Brig. Gen. Lee M. Paschall, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Donald G. Nunn, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Walter R. Tkach, [redacted] FR (colonel, Regular Air Force, Medical) U.S. Air Force.

The following-named officers for temporary appointment in the U.S. Air Force under the provisions of chapter 839, title 10, of the United States Code:

*To be major general*

Brig. Gen. James E. Hill [redacted] FR, Regular Air Force.

Brig. Gen. Jonas L. Blank, [redacted] FR, Regular Air Force.

Brig. Gen. James A. Bailey, [redacted] FR, Regular Air Force.

Brig. Gen. Donald H. Ross, [redacted] FR, Regular Air Force.

Brig. Gen. William A. Jack, [redacted] FR, Regular Air Force.

Brig. Gen. Jessup D. Lowe, [redacted] FR, Regular Air Force.

Brig. Gen. Vernon R. Turner, [redacted] FR, Regular Air Force.

Brig. Gen. Warren D. Johnson, [redacted] FR, Regular Air Force.

Brig. Gen. Peter R. DeLonga, [redacted] FR, Regular Air Force.

Brig. Gen. Charles I. Bennett, Jr., [redacted] FR, Regular Air Force.

Brig. Gen. Harold E. Collins, [redacted] FR, Regular Air Force.

Brig. Gen. Benjamin N. Bellis, [redacted] FR, Regular Air Force.

Brig. Gen. Lew Allen, Jr., [redacted] FR, Regular Air Force.

Brig. Gen. Charles C. Pattillo, [redacted] FR, Regular Air Force.

Brig. Gen. James R. Allen, [redacted] FR, Regular Air Force.

Brig. Gen. Walter R. Tkach, [redacted] FR, Regular Air Force, Medical.

Brig. Gen. Bryan M. Shotts, [redacted] FR, Regular Air Force.

Brig. Gen. Leroy J. Manor, [redacted] FR, Regular Air Force.

Brig. Gen. Roger Hombs, [redacted] FR, Regular Air Force.

Brig. Gen. Lawrence W. Steinkraus, [redacted] FR, Regular Air Force.

Brig. Gen. Eugene L. Hudson, [redacted] FR, Regular Air Force.

Brig. Gen. Walter T. Galligan, [redacted] FR, Regular Air Force.

Brig. Gen. Edward Ratkovich, [redacted] FR, Regular Air Force.

Brig. Gen. Frank W. Elliott, Jr., [redacted] FR, Regular Air Force.

Brig. Gen. Daniel James (NMI), Jr., [redacted] FR, Regular Air Force.

Brig. Gen. John F. Gonge, [redacted] FR, Regular Air Force.

Brig. Gen. John W. Pauly [redacted] FR, Regular Air Force.

Brig. Gen. John J. Burns [redacted] FR, Regular Air Force.

Brig. Gen. Kenneth R. Chapman, [redacted] FR, Regular Air Force.

Brig. Gen. Bryce Poe II [redacted] FR, Regular Air Force.

Brig. Gen. Cuthbert A. Pattillo, [redacted] FR, Regular Air Force.

Brig. Gen. George G. Loving, Jr., [redacted] FR, Regular Air Force.

Brig. Gen. Oliver W. Lewis, [redacted] FR, Regular Air Force.

Brig. Gen. Marion L. Boswell, [redacted] FR, Regular Air Force.

Brig. Gen. Kenneth L. Tallman, [redacted] FR, Regular Air Force.

Brig. Gen. Otis C. Moore, [redacted] FR, Regular Air Force.

Brig. Gen. Frederick C. Blesse, [redacted] FR, Regular Air Force.

Brig. Gen. James V. Hartinger, [redacted] FR, Regular Air Force.

U.S. ARMY

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

*To be lieutenant general*

Maj. Gen. Howard Wilson Penney, [redacted] U.S. Army.

The following-named officer for reappointment in the active list of the Regular Army of the United States with grades as indicated, from the temporary disability retired list, under the provisions of title 10, United States Code, sections 1211 and 3447:

*To be colonel, Regular Army, and brigadier general, Army of the United States*

Brig. Gen. William David Tigertt, [redacted] Army of the United States (colonel, U.S. Army).

IN THE NAVY

Vice Adm. Benedict J. Semmes, Jr., U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

IN THE MARINE CORPS

Gen. Raymond G. Davis, U.S. Marine Corps, when retired, to be placed on the retired list in the grade of general.

Lt. Gen. Earl E. Anderson, U.S. Marine Corps, for appointment to the grade of general while serving as Assistant Commandant of the Marine Corps in accordance with the provisions of title 10, United States Code, section 5202.

IN THE AIR FORCE

The nominations beginning Lester D. Abston, to be colonel, and ending Mary L. Pitt, to be lieutenant colonel, which nominations were received by the Senate and appeared in the Congressional Record on February 16, 1972.

IN THE MARINE CORPS

The nominations beginning Robert M. Vlack, to be chief warrant officer (W–4), and ending Kenneth P. Zrubek, to be chief warrant officer (W–2), which nominations were received by the Senate and appeared in the Congressional Record on February 16, 1972; and

The nominations beginning Arthur A. Adkins, to be second lieutenant, and ending Alfred W. Webber, to be second lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on February 17, 1972.

# EXTENSIONS OF REMARKS

## AMERICAN AEROSPACE INDUSTRY A NATIONAL ASSET

**HON. SILVIO O. CONTE**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 28, 1972*

Mr. CONTE. Mr. Speaker, the American aerospace industry is one of our greatest national assets. It has provided a sound economic base for the overall growth and development of our free enterprise system. It is a vital component in the national effort to provide a continuous improvement in our standard of living.

While the voices of doom and gloom continue to bemoan all that is wrong today, it is encouraging to hear the emphasis properly placed on the positive side of the ledger. John Shaffer, Administrator of the Federal Aviation Administration, fully understands the great value of our aerospace industry. In his remarks before the American Institute of Aeronautics and Astronautics in Los Angeles on January 20, he delivered a positive message on this subject which merits broader dissemination. He talked about the great economic value of our aerospace industry and why it is vital to our national interest that it remain highly innovative, productive, and competitive. I include his speech at this point in the RECORD, and I commend it to your attention:

REMARKS BY JOHN H. SHAFFER

It has become the fashion of late, in some quarters, to say, what difference does it make whether the United States is number one in aircraft production and export, number one in air transport, in space, in electronics manufacture, or in anything else for that matter?

The answer is, of course, it does make a very great deal of difference. As a Nation, it isn't necessary that we be number one in everything; but we should try to be in those product areas we do best because when we quit believing excellence isn't important we'll cease to be a great Nation. Further, we enjoy the highest standard of living in the world because we have consciously maintained the world's broadest and most advanced technical base. Because of this, aerospace and other basic American industries have been able to support high labor rates and still successfully compete in domestic and international markets at an overall advantage to this Nation.

The detractors of America's industrial prowess seem to have lost sight of the fact that it is industry, with its large employment, that provides the tax base which pays for the social reforms and which an advanced society like ours so badly needs; and I include here low cost housing, health and medical care, welfare reform, pollution control, national defense and, of course, a strong and balanced transportation system. All of these social programs absorb tax dollars but do not create national revenue in the same sense as do the basic industries.

During the "Sixties," the United States enjoyed a synthetic sort of prosperity deeply rooted in the politico-military mire of Vietnam. Jobs were created in defense-related industries, and young men who ordinarily would have entered the labor market were called to military duty. During the past four years there has been a steady withdrawal from our involvement in Vietnam. Gradually we are moving away from physical confrontations with Russia and China and toward a condition which all Americans understand and certainly prefer—competition. But in this battle, too, we must be prepared. The United States, economically, must be at its best. Our economy must be strong, productive, and *competitive*.

Conversion to a peacetime economy entailed the displacement of more than two million men and women from the Armed Forces and from defense-related industries. In an economy that employs some 80 million workers, these veterans and workers represent 2.5 per cent of the Nation's workforce. If they were still employed in their wartime activities, the dwindling unemployment rate

today would be considerably lower than it is. Notwithstanding this, I might add, the unemployment rate during the Nixon Administration has been less than the *average* of the "Peace Years" of the early 1960s.

While it is not my purpose before this group of scientists and engineers to engage in political oratory, I do want to point out that when President Nixon took office in January 1969, inflation raged unchecked. During the years 1959–1964, the wholesale price index was stable, fluctuating no more than one per cent in any one year. From 1964 to 1969, however, wholesale prices soared. True, Americans were receiving higher wages and profits than ever before, but these were consumed by a rate of inflation without parallel in recent American history.

And, as all of you know, since the end of World War II, the dollar has been accepted internationally as a reserve currency, that is, a currency to which other nations have pegged their own currencies—a yardstick by which the values of other currencies have been measured. Confidence abroad in the American dollar, however, began to erode due to the long series of deficits in the U.S. balance of payments. Foreign goods increasingly penetrated our markets. Our leadership in the automotive industry, internationally, had already evaporated by 1969. We now import almost 1.5 billion more automotive products yearly than we export. And maritime shipping, once an industry employing hundreds of thousands of U.S. citizens, has defected to Europe and to the Far East. Our electronics and computer industries and products, a direct spinoff from aerospace, are now in large part stamped "Made in Japan."

It became essential that inflation be checked if confidence in the dollar were to be restored and, dear to the employment of us all, if American goods were to remain competitive in the world markets—or even with imports in our own markets. I don't believe I need to recount here the steps taken by Government to strengthen the economic posture of the Nation domestically and abroad. And I am of the persuasion that all of us, regardless of political proclivities which may separate but not divide us, are determined that our Nation will enjoy full employment without inflation.

To the aerospace community, user and producer of its products as well, this determination comes in good time. For, as you are aware, this segment of American industry plays a unique role in the economic structure of the United States. More than any other, it is tied to the requirements of national policy and the effects of international events. While the list of critical problems facing this industry is not long, it is both serious and compelling. Among the factors compounding this industry's poor economic condition are: the high risk/low profit environment in which it must operate; the allowance of costs on Government contracts; its high level of debt financing; and, of course, its requirements for a high degree of labor specialization in management, supervisory, and production line areas.

The airline industry, too, faces a financial "crunch." Perhaps this is an oversimplification, but the fact remains that while airline prices are regulated, its costs are not. In 1961, the Civil Aeronautics Board set 10.5 per cent as a fair and reasonable annual return on annual investment. Yet, since that time, major domestic airlines achieved the 10.5 per cent level only in one year. Its ten-year average has more closely approximated five per cent.

The socio-economic significance implicit in the aeronautical product area and associated civil air transport activity is of vital concern to the national security. Additionally, the Nation's aerospace and airline industry, in combination, are America's largest employer. Therefore, a rejuvenation of these important economic enterprises has been, and continues to be, high on the list of national priorities. In the vanguard of programs to accomplish this task is an impressive rebuilding—expansion and modernization—of the National Aviation System. Under terms of the President's Airport and Airway Act of 1970, a Federal expenditure of $5.4 billion, matched by equal private sector expenditures, will see a minimum of $11 billion spent during the decade of the Seventies for new airports and expansions to existing facilities; more and better communications, whether information, etc.

For example, as you may know, air traffic control services and air carrier communications for oceanic flights are directly dependent upon the performance of the HF ground-air communication system currently in use. This system is obsolescent and is approaching saturation. Our studies indicate that by the mid- and late-1970s the air traffic control/air carrier demands will exceed the available communication capacity. To our air carriers, this means expensively increasing delays, very likely flow control restrictions, and undoubtedly less preferable routing and altitudes.

This situation has been understood for many years and the universal conclusion is that the way to improve oceanic communications, and improved surveillance, is through aeronautical communication satellites located in synchronous orbit over the Atlantic and Pacific areas.

There has been somewhat less than universal agreement on the frequency to be used on the aircraft-to-satellite link: VHF or UHF.

The FAA, with assistance from the Department of Transportation, State, and NASA, have been exploring the possibilities of a joint pre-operational aeronautical satellite system—AEROSAT—with ten European countries, represented for this purpose by the European Space Research Organization (ESRO), and with Canada, Australia, and Japan.

A proposal to proceed with a specific program of two satellites each in the Atlantic and Pacific and with first launches in 1975 was made to the White House in November. Now under intensive review by the Administration, a decision is expected momentarily.

This is one hurdle; next is Congress. We cannot, of course, enter into formal agreements in connection with AEROSAT pending a full discussion of the matter with appropriate congressional bodies.

The paramount responsibility of the Federal Aviation Administration, of course, is aviation safety. This is probably nowhere more apparent than in the operation of the air traffic control system (ATCS). The evolution of our present system has been based on the concept of operating a ground-based system to provide for the safe, efficient, and expeditious movement of those aircraft which operate within its control jurisdictions.

We are constantly and acutely aware of the threat of midair collisions. The primary thrust of our research and development program in the ATC area is directed toward the three goals of: (1) enhancing the system's excellent safety record, (2) while increasing system capacity, and (3) minimizing cost to the user in terms of airborne equipment and procedures.

Our major program in the air traffic control system, therefore, is the development and implementation of the automated terminal and en route systems. I am of the persuasion that each dollar spent for midair accident preventions simply means a dollar less remaining for accident prevention. (The final page of my prepared text comprises a chart showing why. I suggest you obtain a copy.) Nevertheless, the FAA has also been directly involved in the search for workable collision avoidance systems (CAS) and pilot warning indicator (PWI) systems. Based on experience and knowledge gained to date we have arrived at the following conclusions:

The availability of operational CAS equipments is extremely limited. Further, CAS is too expensive and complex for wide-spread general aviation use, which greatly limits its safety value. As for pilot warning indicator systems, there is no feasible system at the present time.

More appropriate and more practical, we believe, is a new application of computer technology now undergoing accelerated FAA tests at Knoxville. We are presently evaluating a new application of computer technology. The associative processor, at Knoxville's McGee-Tyson Airport. If it proves to perform as the manufacturer anticipates, the associative processor could provide a greatly improved means of insuring aircraft separation in terminal areas.

Evaluation of this computer application will be completed during March 1972. Briefly, pilots request information on other air traffic from the terminal air traffic controller who identifies the aircraft to a computer which is also receiving radar inputs from other aircraft in the area. The computer determines when an advisory should be given and automatically generates and issues a machine-made voice message to the aircraft. Besides providing for automated radar advisory service, this experimental computer also includes the capacity for detecting conflicting flight paths between aircraft and resolving these conflicts—first by notifying the controller and subsequently, by direct contact with the aircraft via data link.

In another important area of aviation safety, the FAA will shortly award contracts totaling $3 million to six companies for the initial phase of a planned five-year program to develop a new common civil-military microwave landing system which we call MLS.

The development of a microwave landing system is a major step forward in aviation technology. In addition to its many operational and safety benefits, such a system also will ease noise problems over airport communities by eliminating the need for straight-in approaches, thus permitting aircraft to follow low noise routes on takeoff and arrival.

Unlike the present instrument landing system (ILS), which provides a single approach path, the microwave landing system provides a broad area coverage with a number of available flight paths. This permits operational procedures that can increase the airport acceptance rate as well as reduce noise over the surrounding communities. Further, it is less subject to siting and environmental interference problems than present equipment. In addition, it will be capable of providing pilots with continuous distance information, thus eliminating the need for marker beacons which presently provide limited progress information on final approach. As a result, land acquisition costs for MLS installations would be lower than for the ILS.

Total cost of the five-year microwave ILS program is estimated at approximately $91 million—including both industry and Government programs cost. Assuming that the proposed development schedule is met, the first replacement microwave systems should be available in mid-1978.

The AEROSAT Program, our progress in developing techniques and hardware for use in aerial collision avoidance, as well as the not too distant installation of microwave landing systems, are but a few of the very great many programs FAA is able now to pursue under the President's Airport and Airways Development Program. Now let me reduce some of the significance of the Airport/Airway Act to the local level. Construction of the magnificent new Dallas-Ft. Worth

Regional Airport already represents an investment of more than $300 million. But aside from the economic impact of the facility, which is expected to reach $636 million annually by 1975, it has also generated a billion dollar development boom throughout the two-city area. Developers have announced more than a dozen major projects including a $500 million residential project in North Dallas, two $150 million residential developments in areas adjacent to the airport, a $150 million century 21 city to be built on 320 acres ten miles south of the airport, a $150 million part central hotel-office-retail complex, and a $250 million business park covering 500 acres near the airport.

On the other side of the ledger, however, the failure to build a new and badly needed jetport in New Jersey may cost that state several billions of income and hundreds of thousands of jobs. A report prepared in 1968 for New Jersey's Governor Hughes' Economic Evaluation Committee called for an intercontinental jetport and adequate general aviation and short-haul transport facilities. Despite the fact that this comprehensive report declared it doubtful that the state could maintain the pace of the Nation's economic growth without these facilities; that the total estimated income generated by a new jetport would approximate $1.9 billion for 1975 and $6.2 billion annually by 1985, the plan was rejected.

The three bay area airport of San Francisco in 1970, not considered a vintage year by any standard, nevertheless pumped nearly $1.3 billion into Northern California's economy. Some 30,000 employees of San Francisco International, San Jose Municipal, and Oakland International earned a payroll of some $322 million. Bay area airport businesses contributed another $20 million in local taxes, and bought more than $140 million in fuel, parts and equipment from San Francisco suppliers.

In Kansas City, Trans World Airlines, which makes its headquarters there, is the area's largest employer. And in Miami, aviation employs more than 70,000 people who earn an annual payroll exceeding $500 million. In fact, aviation is Dade County's largest employer and represents over one-quarter of the entire county's salary and wage dollars. In Indiana, the state's Aeronautics Commission and its Department of Commerce jointly, have recommended a $112 million statewide airport development program in a report entitled "Economic Development and General Aviation." The study concludes "few major corporations are without business aircraft. Consequently, few major corporations will select a location where their aircraft cannot operate. Thus, any Indiana community without convenient and adequate airport facilities will be at a severe disadvantage in competing nationally for business investment and employment."

The point of this financial rhetoric is, ladies and gentlemen, we have entered the "air age." State and city officials are beginning to recognize the threat of sophistical dissenters and political demagoguery to the economical and social well-being of American communities. The more thoughtful authorities are countering the dissenter and the demagogue with facts of airport blessings locally and aviation's importance nationally. And it is high time, for America is heavily dependent upon the aviation industry. Our economic strength domestically, and in international markets, depends upon an all pervasive arterial network of airports and airways linking town to city, city to city, and coast to coast. Within the national context, then, air transportation is viewed as vital by the Government and adequate aviation development as imperative.

The aviation industry, indeed all industry, is running against an anti-technology tide. There is an insistent demand that technology pay full attention to the minimization of noise, exhaust pollution and other costs in terms of ecological and environmental effects. The fact is, the public is rightfully demanding that its aviation community be good citizens in every sense. Perhaps in our haste to be first, with the most and with the best, the aviation industry unwittingly has contributed to making the natural world a less attractive and less healthy place in which to live. But I am of the persuasion that the ills aviation has created are being corrected—and rapidly.

It may never be possible to completely eliminate aircraft noise, but engineers have made great strides in reducing it to acceptable levels. I think you will all become acutely aware of this shortly with the more common operation of our new "gentle giants," the wide-body jets, the Boeing 747, McDonnell-Douglas DC–10, and the equally impressive new Lockheed L–1011. And, regarding air pollution, more than a decade ago aircraft manufacturers cut engine exhaust emissions by half, in converting from piston-powered aircraft to jets. In 1970, airline plane emissions, and that small percentage is decreasing steadily because of improved engine technology.

This is being achieved in two ways. By modifying the most commonly used airline jet engine—the JT8D which powers the Boeing 727 and 737 and McDonnell-Douglas DC–9. Secondly, engines powering new technology aircraft are designed to be virtually smoke free. Our new transports, the 747, DC–10, and L–1011 represent distinct advances in pollution control as well as in noise abatement. So, as you can see, we are making steady, impressive progress, but we've got to do better still if our industry is to refire America's excitement in the importance of the social and economic significance of aviation and air transport.

While our aerospace industry has gone through, to say the least, a traumatic financial convulsion as a result of the switch from a wartime to peacetime economy, the situation is stabilizing. North American-Rockwell rolled out its B–1 mockup in November, a program contemplating production orders in the billions; Lockheed is rapidly closing on certification of another magnificent flying machine, the L–1011; and President Nixon has just given the green light to NASA's Space Shuttle Program which proposes the building of recoverable spacecraft to the Congress. Along with the $5.4 billion already earmarked for FAA's Airport/Airway Modernization Program, plans for a total outlay of more than $22 billion for aerospace and related industry equipment manufacture will come under consideration of Congress during the second half of its 92nd session this year.

So the pump is primed and Government's effort to aid in restoring this Nation's largest employer to the preeminence it has previously enjoyed, indeed, the public's involvement in the logic of being number one in the international industrial community is gathering momentum. And this is important for, with specter of war hopefully disappearing, our Nation now faces a battle on a new front—competition. And the era of competition into which we are moving is formidable indeed. Today, the only area in which American industry really still holds an edge is in aviation, though this edge has eroded badly. In 1958 we produced 85 per cent of the transports in the Free World. By 1969, the U.S. share had dropped to 76 per cent. And I must say our failure to win public support and congressional approval for manufacture of the Supersonic Transport didn't help matters in the long term either. Sir George Edwards in an address last month before the American Chamber of Commerce predicted that the British/French Supersonic Transport "CONCORDE" would gross $75 billion in airline orders before production of the type runs full course.

If our industry is to regain its strength, if our Nation is to remain strong economically—and we will—we must once more become highly innovative, highly productive, and highly competitive. Today we are still ahead, and I am of the persuasion we shall remain ahead but there's no time for sympathetic introspection. The great nations of Europe are joined together in one of the most powerful economic blocs that the world has ever seen. The Soviet Union is the second strongest economic power in the world. Japan, prostrate after World War II, has now recovered to become the third strongest; and Germany is rapidly becoming a formidable competitor on all industrial fronts.

Ladies and gentlemen, it has been America's passion for research, its determination to build a better way of life for all of its citizens, its willingness to forge ahead on all fronts, that have made this country great. The roots of America's phenomenal productivity lies in its free and incomparable economic system. I am absolutely convinced that American ingenuity and technology will produce the solutions to all of the economic and social problems which currently perplex us.

With the talents, the skills possessed by our industry, there is no cause for America's position in world leaderhip—economically, socially, politically, or morally—to falter.

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## PITT ECONOMICS PROFESSOR NAMED TO CEA

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## HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 28, 1972*

Mr. MOORHEAD. Mr. Speaker, Dr. Marina V. A. Whitman, former professor of economics at the University of Pittsburgh, has been appointed to the Council of Economic Advisers, by President Nixon.

This is indeed an honor for Dr. Whitman and the university where she labored so diligently.

In noting her appointment, C. Jackson Grayson, Jr., Chairman of the Price Commission, praised Dr. Whitman's work on that body.

At this time, I would like to include in the RECORD a Price Commission news release containing Mr. Grayson's comments:

C. Jackson Grayson Jr., Chairman of the Price Commission, commented today on the White House appointment of Dr. Marina V. N. Whitman to the Council of Economic Advisors. He said, "Marina Whitman has served the Price Commission with complete dedication and a great sense of integrity. She is an original thinker and has great patience. Her presence on the Commission has been a great asset to the nation. I'm sure she will carry those qualities to her new assignment. I speak for all the members of the Commission and the staff when I thank her for the wonderful job she's done here and wish her our best in her new task."

Dr. Whitman, an authority on international trade and investment, will be the first woman ever to serve on the three-member Council of Economic Advisors. In 1970–1971, Dr. Whitman served the Council as Senior Staff Economist. On October 26, 1971, she was sworn in as a member of the Price Commission. She will leave the Price Commission some time before joining the Council of Economic Advisors and will take a leave of absence from the University of Pittsburgh, where she is a Professor of Economics.

## CLEAN AIR IS A MATTER OF LIFE OR DEATH


### HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES


*Monday, February 28, 1972*

Mr. SYMINGTON. Mr. Speaker, clean air is really a matter of life and death for many Americans with respiratory diseases. Consequently, the Clean Air Act and its automobile emission standards are both safeguards for the Nation's health as well as the environment. The House Public Health and Environment Subcommittee held oversight hearings in late January on the administration of the Clean Air Act and the automobile manufacturers' request to delay the act's emission standards until 1976 model cars are produced. The Public Health and Environment Subcommittee, under the able leadership of Representative PAUL ROGERS, of Florida, has made tentative plans to hold additional oversight hearings on the whole problem of air pollution later this year.

An article detailing the subcommittee's recent hearings has come to my attention. It is an account of the fine work PAUL ROGERS has performed as chairman of the Public Health and Environment Subcommittee. The item appeared in the February 15, 1972, issue of Conservation News, which is published by the National Wildlife Federation.

I would also ask my colleagues to note a related news item that appeared in the St. Louis Post-Dispatch, February 17, 1972, dealing with the Clean Air Act and emission standards. At this point, I insert the articles in the RECORD:

DESPITE PROTEST, NATION'S CAR MAKERS CAN MEET 1975 DEADLINE

Despite their objections, a "way out" for the Nation's auto-makers with regard to meeting the standards of the 1970 Clean Air Act was shown during three recent days of Congressional hearings.

That possibility was uncovered during the Jan. 19–21 hearings, held to determine whether or not the car makers should be granted a one-year time extension to meet the 1975 deadline. The law requires a 90 percent reduction of vehicle emissions of hydrocarbons, carbon monoxide, and oxides of nitrogen by the 1975 model year. However, the law also allows the Environmental Protection Agency to grant an extension of that deadline on or after January 1, 1972, based on its own findings and on recommendations from the National Academy of Sciences.

