have resulted in unemployment for 50,000 to 65,000 engineers, scientists and technicians who formerly worked in defense and aerospace jobs."

Then, on October 27, NSF Director William D. McElroy, apparently talking about scientists and engineers everywhere, but not technicians, told a Congressional committee, "Our current estimates are based on a variety of information which includes Bureau of Labor Statistics (BLS) information and our own just completed surveys. We estimate that there are now about 50,000 to 65,000 unemployed scientists and engineers . . ."

In response to an inquiry, a BLS official said the Bureau does not compile figures on scientists and engineers. "We just cover professional, technical, and kindred personnel in our monthly surveys," he said. "The only detail we have is on engineers, but that's only for administration use. We never publish it." It was learned, however, that the BLS figure for unemployment among engineers is approximately 3 percent, as compared with the 3.4 percent that NSF found in the survey referred to by McElroy. Based on a study conducted for NSF by the Engineers Joint Council, the survey drew a 65 percent response last June and July from 100,000 engineers, which constitutes a 20 percent sampling of a mailing list of members of major engineering society. Into the figure of 3.4 percent unemployed went only those who were out of work and who wanted work. Not included were the 6.9 percent employed in non-engineering work; of this percentage, it is significant to note, about one-third had accepted non-engineering employment since March 1970. In any case, the engineer driving a taxi does not show up in the figures as an unemployed engineer. Nor does the figures cited in October by McElroy reflect the difficulties that recent graduates have encountered in finding employment. According to the November Engineering Manpower Bulletin, published by the Engineers Joint Council, 9 percent of engineers at the bachelor's level were without job offers or "firm plans" at the time of graduation last June. "Although this may not appear high in absolute terms," the publication observes, "it is about double the figure for 1970 and in sharp contrast to the boom years of 1965–1969 when practically every graduate was employed." It also noted that bachelor degree graduates entering military service totaled 14 percent of the group—the highest figure since placement surveys began, in 1958. "If this number of graduates had not gone into the armed forces," the Bulletin states, "they would probably have had to join the group with no job offers."

A far grimmer picture is found in the results of a survey conducted by the American Chemical Society following last June's graduations. "Unemployment among new graduates was the highest reported by the Society in the last twenty years," according to the ACS analysis. "In chemistry, unemployment doubled—from 5.1 percent in 1970 to 10.3 percent this year. Among new chemical engineers, an alarming 12.8 percent were unemployed in 1971. This situation may be one reason why the largest number of chemical engineering students in ACS history (10 percent) reported that they had entered military service."

NSF's study of scientists, drawing on an 85 percent response to questionnaires sent to the 300,000 scientists listed in the 1970 National Register of Scientific and Technical Personnel, was tabulated May 25, and therefore misses out on the fate of last June's graduating class. In addition, the figure that it cites of 2.6 percent unemployment among scientists does not reflect any of the 5.6 percent holding down non-science related jobs. Of these, 1.6 percent had accepted their positions since March 1970, which may fall within the normal order of things, but in science as in engineering, the Ph. D., cabbie doesn't show up in the tabulations of unemployment.

Where, then, does the 50,000 to 65,000 come from? The suggestion of one White House aide is that "it comes out of people's heads"—which may be the case. Working with figures derived from NSF's studies of unemployment among scientists and engineers, one finds the following: NSF put the scientist population at 500,000, and found that 2.6 percent, or 13,000 were out of work; the engineers were estimated at 750,000, which means that with a 3.4 percent unemployment rate, 25,500 were jobless. Grand total: 38,500.

The most realistic estimate of the situation was provided October 26 by Betty M. Vetter, executive director of the Scientific Manpower Commission, in testimony before the Senate Labor and Public Welfare Committee. Mrs. Vetter's numbers and forecasts were indeed grim:

"As nearly as I can determine," she testified, "there are about 60,000 scientists and engineers, including 1971 graduates at all degree levels, who are literally unemployed. Using the generally accepted ratio of seven technicians for each 10 scientists, and additional 40,000 technicians may be jobless.

"There are perhaps half again as many who are employed part-time, temporarily or permanently, at some activity totally unrelated to their scientific training. The majority of these are seeking employment in their fields, or would be seeking such employment if they thought there was any chance of finding it.

"A third group of unknown magnitude are underemployed, in the sense that they are performing work in some way related to their training, but which could be done by persons with lesser training."

Mrs. Vetter concluded that the groups she had described had almost doubled in a year "and there seems little indication that we have yet reached the peak unemployment level in this population."

SCORECARD ON JOB PROGRAM

Last spring, President Nixon called a press conference at San Clemente to announce that the Department of Labor was establishing a $42-million Technical Mobilization and Reemployment Program (IMRP) to assist unemployed scientists and engineers. What has happened since then? Not much.

As of November 26, a total of 24,013 persons had registered with the program. Of these, 2713 later found employment, presumably with the assistance of TMRP. "Job search grants," providing a maximum of $500 each, have been given to 1670 persons, and "relocation grants," up to $1200 each, have been given to 438.

Little is now heard of the once-touted computerized "Job Bank," in Sacramento, Calif., which was intended to match up the jobless and jobs. As of September 10, the Bank had registered 12,500 applicants and had notifications of 2200 job openings. Referrals to jobs totaled 9700. Placements: 22.

FOREIGN AID AND SEIZURES

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 24, 1972

Mr. DUNCAN. Mr. Speaker, I would like to call the attention of Members of this body to an editorial in the Knoxville, Tenn., News-Sentinal concerning our investment in undeveloped countries. I think this is an excellent analysis.

The article follows:

FOREIGN AID AND SEIZURES

Just as his predecessors did, President Nixon has been encouraging U.S. companies and investors to go into so-called "undeveloped" countries.

But Peter G. Peterson, then the President's assistant for international economic affairs and now named secretary of commerce, says U.S. investment in undeveloped countries has fallen off—from 35 per cent of total investment abroad in 1960 to 28 per cent in 1970.

The reason for this is clear: Too many small-country politicians, or dictators, or military juntas, have been seizing U.S.-owned properties and not even paying for them.

This has happened in Peru, Bolivia, Ecuador and, since Salvadore Allende Gossens became president last year, in Chile.

Under a law passed years ago by Congress, the Government is directed to shut off U.S. aid in such circumstances. But the law never has been enforced, except in one instance (Ceylon, in 1963).

Now President Nixon has indicated he may enforce this requirement. In gist, his statement says that instead of presuming U.S. aid will continue, any country expropriating U.S.-owned property must now presume that assistance will be shut off. Although there are some "ifs" in this—the cutoff will not be automatic.

Expropriation without compensation is nothing less than stealing. The politicians who grab these properties not only commit that offense, but they cheat their own country, because every one of these undeveloped nations needs outside capital to improve itself.

And why should the American taxpayer put up money to help a country which needs help while the short-sighted politicians of that country are plundering property belonging to other American taxpayers It doesn't make any kind of sense.