The oversight hearings were conducted by Rep. Paul Rogers (Fla.), chairman of the House Public Health and Environmental Subcommittee, in order to review the auto manufacturers' progress in meeting the vehicle emission standards set by the Clean Air Act, and to study the EPA's progress in all areas of air pollution. Witnesses heard included EPA Administrator William D. Ruckelshaus, spokesmen from the National Academy of Sciences and the American Petroleum Institute, and representatives from the "Big Four", Ford Motors, General Motors, Chrysler Corp., and American Motors.

As expected, all of the car companies testified that there was probably no way that they could meet the 1975 deadline under the current standards. D. A. Jensen, director of Ford's emissions office, said that none of the four exotically-named experimental engines it had designed to reduce pollution (i.e., "The Kitchen Sink", "The Dual Bed Catalyst", "The Proco", and "The Lean Burn") will meet the requirements. While all "show promise" of achieving the required 90 percent emission reduction, none of the tested catalytic converters have as yet passed the 50,000 mile durability test. However, Jensen did indicate that preliminary tests have shown that Ford's "Proco" converter can meet the deadline if durability (ability to perform without "gumming up") is required for only 25,000 miles.

Rep. Rogers seized this opportunity in questioning and suggested that the 50,000 mile requirement may be unnecessarily posing a problem:

ROGERS. "Do you now guarantee any of your cars for 50,000 miles?"

JENSEN. "No, sir."

ROGERS. "Do you now guarantee any of your automotive parts for 50,000 miles?"

FORD LEGISLATIVE COUNSEL. "No. We never have."

ROGERS. "Well then, why can't you simply put your best converters into production and then replace the catalysts at 25,000 miles at no additional cost to the consumer. That way you could meet the 1975 standards on time, rely on the dependability of your converters, and go a long way towards solving our air pollution problem."

The additional cost to the car companies of replacing coverters could easily be absorbed by cutting back on annual styling changes, Rep. Rogers declared. "If the money currently plowed each year into styling changes could be partially redirected into safety and environmental research costs, you could probably offset those additional costs," he said. Although styling change expenditure estimates were not immediately available from the auto-makers, it was estimated that Ford Motors will spend approximately $130 million for research in 1972 and General Motors has budgeted nearly $235 million. "It could even be voluntarily done just for a year or two across the board, with all the companies proportionately cutting back," he added. "I'm sure the Department of Justice wouldn't mind."

The major auto companies and the Automobile Manufacturers Association were charged by the Justice Department in 1969 with conspiring to suppress the development and installation of emission-control systems. The suit ended in a consent agreement in which the defendants promised not to engage in specific practices, but did not concede that they had ever conspired.

At this writing, no formal applications have been filed for an extension of the 1975 time deadline. General Motors previously filed a two-page letter which it considered a "formal request" for an extension, but the EPA returned it for supporting information and it hasn't as yet been resubmitted. If an extension petition is filed by a car company, EPA has 60 days in which to make a decision. Administrator Ruckelshaus has indicated that any petition would be made available to the public for open hearings. He did indicate, however, that EPA was giving some consideration to amending the petition's disclosure policy in order to provide full public disclosure and yet guarantee the protection of certain trade secrets.

On January 1, 1972, the National Academy of Sciences filed its first semi-annual report on which EPA will base its decision on the technological feasibility of the car companies to meet the 1975 deadline. The report said that while "there is no certainty today that any 1975 model year vehicles will meet the requirements of the Act", it may be possible if three conditions are met: 1. provisions are made for catalyst replacement, 2. averaging of emissions throughout the day rather than just for the first trip, and 3. general availability of non-leaded gasoline.

Besides Rep. Rogers' suggestion for the catalyst problem, the other two National Academy of Sciences' conditions may also see early solutions. Changes in the EPA testing procedure, beginning with 1975, will encompass the average of the emissions from all the trips taken in a day rather than just the emissions from the first trip (The first four to six running minutes emit the greatest amount of pollutants.). EPA officials feel that this change will "more accurately reflect the driving experience of the average motor vehicle in major urban areas."

In addition, the oil industry will apparently have little or no trouble making nonleaded gasoline generally available for use by 1974. Although presently available in limited quantities, there has been some question whether it could be produced on a mass basis. When questioned during the hearings about whether the oil industry can get the lead out within the deadline period (the experimental converters work only on unleaded gas) an American Petroleum Institute spokesman said "No question about it." "The bill means changes, and that's what we're doing is changing," he added.

AIR CLEANUP

WASHINGTON, February 17 (UPI).—Despite Government promises to enforce a 1975 clean-air deadline, at least 18 states have requested two-year postponements and appear likely to get them.

In applications made to the Environmental Protection Agency, most of the states involved, said that urban areas could not meet the standards without limiting downtown traffic. They indicated a reluctance to impose such traffic controls.

When EPA Administrator William D. Ruckelshaus announced the air quality standards April 30, he emphasized that many cities would have to curb traffic.

"I don't anticipate any delay in their implementation," Ruckelshaus said of the standards.

But in an interview yesterday, the EPA official in charge of reviewing state applications said that the agency probably would forgo the deadline rather than force traffic restrictions that might be unpopular with commuters.

"If you need traffic control you probably can get a two-year extension," said B. J. Steigerwald, director of the EPA's stationary source pollution control program.

"Traffic control isn't easily imposed," Steigerwald said. He said that cities would need mass transit to replace automobiles. "You just don't install mass transit in three years," he said.

Experts from the EPA and other agencies have estimated that car exhaust causes at least 50 per cent of air pollution, the most harmful concentrations being in downtown areas.

Richard E. Ayres, who has studied the state plans for the Natural Resources Defense Council, a private environmental group, said that any delay in curbing urban auto pollution would undermine the entire air cleanup program.

"What they're saying is that they'll meet the standards where there isn't any pollution and delay them where the problem is most severe," Ayres said.

Many states said that if given until mid-1977, the car-pollution problem largely would go away because of progressively stricter federal requirements for exhaust clean-up devices on new cars.

The first such devices were installed on 1968 models. Under the same Clean Air Act, which mandated the 1975 air clean-up standards, 1975 model cars must cut carbon monoxide and hydrocarbon emission by 90 per cent, compared with 1970 models, and 1976 cars must reduce nitrogen oxide emissions 90 per cent, too.

Although the law allows a one-year extension of these standards if car-makers cannot meet them, and although all four U.S. car companies have requested such a delay, the EPA permitted states to presume in drawing up their plans that the 1975 and 1976 auto deadlines would be met.

Steigerwald indicated that he was using the same presumption in reviewing state applications.

"By 1977, car emission limits will allow many cities to meet the air standards," Steigerwald said. "Does it make sense for us to demand significant traffic controls by 1975 when two years later they could meet the standards without traffic controls?"

However, Steigerwald said, "About 15 cities won't meet the standards even in 1977 without traffic controls." He did not name all the cities but said that they included New York, Chicago and Los Angeles.

The law required each state to give EPA by Jan. 30 its plan for meeting limits on six air pollutants—sulfur oxides, particulate matter, carbon monoxide, photochemical oxidants, nitrogen oxide and hydrocarbons.

The EPA must approve or disapprove the plans by May 30. The law says the limits must be met by July 1, 1975, unless EPA grants the state a two-year extension.

The plans are hundreds of pages long and no one in Washington has read them all. United Press International compiled the list of 18 states seeking extensions from EPA sources and from reporters in state capitols.

Most of the 18 sought no over-all extensions, but rather a two-year delay in meeting standards for carbon monoxide and hydrocarbons—which come mostly from cars—in urban areas.

Steigerwald said that about 15 states did promise to work on some form of traffic controls—reduced parking space, higher bridge tolls, inspections, mandatory installation of antipollution devices on older cars—but few included them as firm parts of an enforcement program.

## GOD BLESS THE PRESIDENT ON HIS TRIP TO CHINA

### HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 28, 1972*

Mr. GUDE. Mr. Speaker, as we prepare to welcome the President back from his history-making trip to China, I would like to share with my colleagues the following letter from a constituent of Maryland's Eighth Congressional District. I feel it is particularly noteworthy in that it is not simply a partisan, "rubber stamp" letter of support, but one which expresses the views of a thinking, responsible American citizen. This kind of thoughtful letter is further evidence that there exists widespread support for President Nixon's meetings with China's leaders, and that, truly, all the Nation's prayers have been with him on this journey:

GOD BLESS THE PRESIDENT ON HIS TRIP TO CHINA

CHEVY CHASE, MD.,
*February 17, 1972.*

Hon. GILBERT GUDE,
*House of Representatives,*
*Washington, D.C.*

DEAR CONGRESSMAN GUDE: I have written many letters to you, over the years, that could be considered critical in the sense that they expressed my frustration about what our government has done in Vietnam.

Because—the President's trip to China is a day for hope, I wish to express words of favor for the present Administration and party in power which I do support from time to time, as follows:

1. I believe the President *is* trying (at some risk) by this China effort to find an end to a war which in all fairness we should admit he does not bear the major responsibility for.

2. I believe he understands the domestic needs of the American economy should now have top priority over do gooding abroad, and that he will act to help to restore the world leadership we once enjoyed as the most capable country in the production of goods and services, here at home.

There are, of course, a lot of things happening in the government which I do not agree with, political and otherwise, and I am sometimes concerned that our very form of government is under severe test.

I do want the President to succeed and I want you gentlemen to succeed in the sincere efforts you are demonstrating. I choose this day of hope to express confidence in you.

Yours sincerely,

JOHN W. MALLEY.

## CONTINUE RADIO FREE EUROPE

### HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 28, 1972*

Mr. STEELE. Mr. Speaker, I wish to direct the attention of the Members to the following editorial from the Hartford Courant on the future of Radio Free Europe and Radio Liberty. The editorial presents an incisive analysis of the current congressional struggle to keep the Radios alive and makes a telling argument for continuing their vital operations.

The editorial follows:

RADIO FREE EUROPE FACES CUTOFF

It seems more than a little ironic that in this country where freedom of information and the right to know are so fervently cherished, the Congress is haggling over whether Radio Free Europe and Radio Liberty should be continued or not.

In some ways the hangs-up is a technical one. The House and Senate are at odds, the former being willing to finance the two stations for two more years, the latter wanting to cut off funds after one year.

The real stumbling block is a matter of foreign policy, and not just whether the country should spend $36 million annually to run the two operations. If Senator Fulbright has his way, the funding will not be renewed. He says "These radios should be given an opportunity to take their rightful place in the graveyard of cold war relics."

And of course, ever since it came out that the Central Intelligence Agency had been financing Radio Free Europe and Radio Liberty, their names have been mud—not only in Russia and Eastern European countries naturally, but here at home among those who think there is something villainous about the CIA.

Yet when Senator Fulbright asked for studies by the Library of Congress on the effectiveness of the two stations, he was set back on his heels. "The reality of Radio Liberty," the Library of Congress reported, "conflicts with its popular image. It is neither a cold war operation, nor is its staff a group of cold warriors. On the contrary, Radio Liberty accepts all Soviet institutions, though not its ideology, and seeks to bring about a peaceful democratic change from within."

The report on Radio Free Europe was in kind. And the truth of the matter is that the two stations for a generation now have been broadcasting factual news. What has aroused the ire of the Communist regimes is that there are plenty of facts these governments don't want their people to know. This is plain enough from the rigid control exercised over news media in Russia and its satellite countries.

If Radio Free Europe and Radio Liberty are disbanded, the peoples of these countries will have lost a free press for the inflow of information that certainly is not going to be duplicated by officially sponsored government radios. Millions of persons have listened to news over Radio Free Europe and Radio Liberty, which would have been completely censored by Communist governments.

As has been remarked, before Congress decides whether it believes these radio stations are relics of the cold war, it might be well to wait until after President Nixon returns from Moscow. The cold war itself may not prove to be the vanished spectre some persons would have us believe. An American foreign policy substituting negotiation for confrontation is a very nice idea but it still takes two to tango.

## NATIONAL JUDICIAL CONFERENCE ON STANDARDS FOR THE ADMINISTRATION OF CRIMINAL JUSTICE

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 28, 1972*

Mr. RARICK. Mr. Speaker, the 4-day National Judicial Conference on Standards for the Administration of Criminal Justice took place on the campus of Louisiana State University in Baton Rouge, February 1–4, 1972.

More than 300 appellate court judges and justices attended the conference which considered the improvement of the criminal justice system through the implementation of 17 sets of standards, 15 of which had been approved by the American Bar Association's House of Delegates.

Included in the discussions were the revamping of the Nation's bail system, pretrial release, and electronic surveillance; speedy trials, police function, prosecution function, defense function, trial by jury, criminal appeals, probation, and postconviction remedies.

So that our colleagues may have more information about this important and extraordinary conference, I insert in the RECORD at this point news accounts as appearing in the Baton Rouge daily newspapers:

[From the Baton Rouge State Times, Feb. 11, 1972]

BETTER JUSTICE SYSTEM SAID LEGAL PROFESSION

(By Jack Lord)

The president of the American Bar Association said today that the improvement of the criminal justice system is "the greatest challenge our profession has faced in this country."

Keynoting the opening session of the four-day National Judicial Conference on Stand-

ards for the Administration of Criminal Justice at LSU, Leon Jaworski of Houston, Tex., called for implementation of the new ABA standards as one of the key means of bringing about improvement of the criminal justice system.

About 300 appellate court judges and justices have registered for the conference which is featuring an ABA push for an overhaul of the criminal justice system.

Jaworski pointed out that the standards are suggested guidelines to be applied in the states and the federal jurisdiction.

"The ultimate objectives they seek to attain are to promote fair, balanced justice, effective law enforcement and adequate protection of society—and at the same time to delineate and safeguard the constitutional rights of those suspected of crime," Jaworski declared.

SEVENTEEN STANDARDS SET

Seventeen sets of standards have been drafted. Fifteen have been formally approved by the ABA's policy-making House of Delegates, while the remaining pair is expected to be approved at the ABA annual meeting in August.

Jawoski said three pilot states were chosen for implementation to provide planning and feedback experience.

The states, he said, were Arizona, where implementation is accomplished largely by court rule; Texas, where criminal procedure is dependent exclusively on statute, and Florida, which implementation comes from both the supreme court and the legislature.

"The valuable lessons learned were used to develop guidelines to assist other states in their planning, and to enable them to avoid pitfalls and fruitless activity in their implementation programs," Jaworski said.

The ABA overhaul, Jaworski said, "is the first time any such endeavor had been attempted for criminal justice."

He said, "From a procedural standpoint especially, the system by and large had been substantially untouched for almost two centuries. Chief Justice Warren E. Burger diagnosed maintenance.' "

M'KEITHEN SPEAKS

Gov. McKeithen was one of several Louisiana dignitaries who welcomes the judges to the conference.

McKeithen, referring to himself as "an attorney who will return to the practice of law in May," congratulated those who are attempting "to keep the judical system entuned to the changing needs of our society."

Referring to his eight years as governor and a total of 24 years in public office, McKeithen said he could "appreciate fully the promotion of reform or change."

Associate Justice William H. Erickson of Colorado, chairman of the ABA Section of Criminal Law, gave a basic rundown of the 17 ABA standards which will be explained in depth in future sessions.

U.S. Dist. Judge William J. Jameson of Montana, chairman of the ABA Special Committee Standards, reviewed the background of the eight years of activity leading to the proposals.

He said more than $1 million had been spent on the project—$500,000 from two private foundations and $527,000 from the American Bar endowment fund.

Other speakers on the morning program included Chief Justice Howard McCaleb of the Louisiana Supreme Court who introduced Jaworski; Associate Justice Joe W. Sanders of Louisiana and Dean Paul Hebert of the LSU La School who both made opening remarks.

Sponsors of the conference are the ABA, the LSU Law School, the Appellate Judges' Conference of the ABA, and the Louisiana Commission on Law Enforcement and Administration of Criminal Justice. Sessions are being held at the LSU Union.

In an interview on the eve of the conference, Colorado Supreme Court Justice William H. Erickson said the standards already are being felt in the criminal courts in the country.

"The situation is starting to improve," Erickson, who heads the ABA's criminal law section, said, "and I think with the completion of the standards . . . we will not see utopia but a system of criminal justice we can all be proud of."

SEVENTEEN STANDARDS

The ABA's 17 standards for criminal justice, which, Erickson said in an interview, "go completely across the field of criminal justice," were complied to cope with "practices that are different in nearly every state.

"We've had what's been described as a revolution in criminal justice with decisions such as the right to counsel in every case and search and seizure protections which came about because many states did not afford to an accused the basic minimum rights that our constitution dictates," Erickson said.

"We have had during a period of some 25 years a 50 per cent increase in population and during that same period we've had a 400 per cent increase in crime," he said. "If the rights of society are to be protected, we've got to see that there's a finality to the criminal prosecution.

"That means the defendant who is a threat to the public is confined," he added, "that the defendant who can be rehabilitated is and is placed back in a productive fashion in the society from which he came, and that the same time the person on the street can feel some safety."

The standards, Erickson said, ranging from right right to a speedy trial to the handling of probation, were compiled by "the top lawyers, judges and professors in the country and they show a cross section of the criminal justice process." They have been universally accepted, he added.

There have, in recent years, been "grave differences" in the way states administered justice in criminal cases, Erickson said.

"One of the reasons for this is that some police practices are antiquated. The standards of criminal justice suggest remedies that see to it police practices are not only uniform but are upgraded.

"And, for example, in Texas and Missouri the jury still imposes the sentence of the defendant. That's hardly consistent with our modern practice of thinking that punishment will be meted out to fit the crime," Erickson said.

"You see," he went on, "up until the 1930s the states were largely free to handle their criminal business any way they saw fit. After that, the U.S. Supreme Court began to impose constitutional limitations.

"The standards we have now are trying to bring up to date criminal justice machinery so that the guilty can be convicted, the innocent can go free and the public can take pride in seeing that justice is administered promptly and efficiently," he added.

The ABA's standards, Erickson said, begin "from the release decision, that, is whether a person should be out on bail. Then there's the speedy trial issue. They cover the fair trial-free press issue and the question of discovery and procedure before trial.

"Before the trial, there is a means of expediting the case so we can avoid cases like the Manson trial where we wasted months selecting a jury. So there are new and modern methods of jury selection. And these are standards relating to the trial judge, so he would know how to handle a disruptive defense like the case with the 'Chicago.' "

The conference is divided into a series of meetings to discuss each of the standards, then a number of group workshop sessions to give the jurists present a chance to comment on the standards.

President Nixon and Chief Justice Warren Burger had been invited but said they could not attend. Retired U.S. Supreme Court Justice Tom C. Clark, who stepped down from the high court in 1967, is honorary chairman for the conference and will speak at a dinner Saturday evening.

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[From the Baton Rouge State Times, Feb. 12, 1972]

JURISTS EYE PROPOSALS AT LSU JUDICIAL MEET

Some of the nation's most respected jurists looked at proposed standards covering police function, defendants hearings and speedy trial at the National Judicial Conference on Standards for the Administration of Criminal Justice at LSU yesterday.

Other standards the group discussed included revamping of the nation's bail systems, pretrial release, and electronic surveillance.

Six of 17 proposed standards were discussed yesterday. Other standards were to be discussed today. The meeting, which includes chief justices from courts throughout the country, will last through tomorrow.

Standards governing police function suggest the authority of policemen be better spelled out and their professional role, including ability to go on strike and take part in political activity be clarified.

Keith Mossman, an attorney from Iowa who addressed the group on the matter, said many things citizens and public officials expect policemen to do are "improper or illegal."

MARRIAGE PROBLEMS

He said a study has shown 60 per cent of police time is spent solving marital problems, an area in which they actually have little authority.

He said of all areas of criminal justice, the policeman has the most discretion. The policeman sees a drunk on the street, said Mossman, and has the option of picking him up or just letting him go. If he picks him up, he has the option to take him to jail, or take him home, the attorney said.

If he brings him home, says Mossman, he has the option of driving up with his light and siren and let all neighbors know that "Old John" has gotten drunk again or going to the back door and saying quietly, "Mary, I think John had a little too much to drink last night."

In cases such as drunks, prostitutes and private gambling, the courts often tell policemen they aren't interested, because they are overloaded with more important matters, Mossman said.

The policeman is then left in a dilemma. On the one hand he has vowed to enforce the law, and on the other, his superiors and the judges he must send violators to tell him not to bother.

POLICE NEEDS CITED

The police need to be given resources to take care of such things as drunks and prostitutes, and specialists to handle problems like marital disharmony which takes up so much of their time, says the ABA.

Another recommendation is that defendants should be allowed to have closed hearings in cases where the evidence to be presented might not be admissible if a jury was present. The jurist were warned, however, that overuse of this provision could bring about a serious confrontation between the court system and the nation's press.

COULD WAIVE JURY TRIAL

The code covering the press also suggests that the defendant may wave the right to a jury trial and be tried by a judge . . . one if the case had been given national publicity and it is felt by the judge that even with a change of venue that an untainted jury could not be readily found.

This section of the standards also suggests limits on what information attorneys, court

personnel and police officers should give to news media from the time of arrest until after a case has been tried.

It suggests that these groups should adopt policies of giving no information about witnesses, lie detector tests, prior criminal record or opinions on the merits of the case.

At the same time it suggests obligation by these groups to give information concerning identification of defendants and victims, circumstances of arrest and physicial evidence found there, a brief description of the offense and scheduling of hearings and other court dates.

SUGGESTS CONTEMPT STEP

The standards also suggest that newspapers be cited for contempt of court when they disseminate information which intentionally endangers of the defendant's right of a fair trial or shows a reckless disregard of consequences.

It said the money from these fines should be used to reimburse the defendant if the publication of this material causes the need for another trial.

In its standards relating to the nation's bail systems, the ABA suggests that the rule should no longer be to keep the defendant in custody, but should be to release him without bail in most cases.

The rule should be to release the defendant on his own recognizance, unless there is reason to believe that he will cause harm or not show up for the trial, according to the proposal.

Jails are being filled up at public expense, said B. James George, professor of the Wayne State University Law School. In most of these cases, he said, it is not necessary for the completion of justice or for the safety of the community.

He said the ABA proposal has proven that people with roots in the community will show up for trial if released without bail.

This stops discrimination against the poor, problems of men losing their jobs and their families having to go on welfare and what has wrongly become a mechanical process of setting up bail by the seriousness of the crime and not by what it will take to assure the court that the defendant will appear for trial.

Police officers should be required to issue citations for all misdemeanors, instead of bringing persons to jail, unless there are extenuating circumstances, according to the ABA.

More serious cases should require that the alleged violator be brought to police headquarters, where his records can be checked by someone with more authority and then, if it is reasonable to believe that he will show up for trial, be released, says the ABA.

NO ROOM FOR MONETARY BAIL

The standards leave no room for monetary bail, which the ABA finds ineffective in cases where people would flee trial anyway, since the money is usually put up by bonding companies and not the individual.

On speedy trial the ABA suggests time limits by which the trial date must be set from the time of arrest. Consequences for not having a speedy trial must be dismissal of a case, since there is no other effective measure to enforce the rule, they suggest.

The system, they say, has proven effective in two test states.

They also suggest that continuances be granted only on good causes, and that the prosecutor must make periodic reports on delayed trials.

Sparing use of electronic surveillance was also urged by the ABA, adding that yearly reports to the public of the number run in a state should be made by its attorney general.

The group also suggested that individuals must be informed within 90 days that they have been under electronic surveillance and that permits allowing law officials to use such surveillance be only issued when probable cause is shown and be good for only 15 days.

The 15-day permit could then be renewed twice, for 30 days each, and then as long as necessary in 30-day periods, provided that probable cause is shown each time.

The standards also contain sections to protect against use of privileged information, such as talks with doctors or lawyers, and a section governing the handling of tapes to protect them from tampering.

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[From the Morning Advocate, Feb. 13, 1972]

JUDGES LISTEN HERE—ABA STANDARDS HOPE TO END "LEGAL CHARADES"

Cutting out of some "legal charades" and adoption of a requirement that a defendant himself must enter a plea of guilty if it is to be valid were among the standards advocated Saturday by the American Bar Association.

The ABA is holding a conference on criminal justice at LSU, with some of the most renowned appellate justices in the nation present. Purpose of the conference is to urge the use of 17 standards governing the field proposed by the ABA.

In Saturday's session the standards relating to a defendant's plea, joinder and severance, pretrial procedure and the judge's function were discussed.

The ABA standards suggest that the defendant's lawyer not be allowed to enter a plea for the defendant but that the defendant do so himself in open court. It then puts responsibility on the court to find out whether it is based on evidence.

The standards leave room for present practices of plea agreement, where the defendant agrees to plead guilty for certain considerations from the prosecutor. They suggest, however, that the trial judge not participate in these discussions, but that he may permit the disclosure to him of tentative plea agreement and indicate whether or not he will concur with the arrangements made.

SUGGESTS QUESTION

The ABA suggests that when a guilty plea is entered the judge ask the district attorney and not the defendant if any agreements have been reached. This says the ABA is to cut out "charades" in which the defendant says there have been no plea agreements when there obviously have.

The standards say that unless the defendant enters a plea of guilty or nolo contendere, which is not withdrawn, that the fact that he has engaged in plea discussions should not be received as evidence.

The standards provide that the defendant be allowed to plead guilty to all of the cases he is facing in that state at one time, provided the prosecutor agrees, in order to save time for both the court and the defendant.

Moving to joinder and severance William Erickson, associate justice of the Supreme Court of Colorado, said that these standards were the most difficult to draft of all the 17 groups.

"A great time-saving occurs where offenses and defendants are joined for trial," he said, but added that the defendant in some cases finds that joinder sometimes causes "prejudice either by guilt by association or by guilt connected with the perpetration of multiple offenses."

The standards suggest that the prosecutor be allowed to join offenses of similar character, even if not part of a single plan, but that the defendant have an "absolute right" to severance in such cases.

SEVERANCES

In cases where defendants or offenses are directly linked the standards suggest that severances be granted when "deemed appropriate to promote a fair determination of the defendant's guilt or innocence of each offense," if the trial has not yet started, and when "deemed necessary" to achieve a fair trial, once the case has already gone to court.

In cases where several crimes were committed at one time, such as several shootings during one robbery, the standards suggest that the prosecutor should not have the tactical advantage of trying each charge before a different jury.

Discussion on the pretrial procedure standards centered around the omnibus hearing, a main point in the ABA plan.

This type of hearing can dramatically speed up court proceedings, said Adrian Spears, chief judge of the Western Texas District Court where the omnibus hearing has been given a trial run.

The hearing eliminates most written motions, which lawyers looking down a list of the most common ones instead, and choosing the ones they wish to file.

Also the omnibus hearing makes workable the law that the prosecution is required to give information beneficial to the defendant to his lawyers. Under this concept, said Spears, lawyers from both sides make full disclosures before arraignment.

The law had been useless in many cases, because prosecutors were not giving the information to defense attorneys until it was too late for them to use it.

TRIAL DISRUPTIONS

The standards relating to the functions of the judge, discussed by Frank Murray, U.S. District Court of Massachusetts judge, centered around trial disruptions.

"The judge is the key," he said, indicating that the temperament of the man on the bench can do a lot to disruptions.

He quoted the standards as saying that it is the responsibility of the judge to exercise self-restraint, be restrained, patient and calm. No real standard can be written on this subject, he said, just guideline.

CONFERENCE EYES WORK FOR SUNDAY

Judges attending the Sunday conference on criminal justice here will eye three more standards proposed by the American Bar Association.

Beginning at 10 a.m. in the Union Theater at LSU the judges will hear main points on the standards relating to probation, appellate view of sentences and sentencing alternatives and procedures.

After a group luncheon in the Union Ballroom the judges will again break into discussion groups, as they did Saturday, to discuss fine points of the standards.

Sunday evening Baton Rouge law firms will host buffets for the judges. The conference is slated to adjourn around 4:30 Monday afternoon.

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[From the Baton Rouge Morning Advocate, Feb. 13, 1972]

RULE CHANGES URGED BY RETIRED JUSTICE

(By Bob Anderson)

Require legislatures to amend their rules and if they don't, amend them yourselves, retired Supreme Court justice Tom Clark told the largest gathering of appellate judges ever assembled here Saturday night.

The judges, some 300 strong, are part of an American Bar Association conference now going on at LSU aimed at adopting standards to revamp the American process of criminal justice.

The judges, some 300 strong, are part of an American Bar Association conference now going on at LSU aimed at adopting standards to revamp the American process of criminal justice.

Clark told the judges that some of the 17 standards proposed by the ABA can be an effective deterrent to crime. Such things as the bail, pre-trial and probation techniques advised in the standards can save many first offenders from the "stigma of prison," said Clark.

The white-haired jurist defended the judiciary from common attacks that they are the cause of the increased crime rate in the country, because of the light sentences that they hand out, and the length of time they take to get around to trying cases.

He attributed the rise in arrests, of which the law enforcement officials brag, and the crowded court dockets to a large increase in law enforcement personnel, while there has been no increase in personnel for the judiciary.

In a prepared statement before the speech Clark stated that a recent study had also shown that American judges do not give light sentences, but actually mete out the severest sentences in the world.

RAPS PENAL SYSTEM

The former justice also raked the nation's penal system as a "total failure" saying that they have become a "clearing house for crime, where techniques of criminality are exchanged and perfected."

"Until our system of corrections is changed we shall continue to experience an increasing rate of recidivism and a corresponding increase in crime," he said.

Calling the LSU meeting the most important meeting of the judiciary ever held, Clark urged the judges to go back to their states and continue the improvements that have already begun to show success in criminal justice.

He told them to ask the proper authorities in the states to make the revisions that the judges deemed necessary, and told the judges that if the revisions were not made to use their "inherent right" to make the changes themselves.

He said the people of the nation are aroused about crime and about having to lock their doors and told the criminal judges that they could do something about it if they take the initiative.

Earlier in his statement, Clark suggested that the laws governing drunkenness, prostitution, gambling and marijuana be investigated with an eye toward abolishment where they were not connected with organized crime.

In cases where these "victimless criminals" still need attention Clark suggested that they be given it through medical facilities and not through the courts.

Clark said that his stay in Baton Rouge had been unlike King Henry IV's stay in Ireland where he was met by priests, who needed $50,000 to finish building a chapel.

The King gave them $10,000, but when he woke up in the morning he read in the newspaper that he had given $50,000.

Shortly the priest came, very apologetic that a mistake had been made in the newspaper story. They promised Henry, however, that there would be a correction in the next day's paper.

To this the king bid them reconsider, and finally, rather than lose his face in Ireland, agreed to give them the complete $50,000 provided that they allow him to put any Bible verse that he chose above the church door.

The priests, ecstatic at the thought of being able to finish their chapel, readily agreed.

When the chapel was completed, Henry sent them the inscription: "I came, and ye took me in."

Clark said, "I came to Baton Rogue and ye took me in," but added quickly, "in a different way."

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[From the Baton Rouge Morning Advocate, Feb. 14, 1972]

PUBLIC'S TRUST MUST IN COURTS, SAYS CALIFORNIAN

(By Jim LaCaffinie)

A distinguished gathering of jurists assembled in Baton Rouge for an unprecedented, monumental undertaking of reforming the administration of criminal justice was told Sunday that "more than anything else we need public confidence in the (courts) system."

The remark before the largest assemblage of appellate jurists ever was by Associate Justice Lynn D. Compton of the California Court of Appeals, in his commentary on one of 17 sections of standards, 15 of which have been approved by the American Bar Association, to improve the administration of criminal justice.

A longtime prosecutor himself before being named to the appeals court in 1970, Justice Compton attributed the public's disenchantment with the courts to delays in administering justice and a lack of realistic sentencing.

Justice Compton was joined by Professor Peter W. Low, associate dean of the University of Virginia Law School, in Sunday's discussions of two sections of standards, one section dealing with "Sentencing Alternatives and Procedures and the other, "Appellate Review of Sentences."

Earlier Dale Bennett, professor of law at LSU, discussed the American Bar Association's Standards Relating to Probation.

FOUR MORE SECTIONS

Completion of the three sections Sunday leaves four more to be taken up Monday in the windup of the four-day national judicial conference which has brought more than 300 appellate judges to LSU.

The two most important changes recommended in the standards reviewed Sunday are providing for appellate review of sentences and the removal from trial juries the responsibility for sentencing, a responsibility put in the hands of juries in about a dozen states.

More than a dozen states have appellate review of sentences, Professor Low told the conference and by extending review to all the states, he said, it would help develop a greater uniformity of views among the judges.

The Virginia professor feels that both the prosecutor and the defense attorney should have the authority to appeal for an increase or decrease in the sentence imposed by the trial judge. Low did not approve of the states which still leave the responsibility of the sentencing with the juries. In his state which provides for jury sentencing, it is unlawful for a jury to put a defendant on probation.

Both he and Justice Compton hit at the criminal law which in most states has grown over the years into a hodgepodge of disparities and unrealistic penalties.

CITES REFORM NEED

Professor Low cited the statutes of two states which he did not name to illustrate the need for reform through the sentencing standards—addressed primarily to the legislatures of the 50 states.

In these two states, he remarked, with an aside that this should be of particular interest in football-loving Louisiana, that bribery of a judge, juror or witness carries a maximum penalty of five years but bribery of a football player carries a maximum of 10 years.

He pointed out another example—this one involving California's criminal law—that the maximum of 15 years can be imposed as a sentence for breaking into a car but only 10 years for stealing the car.

"Something has got to be done about that," Professor Low explained in his presentation on the sentencing authority section which, he said, is the only one of the 17 directed primarily at the legislatures.

The ABA standards now eight years in the making have been hailed by the speakers at the conference as guidelines which hopefully the 50 states will implement.

The most distinguished of the jurists taking part in the conference, retired U.S. Associate Justice Tom C. Clark is urging judges to become more aggressive in promoting the standards and to carry the ball in this first national conference on criminal justice standards.

Speakers have left the impression that the judges must act not only for reforming the system but also they must take the offensive since they have been tagged with some of the blame for the growing crime rate and disrespect for the law.

NEEDS MORE JUDGES

Justice Clark says that if the dockets are backlogged, it's because stepped up police forces are bringing in more offenders yet there has been no commensurate increase in judges and their supporting personnel to handle the increased dockets.

The justice, who is honorary chairman for the national conference and who will return to give the closing remarks Monday afternoon, feels that the select gathering of jurists should set the example in their states for implementation of the standards.

It the standards are to be implemented effectively, they must rely on the judges, more specifically high caliber judges. U.S. District Judge Frank J. Murray of Boston, Mass., told an earlier session of the jurists that the ABA standards are only as good as the jurist on the bench.

Of the two sections of standards waiting ABA acceptance, a part of one has been approved—this one being the part dealing with trial disruptions in the Standards Relating to the Judge's Function. The judge's function section and the entire section on Standards relating to the Police Function will go before the ABA in August. The national conference at LSU follows the ABA's midwinter conference which closed in New Orleans Tuesday of last week.

PUBLIC INTEREST

Justice Compton, in his presentation Sunday, said that, although he supports the standards on the sentencing authority, it should be noted that the decreeing of minimum and maximum sentences has come about because of the judiciary itself. He said the people expect appropriate sentences for the crimes committed and they speak through the legislatures.

"The public interest must be considered," he said.

As for the death penalty, he said there is evidence that the courts are using it in increasing numbers, contending that it is those who have been delaying the execution of the penalty who are saying the courts are not using it.

Professor Low feels that the length of sentences in this country are in need adjustment.

"We impose the longest sentences in the world by a longshot and we have not been rational about the way we do it," he said.

One of the standards on the sentencing authority reads: "The legislature should not specify a mandatory sentence for any sentencing category or for any particular offense."

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[From the Baton Rouge Morning Advocate, Feb., 14, 1972]

ABA LIKES PROBATION FOR COURTS

An advisement that the court should be authorized to use probation in place of a jail sentence in every criminal case is part of the standards discussed Sunday at the National Judicial Conference at LSU.

The code on probation is one of 17 that the American Bar Association is presenting to appellate judges from across the nation, in hopes that the judges, with the help of lawmakers and the citizenry, will put the standards into use to better the criminal court process.

APPELLATE REVIEW

The judges also discussed standards relat-

ing to appellate review of sentences and sentencing alternatives and procedures in the second to last day of the conference.

"The legislature should authorize the sentencing court in every case to impose a sentence of probation. Exceptions to this principle are not favored and, if made, should be limited to the most serious offenses," says the ABA standards.

The probation code also suggests that upon revocation of probation the court should have the same sentencing alternatives available that it did at the time of sentencing.

"The court should not be required to attach a condition of supervision "to probation, says the ABA, if the court's judgment "supervision is not appropriate for the particular case."

The ABA says that probation is a better alternative than sending a man to jail in appropriate cases because it can provide supervision of a man, thereby protecting the public, while he still has a great degree of liberty.

REDUCES COSTS

Probation, says the ABA, helps in rehabilitation, avoids the "stultifying effects of confinement," reduces the financial cost of running penal systems and "minimizes the impact of the conviction upon innocent dependents of the offender."

Looking at appellate review, the ABA told judges that "in all cases . . . review of the sentence should be available on the same basis as review of the conviction."

The sentencing judge, says the ABA, should be required to state his reasons for selecting the sentence he did.

The authority for the reviewing court should extend to the propriety of the sentence, with regard to the nature of the offense, the character of the offender, the protection of the public interest, and the manner in which the sentence was imposed, including accuracy of the information on which it was based, says the ABA.

VESTED IN TRIAL JUDGE

The Standards Relating to Sentencing Alternatives and Procedures open with this principle: "Authority to determine the sentence should be vested in the trial judge and not in the jury."

In general principles on the statutory structure addressed in the main to legislatures, the ABA recommends:

"All Crimes should be classified for the purpose of sentencing into categories which reflect substantial differences in gravity. The categories should be very few in number. Each should specify the sentencing alternatives available for offenses which fall within it. The penal codes of each jurisdiction should be revised where necessary to accomplish this result."

The standards note that it should be recognized that in many instances in this country the prison sentences which are now authorized and sometimes required are significantly higher than are needed in the vast majority of cases in order adequately to protect the interests of the public.

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[From the Baton Rouge Morning Advocate, Feb. 14, 1972]

LAW PROFESSOR SEES 1968 STATUTE TENDING TO WIDEN WIRETAPPING

(By Tom Jory)

An expert on electronic surveillance says wiretapping and bugging, both by private persons and law enforcement officers, is as common today as before enactment of restrictions in the Safe Streets Act of 1968.

"I think the reality of it is that wiretapping and bugging have been authorized today by statute and this, I think, may have the tendency to even broaden wiretapping rather than restrict it," Georgetown University law professor Samuel Dash told The Associated Press.

The law, and standards subsequently adopted by the American Bar Association, Dash said, "give the aura of respectability" to wiretapping. "Prior to the safe streets act and the ABA standards," he said, "there was really no authorization whatsoever. It was all prohibition. When you enact legislation which legitimizes wiretapping and bugging, then it gives that kind of permissive appearance."

The statutes and the standards, he said, will begin to take hold of the problem only "if law enforcement officers would be law-abiding citizens. Law enforcement includes enforcement of constitutional rights of an individual as much as it means making sure people who commit crimes are caught."

But, Dash said, "I talk to policemen all over the country, and I think the really good detective today feels wiretapping is very useful to him as an investigative tool, rather than to produce evidence in court."

Dash was interviewed during a break in the four-day conference here on the ABA's standards of criminal justice. He addressed the more than 300 appellate court judges Friday on the electronic surveillance standard, which he said seeks to set some "regulation" and is an "aim in the right direction."

The conference, being sponsored by the ABA and the law school at LSU continues through Monday. It follows the close last Tuesday of the ABA's midyear convention in New Orleans.

To restrict wiretapping and bugging by statute and standard, Dash said in the interview, "It was important to present the electronic surveillance issue as not licensing wiretapping or permitting bugging but to start out by saying that what we're really after is protective privacy."

There is a difference of opinion toward the standards, he said, not only among law enforcement officers but within the legal profession, "especially lately because we've had this increased concern of the emergency of crime.

"A number of people in the legal community," he said, "have been willing to say, 'Well perhaps in bygone days we could afford such luxuries as constitutional rights, but today in order to protect the safety of our citizens, we have to give up some of these things.'"

The real danger of electronic surveillance, he said, "can be expressed in a way that's somewhat intangible but is very real.

"It isn't the fact that the police may be listening in on individuals. I think the real danger is that the use of wiretapping and bugging has a real chilling effect on conversation and communication among citizens."

And, Dash said, "in a free society where people have that kind of fear that government is listening in on them, or somebody's listening in on them, then that chilling effect lessens the degree in which we are a free society. It can make us a people who live in fear rather than in freedom.

"Perhaps," Dash said, "I would say it was never really private, and with modern technology it becomes less private. With legislation that authorizes electronic surveillance, perhaps that leads in the direction of less privacy.

"The only way in which we can bring back some measure of privacy," he added, "is through an upgrading of the professional view of the police role and the prosecution role."

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[From the Baton Rouge Morning Advocate, Feb. 14, 1972]

MORE STANDARDS DUE DISCUSSION

The concluding sessions Monday of the four-day National Judicial Conference on Standards for the Administration of Criminal Justice will deal with four sections of the American Bar Association's standards.

The first session at 9 in the morning will have Winslow Christian, director for the National Center for State Courts, discussing the Standards Relating to Trial by Jury.

All sessions will be in the LSU Union Theater.

He will be followed by John F. Onion, Jr., presiding judge of the Texas Court of Criminal Appeals, who will review the Standards Relating to Criminal Appeals.

Chief Justice Edward E. Pringle of the Supreme Court of Colorado will open the 10 a.m. session on Standards Relating to Post-Conviction Remedies.

The final section to be reviewed is the one on Standards Relating to the Prosecution Function and the Defense Function. Associate Justice Walter F. Rogosheke of the Supreme Court of Minnesota will discuss "The Defense Function" and John M. Price, district attorney, Sacramento, Calif., will review "The Prosecution Function."

Upon completing the sections, the jurists will take a luncheon break and then return for the closing sessions with retired U.S. Associate Justice Tom C. Clark presiding.

Ben R. Miller, Baton Rouge attorney, will be moderator for the morning sessions.

The closing remarks for the afternoon sessions which have as their general theme, "The Job Ahead," will be delivered by Francis C. Sullivan, associate dean of the LSU Law School.

Sponsors of the national judicial conference, the first of its kind ever to be held, are the Appellate Judges' Conference of the ABA Section of Judicial Administration, the ABA Section of Criminal Law, the Criminal Justice Program of the LSU Law School and the Louisiana Commission on Law Enforcement and Administration of Criminal Justice.

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[From the Baton Rouge State Times, Feb. 14, 1972]

LSU LEGAL MEET—APPEAL TIME LAG LASHED BY JUDGE

If any threat exists in the administration of criminal justice, it is the delay between the trial and the appeals procedure, the National Judicial Conference on Standards for the Administration of Criminal Justice was told here this morning.

Judge John F. Onion of the Texas Court of Criminal Appeals, speaking on the closing day of the four-day conference at LSU, said some studies have shown an average delay of 10 to 18 months. "That's far too long," he said.

Onion asked, "What good are speedy trials if we don't have speedy appeals?"

Onion's address concerned the new American Bar Association standards relating to criminal appeals. He suggested that where judges find new ways to speed up the appeals process. they do so without hesitation.

NEW PROPOSALS

He said the new standards provide for appeals in cases where pleas of guilty or no contest are entered. But he noted that a vote of the people will be required in a number of states before many of the recommendations can be implemented.

Discussing the ABA standards on trials by jury, Judge Winslow Christian of the California Court of Appeals and director of the National Center for State Courts, pointed out that only about one in seven felony prosecutions are disposed of by jury trial.

He said exemptions from jury service are too broad and vague in many jurisdictions. He said the examination of prospective jurors in many states turns out to be "a lengthy process of brain-washing by counsel."

The standards provide for the trial judge to conduct the initial examination of prospective jurors, Christian said, similar to the federal court procedure.

Chief Justice Edward E. Pringle of the Colorado Supreme Court, speaking on post-conviction remedies, said the disposition of applications should be made on the underlying merits rather than on technical grounds.

He said that unfortunately some states with excellent post-conviction procedures still have problems with the federal courts on their procedures.

NEW ABA STANDARD

Pringle said the new ABA standards envision a single post-conviction procedure and relief encompassing all facets of a case, whether factual or legal in nature.

Associate Judge Walter F. Rogosheske of the Minnesota Supreme Court said the ABA committee dealing with the defense function had as one of its goals to "erase some misconceptions which stigmatize the defense relation."

He said the defense function is often the weak one in the American system of justice, "which sometimes results in unequal justice."

Rogosheske said a popular misconception of the defense counsel is that "he is in league with the crook." In reality, the defense attorney should be viewed as "the learned friend of the accused," he declared.

There is a great disparity not only in the quality of prosecution but in the equipment available to prosecutors, said Dist. Atty. John M. Price of Sacramento County, California.

He pointed out that of the 3,400 prosecutive offices in the nation, only 63 are located in population centers of 500,000 or more.

MOSTLY ONE-MAN OFFICES

"The vast majority are one-man offices," Price said. "One place has non-lawyer prosecutors."

He contrasted this with Los Angeles County, where the prosecutor has 440 lawyers in 13 area offices.

Price opined that the prosecutor is "probably the most important in the criminal justice process."

"If we are ever going to improve the quality of justice in this country, we're certainly going to have to improve the quality of the defense bar as well as the prosecution bar," he said.

Price said California now has in effect most of the 17 standards being recommended by the ABA, "but I think we're still in big trouble—regardless of what most Californians will tell you."

He said adoption of the ABA standards is about 15 years overdue.

The conference has attracted over 300 appellate judges from across the nation who are being briefed on 17 suggested guidelines to be applied to criminal justice in the state and federal jurisdictions.

Yesterday, Associate Justice Lynn D. Compton of the California Court of Appeals attributed the public's disenchantment with the court to delays in the administration of justice and a lack of realistic sentencing.

Peter W. Low, a University of Virginia law professor, spoke on two of the key recommendations—appellate review of sentencing and the removal from the trial juries of the responsibility for sentencing.

JURY SENTENCING

About a dozen states put the responsibility for sentencing on the jury, Low said. More than a dozen states provide for appellate review of a sentence.

Low said he believes that both the prosecutor and the defense attorney should have the right to appeal for an increase or decrease in the sentence imposed by the trial court.

Retired Supreme Court Justice Tom Clark, who has urged judges to campaign for adoption of the ABA standards, defended the judiciary from charges that they are the cause of the country's high crime rate because of the light sentences they hand out and the length of time they take to get around to trying cases.

Clark said the backlog of cases stems from stepped up efforts by law enforcement agencies and that increases in law enforcement personnel have not been matched by increases in judicial personnel.

He said a recent study has shown that American judges do not give light sentences, but actually mete out the severest sentences in the world.

PENAL SYSTEMS RAPPED

The former associate justice also rapped the nation's penal systems as a "total failure" saying that they have become a "clearing house for crime, where techniques of criminality are exchanged and perfected."

"Until our system of corrections is changed we shall continue to experience an increasing rate of recidivism and a corresponding increase in crime," he said.

Clark has suggested that laws on drunkenness, prostitution, gambling and marijuana be investigated in light of possible abolition except where organized crime is involved.

The judges also heard ABA recommendations dealing with probation.

"The legislature should authorize the sentencing court in every case to impose a sentence of probation. Exceptions to this principle are not favored and, if made, should be limited to the most serious offenses," the standards say.

Probation, says the ABA, helps in rehabilitation, avoids the "Stultifying effects of confinement," reduces the financial cost of running penal systems and "minimizes the impact of the conviction upon innocent dependents of the offender."

The ABA standards note that it should be recognized that in many instances in this country, the prison sentences which are now authorized and sometimes required are significantly higher than are needed in the vast majority of cases in order to adequately protect the public interest.

PLEA ENTRY

The ABA standards also suggest that the defendant's lawyer not be allowed to enter a plea for the defendant but that the defendant do so himself in open court. This puts the responsibility on the court to find out whether the plea was voluntary and whether the evidence warrants it.

The standards leave room for present practices of plea agreement, where the defendant agrees to plead guilty for certain considerations from the prosecutor.

They suggest that the trial judge not participate in these discussions, but that he may permit the disclosure to him of tentative plea agreements and indicate whether or not he will concur with the arrangements.

The ABA suggests that when a guilty plea is entered the judge ask the district attorney and not the defendant if any agreements have been reached.

The four-day conference, which has attracted over 300 judges from across the nation, ends tonight.

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[From the Baton Rouge Morning Advocate, Feb. 15, 1972]

IMPORTANCE OF FAST APPEALS STRESSED AT JUDICIAL MEETING

Speedy appeals are as essential as speedy trials if the integrity of the judiciary is to be preserved, a national conference at LSU was told Monday.

The observation came in the discussions on four sections of standards to complete review of the American Bar Associations 17 sections of standards, developed and designed to improve the administration of criminal justice.

John F. Onion Jr., presiding judge of the Texas Court of Criminal Appeals, said in his commentary on Section XV covering the ABA Standards on Criminal Appeals that if any threat exists in the administration of criminal justice, it is the delay between the trial and the appeals procedure. "What good are speedy trials if we don't have speedy appeals?"

More than 300 appellate judges Monday wound up four days of deliberations at LSU in an unprecedented conference on the standards. They heard experts discuss the sections and then got together in workshop discussions to go over the principles in detail.

Other sections taken up in the final day included Section XIV on Standards Relating to Trial by Jury, Section XVI on Standards on Post-Conviction Remedies and Section VII on Standards on the Prosecution Function and the Defense Function.

ACT UNHESITATINGLY

In the presentation on the section on criminal appeals, Judge Onion suggested that where judges find new ways to speed up the appeals process, they do so without hesitation.

He said the new standards provide for appeals in cases where pleas of guilty or no contest are entered. But he noted that a vote of the people will be required in a number of states before many of the recommendations can be implemented.

Discussing the ABA standards on trial by jury, Judge Winslow Christian of the California Court of Appeals and director of the National Center for State Courts, pointed out that only about one in seven felony prosecutions are disposed of by jury trial.

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He said that unfortunately some states with excellent postconviction procedures still have problems with the federal courts on their procedures.

Pringle said the new ABA standards envision a single post-conviction procedure and relief encompassing all facets of a case, whether factual or legal in nature.

ERASE MISCONCEPTIONS

Associate Judge Walter F. Rogosheske of the Minnesota Supreme Court said the ABA committee dealing with the defense function had as one of its goals to "erase some misconceptions which stigmatize the defense relation."

He said the defense function is often the weak one in the American system of justice, "which sometimes results in unequal justice."

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"If we are ever going to improve the quality of justice in this country, we're certainly going to have to improve the quality of the defense bar as well as the prosecution bar," he said.

Price said California now has in effect most of the 17 standards being recommended by the ABA, "but I think we're still in big trouble—regardless of what most Californians will tell you."

He said adoption of the ABA standards is about 15 years overdue.

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[From the Baton Rouge Morning Advocate, Feb. 15, 1972]

JURISTS EXHORTED TO PUSH REFORMS IN COURT SYSTEM

(By Jim LaCaffinie)

The four-day high-powered conference on the administration of criminal justice drew to a close at LSU Monday evening with exhortations to the leading jurists of the 50 states to flex their muscles to bring about full implementation of reforms in the American judiciary.

Veteran jurist Alfred B. Murrah, director of the Federal Judicial Center, took a cue from Dist. Atty. John M. Price of Sacramento, Calif., an earlier speaker during the day, to call on the judges to use some of their power to get the American Bar Association standards—17 sections of them representing a distillation of topnotch legal thought during a period of eight years of study—adopted in their states.

Retired U.S. Associate Justice Tom C. Clark, who presided over the wrapup session, asked the more than 300 appellate judges to go back to their states and start the work on those standards procedural in nature and to get with their legislatures to adopt rules which are substantive.

And where they should run into obstacles, the noted jurist suggested that they use their power as decision makers of the judicial branch of government by incorporating the rules in their decisions.

FORCEFUL APPEAL

Judge Murrah, who was first nominated to the bench in 1935 by President Franklin Delano Roosevelt, was most forceful in his appeal to the jurists to push the implementation of the standards.

"You don't realize how strong you are until you flex your muscles," he told the appellate judges to include the chief justices of the 50 states.

"This is the right time," Judge Murrah, who also presides as an appeals court jurist for the 10th Circuit in Oklahoma City, said. "The time or the climate—or the time and the climate is propitious. The public is roused. The legislatures are roused. Now is the right time—unless we are weak-kneed."

"The Job Ahead," the general theme of the concluding session, would not be easy as the speakers indicated because opposition to change is always strong.

"Whether you like it or not, lawyers are basically opposed to change and the standards embody change," said Albert J. Datz, Florida attorney who is chairman of his state's Committee to Implement ABA Standards for Criminal Justice. Florida is one of three pilot states for implementing the standards.

Why change, Datz asked and then gave this answer: "But lawyers are willing to adopt changes only when they are convinced that they are in the best interests of society."

He called for a full-scale assault to get the job of implementation done. "There can be no doubt that adoption of the standards will enhance the administration of criminal justice in the United States."

Associate Justice Richard W. Ervin of the Florida Supreme Court reviewed the pilot project for implementation of the standards in his state, a project which, he said, got under way in March of 1970 and hopefully in another 60 days with the conclusion of the Florida legislative sessions, the standards will be implemented. "We had so many problems there that needed some kind of modernization."

The chairman of the ABA Section of Criminal Law, Associate Justice William H. Erickson of the Colorado Supreme Court said the courts are suffering from deferred maintenance.

"The public has been upset and justly so because our courts have been jammed with cases that have not been brought to speedy trial," he said.

He urged speedy action on the standards to avoid letting them collect dust. "The Standards of Criminal Justice are the laws of tomorrow and will make our courts the best in the world."

Any smack of federalism in these standards should be refuted, Judge Murrah said.

"There's nothing new or novel about these standards. There isn't one that hasn't been used successfully somewhere in this country. They are the product of experience. No one can go home and say these are federal rules," he said.

Justice Clark, who served as honorary chairman for the four-day officially titled National Judicial Conference on Standards for the Administration of Criminal Justice, told the jurists: "We must not permit this conference to be only another exercise in futility. We must give life to what we learn here."

"Now is the time" he said, "for all of us to come to the aid of the judiciary. Unless we do, we may soon find others taking the initiative and the courts suffering the consequences."

Other speakers for the concluding session included Neil Lamont, executive director of the Louisiana Commission on Law Enforcement and Administration of Criminal Justice; Associate Justice Harry A. Spencer of the Supreme Court of Nebraska; Justice James D. Hopkins of New York; and Francis C. Sullivan, associate dean of the LSU Law School and director of the Institute of Continuing Legal Education and the Criminal Justice Program at the university.

Sponsors of the conference included the Appellate Judges' Conference of the ABA Section of Judicial Administration, the ABA Section of Criminal Law, the LSU Law School's Criminal Justice Program and the Louisiana Commission on Law Enforcement and Administration of Criminal Justice.

DISTINCTION FOR LSU

The conference, the first of its kind ever held in this country, was a distinction for the university and the state.

The appellate judges in the final minutes of the conference adopted a resolution, without a dissent, commending the university's Dean Sullivan and his staff and the Louisiana commission for their efforts.

Justice Hopkins offered the resolution which also expressed appreciation to Gov. McKeithen, the local and state bar associations for their roles in the conference.

The highest representative from the national government in attendance for the final two days of the conference was Donald E. Santarelli, Associate Deputy Attorney General of the United States.

After four days of study, the jurists will take in the Mardi Gras festivities in New Orleans Tuesday before departing for their respective states. They and their wives will be transported to New Orleans in busses leaving at 6:40 and 7 a.m. from their quarters at the Howard Johnson Motor Lodge and the Prince Murat Inn, respectively.

## HEALTH CARE—PARALLELS IN HEALTH NEEDS IN EAST HARLEM AND RURAL NIGERIA

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### HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 28, 1972*

Mr. BADILLO. Mr. Speaker, Dr. Nicholas Cunningham, at the Wagner Child Health Station in East Harlem in New York City, is putting into practice health care methods he developed while working with the poor in rural Nigeria. While at first glance it would seem that New York City and rural Nigeria can scarcely have much in common, the fact that Dr. Cunningham's approach is successful should, I believe, lead to a reexamination of our approach to the providing of health care at all levels and in all the localities in our Nation.

For the information of my colleagues, I am placing in the RECORD an article in the February 19 New York Times describing the East Harlem project. I am certain that all of my colleagues who are concerned about the present health care crisis in our Nation will find this article very informative.

The article follows:

CLINIC USES HEALTH CONCEPTS TESTED IN NIGERIA

(By Charlayne Hunter)

While medical problems in East Harlem and rural Nigeria bear little resemblance, low-cost medical concepts developed and tested successfully in Nigeria are being applied to a small segment of the mostly black and Hispanic population here.

During the last year, the Wagner Child Health Station at 2367 First Avenue has revamped health services for 1,800 preschool children. The new program promises to provide a model for other areas.

"Some of the concepts are old, some are new," explained Dr. Nicholas Cunningham, a pediatrician who is the director of a project, who spent a year establishing a similar clinic in Lagos, a Nigerian city of about a million people.

A PEACE CORPS VOLUNTEER

He said that while working as a Peace Corps volunteer, he had heard of the work of Dr. David Morley, an English physician who set up a clinic in rural Nigeria, utilizing the services of Nigerians.

After meeting Dr. Morley at the London School of Public Hygiene, where he was studying tropical public health, Dr. Cunningham returned and tried a similar approach in Lagos.

"In the Peace Corps, we had a team of 18, and I was the director of the first medical project in Togo," Dr. Cunningham recalled recently during a relatively quiet day at the clinic.

"We brought in masses of first-class American equipment and drugs, but Africa taught me that this was not the way. It was too much for a little, poor country. Expensive medical care couldn't be maintained, and they couldn't afford to provide drugs or experienced personnel." He said the Togolese trained in his project were sent by the Government to other parts of the country and the Government relied on his people while they were there.

Dr. Cunningham, who is also assistant professor in the Department of Community

Medicine at Mount Sinai, explained that it was after he met Dr. Morley that he realized first-class medicine was a failure if it did not provide care for people.

MIDWIVES UTILIZED

"What Dr. Morley did was create a system not built around doctors who are not around or who do not enjoy being there when they are, but around people who like living there—using indigenous midwives rather than models from Paris, Moscow or New York."

By eliminating a lot of diagnostic tests, cutting down on giving a lot of expensive drugs and emphasizing both preventive and curative medicine that can be administered at home, the cost of visits averaged out to about 15 cents a visit and less than $5 a child a year, according to Dr. Cunningham.

Among other things, he said, the families were taught about disease, how to hydrate, before dehydration makes hospitalization an absolute necessity, how to treat minor burns and infections by cleaning them in the home, and how to stop diarrhea.

SANITATION A PROBLEM

"Sanitation there is a problem," Dr. Cunningham explained, "so you could place your emphasis on getting money for new pipe systems, but there is no money. Or you could wait until the child gets sick and send him to the hospital—the Western way. Or you could teach the people that mild diarrhea is self-limiting, that instead of stopping water, you increase it and add a little salt.

"A doctor dealing with the problem does not usually involve the mother in solving it. A nurse explains, the mother becomes involved in solving the problem and next time she knows and doesn't have to ask."

And while mothers in East Harlem may not have to deal with poor sanitation as a problem, the process in dealing with problems is the same.

HEALTH TEAM EMPHASIZED

At the Wagner Project which is supported under the Model Cities Treating Physicians Program, acting through the Health Services Administration, and by Mount Sinai as well, emphasis is placed not on the doctor but on the health team, which includes nurses, community aides and mothers and fathers. Doctors and nurses were either hired for the project or provided by the Department of Health.

Dr. Cunningham's co-director, Kim Thomstad, a nurse, has found out that the community health workers—most of whom are bilingual and live in the area—are much better at talking to patients with problems—both medical and domestic—than the nurses, "despite our years of studying interviewing techniques."

Miss Thomstad also said the paraprofessionals, who earned $7,000 to $8,000 a year, also learned laboratory work—now to conduct various tests—and go into the home, as well.

Health workers and parents praise the facility, a brightly decorated eight-room apartment on the ground floor of the Wagner Housing Project. About half of their patients come from there, the other half from nearby tenements. There are about 20,000 families in Health Area 17—north of 119th Street and east of Third Avenue.

"It's the only place that you don't have to spend two carfares to get to when your baby is sick," said Mrs. Lynne Williams, who is organizing the mothers in the area. "And when your baby is well, you see the same doctor each time, so that you don't have to explain things over and over and you don't have to wait."

Dr. Cunningham said he strongly favored health stations that serviced small geographical areas and provided comprehensive medical care.

"It's not second-class medicine," he said. "It's simply adding to the system. And while it is a good solution for inner-city children, today it is becoming necessary for everybody—from migrant workers to people in Scarsdale. If people in the suburbs start this kind of care early, too, they might find some answers, like why their kids are getting on drugs."

## VOICE OF AMERICA

### HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 28, 1972*

Mr. DERWINSKI. Mr. Speaker, the Voice of America very rarely talks about itself. But the dual anniversary of the Agency's first broadcast in February 1942, and its initial broadcast in the Russian language 5 years later elicited a broadcast commentary that I think many of us may find extremely interesting. I insert in the RECORD these anniversary remarks of John Albert of the VOA staff:

VOICE OF AMERICA

On February 17, 1947—twenty-five years ago—the Voice of America beamed its first Russian-language broadcast to the Soviet Union. On February 24, 1942—thirty years ago a week from today—VOA came into existence with a broadcast to wartime Germany. It seems appropriate to use this double anniversary to say a few words on one's own behalf.

"The purpose of our broadcasts," the Soviet listeners were told twenty-five years ago, "is to give listeners in the U.S.S.R. a picture of life in America, to explain our various problems and to point out how we are trying to solve these problems." In addition, of course, the broadcasts were to contain the latest world news, feature stories about the United States and musical selections.

There was nothing extraordinary in this announcement. VOA broadcasts to all areas of the world contain basically the same fare. However, there are various ways of doing this job. When VOA went on the air for the first time on a dreary winter day of 1942, amidst a whole series of Allied military disasters, it promised the German people to tell the truth, the good and the bad. This has been VOA's philosophy ever since. There were some faint-hearted among us who wondered how telling the truth would work against Dr. Goebbels and his impressive propaganda machine. Well, they have learned that telling the truth can be a very effective propaganda weapon.

There have been many in this country who questioned whether money from the American taxpayers should be used to tell the world of America's problems and shortcomings. After all, VOA and its parent organization, the U.S. Information Agency, are a part of the Government and paid for by taxes. This concern, and the ingrained distrust of the American people for "propaganda" still exists today, and the VOA budget has gone through many a crisis. However, over the years it has become clear that VOA is more than a mere voice of the administration in power. Many on the VOA staff have by now worked under six Presidents, from Roosevelt to Nixon.

Our listeners know that they do not have to turn to another international broadcaster to find out that there is opposition to President Nixon's Vietnam policy, as there was to that of President Johnson; that we are far from having solved our major problems, of discrimination, of crime and unemployment, of environment and civil rights. Our listeners also know, however, that only VOA will explain in such detail the positive achievements, and the foreign and domestic aims of the administration.

We also have learned that telling the truth is far from enough. To make developments in this country understandable to foreign audiences, perspective is needed. We do not seek out the spectacular headlines, the negative, we don't look for dissent. But we do report it when it is significant. And that brings us back to our Russian-language broadcasts. It did not take the Soviet Government under Stalin long to decide that the Soviet people should not hear them. And so "jamming" was started. It went on until 1963 when Chairman Khrushchev decided that jamming was neither effective nor needed. For a few years it looked as if a new era in U.S.-Soviet communications had arrived. But, alas, with the invasion of Czechoslovakia by Soviet and other Warsaw Pact forces in 1968 jamming was reinstituted in a vain attempt to keep the truth from the Soviet people. It has been going on ever since, though with less intensity and even less effectiveness than under Stalin. It is, of course, in clear violation of the U.N. General Assembly resolution of 1960 which condemned jamming "as a denial of the right of all persons to be fully informed concerning news, opinions and ideas regardless of frontiers."

It seems to us that twenty-five years of Russian broadcasts have provided ample evidence of Soviet listening to VOA despite intermittent jamming, and it also seems to us that the time has come for the Soviet Government to stop jamming because it is both ineffective and an insult to the intelligence and maturity of the Soviet people.

## THE COMING SACRIFICE OF TAIWAN

### HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 28, 1972*

Mr. SCHMITZ. Mr. Speaker, "Quotations from Chairman Mao Tse-tung," on page 44, says:

People of the world, unite and defeat the U.S. aggressors and all their running dogs! People of the world, be courageous, dare to fight, defy difficulties and advance wave upon wave. Then the whole world will belong to the people. Monsters of all kinds shall be destroyed.

On February 21, 1972, the President of the United States, once a leading "monster" in the eyes of Chairman Mao, arrived in Peking with the ubiquitous Henry Kissinger to sit down for talks with the man shown by his widely circulated sayings to be probably the most inveterate and determined foreign enemy the United States has ever had. The initial enthusiastic news reports quickly focused on the major "obstacle" to progress in the American experiment in cooperation with this man and his regime: he wants Taiwan. His primary immediate objective is to eliminate Free China from the face of the earth. To quote the Washington Post story on the February 21 meeting:

Spelling out his main condition for such a development ['normalization' of Chinese-

American relations], Chou made it clear that the United States must recognize Peking's sovereignty over Taiwan, the island redoubt of Chiang Kai-Shek's rival Nationalists.

The Post story went on to comment:

The administration has been edging in that direction since the fall. On November 30, in a significant switch from previous United States policy, White House national security adviser Henry Kissinger explained that the United States now holds that Peking and "the government of Taiwan" should negotiate the settlement of their differences directly. . . . His statement implied that the administration now regards the Taiwan issue as a Chinese problem to be resolved without American interference. That effectively means that the administration believes that there is only one China—which is not far from Peking's claim.

Last year, in a meeting in Peking which went unreported in the world press, Kissinger consulted with former State Department "China hand" John Stewart Service, who was spending 46 days in China as a guest of those whom one sympathetic reporter called "his old friends, Chou En-lai and Mao-Tse-tung." During the 1940's, Service along with several like-minded men high up in the State Department's Foreign Service insisted that the only hope for "democracy" and "peace" in China was a coalition government between the Nationalists and the Reds—the tried and proven Communist technique for seizing power. These men advocated sending U.S. military equipment to the Chinese Communists and produced a steady flow of papers dwelling on the real or imagined deficiencies of Chiang and praising Mao.

Service later admitted passing classified documents to a man identified as a Soviet agent. After repeated administrative reviews, he was finally removed from government employ by the adverse findings of the loyalty review board of the Civil Service Commission. But by the time of last year's change in our China policy, he was being proposed by the New York Times' C. L. Sulzberger and others as an ideal first ambassador to Red China.

All this gives particular significance to the February 8 UPI report quoting Service as saying, regarding Taiwan, that:

The real crux of the matter has already been resolved.

As proof, he pointed to Kissinger's statement, mentioned above, that the United States is not going to insist "that Taiwan remain separate from China." Asked about our defense treaty with Taiwan, Service said we could cancel it, adding:

I believe that we should let Mao know that we are prepared to see Taiwan become a part of China, that we're not going to interfere, that the Chinese can work it out among themselves, that we're not going to support a free Taiwan or two Chinas.

The final sacrifice of the last 15 million free Chinese on the altar of appeasement is being prepared. Unless President Nixon hears far more protest than has yet come his way, that sacrifice will almost certainly be made.

## THE LIMITS OF GROWTH

### HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 28, 1972*

Mr. SCHEUER. Mr. Speaker, the New York Times of February 27, 1972, reported on a new study, conducted at the Massachusetts Institute of Technology and published by Potomac Associates, titled "The Limits of Growth."

This unprecedented and controversial project uses mathematical models to study the future of the world system. It is ironic that while the Congress cannot even agree on the establishment of a Joint Committee on the Environment, this study demonstrates the imminent dangers threatening the very existence of human life on this planet. I commend this report to the thoughtful attention of my colleagues:

STUDY WARNS OF PERILS IN WORLD GROWTH

(By Robert Reinhold)

CAMBRIDGE, MASS., Feb. 26.—A major computer study of world trends has concluded, as many have feared, that mankind probably faces an uncontrollable and disastrous collapse of its society within 100 years unless it moves speedily to establish a "global equilibrium" in which growth of population and industrial output are halted.

Such is the urgency of the situation, the study's sponsors say, that the slowing of growth constitutes the "primary task facing humanity" and will demand international cooperation "on a scale and scope without precedent." They concede such a task will require "a Copernican revolution of the mind."

The study, which is being sharply challenged by other experts, was an attempt to peer into the future by building a mathematical model of the world system, examining the highly complex interrelations among population, food supply, natural resources, pollution and industrial production.

The conclusions are rekindling an intellectual debate over a question that is at least as old as the early economists, Thomas Malthus and John Stuart Mill:

Will human population ultimately grow so large that the earth's finite resources will be totally consumed and, if so, how near is the day of doom?

The study was conducted at the Massachusetts Institute of Technology under the auspices of the Club of Rome. In the findings, to be published next month by the Potomac Associates under the title "The Limits to Growth," the M.I.T. group argues that the limits are very near—unless the "will" is generated to begin a "controlled, orderly transition from growth to global equilibrium."

The study would seem to bolster some of the intuitive warnings of environmentalists. In Britain last month, for example, a group of 33 leading scientists issued a "blueprint for survival," calling on the nation to halve its population and heavily tax the use of ray materials and power.

But others, particularly economists, are skeptical.

"It's just utter nonsense," remarked one leading economist, who asked that he not be identified. He added that he felt there was little evidence that the M.I.T. computer model represented reality or that it was based on scientific data that could be tested.

Another economist, Simon S. Kuznets of Harvard, a Nobel Prize-winning authority on the economic growth of nations, said he had not examined the M.I.T. work first hand, but he expressed doubt about the wisdom of stopping growth.

"It's a simplistic kind of conclusion—you have problems, and you solve them by stopping all sources of change," he said.

Others, like Henry C. Wallich of Yale, say a no-growth economy is hard to imagine, much less achieve, and might serve to lock poor cultures into their poverty.

MALTHUS AGAIN AND AGAIN

"I get some solace from the fact that these scares have happened many times before—this is Malthus again," he said.

Malthus, the 19th-century British economist, theorized somewhat prematurely that population growing at exponential rates that could be graphically represented as a rising curve would soon outstrip available food supply. He did not foresee the Industrial Revolution.

Prof. Dennis L. Meadows, a management specialist who directed the M.I.T. study—which is the first phase of the Club of Rome's "Project on the Predicament of Mankind"—conceded that the model was "imperfect," but said that it was based on much "real world" data and was better than any previous similar attempt.

DON'T HAVE ALTERNATIVE

The report contends that the world "cannot wait for perfect models and total understanding." To this Dr. Meadows added in an interview: "Our view is that we don't have any alternative—it's not as though we can choose to keep growing or not. We are certainly going to stop growing. The question is, do we do it in a way that is most consistent with our goals or do we just let nature take its course."

Letting nature take its course, the M.I.T. group says, will probably mean a precipitous drop in population before the year 2100, presumably through disease and starvation. The computer indicates that the following would happen:

With growing population, industrial capacity rises, along with its demand for oil, metals and other resources.

As wells and mines are exhausted, prices go up, leaving less money for reinvestment in future growth.

Finally, when investment falls below depreciation of manufacturing facilities, the industrial base collapses, along with services and agriculture.

Later population plunges from lack of food and medical services.

All this grows out of an adaptation of a sophisticated method of coming to grips with complexity called "systems analysis." In it, a complex system is broken into components and the relationships between them reduced to mathematical equations to give an approximation, or model, of reality.

Then a computer is used to manipulate the elements to simulate how the system will change with time. It can show how a given policy change might affect all other factors.

If human behaviour is considered a system, then birth and death rates, food output, industrial production, pollution and use of natural resources are all part of a great interlocking web in which a change in any one favor will have some impact on the others.

INTERRELATIONS STUDIED

For example, industrial output influences food production, which in turn affects human mortality. This ultimately controls population level, which returns to affect industrial output, completing what is known as an "automatic feedback loop."

Drawing on the work of Prof. Jay W. Forrester of M.I.T., who has pioneered in computer simulation, the M.I.T. team built dozens of loops that they believe describe the interractions in the world system.

They then attempted to assign equations to each of the 100 or so "causal links" between the variables in the loops, taking into account such things as psychological factors, factors in fertility and the biological effects of pollutants.

Critics say this is perhaps the weakest part of the study because the equations are based in large part on opinion rather than proved fact, unavailable in most cases. Dr. Meadows counters that the numbers are good because the model fits the actual trends from 1900 to 1970.

The model was used to test the impact of various alternative future politices designed to ward off the world collapse envisioned if no action is taken.

For example, it is often argued that continuing technological advances, such as nuclear power, will keep pushing back the limits of economic and population growth.

To test this argument, the M.I.T. team assumed that resources were doubled and that recycling reduced demand for them to one-fourth. The computer run found little benefit in this since pollution became overwhelming and caused collapse.

ASSUMPTIONS TESTED

Adding pollution control to the assumptions was no better; food production dropped. Even assuming "unlimited" resources, pollution control, better agricultural productivity and effective birth control, the world system eventually grinds to a halt with rise in population, falling food output and falling population.

"Our attempts to use even the most optimistic estimates of the benefits of technology," the report said, "did not in any case postpone the collapse beyond the year 2100."

Skeptics argue that there is no way to imagine what kind of spectacular new technologies are over the horizon.

"If we were building and making cars the way we did 30 years ago we would have run out of steel before now I imagine, but you get substitution of materials," said Robert M. Solow, an M.I.T. economist not connected with the Club of Rome project. "It is true we'll run out of oil eventually, but it's premature to say therefore we will run out of energy," he added.

At any rate, the M.I.T. group went on to test the impact of other approaches, such as stabilizing population and industrial capacity.

Zero population growth alone did very little, since industrial output continued to grow, it was found. If both population and industrial growth are stabilized by 1985, then world stability is achieved for a time, but sooner or later resource shortages develop, the study said.

SYSTEM SUGGESTED

Ultimately, by testing different variations, the team came up with a system that they believe capable of satisfying the basic material requirements of mankind yet sustainable without sudden collapse. They said such a world would require the following:

Stabilization of population and industrial capacity.

Sharp reduction in pollution and in resource consumption per unit of industrial output.

Introduction of efficient technological methods—recycling of resources, pollution control, restoration of eroded land and prolonged use of capital.

Shift in emphasis away from factory-produced goods toward food and nonmaterial services, such as education and health.

The report is vague about how all this is to be achieved in a world in which leaders often disagree even over the shape of a conference table.

Even so, critics are not sanguine about what kind of a world it would be. Dr. Meadows agrees it would not be a Utopia, but nevertheless does not foresee stagnation.

"A society released from struggling with the many problems caused by growth may have more energy and ingenuity available for solving other problems," he says, citing such pursuits as education, arts, music and religion.

Many economists doubt that a no-growth world is possible. Given human motivations and diversity, they say, there will always be instability.

"The only way to make it stable is to assume that people will become very routine-minded, with no independent thought and very little freedom, each generation doing exactly what the last did," says Dr. Wallach. "I can't say I'm enamored with that vision."

"Can you expect billions of Asians and Africans to live forever at roughly their standard of living while we go on forever at ours?" asked Dr. Solow.

Dr. Wallach terms no-growth "an upper income baby," adding "they've got enough money, and now they want a world fit for them to travel in and look at the poor."

The M.I.T. team agrees there is no assurance that "humanity's moral resources would be sufficient to solve the problem of income distribution." But, they contend "there is even less assurance that such social problems will be solved in present state of growth, which is straining both the moral and physical resources of the world's people."

The report ends hopefully, stating that man has what is physically needed to create a lasting society.

"The two missing ingredients are a realistic long-term goal that can guide mankind to the equilibrium society and the human will to achieve that goal," it observes.

Collaborating with Dr. Meadows in writing "The Limits to Growth," were his wife, Donella, a biophysicist; Jorgen Randers, a physicist, and William W. Behrens 3d, an engineer. They were part of a 17-member international team working with more than $200,000 in grants from the Volkswagen Foundation in Germany.

The major conclusions of the study have been circulating among experts for a few months. The full details are to appear in next month's publication and in future technical documents. This Thursday, a symposium on the study will be held at the Smithsonian Institution in Washington.

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## WILL WE RUN OUT OF WATER?

### HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 28, 1972*

Mr. DINGELL. Mr. Speaker, the Washington Post of February 28, 1972, carried a column by Claire Sterling under the heading "Within a Century: Will We Run Out of Water?" The information contained in the column is disquieting, to say the least. So that my colleagues will have an opportunity to see the column, I include its text at this point in the RECORD:

WITHIN A CENTURY: WILL WE RUN OUT OF WATER?

(By Claire Sterling)

ROME.—The U.N. Food and Agricultural Organization has just issued a report for the coming Stockholm environment conference saying that the human race is going to run short of water within a century. Jaded though we are about such pronouncements, this one still has some zing. Practically every state on earth is starting to worry about water, a recurrent theme in some 75 country reports for this planet-wide Stockholm meeting. Not all of them have a whole century to turn around in, either.

Among the planet's thickly settled regions already afflicted by water shortages are Spain, Italy south of Lombardy, the Dalmatian Coast, Greece, the Anatolian Plateau, all Arab states save Syria, most of Iran, West Pakistan, Western India, Taiwan, Japan, Korea, the Western and Southern belts of Australia and New Zealand, the Northwest and Southwest African coasts, the American Southwest, Panama, Northern Mexico, Central Chile and the Peruvian Littoral. Among those heading for trouble by the year 2000 are all of Soviet Russia except Siberia, most of Eastern, Central and Western Europe, the Northern parts of Great Britain, Ireland and the United States, nearly all the rest of India, the central Thailand Plains, Tasmania, the islands of Java, the rest of the American continent except Northern Canada and Alaska, the larger Caribbean islands, the rest of Mexico, and parts of Brazil and Argentina.

By FAO reckoning, the planetary shortage will be getting serious in just another 30 years, when the world's population will have doubled (from 3½ to 7 billion) and demands for water nearly tripled (from 2,000 billion to 5½ thousand billion cubic meters yearly). The demands in this case mean everything from swimming and fishing in it to making plastics and steel with it, cooling nuclear reactors, irrigating, flushing away residues of pesticides, fertilizers and livestock faeces, carrying off industrial and human waste and, of course, drinking.

Whether because they haven't enough water or are fouling, squandering or driving beyond reach too much of what they do have, rich and poor, industrial and agricultural, capitalist and socialist states are pretty much in the same boat. A dozen or more African states along a 4,000 mile front are losing precious groundwater irrevocably to the encroaching Sahara year after year, in good part because of over-grazing. Kenya and India, the one under and the other over-populated, are both preoccupied, if for different reasons. East and West Germany have almost identical problems. Holland, at the receiving end of the dirty Rhine, is hardly worse off for drinking water than Rumania and Hungary, depending on the dirty Danube for four-fifths and nine-tenths of their supply respectively. Nowhere, in fact, is the problem's universality more stunningly clear than in Soviet Russia's pre-Stockholm report to the U.N.'s Economic Commission for Europe.

More generously endowed with water than most—Lake Baikal alone, in Siberia, is thought to hold about a fifth of the whole planet's fresh water reserves—the Soviet Union is a lesson to us all. At present, says the Russian report, nearly 25 billion cubic meters of waste water are dumped into the country's rivers and reservoirs every year. By 1980 the volume will be two and a half times bigger, and by the year 2000 about 15 times bigger: 375 billion cubic meters. Even if all the waste water were to be purified in advance, with a lot better techniques than those available now, it would still have to be diluted with at least six times as much pure water. That is only half of the 12-fold volume needed for purification now. *"But it would still use up the whole of Soviet Russia's river flow, or 2½ times more than there is now in the steady flow."*

Meanwhile, the actual river flow is declining, while levels of lakes and inland seas are falling: the Caspian has dropped two meters in the last two decades, and the Aral Sea has lost 1,000 billion cubic meters of water.

This is believed to be happening because too much water is taken off the river system by people and industry; too many hydro-electric dams divert still more; rivers and reservoirs are silting up with flood-borne sediment; and the floods themselves are carrying millions of tons of unrecuperable water off to sea. These floods are largely man-made too, provoked by erosion caused in turn by de-forestation: what with the trees that Russians have cut down and not replaced, and raging forest-fires, 45 million acres of Soviet forest have been lost in the last quarter of a century.

Assuming the Russians can find enough water to purify enough water to keep themselves going 30 years from now, they still couldn't eliminate the polluting substances entirely. About a fifth of the strongest pollutants would remain with even the costliest cleansing methods, their report says; and cleansing techniques so far are lagging behind the inexorably growing volume of polluted water. All, in all, the report goes on, this water-polluting process is "the greatest danger for humanity." There is "widespread expectation of an inevitable exhaustion of rivers, and an awareness of the necessity to substitute new sources of water supply: desalination of sea water as well as melted ice from polar glaciers . . . but can this take the place of river waters? And can we . . . allow rivers to become qualitatively exhausted and, in fact, turn them into waste-water collectors?"

The Kremlin's answer, worthy of the Sierra Club or Friends of the Earth, is "no." Sooner or later, known methods to treat waste water are bound to prove invalid, it says. Distillation and de-salination will certainly be in use, but at steep cost. In the end, it concludes, the only answer is simply to stop dumping waste water into rivers and reservoirs.

How Russia or any other country can do that is something nobody has quite faced up to yet. The implication, though, it that water problems alone may be enough in the end to force world society to stop growing. Human excrement alone is peculiarly hard to get rid of. More people mean more livestock to feed them, adding to the excrement; more irrigation to grow more food, producing more run-off laden with DDT and nitrogen compounds; more mechanized farming for the same purpose (and a tractor needs more water than a mule); more energy requiring more hydro-electric dams and nuclear cooling; and more manufactured goods relying on more advanced technology requiring still more water (plastics need ten times more than steel, and world plastic production is doubling every 5 or 6 years now).

The question is not just whether the moment may come in our lifetime when we forget what real water tastes like—millions are forgetting already—but whether humans just one generation removed, though surrounded by a chemical substance known as $H_2O$, will be hard put for a drop to drink.

## THE FIRST LADY—AND CHINA

### HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 28, 1972*

Mr. MICHEL. Mr. Speaker, as the President and his official family continue their homeward bound trip from the momentous week in China to what I know will be a warm and friendly welcome tonight at Andrews Air Force Base, I want to express my agreement with those who take the position that it will be some time in the far distant future before we really know and understand the impact of the talks last week between the President and the leaders of the most populous nation on earth.

One aspect of the trip however is already clear and was most evident to those who had the opportunity of watching the unfolding of events on our television screens. I am speaking of the tremendous performance of our gracious First Lady, Pat Nixon.

This great lady, with her natural warmth and friendly manner, probably accomplished more in clearing up any misconceptions the Chinese people may have had about Americans as a result of the propaganda hurled at them for years now by their leaders about what terrible people were in positions of leadership in the United States, and I want to salute her for a job well done.

An editorial appearing in today's edition of the Chicago Sun-Times discusses Mrs. Nixon's contribution to the success of the trip and I insert the text of the editorial in the RECORD at this point.

The editorial follows:

THE FIRST LADY—AND CHINA

The great Trip to China turned out to be a people-to-people saga. The one clear-cut agreement that came through perfectly clear in the joint communique issued Sunday concerned the broadening of understanding between the people of the United States and the People's Republic of China.

Both sides reiterated their positions on world affairs and their own roles in the world; the talks obviously made each side's position clear to the other but no real shift in either position is indicated. China should have been encouraged somewhat by a clarification of the U.S. view on Taiwan—that the United States intends to reduce its influence in the area by the eventual withdrawal of U.S. forces there (as in Vietnam). This may be regarded as a shift in American policy but it is in keeping with the United States' more recent policy concerning the Far East and its new, if still tentative, relationship with mainland China.

This was the one sticky area affecting China-U.S. relationships. By tagging the Taiwan problem as one that must be solved by the Chinese without outside (that is, United States) influence, Mr. Nixon takes a big leap forward in improving relations with Peking. It also is in keeping with the new U.S. position that it cannot police the world.

There are many semantics involved in the other sections of the communique—words obviously mean one thing to the Communists and something else to the Western world. But even the exchange of words augurs well for better relations, and they help bridge the people gap. Of even greater help in bridging that gap was the performance of America's First Lady in China. Pat Nixon's exploration and gracious interest in the doings of ordinary humans in their everyday lives, communicated to the peoples of both countries by TV, surely had a good effect on both sides of the Pacific.

President Nixon, too, must have been a revelation to the Chinese TV watchers. They had hardly been conditioned to expect a smiling, hand-shaking chief of state, curious about all things Chinese. But it was Mrs. Nixon who visited at the levels where people live—schools and factories and markets, peoples' commune and theater and sports festival.

It was obvious that the Chinese saw Mrs. Nixon as an elegant, important, visitor, but they also saw her as a warm and compassionate woman interested in children, families, working conditions, schools, health and all the other things that men and women must be concerned about regardless of the political systems under which they operate. There is nothing more universal or more quickly understood than the affection Mrs. Nixon showed children and their response. And by looking over her shoulder by way of TV satellite, Americans saw the Chinese through her eyes.

Every First Lady develops her own style and image and Mrs. Nixon has been, until recently, pretty much in the background. But her assignment to Africa showed her naturalness in meeting and empathizing with other peoples. She had an even greater opportunity to promote good will in China. In turn, Premier Chou En-lai paid her the great compliment of putting food on her plate with his own chopsticks.

As the communique showed, it will take more than such gestures of good will and the mutual friendliness and consideration that became almost routine as the President's party toured China. But at least the people of China and the people of the United States can now begin the long journey toward normalizing official relations without the psychological handicap of stirred-up hatred that has been fostered by both sides for so long.

## LET'S GET THE CORPS OF ENGINEERS INTO THE ENVIRONMENTAL FIGHT: WASHINGTON STAR

### HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 28, 1972*

Mr. REUSS. Mr. Speaker, for some time I have been urging that the resources and the proven skills of the Army Corps of Engineers be directed to the problems of reclaiming our abused environment. The Washington Star focused its editorial attention on this approach on Sunday, February 27, and found that the corps should, indeed, "have a much larger role to play in environmental redemption." The Star editorial follows:

THE ENGINEER AS ENVIRONMENT-FIXERS

By now everyone knows it is much more than a fad. Nothing has so captivated modern Americans as the idea of cleaning up and repairing their environment—of reclaiming the vast spoiled spaces and decayed cities, and making the air and water clean again. It is almost a new religion, and large public outlays are in prospect to satisfy it.

But more than money and idealism will be required; there also must be muscle and know-how. There must be a strong force of trained people to go out and tackle the mammoth and complex tasks that await. And in considering where such an organization might be found, the gaze of some officials is falling on the Army Corps of Engineers.

Especially is Representative Henry S. Reuss of Wisconsin, chairman of the House Conservation and Natural Resources subcommittee, entranced by the idea of a new role for the engineers. He sees them as the logical depollution and reclamation task force—the environmental army, so to speak. Legislation he introduced last year would launch them on that assignment, by giving them the job of removing pollution from the nation's waters. "Instead of putting all their resources and skilled manpower into increas-

ingly marginal navigation, flood control and power projects," Reuss told the House, "let us turn the Corps loose on building the sewerage systems and waste disposal plants which the nation so desperately needs if we are ever to enjoy clean water again."

Those resources and manpower are both large and effective. The Corps is in fact the world's biggest engineering organization, with 40,000 civilian employees in addition to its military personnel. Its skills for planning and building a fantastic diversity of civil projects, ranging from picnic grounds to the largest dams and most elaborate industrial waterways, have been proven time and again. It has tamed the great wild rivers, including the Mississippi. In the Corps' proud record are more than 3,200 civil projects, including 350 dams and reservoirs, 9,000 miles of levees and 19,000 miles of inland and intracoastal waterways now in use.

In short, the Engineers are in more kinds of work than they can easily keep track of, and much of it already has to do with environmental protection and upgrading. But their more expensive endeavors—the dam-building and carving of commercial waterways—are under heavy attack. Both the environmentalists and federal budget guardians are zeroing in on these huge projects, and the effects could be dramatic.

The first heavy blow fell early last year when the Nixon administration sided with environmentalists and killed the Cross-Florida Barge Canal, which had been widely damned as an ecological disaster. It wasn't an easy decision; 26 miles of the shipping canal had already been dug at a cost of $50 million. But the President decided that natural values in that case should take precedence over economic ambitions, and the Engineers had to give up a large and cherished enterprise.

Other bullseyes were scored swiftly by the environmentalists. The main one was an injunction stopping construction of the Tennessee-Tombigbee Waterway, which would connect the Tennessee River to the Gulf of Mexico, via Mississippi and Alabama. It would extend 253 miles, and the plan is the pride and joy of some powerful congressmen and senators and has the support of President Nixon. But his Environmental Protection Agency holds the sharply contrary view that this industrial channel would be of "questionable economic value," causing heavy pollution and damage to natural assets.

The Engineers well might wish, however, that court challenges to their projects (14 at present) were their only worry. Major political obstacles are rising up here in Washington, where they once enjoyed enormous power because of the ability to deliver majestic projects sought by legislators. Now the representative who gets an Engineer dam for his district is likely to find that about half of his constituency is vociferously opposed to it. Hence the zest for new dams isn't what it used to be on the Hill.

And over at the executive branch, the Corps is menaced even more. Traditionally the Engineers have been able to compute the benefits of their projects against the costs so as to maximize the number of new works that could be approved. Some projects thereby have passed the benefit-cost test by the thinnest of margins. Soon, however, this practice may be merely a memory. The President's Office of Management and Budget is favoring a tough new feasibility formula that might make most of the Corps' plans for dams and navigation channels impossible to justify.

So, if that comes to pass, what is the future of the mighty civil arm of the Army Engineers? Reuss and others pose the tantalizing question: Why can't the Corps be diverted from carving up and inundating the land to the tasks of depollution, restoration, beautification? Could it not reclaim the fouled Great Lakes, restore the two million acres that have been ravaged by strip mining, redeem derelict waterfronts, and help cities with their problems of adequate pure-water supply, sewerage and solid-waste disposal?

This turns out to be a most ticklish question, because bureaucracies by nature resist change and fear competition from other agencies. Indeed the Corps, reading the signs of the times, already is emphasizing and expanding its environmental contributions. By far its most ambitious excursion into this field was the initiation last year of waste-treatment studies in five major metropolitan areas.

But before long, the sparks began to fly, and in October the Environmental Protection Agency chief, William D. Ruckelshaus, posted a firm message to the secretary of the Army: Pull the Engineers off those studies. Ruckelshaus, subsequently scorched by some influential congressmen, backed down in a few weeks and the Engineers are continuing the project. But the word is out that the EPA fears the Engineers will try, more and more, to horn in on its antipollution jurisdiction.

For their part, the Engineers want it both ways. They seem to envision a much larger environmental role, while continuing with the big-dam, big-ditch projects that are becoming ever more dubious, and that often collide with ecological wisdom. The chief of Engineers, Lieutenant General Frederick J. Clarke, sees the Corps as becoming "a catalyst" in the environmental movement, as "the engineering agent for EPA" and conductor of studies to help state and local governments. But the work itself is viewed as strictly a state and local responsibility (facilitated by federal matching funds, perhaps), and the Engineers obviously want no changes in their own structure and prerogatives.

Some changes are, however, being dimly visualized. For example, the President's departmental reorganization legislation contemplates a merging of the Corps' civil functions with the proposed Department of Natural Resources. But the merger wouldn't be total, and the mechanics are vague. Obviously, much room has been left for administration bargaining with Congress over this.

Hearings on the proposal will afford an excellent opportunity for Congress to begin considering a redirection of the Corps' vast energies and talents. The idea that only state and local governments should carry out large environmental projects also deserves serious rethinking, because of the obvious limitations of many of those governments.

The Engineers should have a much larger role to play in environmental redemption, perhaps through civilianization, certainly in well-defined collaboration with the EPA. That definition must come from Congress, and the sooner the better.

## RAY KINNEY, A RICH HAWAIIAN VOICE, IS STILLED

### HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 28, 1972*

Mr. MATSUNAGA. Mr. Speaker, I believe it can be safely said without contradiction that there is a certain incomparable sweetness about the music of Hawaii. It is for this reason that I have in my own little way tried to encourage the preservation of Hawaiian music. Fortunately there have been great Hawaiian performers who have done much to preserve the music of the Aloha State. One of them who did more than almost any other was Ray Kinney, a personal friend, whose death earlier this month brought me great sorrow.

For more than half a century, Ray Kinney entertained Hawaii and the Nation with his songs about the islands. Shortly after launching his career on his 15th birthday, he composed perhaps his most famous song, "Across the Sea," which became his theme song. Before his retirement he recorded almost 600 songs, many of which he had written himself.

Those of my colleagues who were Members when Hawaii was admitted as America's 50th State may remember that Ray Kinney and his troupe were flown to Washington in 1959 to participate in various programs celebrating the event.

Ray Kinney was a vital force in Hawaiian music, and he will be sorely missed.

Mr. Speaker, at this point I offer for inclusion in the RECORD several articles about Ray Kinney from Honolulu and Washington newspapers:

[From the Honolulu Advertiser, Feb. 7, 1972]

VETERAN ISLE SINGER, RAY KINNEY, DIES

Veteran entertainer Ray Kinney, who for 55 years treated audiences to his warm, personal brand of Hawaiian music, died yesterday. He was 71.

Mr. Kinney, a familiar figure in Waikiki nightclubs, was noted for his storytelling of old Hawaii in addition to his singing and ukelele strumming.

He was the first singing voice on the radio program "Hawaii Calls" in the 1930s, and had since recorded hundreds of Hawaiian songs, many that he wrote himself.

His theme song was "Across the Seas" which he performed thousands of times on numerous Mainland tours dating back to 1924.

Mr. Kinney, who was born in Hilo, began his career in show business there on Sept. 26, 1915. It was his 15th birthday. He never stopped singing since then and estimated a few years ago that he had entertained in every city in the nation with a population of 25,000 or more.

The veteran entertainer had many credits to his name. Among them, he sang "Sweet Leilani" in the Bing Crosby film "Waikiki Wedding"; he appeared in the original Broadway production of "Hellzapoppin," and he was vocalist for Harry Owens and the Royal Hawaiians.

Mr. Kinney, who resided at 808 Olokele St., is survived by his wife, Dawn Hanakaulani; sons, Rayner and Rankin; daughters, Mrs. Meymo Straus, Mrs. Raylani Akau and Mrs. Melvienne Lindsey; brothers, Oliver, Robin and David, and 22 grandchildren.

Friends may call at Williams Mortuary from 6 to 9 p.m. Sunday and after 7:30 a.m. Monday. Services will be held at the mortuary at 10 a.m. Monday, under the auspices of the Church of Jesus Christ on Latter-day Saints, followed by burial at Hawaiian Memorial Park.

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[From the Honolulu Star-Bulletin, Feb. 2, 1972]

COMPOSER-SINGER RAY KINNEY DIES; WROTE "ACROSS THE SEA"

Ray Kinney, who sang, composed and played the music of Hawaii for 55 years, died yesterday. He was 71.

Mr. Kinney died of cardiac complications in Kaiser Hospital. He had been hospitalized since Jan. 6.

Mr. Kinney was born on Sept. 26, 1900 in Kaumana on the Big Island.

At the age of 15, Mr. Kinney was working his way to the Mainland aboard the Matson

ship, Wilhelmina. In a moment of homesickness he wrote these lines:

"Across the sea
"An Isle is calling me,
"Calling to the Wanderer to return . . ."

"Across the Sea" was just one of many songs he wrote. Other hits were "Hawaiian Hospitality" and "Not Pau."

Mr. Kinney returned to the Islands in 1924 and was the leading man in the operetta, "Prince of Hawaii." The popular Hawaiian wedding song, "Ke Kali Nei Au," came from that show.

In 1927, Mr. Kinney was a member of a group of singers, dancers and musicians who performed at the opening of the Royal Hawaiian Hotel. He was later the vocalist for Harry Owens and appeared on the first broadcast of "Hawaii Calls" in 1930.

Much of Mr. Kinney's career was spent on the Mainland. While at the Hawaiian Room of New York's Hotel Lexington, he introduced many Hawaiian performers to the public. At one time the trade paper Variety rated Mr. Kinney's band No. 1 in popularity in New York.

He also performed on NBC radio and took part in Broadway's original "Hellzapoppin'" production.

"I guess if I couldn't entertain, I'd pass out," Mr. Kinney said in an interview in 1968. At that time he was featured in the Maile Lounge of the Kahala Hilton Hotel. "I don't think there is a city in the nation of 25,000 or more population that I haven't played."

Mr. Kinney said the biggest thrill of his career came in Chicago in 1942.

"I was playing in the Oriental Theater and the boys from Hawaii's 442nd were in the audience. When I sang 'Across the Sea,' all I could see were white handkerchiefs. The boys from the Hawaii unit all broke down and wept.

"I love to sing the old Hawaiian songs and put the English lyrics to them," Mr. Kinney would say. "Hawaiian came natural to me because that was the only language my mother spoke. My mother was almost pure Hawaiian, a little Pake (Chinese). My father was haole."

Mr. Kinney's favorite instrument was an old Nunes ukulele.

"This ukulele is over 100 years old," he said in 1968. "Each scratch can tell a story. It's an original Nunes uke. He was the first maker of ukuleles in Hawaii. I make all my records with it."

Up to last summer Mr. Kinney was giving ukulele lessons at the Hilton Hawaiian Village. He headlined the hotel's Tapa Room show a year ago for a short, interim period. He also was a longtime performer at the Halekulani Hotel.

Mr. Kinney is survived by his wife of 46 years, Dawn; sons, Raynor and Rankin; daughters, Mrs. Wray (Meymo) Straus, Mrs. Douglas (Raylani) Akau and Mrs. Norman (Leimana) Lindsay; borthers, Oliver, Robin and David, and 21 grandchildren.

Williams Mortuary is handling funeral arrangements.

A wake will be held at the mortuary Sunday from 6 to 9 p.m. an on Monday from 7:30 a.m. to 10 a.m. Services will be held at 10 a.m. Monday. Burial will follow at Hawaiian Memorial Park.

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[From the Washington Post, Feb. 3, 1972]

RAY KINNEY, NOTED FOR HAWAIIAN SONGS, DIES

HONOLULU, February 2.—Ray Kinney, who entertained Hawaii and the nation for more than a half-century with his songs about the islands, is dead at the age of 71.

Mr. Kinney was admitted to Kaiser Medical Center here a month ago for a heart ailment. He died Monday.

Mr. Kinney composed what became his most popular song, "Across the Sea," soon after launching his career on his 15th birthday, earning $5 for an appearance at the Gaiety Theater in Hilo on Hawaii Island, where he was born in 1900.

In 1927, he joined a six-member troupe of Hawaiian musicians, singers and dancers playing at the Royal Hawaiian Hotel at Waikiki. They caught the eye of a New York City theater manager and were booked a week later at New York's Roxy Theater with one of the singers, Alfred Apaka, featured.

Back in Hawaii, Mr. Kinney, with his ever present ukulele, became a vocalist with bandleader Harry Owens. He later appeared from 1930 to 1934 on the "Hawaii Calls" radio program.

His recording career began in 1933, winding up with nearly 600 recordings before he went into semiretirement several years ago.

Mr. Kinney and his Hawaiian entertainers were flown to Washington, D.C., in 1959 by the Honolulu Chamber of Commerce to participate in various programs celebrating Hawaii's admission as the 50th state.

Mr. Kinney is survived by his wife, Dawn, two sons, and three daughters.

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## REPORT OF CONGRESSMAN G. V. MONTGOMERY ON SEVENTH TRIP TO SOUTH VIETNAM

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## HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 28, 1972*

Mr. SPRINGER. Mr. Speaker, during the past 7 years, a member of the House Committee on Armed Services, G. V. MONTGOMERY, has made continued inspection trips to Southeast Asia. After his seventh trip, he has made a general report to Members of Congress, as of February 28, 1972, entitled, "Report of Congressman G. V. MONTGOMERY on Seventh Trip to South Vietnam."

I believe that the report is of sufficient importance that it should be included in the CONGRESSIONAL RECORD so that those who read the CONGRESSIONAL RECORD may have the same information as has been imparted to Members of Congress.

Mr. MONTGOMERY has shown an unusual interest in the Southeast Asian situation, and I know that he has tried to present an accurate picture as he has found it:

REPORT OF CONGRESSMAN G. V. MONTGOMERY ON SEVENTH TRIP TO SOUTH VIETNAM

WITHDRAWAL

During the Christmas recess, I had the opportunity to make my seventh inspection trip to South Vietnam. I expect this to be my last trip for I am convinced that American participation in the Vietnam conflict will be minimal by the year's end. I continue to believe that the South Vietnamese people will be able to make it on their own, even after the United States has completed its troop withdrawal program.

American withdrawal is continuing in an orderly fashion and in a manner that will offer the most protection for our few remaining troops. I was particularly impressed with the efficient way in which the military is returning American equipment and supplies. We are doing a much better job in this area than we did at the end of World War II when tons of our equipment were pushed into the Pacific Ocean or buried in the farmlands of Europe. The return of this military tonnage will be of tremendous benefit to our Reserve and National Guard units which are in need of modern and up-to-date equipment.

I am, of course, hopeful that President Nixon's new peace initiatives will succeed, resulting in total withdrawal of all U.S. and Allied forces from Southeast Asia and release of all prisoners of war and information on those listed as missing in action. However, my realistic estimate is that we will have between 25,000 and 50,000 troops in South Vietnam after July 1, 1972. The vast majority of these Americans will consist of technicians and advisors.

Until the time when peace can be negotiated based on the plan presented by President Nixon on January 25, or a compromise thereof, it is my observation that escalated military aggression by the North Vietnamese can be expected in almost the whole of the Southeast Asia area. There is no doubt that the North Vietnamese are effectuating a build-up of troops and supplies in the Central Highlands and will attack, but I believe the South Vietnamese forces will be able to repel any offensive drives.

LAOS AND CAMBODIA

The extent of our involvement in Laos is through the activities of the Central Intelligence Agency, air strikes requested by the Royal Laotian Government and our financial help. We have no American military personnel in Laos. The nation is currently in a very precarious position, and it is my judgment that Laos could easily fall in the face of a concentrated enemy offensive.

America's involvement in Cambodia is limited to less than 50 military personnel in a logistic capacity. We do furnish air strikes when requested, plus financial assistance. The Khmers have more of a desire to remain free than their neighbors, and I believe they can survive a Communist invasion.

MORALE AND DRUGS

The morale of our troops in South Vietnam is excellent. I believe the principal contributing factor is that the end is in sight and our servicemen realize they will be coming home in a matter of months. I had the opportunity to visit the USS Coral Sea and was particularly impressed with the morale and efficiency of the carrier's officers and men.

The drug control program established in South Vietnam within the last year has been highly successful. Current data reveals that about 4.5% of Army personnel being tested are users of drugs, a significant decrease from levels of one year ago. Since the number of drug users among senior NCOS and officers has been negligible, the military is giving serious consideration to concentrating mainly on those men in the lower ranks and 18 to 25 year age bracket.

There is still a bottleneck in obtaining information for the doctors and chaplains on the progress being made by our servicemen to kick the habit once they return to the United States. Obviously such information should be provided the doctors and chaplains who have counseled these young men and have a very sincere interest in their future well being. Steps are being taken to furnish the necessary information.

PRISONERS OF WAR/MISSING IN ACTION

There has been considerable debate, and rightfully so, on the wisdom of continued air strikes against selected military targets in North Vietnam. This has been especially true in view of North Vietnamese statements that our prisoners of war will not be released until the air strikes are halted. Judging by the past actions of North Vietnam during our bombing pauses, I do not believe we have any reason to trust their hollow promises. In the past, the North Vietnamese have used the bombing pauses initiated by President Johnson and President Nixon to build up troops and supplies to be used against U.S. Servicemen. In my opinion, it is even more important that we take steps to prevent the build-up of enemy troops and supplies in view of the greatly reduced forces we have in South Vietnam. We cannot risk endanger-

ing the lives of our few remaining men. I also believe that the past actions and recent statements of the North Vietnamese are further proof that they have no intention of releasing, or discussing the release, of our prisoners of war whether there is a bombing halt or not. I wish it were otherwise, but I feel that the facts of the situation warrant no other conclusion.

In my opinion, the North Vietnamese, Viet Cong and Pathet Lao will not release our prisoners of war or provide information on our servicemen listed as missing in action until they are forced to do so by other nations—most notably, Russia and Red China.

The plight of our POWs/MIAs is no longer a military issue. It is now purely political. As we withdraw, we do not have the military force to gain their release. It will have to be accomplished through negotiation, world opinion and pressure on the North Vietnamese. I trust and pray that the fate of our POWs/MIAs will continue to be the priority item on President Nixon's agenda when he meets with the leaders of the Soviet Union and People's Republic of China.

EUROPE

On my return trip home, I had an opportunity to spend three days in Germany in order to familiarize myself with the conditions facing U.S. troops committed to the North Atlantic Treaty Alliance. Since this was my first inspection visit to Europe, I unfortunately do not have prior firsthand knowledge of the situation by which to make a comparison.

The morale of the troops with whom I visited appeared to be good. It would be my opinion that morale has probably increased somewhat within the last month or two because of the recent significant pay raise for members of the military. This would be particularly true of the servicemen in the lower ranks and those who are married.

Racial problems appeared to be isolated incidents and not as prevalent as one would believe from reading press reports. There is certainly, however, still room for improvement, and the military is working toward that goal. I was told that racial problems were most likely to occur in those units where the officer and NCO leadership is not as strong as it could or should be.

Drug usage is confined mainly to hashish and marijuana. Some of the commanders told me that the problems from overindulgence in alcoholic beverages were almost as numerous as those from the use of drugs. Use of drugs appears to be no more a problem in Europe than on any military base in the United States.

OVERVIEW

I offer this report, not as an authority, but only as a presentation of the facts as I found them. This, along with other information at your disposal will, hopefully, help you to reach valid decisions on Southeast Asia in fulfilling your official responsibilities. It has always been my intention to share the information I gain with my colleagues. I appreciate being given the opportunity to make such a report.

## MAN'S INHUMANITY TO MAN—HOW LONG?

### HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 28, 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?

## VIEWS OF SEVEN SCIENTISTS ON FEED ANTIBIOTICS OVERLOOKED AS FDA RELEASES TASK FORCE REPORT

### HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 28, 1972*

Mr. SCHWENGEL. Mr. Speaker, on January 31, the Food and Drug Administration released the report of its Task Force on the Use of Antibiotics in Animal Feeds. At the same time, FDA announced its plans for implementing the recommendations of the task force. In essence, the Federal agency proposed steps to limit the use in feeds for food-producing animals—cattle, sheep, swine, and poultry—of those antibacterial drugs which are also used in human clinical medicine. Manufacturers of these drugs will be required to provide FDA with proof that the continued low-level use of these drugs in animal feeds does not result in a health hazard to the American consumer.

It is not my purpose today to review the intricate details of the task force report, nor of FDA's implementation proposals. The report and related documents released by FDA numbered hundreds of pages, attesting to the complexity of the scientific issues involved. It has come to my attention, however, that in the process of making the task force report public one significant document has been overlooked. I refer to what might be characterized as a "minority report" signed by seven of the task force's 15 members.

This document stresses the absence of persuasive evidence linking increased resistant organisms in animals with any human health problem. It notes that the occurrences in a case cited by the task force were not related to the use of antibiotics at low levels in animal feeds, but rather to excessive therapeutic dosages.

The seven scientists who subscribe to those views urged that research be initiated to generate reliable data "on the questions that have troubled this particular task force." I am confident that the Food and Drug Administration is moving ahead toward the expeditious conduct of such research. I am certain, too, that American consumers can continue to consume domestic meat and poultry products with complete confidence in their purity, wholesomeness, and safety. I include the statement signed by the seven task force members in the RECORD:

VIEWS ON THE REPORT OF THE TASK FORCE ON THE USE OF ANTIBIOTICS FOR FOOD ANIMALS

It is not unusual for individuals with scientific background to review the same set of data, particularly when the evidence is not clear-cut, and come up with different conclusions based on those data. There is general agreement on the Task Force that the use of certain antibiotics at low levels, when administered to food producing animals, does result in selection for resistance with a resulting increase in the percentage of resistant organisms recovered from those animals.

However, there is no solid evidence that this increase in resistant organisms in animals has caused disease problems in man which have not been present prior to the development of resistance. The primary case cited in support of the thesis that resistance has caused fatalities in many is the work of Anderson (8) (Append. B, page 5). However, it should be noted that this episode was not related to low level feeding of antibiotics. A number of antimicrobial compounds were used at excessive as well as at therapeutic levels to treat the calves involved. No evidence of transmission or possible mode of transmission of the organisms from animal to the humans was presented, but the humans studied were infected with the Salmonellae of the same phage type as those isolated from the animals. No record of the treatment of the patients was available to determine whether these organisms responded differently than sensitive strains. It is apparent that the possibility of the occurrence of incidents of this type would not be affected by either the deliberations or the recommendations of this Task Force.

We do not agree that the evidence presented warrants the unqualified statement that resistant organisms are as virulent as sensitive organisms (page 4, item C and Append. B, page 11, item 9). Evidence was presented by Jarolmen and Kemp (83), indicating that the resistant organisms were not as virulent as the sensitive. Watanabe (176) presented evidence that, while the percentage of resistant Shigella organisms isolated in Japan was increasing dramatically, the incidence of mortality and morbidity due to Shigellosis was decreasing. In discussing this paper (personal communication), Watanabe attributed these results to:

1. The general level of the economy in Japan has increased and more of the people are seeking medical care.

2. The medical profession has become more skilled in treating this disease.

3. There is a possibility that the resistant organisms may be less virulent.

In addition, the documentation (Append. C, page 3) indicates that the percentage of resistant organisms decreases after the antibacterial drugs are withdrawn from the feed. This phenomenon, in itself, argues that the sensitive organism are more virulent than the resistant.

There is a great deal of emphasis on Salmonella infactions in this report. Figures are presented on number of cases, number of deaths due to Salmonellosis and economic loss due to this disease (Append. B, page 6). The report from the National Academy of Sciences on page 39, using data from investigated outbreaks makes the following statement: "Almost all of these fatalities occurred in young infants, the elderly, and persons severely ill with other diseases." They have also stated that "the rate of isolation rises to an incidence greater than 100 isolations per 100,000 population between two and four months of age and gradually declines to an incidence of 30 per 100,000 in eleven months." This is in a period when the infant is not likely to be exposed to foods of animal origin that have not been sterilized. No evidence is presented which would indicate the low-level feeding of antimicrobial agents with the case incidence of Salmonellosis in animals or in humans. Further, it was stated in the Task Force meeting that there is no evidence of increased resistance to the antibiotic, Chloramphenicol, which is commonly used in treating Salmonellosis in humans.

The statement is made that "the continuous feeding of certain antibiotics to animals has been reported to compromise the

treatment of certain animal diseases" (page 9, item 5). Opinions were also expressed to the contrary, that is, that there has been no loss of effectiveness of the antibiotics used in treating animal diseases. A survey of the deans of schools of veterinary medicine, made by the Chairman of the Task Force, indicated that they do not have data bearing on this question. A logical recommendation would be that controlled data be obtained on this question.

The statement is also made that the percentage of resistant *E. coli* isolated from poultry increased from 3.5% in 1957 to 63.2% in 1960 and it is indicated that this coincided with increased use of tetracyclines in broiler feeds (Append. C, page 2). The use of tetracyclines at low levels had actually decreased prior to this period, and any increase in the use of tetracyclines for poultry was at the therapeutic level (Skamser, personal communication). Therefore, we cannot ascribe this increase in resistance in *E. coli* to the low level use of tetracyclines.

The considerations discussed in this brief analysis do not permit us to agree with the Summary of the Human Health Problems Committee. The evidence presented does not support the statement that there is, in fact, an "imminent hazard" to human health caused by the low-level feed use of antibiotics for food-producing animals. In view of the preceding comments and in line with the charge to the Task Force, we feel that research should be initiated to generate reliable data on the questions that have troubled this particular Task Force.

We, the undersigned, subscribe to the preceding "Views on the Report of the Task Force on the Use of Antibiotics for Food Animals."

Dr. Jake L. Krider, Professor, Dept. of Animal Sciences, Purdue University, Lafayette, Ind.

Dr. Edwin Goode, Jr., Assistant Administrator, Agricultural Research Service, U.S. Dept. of Agriculture.

Dr. Richard P. Lehmann, Director, Div. of Nutrientional Sciences, Bureau of Veterinary Medicine, Food and Drug Administration.

Dr. William W. Wright, Jr., Director, Division of Drug Biology, Bureau of Drugs, Food and Drug Administration.

Dr. Harold L. Wilcke, Vice President, Director of Research, Ralston Purina Company, St. Louis, Missouri.

Dr. Alan E. Smith, Deputy Director, Div. of Anti-Infective Drug Products, Bureau of Drugs, Food and Drug Administration.

Dr. Edward B. Seligmann, Jr., Chief, Laboratory of Control Activities, Division of Biologics Standards, National Institute of Health.

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## REMARKS OF HON. JOHN DINGELL TO CONFERENCE ON ENVIRONMENTAL LAW

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### HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES


*Monday, February 28, 1972*

Mr. PELLY. Mr. Speaker, the second annual Conference on Environmental Law was held in Washington on February 17, 18, and 19, 1972, under the sponsorship of the Smithsonian Institution and the Joint Committee on Continuing Legal Education of the American Law Institute and the American Bar Association.

The conference focused on one crucial issue, that of striking a balance between the demands of economic and technological progress and ecological necessities. During the course of the conference eminent lawyers, industry executives, Government officials, and law professors discussed all phases of the law regulating the use and preservation of natural resource, the factors involved in making decisions affecting the environment, and the procedures by which such decisions are made in the courts, the legislatures, and the administrative agencies.

The sponsors wisely invited the House author of the National Environmental Protection Act of 1969, my friend and colleague, Congressman JOHN D. DINGELL, to be the principal speaker at its banquet meeting on the evening of February 17. In his remarks, Congressman DINGELL made a strong case for the concept that a high-quality environment is not something which stands in the way of economic prosperity.

I found Congressman DINGELL's comments to be quite persuasive and I would like to share them with my colleagues. Therefore, I insert the text of Congressman DINGELL's speech at this point in the CONGESSIONAL RECORD:

REMARKS OF HON. JOHN DINGELL

I am delighted to appear here tonight and wish to extend a well deserved word of praise to the sponsors of this Second Annual Conference on Environmental Law.

The Smithsonian Institution, the Joint Committee on Continuing Legal Education of the American Law Institute and the American Bar Association merit praise of high order for convening a conference on a matter so crucial to national and international survival.

In the selection of the themes of the different meetings, I believe they have struck the major social, political, economic and legal questions faced by this Nation in its relationship to the environment.

Like most readers of Time Magazine, recently I was appalled to read the article in the section on environment entitled "The Worst Is Yet To Be?"

That article followed several computerized paths and moved MIT computer expert Dennis Meadows to the grim conclusion "all growth projections end in collapse." I might add, either economic or environmental.

The article based on computer studies to be released shortly by the prestigious, and I would stress, conservative Club of Rome directed itself to the fundamental question of human survival. Put differently the question was how long could population and technology continue to grow exponentially. The answer, reduced to overly simple terms, was not very long.

Two computerized conclusions are that either through exhaustion of resources by somewhere around the year 2020, followed by a period of almost total economic collapse, or, and I am not sure this is appreciably better, further economic and technological growth to a point somewhere after that the atmosphere is so poisoned as to make economic and human activity impossible according to the standards and quality that we know and appreciate today.

Lest I appear some sort of a doomday freak, I might reiterate a point I made earlier, the Club of Rome is a most prestigious business oriented body of international businessmen. Time put it succinctly, "It is as if David Rockefeller, Henry Ford and Buckminster Fuller suddenly came out against commerce and technology."

Hopefully this conference will shed some light on the wisdom or unwisdom of our national policies as they relate to the delicate balance of economics and technology versus a clean and wholesome environment. No finer service could be provided for officials of government at all levels, for industry, for the working man, and for the ordinary citizen. It is high time that all elements of our society understand a clearly charted course leading ultimately to the best balance of these apparently conflicting national needs and goals.

Unfortunately, devices to arrive at objective values, to establish wise national goals, to plot true courses in this environmental versus economic question are either primitive or totally lacking. Where wise and careful debate is needed a near babble of ill informed and conflicting emotional voices arise.

Recently I had occasion to compare the voices of two distinguished Americans, members of the present Administration, who because of their prominence can raise their voices enough to have them heard over the din and confusion on the subject of human survival, a wholesome environment, and an adequate standard of living.

The first, we might call the "wait a minute" man, expresses views of appeal to a particular interest:

"It is high time for the entire nation to weigh the needs against the demands and say: 'Wait a Minute, here—what are our priorities?' We need to weigh our technological capabilities against the demands for immediate change and say: 'Wait a Minute—can we really get there from here?' We need to weigh each specific proposal against economic reality and say: Wait a Minute, how do the benefits compare with the costs?'

* * * * *

"Isn't it time for someone to say 'Wait a Minute?' Are the environmental dangers so imminent, so critical, that we have to throw thousands of productive people out of work? Are the dangers so great, so immediate, that whole communities must be run through the economic wringer?

* * * * *

"The Environmental Protection Agency has reported to Congress that we simply do not have the technology to comply with some of the standards that have been set in accordance with law. To try to achieve these standards will result in millions of dollars of added costs, which inevitably have to go into higher consumer prices. If we try to solve our environmental problems more quickly than our technology permits, not only will we raise costs sharply and suddenly, but we will also increase the number of false steps that we take along the way . . . So isn't it time to say: Wait a Minute. Let's weigh each need against the technological realities and let's not impose any more arbitrary deadlines that can't be met with the technology in sight."

The second voice, that of Chairman Russell Train of the Council on Environmental Quality, speaks words viewed in this gathering, I am satisfied, with a great deal more approval:

"There are those who see environmental policies as a threat to economic growth and to jobs. There are those who charge environmentalists with responsibility for stopping echnological progress, with blocking important projects, and generally retarding progress. There are those who claim that concern for the environment is being carried too far. And finally, there are those who make a practice of describing environmentalists as wild-eyed extremists, crusading zealots who will bring our society and our economy crashing down about our ears.

"Like most such generalizations, this is nonsense. It can be dangerous nonsense if we permitted it to distract us from the real needs of our time.

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"As our environmental programs have developed and become increasingly effective, it is right and, indeed, essential that we pay

increasingly careful attention to the economic costs involved . . . (However,) the cumulative expenditures over the six-year period (1970–1975) are expected to be less than one percent of Gross National Product.

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"Industry air and water pollution control costs will generally be less than one percent of the value of shipments. And we must remember that the environmental control costs of one firm tend to represent income and revenues to other firms and workers, and there should be no significant impact on total employment because of the effort to control pollution.

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"It is important for many reasons that we have a clear understanding of such costs before making far-reaching decisions. The public . . . is entitled to know the relationship of the costs it is paying to the benefits it will receive. Secondly, accurate information on costs is important because there may be more economical and more efficient ways of achieving the same environmental objectives. Indeed, there may be other environmental objectives which should receive a higher priority. Finally, the nation's resources are finite and an intelligent allocation of those resources among an almost infinite set of desirable goals demands careful cost analysis. *This is not to say that cost must be the determining factor in setting environmental standards.* . . . (Emphasis added.)

* * * * *

"If we balance the overall costs and benefits of our pollution control programs, I am personally confident that we would find a net economic gain; indeed, that we would also find that many more have gained than have lost. There is a net profit to our society in cleaning up the environment. It is time that we stopped looking at environmental programs simply as a problem and start seeing them as an opportunity."

Certainly there is urgent need to balance the benefits of industry and technology with the curse of pollution and to establish intelligent control over the kind of cancerous growth of technology and industry that serves no genuine purpose, except to provide a favorable financial balance sheet thus lining the pockets of some unconcerned entrepreneur.

I believe Americans living in crowded, smog-ridden cities enjoying the doubtful benefits of urban sprawl, recreating in parks and public areas afflicted with all of our current urban problems of litter, pollution and crowding might properly have substantial doubts about the blessings of this technological age.

The aesthetic benefits of a wise relationship to the environment should be clear to all—clear air, clean water, woods and wholesome open spaces, fish and wildlife, undefiled mountains bring an undefined sense of well being to each of us as we find ourselves at peace with and surrounded by nature.

Technology brings us many benefits—more and better of everything at competitive costs. Sometimes however they are provided whether we need it or not.

In the case of technology, urbanization, industry, and men's commercial activities many of the costs are concealed, ignored, or simply not understood enough to be included in the cost benefit ratio involved here.

Excellent estimates of costs were included in the Second Report of the Council on Environmental Quality, and using them as a base, the National Wildlife Federation pointed out that the total national bill for air and water pollution is $28.9 billion annually. This is a per family cost of $481 per year.

A reasonable cleanup in the field of air and water would be $10.2 billion per year. One family's share would be $170.

This level of pollution cleanup would reduce damages by about $22.2 billion for a per family share of $370.00. Calculating roughly from this, a measure of cost benefits would be that a family would pay $170 per year for cleanup and realize benefits of $370.00 per year. That is a net saving of $200 per year. As a bonus the citizenry would, after a reasonable period of time, get clean air, pure water, fish, wildlife, more places to recreate, longer and more healthful life and other undefined aesthetic values. In addition to this we might assume that new industries providing hard goods and soft ware for the cleanup would come to flourish and provide new needed services.

We are approaching what has been the long term goal of the Subcommittee on Fisheries and Wildlife Conservation, which I have the honor to chair—a movement to the cost benefit and systems approach in man's relationship to the environment.

Towards this end I would like to shift my attention to the National Environmental Policy Act and its implementation. As we all recall, just two years, two weeks and a few days ago NEPA was signed into law by the President in which he announced with a flourish the beginning of the "decade of the environment."

That legislation, cosponsored by Senator Jackson of Washington in the Senate, and by myself in the House, had a difficult and arduous path through the legislative halls, and some of my friends have indicated to me that its journey would certainly have been more difficult than it was had many influential and prominent Americans realized the actual effects of that statute. Certainly the consequences of NEPA have not endeared it to broad and influential groups of Americans bent on quick and easy exploitation of natural resources and on insensate economic development without full consideration to the environmental consequences.

The Council on Environmental Quality, its Chairman, Russell Train, and members Robert Cahn and Gordon McDonald have performed with energy and distinction in this difficult area. Their guidelines for implementation of Section 102(2)(C) have provided valuable instructions to government agencies on proper handling of environmental impact statements. The careful attention of CEQ to implementation of the guidelines and Section 102(2)(C) has done much to make this statute work. The Council has provided good leadership, individually and collectively, on an abundance of environmental issues most of which have not reached the public eye.

The Annual Report is an excellent catalog of environmental opportunities and problems facing the nation, useful both as textual matter and as a fair and authoritative reflection of government policy on the environment.

The Annual Report reflects a problem associated with the Council. As an intimate part of the White House apparatus, the Council lacks the kind of total freedom, innovativeness and vision that the needs of the times demand.

Certainly this is a problem, and it is one that was foreseen by the Subcommittee on Fisheries and Wildlife Conservation in writing NEPA. Unfortunately, no resolution was seen to the problem at that time and while no criticism can be fairly directed at CEQ, no fair and effective resolution seems easily available now. Perhaps how to achieve independence, innovation and proper structuring within the Executive for CEQ could be a subject of discussion at this gathering. It must be recognized that the Annual Report of the Council and the Council itself have contributed greatly to the broad public awareness of environmental problems.

Under NEPA there have been significant accomplishments and great victories for those working for a wholesome environment. The Calvert Cliffs case, the Trans Alaska Pipeline, the termination of the Cross Florida Barge Canal and the halting of the Tennessee Tombigbee project are well known. That most agencies routinely file environmental impact statements of greater or lesser value is helpful. However, a better quality, a more innovative, albeit a more standardized approach, to achieving excellence in environmental quality considerations through impact statements is an urgent need. Nonetheless, that the decision making process has been compelled, even if grudgingly and imperfectly, to consider environmental impact at every stage of the decision making process is a noteworthy triumph for NEPA.

Equally great benefits to the public interest lie in the requirements of NEPA—and the guidelines—that comments of agencies of special expertise and jurisdiction shall accompany the impact statement, and that statements and accompanying documents, with rare exception, shall be open to the public.

If we are to have a wholesome approach to the environment, the public must be brought fully into the decision making process on environmental questions.

Court review of environmental impact statements has provided new and totally unforeseen dimensions in environmental law, and has provided new and previously unheard of opportunity for citizen participation. It also has had an extraordinarily salutory effect on Federal decision makers. Indeed the entire 102 process has had a salutory effect. One must contemplate the dilemma of a Federal administrator determined towards a certain course of action. In the old days the decision would have been made and the impact, good or bad, on the environment totally disregarded. Today the bureaucrat not only must consider the adverse effects, but must consider alternatives, and how the potential damages from the action may be mitigated. And he must make a statement with regard to all of this available to the public.

This is not to say that the millenium is upon us. The 102 policy requirements are often grudgingly complied with behind a facade of false enthusiasm. The term grudging and pro forma can properly be applied to many examples of compliance with 102 requirements. Peril exists that a new race of environmental impact statement writers will spring up, totally lacking in vision and concerned only with robot like pro forma compliance of Section 102.

A more immediate peril is at hand. Lack of understanding of NEPA and its goals is leading to confusion and obfuscation in most of the Federal agencies. The mandate of NEPA is that it shall be the policy of the Federal Government to provide a decent and wholesome environment to every American. The requirement therefore is that NEPA's policies become entwined with a part of the organic laws of every Federal agency and this is leading to both willful or unintentional violation of the spirit or the letter of the law. Agencies are refusing to recognize that the statute requires them to consider environmental values at every stage of the decision making process. In this they are not only thwarting the proper utilization and application of the environmental impact statement, but they are making NEPA less meaningful. They also are making their task in compliance with the statute much harder and ofttimes are leading themselves into court reviews consuming much time and money.

The fallout from this last failure by Federal agencies has been a feeling of outrage on the part of project backers and influential legislators. This has created a real and present danger of attacks on the provisions of Section 102(2)(C) of NEPA. Two exam-

ples of this peril are before the Congress at this moment. The electric power industry has sought, with a real measure of success, in the Subcommittee on Communications and Power of the House Committee on Interstate and Foreign Commerce to secure for itself an exemption from environmental consideration in general and from the provisions of Section 102(2)(C) in particular. The argument used for such exemption is of course the present or impending power crisis, and the alleged fact that complying with Section 102 is far too time consuming to be imposed on power plant construction. One must ask how giving consideration to environmental impact is too time consuming in a program for construction of a power generating facility the planning of which takes seven to ten years.

I feel compelled to observe that were the National Environmental Policy Act being faithfully carried out by Federal agencies and by the builders of facilities like the power plants in question, the environmental concerns would be before the parties at every stage in the deliberation and that all possible alternatives—including not building the facility or taking other steps to mitigate environmental damage—would be before the parties at every stage of the proceedings.

Another attack on NEPA and on the requirement for filing an environmental impact statement goes forward at this minute. The Council on Environmental Quality itself and the Environmental Protection Agency contend that the issuance of environmental impact statements is too burdensome an administrative load in issuing permits to discharge pollutants into the navigable waters of the United States. They have tried to gain support for this view within the House Committee on Public Works.

In like fashion under attack in the House Committee, and its counterpart in the Senate, in connection with the same water pollution control bill are two kindred statutes, the Refuse Act of 1899 and the Fish and Wildlife Coordination Act. As you recall, from these two statutes flowed the memorable memorandum of understanding between the Interior Department and the Corps of Engineers which has done so much to convert the Corps' permit program under the 1899 Act from a ruthless exploiters tool to a highly quality conservation and resource protection program.

The precise form of these attempts to weaken important conservation and environmental statutes is unclear at this time since the final draft of the House bill is not available at this time. But the threat is sufficiently present that national conservation organizations, the League of Women Voters, major labor organizations and other interested groups have gathered together to let the Congress know of their concern.

Recently another Congressional Committee held hearings on paperwork which ties up Federal projects. This body found some 8,000 different environmental matters had to be considered before building a Federal aid highway to comply with NEPA and other statutes. Considering that highway builders have been preeminent in environmental destruction and degradation I do not regard that as an excessive requirement. However, antienvironmentalists, a vigorous and growing movement, point to it as a reason for doing away with NEPA or eliminating its consideration with regard to highway construction projects. The very number of different environmental aspects to be considered in connection with highway construction makes it imperative to me, apart from the sad record of the Federal Highway Administration, that the fiber and being of NEPA be preserved intact until it is either no longer necessary or until we have evolved better mechanisms for protecting the environment from technological advance or abuse.

A reading of the National Environmental Policy Act leads one to an appreciation of the remarkable depth and breadth of that statute. I have attempted in earlier comments to set out some of its features and attributes. Fundamentally the statute recognizes and seeks to implement through instructions to all agencies of government that "the Congress recognizes each person should enjoy a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment." In the statute the Congress directs that "to the fullest extent possible the policies, regulations and public laws of the United States be interpreted and administered in accordance with the policies of the Act."

Those we can now properly denominate as antienvironmentalists totally overlook the fact that NEPA not only requires consideration of environmental aspects of proposed action but also requires consideration of adverse environmental effects which cannot be avoided, alternatives to the action, relationship between local short term uses of the environment and maintenance and enhancement of long term productivity and any irreversible commitment of resources which would be involved in the proposed action.

NEPA goes further however by requiring that full scale consideration be given to economic impact—including economic losses caused by pollution—and that careful attention be given to the social, health and other goals of the Nation and directs the Council to include this in its Annual Reports to the Nation.

My Subcommittee is continuing its review of the activities of government agencies under NEPA. We have a careful performance audit going forward of the activities of a group of selected governmental agencies by the General Accounting Office. It is anticipated that this review will be in the hands of my Subcommittee within ten weeks so that hearings may be held on it and on the general performance of the agencies sometime previous to the adjournment of the Congress this year. At that time it is my hope that we will have a better appreciation of how NEPA is being used, how it is not being used, and how its utilization could be improved to promote the essential "balance between population and resource use which will permit high standards of living and wide sharing of life's amenities" as the statute does require.

In our process of reasoning together, we might now direct ourselves to a consideration of further actions to be taken to make this nation go to an intelligent systems approach to the environment. NEPA hopefully will move us in that direction, but it is apparent that NEPA alone without additional statutory changes in the Federal structure cannot have the success we desire.

Earlier this year the House passed and sent to the Senate legislation to set up a National Environmental Data System. My friend and Senate counterpart, Senator Jackson, is holding hearings on that bill at this time. Briefly the bill requires collation, collection and storage of environmentally valuable information and data and that to the degree appropriate this information be stored in computers intertied as a part of a national net utilizing compatible storage methods in computer language. The Federal Government, under this statute, would be directed to make this information readily and cheaply available to governmental units, educational institutions and private citizens.

Included in that bill is a new concept of environmental quality indicators. These would enable policy makers and executives in all areas, public and private, to exercise informed judgment as to the direction in which we are moving environmentally. In addition to this the bill mandates the development of predictive environmental modeling. In my view this is one of the very important steps we should take to arrive at an intelligent judgment as to where we are going.

Concerned environmentalists must continue to look beyond NEPA for other needed legislative actions. I have the feeling that the courts will ultimately reject administrative action where the NEPA impact statement indicates environmental consequences far too disastrous to be tolerated in view of economic gains to be derived from the project. I have yet to see a court decision which indicated this intent with clarity. I do feel however that this question will have to be resolved sooner or later, either by executive, by judicial or by legislative action. In the case of the Cross Florida Barge Canal, I believe the President's judgment reflected a decision made on this precise basis. I must make the statement that I feel ad hoc decisions of this kind may be good, especially when done in the full glare of publicity as required by NEPA and by the CEQ guidelines. However, I must point out, that I feel it would be better to begin developing some mandatory statutory framework in which this can be handled on other than an ad hoc basis.

Part of the development of a rational approach to environmental concerns will be to have a non legislative Select Committee within either of the Houses of Congress or a Joint Committee like the Joint Economic Committee comprising outstanding representatives of both sides of the Capitol.

Certainly the Congress with the conflicting jurisdictional responsibilities of its committees, as well as the tremendous workload of the legislative committees, needs a body of broad vision and wide ranging responsibility to inquire into environmental questions without regard to narrow jurisdictional bounds. One must ask how, for example, environmental concerns are going to be adequately met when the tax structure directs itself towards stimulation of the consumptive portion of the economy and not towards recycling. Put differently, how is this nation to be improved in its environment when it is cheaper and economically more advantageous, especially from a tax standpoint, to mine new sand and iron ore or to extract petroleum products than to recycle used products made from these commodities? How is this nation to have a more wholesome environment when lower freight rates are afforded newly mined commodities than are afforded scrap? How can this nation clean up its waste when tax laws don't provide the proper incentive for construction of waste treatment works in connection with industrial facilities but instead encourage outfalls on the rivers and waters of the nation? These are some of the questions to which a select or joint nonlegislative committee could direct its attention and thereby provide assistance, guidance and research to the Congress.

In conclusion, I think you can see from my comments tonight that I feel a high quality environment is not something which stands in the way of economic prosperity. Indeed, it is my view, and I believe this is set out with clarity in NEPA, that the national goal should be one of establishing the best possible balance of environmental quality in the context of economic opportunity for all of our people. The collapse of one side of this equation most assuredly means collapse of the other, and I am satisfied that this is something no thinking person wants. Perhaps when NEPA is read in this light, and when our people understand more fully the oneness of this equation, we will begin moving more rapidly towards the rational balance so desperately important to real quality

in life. Perhaps this will occur before Americans find themselves occupying the largest and most effluent slum in the world. Perhaps it will come before the economic or environmental collapse portended by wise thinkers occurs. I hope so. Towards this and I believe we should utilize our best effort and the nation looks to you for the kind of leadership that you can and must give. Thank you very much.

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## ACTIVITY REPORT—COMMITTEE ON MERCHANT MARINE AND FISHERIES

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### HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 28, 1972*

Mr. GARMATZ. Mr. Speaker, the members of my committee are justifiably proud of the legislative record of this committee during the first session of the 92d Congress. I would like to briefly outline some of the more salient activities and accomplishments.

MERCHANT MARINE

In its continuing drive to revitalize the American merchant marine and the maritime industry, the committee has been actively striving to assure the success of the Merchant Marine Act of 1970. That act, which embodies a comprehensive program to rebuild our merchant fleet, contains many incentives and proposals, but the basic goal is to construct approximately 300 highly productive ships over a 10-year period.

Since a detailed explanation of that program was provided in our activity report on the second session of the 91st Congress, additional explanations are unnecessary at this time. The committee has been acutely aware, however, that it will be useless to build these ships unless there is some guarantee that adequate cargo will be available for these ships to carry. Consequently, the committee has held and is currently holding an extensive series of hearings to develop methods by which more cargo can be attracted to the fleet.

During the first session of the 92d Congress, the committee held 13 days of cargo hearings and heard testimony from 22 witnesses. The importance of this subject is best illustrated by the fact that, in 1969, American-flag ships only carried 3 percent of the total commercial cargo moved by ships in America's foreign trade. In other words, foreign-flag vessels carried approximately 97 percent of U.S. commercial cargo imported and exported in that year. These statistics, developed by the committee during the cargo hearings, present an alarming picture; the committee's investigation also documented the fact that there is a definite trend of continuing decline in the American-flag ships' share of this Nation's trade. For instance, during the last 5-year period for which statistics can be obtained, America's market share declined from 5.6 percent in 1964 to 3 percent in 1969, while total shipments have increased by 31 percent, from 276 million long tons in 1964 to 361 million long tons in 1969.

The cargo hearings have helped produce a number of proposals to improve this situation, and some legislation has already resulted from the hearings. One of these is a bill introduced by me and cosponsored by several of my colleagues to require that at least 50 percent of all oil imported into this country on a quota basis be carried aboard American-flag ships. Since the demand for petroleum imports is heavy now, and is expected to increase dramatically in the next decade, it is important that American-flag tankers carry a fair share of that cargo.

Several other pieces of legislation were introduced as a result of the cargo hearings. One of these would require that 100 percent of all Government-generated cargo be shipped aboard American-flag vessels when there is no substantial difference in rates between American and foreign vessels. Two other bills of a rather technical nature, which were designed to amend the cargo preference statutes, were also introduced. More cargo hearings will be held in this session of Congress, and the above bills will be discussed—together with other proposals that have been advanced—before the committee takes further legislative action.

In another move to provide more cargo for American-flag vessels, I suggested that certain provisions be included in the Revenue Act of 1971, to provide incentives to U.S. exporters to use American-flag ships. These recommendations were made in a letter to the House Ways and Means Committee, and—as a result of this suggestion—the original revenue bill was amended; the final version provides that U.S. firms which set up Domestic International Sales Corporations—DISCS—not only get tax breaks on the export of U.S. products—they also get certain benefits for shipping those products on American ships.

Another important maritime matter considered by the committee during this session was the problem of what to do with seven American passenger ships that are now laid up. Most of these vessels have been inactive for almost 2 years because it is no longer economically feasible to operate them in competition with foreign passenger vessels. Despite prolonged hearings and informal discussions with management and labor, no justification or solution for the continued operation of these vessels could be found. The committee reluctantly reported a bill to authorize the sale to foreign interest of five of these ships—the *Brasil, Argentina, Santa Paula, Santa Rosa,* and the *Constitution.* This bill, which passed the House December 1, 1971, also would require the Government to purcase the *United States* for layup in the National Defense Reserve Fleet, or for sale to American operators; it also excluded the *Independence* from authorization for sale foreign, because certain American interests have expressed a desire to purchase that vessel for operation under the American flag. At the conclusion of the first session of the 92d Congress, similar legislation was still pending in the Senate.

Another of the committee's important responsibilities is the annual authorization of appropriations for certain activities of the Maritime Administration.

Annual authorization hearings were held by the committee, and the authorization bill it reported to the floor passed the House and subsequently became Public Law 91–53.

As enacted, the maritime authorization bill for fiscal year 1972 included a total of $507,820,000 for the following categories of activities: construction subsidy, $229,687,000; operating subsidy, $239,145,000; research and development, $25 million; reserve fleet expenses, $4,318,000; maritime training at the Merchant Marine Academy at Kings Point, N.Y., $7,300,000; and State Marine Schools, $2,370,000.

The committee also approved a supplementary authorization bill totaling $80 million for the operating subsidy program of the Maritime Administration for fiscal year 1971. This bill was enacted as Public Law 92–21.

COAST GUARD

As usual, the activities of the Subcommittee on Coast Guard, Coast, and Geodetic Survey and Navigation—under the able chairmanship of the Honorable FRANK M. CLARK—were varied and comprehensive.

One of the primary responsibilities of the subcommittee each year is to authorize appropriations for the Coast Guard for procurement of ships and aircraft and to construct new shoreside and offshore facilities and improve old ones. In addition to these traditional fundings, the committee also included in the bill for fiscal year 1972 considerable funding for aids to navigation and pollution control.

The committee's total authorization bill, as passed by the House, called for $219,750,000. Included in this figure were $60 million for the funding of the second of four polar icebreakers; $57 million for the construction of three high endurance cutters; and $3,250,000 for an additional administrative jet aircraft for the use of the Coast Guard.

Since the Senate version of the Coast Guard authorization bill did not agree with the House version, a conference was necessary. The final conference report figure was $19,460,000 over the House-passed bill, and an increase of $139,710,000 over the budget request. The final appropriation figure was $97,682,000.

For the first time in fiscal year 1972, the committee also assumed the authorization responsibility for the annual active duty personnel strength of the Coast Guard. In accordance with this new responsibility, it authorized 38,284 men as the average active duty personnel strength of the Coast Guard for fiscal year 1972.

Perhaps the principal thrust of the Coast Guard's subcommittee activities recently has been toward promoting safety and preventing pollution.

In the area of marine safety, one of the most important bills considered by the committee was the Federal Boat Safety Act of 1971, which passed the House July 8, 1971; this legislation passed the Senate July 12, 1971, and was signed

by the President August 10, 1971, to become Public Law 92–75.

The act provides a national recreational boating safety program. The need for such a program is emphasized by the fact that over 9 million recreational boats are now owned by Americans, and that—during 1969, 1,300 fatalities occurred as a result of small boating accidents. In 1970, the last year for which statistics are available, the Coast Guard reported that 1,418 Americans lost their lives in boating accidents.

The act is designed to promote safety through a 5-year program of Federal funding to the States. It seeks to encourage the individual States to establish boating safety programs, and it imposes minimum performance and construction standards on boat manufacturers. The act provides for the allocation of Federal funds to the States as follows: $7½ million is authorized to be appropriated for the fiscal year ending June 30, 1972, and $7½ million for each of the 4 succeeding fiscal years.

Another important piece of maritime-safety legislation acted upon by the committee was the bridge-to-bridge bill. This legislation passed the House July 21, 1971, passed the Senate May 4, 1971, and was signed by the President August 4, 1971. It is now Public Law 92–63.

In addition to promoting maritime safety, this act is considered a significant step toward preventing pollution, because it is expected to help prevent many marine collisions which subsequently result in serious pollution, especially from oil released by tankers involved in such collisions. Basically, the act requires bridge-to-bridge communication, by radiotelephone, between certain vessels while they are navigating on specified waters of the United States. Prior to this act, the only requirement for communication called for an exchange of whistle signals to be sounded by vessels approaching each other, even in areas of heavy marine traffic.

H.R. 8140, commonly referred to as the Ports and Waterways Safety Act, is another important piece of legislation—from the standpoint of both marine safety and pollution prevention. Following extensive hearings by the committee, this legislation was reported to the floor, and it passed the House April 29, 1971. The legislation is designed to give the Coast Guard broad authority to enforce regulations which will help prevent marine collisions and pollution, especially in congested port and waterway areas. Marine traffic patterns, loading and unloading operations and many other marine activities which might prove hazardous to safety or to the environment are also considered in this comprehensive legislation. Although this legislation passed the House, it is still pending in the Senate.

FISHERIES AND WILDLIFE CONSERVATION

Environmental problems and matters affecting conservation of natural resources, fish and wildlife, have continued to play a prominent committee role—as they have in the past—primarily through the varied activities of the Subcommittee on Fisheries and Wildlife Conservation, chaired by my distinguished colleague, the Honorable JOHN D. DINGELL.

One of the most controversial and important pieces of legislation considered by the subcommittee during this session was H.R. 10420, referred to as the Marine Mammal Protection Act. This bill, which was designed to prohibit the harrassing, catching, and killing of marine mammals by U.S. citizens, was the subject of a comprehensive series of hearings.

Although protection for marine mammals is badly needed, it was difficult to obtain a consensus from various interested factions; despite certain areas of disagreement, the subcommittee did finally report to the full committee—after lengthy executive sessions—a bill which was considered to be a reasonable approach to this extremely complex problem. The full committee ordered the legislation reported, and on November 30, 1971, the bill was brought up on the floor of the House for a vote under Suspension of the Rules. Although the bill actually received a majority of favorable votes—199 for and 150 against—the legislation was defeated because it failed to receive the required two-thirds majority vote. Since the committee feels strongly that protective legislation is needed for ocean mammals, additional committee action to expedite passage of this legislation in the second session of the 92d Congress can be anticipated.

Another important piece of conservation legislation acted upon by the committee in the first session of this Congress was H.R. 5060, to prohibit the hunting of fish and wildlife from aircraft.

This legislation—which has now been enacted—makes it unlawful for anyone, while airborne, to shoot or attempt to shoot, for the purpose of capturing or killing, any bird, fish or other animal, or to harass any bird, fish or other animal, or to knowingly participate in using an aircraft for any of the forementioned purposes.

The recent disclosure that hundreds of eagles were wantonly shot from airplanes over Wyoming created a public furor and focused the spotlight of attention on the need to institute tougher penalties for such destruction of our valuable wildlife resources.

H.R. 5060, which is now Public Law 92–159, makes violators subject to a $5,000 penality or 1-year imprisonment, or both—prior penalties were only $500 or 6 months imprisonment, or both. In addition, violators holding an airman certificate are now subject to having their certificate revoked.

A large variety of other conservation-type bills are now pending before the committee. In the first session of this Congress, several class action bills, fish disease bills, farm-raised fish bills, and fish and wildlife coordination bills were introduced; final action, however, has not yet been taken. It is the committee's intention to continue consideration of all these important subjects, and to see that these bills are enacted into law.

The protection and promotion of the U.S. commercial fisheries fleet is another area of concern to this subcommittee, and there was considerable activity in that area.

For instance, the subcommittee held hearings on and reported out H.R. 7117, a bill designed to aid American tunaboat fishermen, who have been constantly harassed and endangered by illegal seizures of their fishing boats by foreign nations.

This legislation would expedite the reimbursement of fines and other monetary losses incurred by American fishermen as a result of these illegal seizures. The same legislation would also make it mandatory for the Secretary of State to deduct—from the foreign aid funds programed to any foreign nation which illegally seizes and fines our vessels—the same amount that the offending country extracts from our fishermen.

Our Nation's commercial fishing industry, which is suffering from obsolescense and serious decline, sorely needs help, and the committee is doing its best to provide that help. Hearings have been held, for instance, on methods of developing tuna fishing, improvement of fish harvesting techniques, on various problems of the fishing industry, on the possible impact of the proposed Alaska pipeline on Alaskan fishermen, and on ways of controlling and punishing foreign fishing fleets that illegally fish off our Nation's coasts.

One of the primary responsibilities of the committee is its legislative oversight responsibility regarding the Federal Government's administration of the National Environmental Policy Act—NEPA—which was a product of the committee's work.

On June 29, 1971, the committee submitted an extensive report based on hearings held by the subcommittee as part of its oversight responsibility of NEPA. The report, which consisted primarily of a review of the activities of the various Government agencies responsible for administering NEPA, made a number of recommendations for specific action by those agencies. The committee will continue to discharge its responsibility in overseeing the administration of NEPA.

JOINT HEARINGS

Two joint hearings held by the committee were extremely important from a standpoint of protecting the environment.

On January 18, 1971, two U.S. flag tankers, the *Arizona Standard* and the *Oregon Standard*, collided in dense fog several hundred yards west of the Golden Gate Bridge in San Francisco Bay. Both vessels were extensively damaged, and approximately 800,000 gallons of fuel oil escaped, causing massive oil pollution and disruption of the ecology of the entire bay area, which is rich in fish and waterfowl resources.

Since the committee had not at that time formally convened for the 92d Congress, I appointed a special subcommittee for the purpose of investigating the collision. The special subcommittee held hearings in San Francisco on February

8 and 9, 1971, and over 100 witnesses testified at the hearings, which were chaired by the Honorable JOHN D. DINGELL. The purpose of the hearings was twofold: to investigate the collision from the standpoint of its relevance to pending legislation—such as the bridge-to-bridge bill and the Ports and Waterways Safety Act, already discussed above; and to document the extent of ecological damage, as well as to evaluate the adequacy of the Federal response to this massive pollution incident—with particular emphasis upon coordination during this emergency between all levels of government, the owner of the vessels, and the private sector.

In addition to emphasizing the need to improve response capabilities, in order to better mobilize and utilize human and material resources to cope with future serious pollution incidents, the hearings also documented the absolute need for enactment of the bridge-to-bridge bill and the ports and waterways safety legislation.

In another important environmental area, the committee—spurred by the critical need for legislative action to protect the world's oceans from irreversible pollution—held extensive hearings on the problems of ocean dumping. Three days of hearings and seven executive sessions were held jointly by the Subcommittee on Oceanography, chaired by the Honorable ALTON LENNON and the Subcommittee on Fisheries and Wildlife Conservation, chaired by the Honorable JOHN D. DINGELL.

During these comprehensive hearings, a total of 39 different bills—which covered, in varying degrees, the subject of waste material disposal into the oceans, Great Lakes or internal tidal waters—was considered by the committee.

On July 13, 1971, the full committee reported to the House a clean bill, H.R. 9727, which reflected many views, but was basically designed to ban the indiscriminate dumping of harmful waste materials into America's coastal and offshore waters.

On September 9, 1971, the bill was passed by the House, with several clarifying amendments. In addition to placing a prohibition on all forms of ocean dumping, the legislation also includes provisions for establishing so-called marine sanctuaries, which would enable the Secretary of Commerce to set aside coastal areas considered irreplaceable from a standpoint of conservation, recreational, ecological or esthetical values. Since the Senate subsequently passed an ocean dumping bill that was significantly different from the House version, a conference was necessary. The House-Senate conferees have met twice without resolution of their differences, and further meetings will be held in the second session of the 92d Congress.

OCEANOGRAPHY

Under the capable leadership of its chairman, the Honorable ALTON LENNON, the Subcommittee on Oceanography has continued its efforts to provide momentum to a national oceanographic program. In line with these objectives, the subcommittee met in executive session on April 22, 1971, to consider H.R. 2587, which was designed to establish a National Advisory Committee on Oceans and Atmosphere, referred to as NACOA—hearings had been held on this legislation during the 91st Congress. The bill was reported favorably to the full committee, then subsequently ordered reported by the full committee to the House, where it passed on May 14, 1971. The Senate subsequently passed an amended version of the House bill, the House concurred in the Senate amendments, and the bill was approved by the President August 16, 1971, to become Public Law 92–125.

In compliance with the act, the President has appointed 25 members to the NACOA committee, who represent State and local governments, industry, science, and other appropriate areas. The purpose of this committee is to serve in an advisory capacity to the Federal Government in monitoring the total national effort in the oceans and atmosphere; it will provide the essential link with the Government and with other sectors—both public and private, in order to assure that the future national oceanographic effort will be properly coordinated.

Although its primary concern has been the development and exploitation of deep ocean resources, the subcommittee has also been active in any related areas. An excellent example of this broad outlook are the extensive hearings held by this subcommittee on legislation to establish a national coastal zone management program.

Eight days of hearings were held on a number of similar bills, all of which have a common goal: The intelligent management, beneficial use, protection, and development of the water and land resources of the Nation's coastal and estuarine zones.

The proposed legislation would provide Federal funds, in the form of grants, to assist the individual States in developing long-range programs and in making intelligent decisions on how best to manage these invaluable areas. In addition to funds for program development, the legislation proposes to authorize a maximum of $50 million in the first year of authorization for program implementation grants, and $6 million per year from fiscal year 1972 through fiscal year 1976, for matching grants on a 50-50 basis; these grants would provide for the acquisition and operation of not more than 15 estuarine sanctuaries, which would be set aside as natural field laboratories for investigation and study purposes. A more detailed description of all provisions of the proposed legislation will be found in the committee's complete activity report, which will be printed at a later date. Further committee action on this legislation is expected in the second session of the 92d Congress.

The subcommittee also held 4 days of oversight hearings concerning the organization and programs of the National Oceanic and Atmospheric Administration—NOAA—which was established by Reorganization Plan No. 4 of 1970.

Testimony regarding program responsibilities and future plans of NOAA was received, and further subcommittee action is anticipated in the second session.

OTHER NONLEGISLATIVE ACTIVITIES

On November 29, 1971, the Subcommittee on Panama Canal initiated a series of hearings to discuss future canal treaty proposals being considered by negotiators for the United States and Panama.

The primary purpose of the hearings was to establish the jurisdiction of the House of Representatives with respect to the disposal of real property, in any treaty which will eventually be considered by the Senate and the administration.

The subcommittee intends to continue to discharge its legislative oversight responsibility in regards to the continued effective operation of the Panama Canal.

The committee continued its role of watchdog during the first session of the 92d Congress—as it has in the past—to assure, as far as possible, the continued maintenance and operation of the remaining Public Health Service Hospitals.

At my request, the general counsel of the Department of Health, Education, and Welfare—HEW—submitted a legal opinion relative to its legal responsibility to continue the operation of the PHS hospitals. A legal opinion dated June 21, 1971, submitted by HEW's general counsel, maintained that HEW did have the authority to close these hospitals. I referred this opinion to the Comptroller General, Elmer Staats, asking for his legal opinion. On February 23, 1971, I received an eight-page legal opinion from the Comptroller General which indicated, among other things, that HEW does not have the authority to close all of the PHS hospitals.

Meanwhile, HEW has continued to press ahead with its plan to phase these facilities into community management and use. Information developed by this committee indicates that these conversion proposals are fraught with administrative, legal, and economic problems, and the committee intends to keep a watchful eye on the progress of HEW's current proposals.

Since the committee has a responsibility to see that merchant seamen and Coast Guard personnel and dependents are guaranteed adequate medical care under the PHS system, it intends to continue to discharge its responsibility in this area.

Mr. Speaker, attached to this report is a table reflecting the number of bills reported by the Merchant Marine and Fisheries Committee during the second session of the 92d Congress. As I said earlier in this report, a more detailed account of all committee activities during that period will be found in a formal committee report to be printed at a later date.

Finally, I feel that the members of the committee should be commended for this committee's record of accomplishments and activities, and I want to take this opportunity to thank each of them for the important role they played in making this fine record possible.

BILLS REPORTED BY THE MERCHANT MARINE COMMITTEE—92D CONG., 1ST SESS.

| Bill No. | Title | House Report No. | Senate Report No. | Public Law No. |
|---|---|---|---|---|
| H.R. 19 | To provide for a coordinated national boating safety program. | 92-324 | | 92-75 |
| H.R. 56 | To amend the National Environmental Policy Act of 1969, to provide for a National Environmental System. | 92-203 | | |
| H.R. 155 | To facilitate the transportation of cargo by barges specifically designed for carriage aboard a vessel. | 92-119 | 92-417 | 92-163 |
| H.R. 701 | To amend the Migratory Bird Hunting Stamp Act of Mar. 16, 1934, to authorize the Secretary of the Interior, in his discretion to establish the fee for such stamp. | 92-424 | 92-578 | 92-214 |
| H.R. 755 | To amend the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, to convert criminal penalties to civil penalties in certain instances, and for other purposes. | 92-478 | | |
| H.R. 760 | To revise and improve the laws relating to the documentation of vessels. | 92-378 | | |
| H.R. 2587 | To establish the National Advisory Commission on the Oceans and Atmosphere | 92-201 | 92-333 | 92-125 |
| H.R. 3304 | To amend the Fishermen's Protective Act of 1967 to enhance the effectiveness of international fishery conservation programs. | 92-468 | 92-583 | 92-219 |
| H. R. 4724 | To authorize appropriations for certain maritime programs of the Department of Commerce. | 92-62 | 92-132 | 92-53 |
| H.R. 5060 | To amend the Fish and Wildlife Act of 1956 to provide a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft. | 92-202 | 92-421 | 92-159 |
| H.R. 5208 | To authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard. | 92-124 | 92-278 | 92-118 |
| H.R. 5352 | To amend the act to authorize appropriations for the fiscal year 1971 for certain maritime programs of the Department of Commerce. | 92-63 | 92-106 | 92-21 |
| H.R. 6239 | To amend the maritime lien provisions of the the Ship Mortgage Act of 1920. | 92-340 | | 92-79 |
| H.R. 6479 | To provide for the licensing of personnel on certain vessels. | 92-125 | | |
| H.R. 7117 | To amend the Fishermen's Protective Act of 1967 to expedite the reimbursement of U.S. vessel owners for charges paid by them for the release of vessels and crews illegally seized by foreign countries, to strengthen the provisions therein relating to the collection of claims against such foreign countries for amounts so reimbursed and for certain other amounts, and for other puposes. | 92-426 | 92-584 | |
| H.R. 8140 | To promote the safety of ports, harbors, waterfront areas, and navigable waters of the United States. | 92-563 | | |
| H.R. 9756 | To amend the Merchant Marine Act, 1936 | 92-688 | | |
| H.R. 10384 | To amend the act of Sept. 28, 1962 (76 Stat. 653), as amended (16 U.S.C. 460k-460k-4) to release certain restriction on acquisition of lands for recreational development at fish and wildlife areas administered by the Secretary of the Interior. | 92-706 | | |
| H.R. 10420 | To protect marine mammals; to establish a Marine Mammal Commission; and for other purposes. | 92-107 | | |
| H.R. 10577 | To authorize the foreign sale of certain passenger vessels. | 92-519 | | |
| H.R. 11589 | To authorize the foreign sale of certain passenger vessels. | 92-167 | | |
| S. 699 | To require a radiotelephone on certain vessels while navigating upon specified waters of the United States. | 92-346 | 92-78 | 92-63 |

## DISEASE CALLED COOLEY'S ANEMIA

### HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 28, 1972*

Mr. GIAIMO. Mr. Speaker, on Wednesday, February 23, I included in the CONGRESSIONAL RECORD a statement that provided information about a little-known but tragic disease called Cooley's anemia. If any of my colleagues have not had an opportunity to read that statement, may I suggest their reading of it. It is on page 5353. Reading time is less than 3 minutes.

The statement presents some startling data. It tells us that hardly anyone with Cooley's anemia reaches the age of 21, that there are now well over 100,000 Cooley's anemia victims in the United States, and although the disease was peculiar only to persons of Mediterranean backgrounds at one time, it has through intermarriages of our American people become a hereditary disease that anyone could have if the traits have been genetically formulated in parents. Americans of Swedish, Hebrew, Oriental, and German descent are just as susceptible to the disease as are Americans of Italian, Greek or other Mediterranean heritages.

Cooley's anemia is not the same as sickle cell anemia. The only thing which both diseases have in common is that they are blood disorders. The modes of research, treatment, and training differ. However, there is now a bill in the House Interstate and Foreign Commerce Committee which will provide fiscal assistance for sickle cell anemia. If this bill, delivering around $125 million, is extended to include funds for Cooley's anemia, then perhaps the cure for both fatal diseases can be achieved simultaneously so that the victims of Cooley's anemia, mostly children, can also have an equal chance for survival. It is a significant fact that while sickle cell anemia seems to be confined to a racial group, the forward and spreading surge of Cooley's anemia seems to accept no limits. If not checked, Cooley's Anemia can eventually affect more people than sickle cell anemia.

To develop further understanding of Cooley's anemia, may I bring to the attention of my colleagues two documents which I received from the Cooley's Anemia Blood and Research Foundation for Children, a private, national organization based in New York City. One is a reprint of a New York Times article, which provides some background information. The second item is more significant. It is a rough breakdown of the fiscal needs of Cooley's anemia, spread across a 5-year period. I believe this outlay shows that while the medical need is desperately urgent, the fiscal costs required to match the need are not so extraordinary that their inclusion in the sickle cell bill would appear extravagant.

I urge my colleagues to develop an awareness of Cooley's anemia and to join me in efforts to combat this disease by supporting an extension of the sickle cell bill.

I insert the two items to which I have referred in the RECORD at this point.

The articles follow:

FOUNDATION OFFERS HOPE TO CHILDREN NEAR DEATH

(By Dudley Dalton)

Sixteen years ago, Frank J. Ficarra had a butcher shop in Brooklyn. Across the street was a fish store owned by Joseph Caltabiano. They were both merchants and both of Italian descent, but it was something much more personal that drew them together. Their children had thalassemia major, more commonly known as Cooley's Anemia.

The disease, which primarily affects people of Mediterranean descent, is incurable and usually fatal, a fact that the Ficarras and Caltabianos had accepted, but the costs were exorbitant.

The Ficarras had two children afflicted with the disease and the Caltabianos had one. Each child required transfusions of blood every two to four weeks and it cost $35 a pint in 1954.

The three children are dead, as is Mr. Ficarra, who had a heart attack, but the work started by these two families, along with five others they had met in hospitals, is providing hope for thousands of children with Cooley's Anemia.

Since its birth in Brooklyn, the organization started by these families, the Cooley's Anemia Blood and Research Foundation for Children, has awarded thousands of dollars for medical research into the disease, has sponsored blood drives to lighten the financial burden on the families and has held two seminars on Cooley's Anemia to enable physicians from around the world to exchange information on the disease.

Tomorrow, the foundation, which has grown to thousands of members with chapters or branches in Brooklyn, Staten Island, Nassau, Suffolk and Westchester and in Southern California, Illinois, Pennsylvania, New Jersey and the Southern states, will officially begin its annual fund drive with a goal of $250,000.

Some advances have been made. In 1930, five years after Dr. Thomas B. Cooley of Detroit identified the disease, the life expectancy of a child with Cooley's Anemia was little more than a year. Today, it is more than 20 years.

Edward D. Paradiso, national president of the foundation, which has headquarters in New Hyde Park, L. I., said that in addition to the medical advances that have been made the big difference between today and 1954 was that more information about the disease is available.

"It was very difficult for parents to make decisions then," he said.

The great danger, in the view of Lawrence Rosano, president of the Long Island chapter, is that interest in the disease will wane and

that it will spring up again in unexpected places.

Mrs. Ann Freedman, executive director of the foundation, stressed Mr. Rosano's point that Cooley's Anemia could not be considered restricted to any one ethnic group when she recalled meeting a young boy suffering from the disease who had red hair, freckles and a thoroughly Irish name.

TWO FORMS OF DISEASE

The severe form of the disease is called thalassemia major. A child afflicted with this form is handicapped to the extent that he cannot engage in strenuous physical activities. Another form of the disease is thalassemia minor, which has little or no effect on the carrier.

At present, there are 100,000 children in the United States, including 700 in the New York metropolitan area, with thalassemia major in the United States as well as hundreds of thousands elsewhere in the world. The word thalassemia comes from the Greek thalassa, meaning sea.

Dr. Edward C. Zaino, chairman of the advisory committee of the foundation, said that while there was no cure in sight at present for the severe form of the disease, progress has been made.

Dr. Zaino, who is affiliated with Meadowbrook Hospital in East Meadow and Mercy Hospital in Rockville Centre, said that one problem is that the transfusions create excess amounts of iron and that they are now working on ways to break down this iron, which collects in the liver, heart, pancreas and other organs.

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COOLEY'S ANEMIA FOUNDATION NEEDS

I Patient Services:

A. Pilot Projects Clinics: (transfusion and screening), (one clinic); $1,250,000 5 yrs.

5 year program—$250,000 annually.

1. Free laboratory tests.
2. Free screening tests.
3. Genetic counseling, psychologist & psychiatrist.
4. Free transfusion clinic.

B. Help to families:

1. One agency for blood requirements.
2. Automatic payment of medical bills.
3. Payments for transportation to clinics and areas of medical therapy.
4. Payment for expenses of family seeking medical care elsewhere.

II Research—5 year program:

A. Increase in research grants; 1 million annually for thalassemia research, $5,000,000, 5 yrs.

B. Medical research for chelating agent 1000 children in program; $21 per week per child ($3 per injection); $100,000 for first year (daily injections); $500,000, 5 yrs.

C. Research with animal models (chelating agent); $75,000—one year, $375,000, 5 yrs.

D. Research in dental problems; Dental checkup; 100 children in program—$100,000—one year; $500,000, 5 yrs.

E. Cooley's Anemia Fellowship; $750,000, 5 yrs.

To be set up in medical schools or university hospitals, about 10 in each of our cities with many cases of Cooley's Anemia: $15,000 each annually—$150,000 first year.

III Potential Survey—1 year; $85,000 1 yr.

One research person, to do professional survey.

Staff of ten, to complete survey for administrator.

IV Mass Education, $75,000.

A. Two new educational films for laymen, Medical—for residents and interns.

B. Additional brochures for government agencies.

V Foundation Office Staff Increase: $152,000 5 years.

Medical case worker

Secretary

Office expenses, $8,687,000.

## MARK EVANS WELCOMES MARIE ANTOINETTE

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## HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 28, 1972*

Mr. RONCALIO. Mr. Speaker, last week I inserted into the RECORD several items marshaling certain facts regarding this community which in my opinion support the conclusion that the plans for a sports arena and convention center south of Mount Vernon Square ought to be abandoned summarily.

Mr. Mark Evans, the vice president and director of public affairs for Metro Media, Inc., of Washington, D.C., was quick to respond. In the event my position held some unfair or inaccurate matters, I am sure that Mr. Evans' letter would correct the record. I therefore am pleased to insert it into the RECORD. It follows:

METRO MEDIA, INC.,
*Washington, D.C., February 25, 1972.*

Hon. TENO RONCALIO,
*House of Representatives,*
*Washington, D.C.*

DEAR CONGRESSMAN RONCALIO: My attention was drawn to some remarks of yours which were printed in the Congressional Record.

I am at a loss to explain the half truths that you chose to expound on the floor of the House of Representatives. Mr. Congressman, I have spent more than thirty years on the Washington scene. Much of those thirty years have been spent trying to make this city a better place in which to live. The allegation that I and the Board of Trade, in a heartless manner, are suggesting that the poor people of Washington might "eat cake", a la Marie Antoinette, is probably the most outstanding example of demagoguery that I have ever seen in the thirty years I have been here.

You single me out, for some reason, even though I am no longer the Chairman of the Commission. You are obviously getting your information second hand, and it is obviously substantially biased information. In the first place, if you read my testimony, you will know that I did not shift metaphors."

Mr. Congressman, I have visited eight of the fifteen major cities in the United States to see what the Sports Arena and Convention Center have meant to downtown areas. Coming from Wyoming, you no doubt have seen what Salt Lake's Ice Palace has done for that city. From there, you might check on Atlanta, New Orleans, Kansas City or St. Louis to see what has happened to run down mid-town areas. Let me assure you, the people who are screaming the loudest are people who have their own dollar interests in mind.

The Chinese community is to be protected. I am sure you can clear this with Congressman Gray for whom you evidenced considerable admiration.

My suggestion to you, my Western friend, is to taken a few minutes and drive the area involved. I have witnessed the deterioration over the last twenty years. Those people who are most upset feel that the Convention Center is vital to the city. They simply want it placed somewhere else. Most of them suggest, as did the Washington Post, the use of Union Station. When this was originally proposed, the Black Community in that area came out four square against it.

I was amazed at your stating the Booz-Allen report was "pie in the sky" stuff. Let me assure you, there are over one hundred conventions who want to come to the National Capital. I imagine some of them might even come from Wyoming. A conventioneer spends approximately $200 during his stay in the city. One convention alone, the National Educators Association, is talking of 10,000 people. I am sure you can appreciate what this would mean to the income of this city, an overwhelming percentage of which reaches the pockets and pocketbooks of the people who live and work here.

I find it an easy task to criticize. Let me assure you, your attack on me personally is most discouraging. I own only my home in the District of Columbia. I have nothing whatsoever to gain in trying to bolster the city's future. With opposition such as you have articulated, I am strongly inclined to roll over and play dead and join the list of critics instead of those who want to produce something that will make this a healthier city.

You are too important a man not to know the facts of this matter. I would be honored to bring to you the details of this project which I cannot help but believe you would support. Let me assure you, the Mayor, Congressman Fauntroy, the City Commission, the Washington Post, the Evening Star, the new Black Chairman of the Bicentennial Commission, the Chairman of the Black Chamber of Commerce, many of the responsible Chinese as well as the entire business community support the project. I am sure the majority of the public at large feel it is a must.

I am flattered that you would single me out, but I really feel I should share this honor with the above names of those who believe "the poor people should eat cake." If I have one suggestion, it will be for you to get together with Congressman Gray and his staff and allow us to come and delineate the true facts. I can only assume that your staff aide didn't want to be "confused with the facts as his mind must have been made up."

Most sincerely yours,

MARK EVANS.

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## PLIGHT OF THE BIHARS

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## HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 28, 1972*

Mr. DERWINSKI. Mr. Speaker, while the press has been consistently reporting on the complications involving India, Pakistan, and the internal developments in Bangladesh—East Pakistan—there is growing evidence that a great deal of the internal turmoil continues in that area.

Many of the guerrilla units have refused to turn in their arms as requested by Sheikh Mujibur Rahman, and, as a result, lawlessness, terror, and violence periodically erupt.

One of the special complications involves those in what is now Bangladesh that did not support the guerrilla Indian army efforts to wrest the area from Pakistan. An especially dangerous situation faces the Biharis, a non-Bengali group of Muslims. Their plight is eloquently told in an editorial carried in the Christian Science Monitor of February 23.

The editorial follows:

PLIGHT OF THE BIHARS

In its first two months of independence Bangladesh has built up a considerable stock of international goodwill. More than 30 states have recognized it diplomatically. Its Presi-

dent, Sheikh Mujibur Rahman, is widely respected as an intelligent and capable leader. Most of the 7 to 10 million refugees, who fled to India to escape from Pakistani Army reprisals last year, have now moved back to their homeland and the remainder will follow shortly.

It would be most unfortunate if Bangladesh were to mar this favorable beginning by persistent persecution of the minority in its midst—the Urdu-speaking Biharis. This group of Muslims from the state of Bihar, who number about 1,500,000, chose to settle in East Bengal when Britain partitioned the subcontinent between India and Pakistan. But they have never integrated with the native Bengalis. In language and culture they are akin to the (West) Pakistanis and therefore they tended to support the Pakistani Army in its abortive drive to stamp out the Bengali separatist movement. Since the liberation scores of Biharis have been killed in clashes with Bengali troops and guerrillas.

Probably most of the Biharis would now like to be transferred to Pakistan, but there is little hope of such a solution.

Sheikh Mujib has his own plan for the minority. He wants to break up the ghetto areas and disperse the Biharis throughout the country on the ground that it will thus be easier for them to integrate with the local people.

But if he does this, he must see that persecution of the minority stops and that the Biharis are accorded equal rights with the Bengalis, wherever they are sent.

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## STATEMENT ON H.R. 1 BY THE GOVERNOR OF MISSOURI

## HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 28, 1972*

Mr. SYMINGTON. Mr. Speaker, I would like to draw the attention of my colleagues to a statement by Hon. Warren E. Hearnes, Governor of Missouri before the Senate Finance Committee. In this testimony, Governor Hearnes described the financial and administrative problems faced by the States under the current welfare system, as well as his suggestions for possible amendments to the welfare reform bill, H.R. 1.

The statement follows:

STATEMENT BY HON. WARREN E. HEARNES, GOVERNOR OF MISSOURI

During recent years the need for reform in our welfare system has assumed crisis proportions. This has been brought about by three specific developments: sharply increasing welfare rolls; growing recognition of the inequities and problems of the system itself; and the resultant crippling fiscal burdens on the states.

In Missouri during the last ten years state costs of welfare have increased by 117 per cent, while the welfare rolls have about doubled. This is particularly true of the AFDC program which, during this period, increased by 153 per cent in caseload and 138 per cent in state costs. The spiraling costs of welfare have imposed severe fiscal problems on the states which demand urgent and immediate consideration. Failure to relieve the states of this staggering fiscal burden could cause widespread distress to the detriment of other basic and essential state services.

Although the welfare reform program, as presently constituted, offers some improvements and constructive changes in the welfare system, it contains certain restrictions and inequities, which I oppose, and offers false hopes that the transition to federal administration is the panacea for all our welfare problems.

The administration, in its desire for congressional approval of welfare reform, has placed much emphasis on "workfare" rather than welfare. While few will argue against the need to place all able-bodied welfare recipients in remunerative employment and self-sufficiency, the implication that a large number of persons on welfare are employable has no basis in fact. This is certainly true in Missouri where almost nine out of ten persons on welfare are the old, the young, the sick and disabled, none of whom could work if jobs were available. To say that the welfare rolls can be substantially reduced as a result of the work features in HR 1 is strictly a myth and nothing more. Even for those who are referred for job training in preparation for employment, the question arises concerning the availability of work in view of a national unemployment rate of about 6 per cent, which is even greater for certain groups such as the young and the black.

For those who are able to work, a job should be assured either in public or private employment at a rate not less than the applicable minimum wage. This would require a vast public works program substantially larger than the 200,000 public service jobs provided for in HR 1. It would also require ample day care facilities for mothers needing day care for their children. As a further incentive for employable mothers to find full time employment, day care should be provided for up to one year. Both the public works program and day care should be funded 100 per cent through federal funds.

On a number of occasions I have advocated complete federal funding of the welfare program which, in my opinion, would provide national standards of eligibility and need, as well as equitable payment levels regardless of geographic location. This would eliminate the wide disparities which now exist among the states in need and payment standards and would, accordingly, treat all needy persons on an equitable and fair basis.

However, I do not support federal takeover of the administration of the welfare programs. The bill before you provides for a multiple system of administration with the adult programs placed under the Social Security Administration and the present AFDC program separated with Part A—Opportunities for Families Program—placed under the Department of Labor; and Part B—Family Assistance Plan—placed under the Department of Health, Education, and Welfare. This fragmented arrangement, in my opinion, will only add to present administrative complexities associated with these programs, and cause widespread confusion and inconvenience to persons seeking help. The administration of these services should be consolidated in one place as much as possible so that people are not shuttled from one office to another. I would suggest that the states continue to administer these programs under federal guidelines and supervision, but with federal funding of administrative costs. This would follow the pattern established for the administration of the Employment Security program.

The basic Federal floor guaranteed by this legislation is inadequate. The annual payment of $2,400 for a family of four on welfare rolls is substantially under the poverty level and is the same amount to be paid an adult couple after 1974. The basic family payment should be increased to at least $3,000 annually for a family of four. *In making this suggestion, however, I must point out to the Committee that I have some misgivings as to any guaranteed annual floor, and would certainly be opposed to such a condition if working poor are included in the legislation. The danger, as I see it, is that prior to every election the Members of the Congress would be subjected to intense pressure to increase the floor. And, such periodic increases, if made, could very well break down the entire system within the next few years.*

Another problem is that the bill provides for optional supplementation of the federal welfare payments with no federal matching. This would affect approximately 50,000 adult cases in Missouri whose present OAA–OASDI combined payments are in excess of the federal maximums of $130 for single persons and $195 for couples, the first year. We estimate the amount of this supplementation at $25.0 Million per year, which will have to come entirely from state funds. In order to insure no reduction in benefits, states should be required to supplement payments above the federal maximums with the federal government matching these payments at 50 per cent.

No provision is made for single persons or childless couples who are not eligible under one of the adult programs. These persons should be included in the bill.

HR 1 provides a cost-of-living adjustment for social security benefits, but freezes welfare payments by the federal government for five years. A cost-of-living factor for welfare payments should be included in this legislation.

In view of the magnitude of the welfare reform proposals, I suggest that changes be made on a gradual or phased basis. Considering the additional cost and numbers involved, it would be advisable to eliminate the "working poor" from the bill at this time. As the program develops and matures, a better perspective can be gained of its success in correcting present welfare problems and the feasibility of expanding its services in scope and coverage.

The rule-making authority granted to the Secretary of Health, Education, and Welfare under this bill should be curbed. Although provision for a certain degree of flexibility and judgment in the administration of the welfare program is essential, unlimited authority can lead to unreasonable and arbitrary demands upon the states. This has occurred in the past and should be prevented in the future.

With respect to the Title XIX Medicaid provisions, I would recommend the removal of the following restrictions:

1. Section 1902(d) of Title XIX relates to the maintenance of state fiscal effort. Under this provision, a state wishing to reduce the scope or extent of care or services provided under its medical assistance plan must submit an application by the Governor and approval by the Secretary of Health, Education, and Welfare. In the application the Governor must certify that the amount of non-federal funds expended in providing medical services in the year following the modification is not less than the amount of such funds expended in the year prior to the quarter in which such modification became effective. This provision works a hardship on states which must reduce welfare costs since medical assistance payments from non-federal funds must be maintained at the prior year level. This means that other welfare services must share a disproportionate reduction in order to keep expenditures within available funds. This restriction should be removed in order to provide more flexibility and latitude to the states in the expenditure of state funds.

2. As presently written, Section 207 would decrease the federal medical assistance percentage by one-third after the first 60 days of care in a general or TB hospital. This would result in a loss of federal funds, particularly for patients in a TB hospital.

This section would also reduce the federal percentage by one-third after the first 60 days of care in a skilled nursing home, un-

less the state establishes that it has an effective utilization review program. Whether this would result in a loss to the state, and if so, how much, would depend on the federal regulations which would define an "effective utilization review program."

3. There is also a decrease in federal matching by one-third after 90 days of care in a mental hospital, plus the 275 day life-time maximum. This would severely reduce the Title XIX Program of payments to state mental hospitals.

4. With respect to the adults, under "optional state supplementation" there is a statement that states could, but would not be required to, under Medicaid, cover persons made newly eligible for cash benefits under HR 1. We believe it would be extremely difficult to impose such a limitation and have some recipients in the state not covered by Medicaid, even though this may be optional with the state. If there is no "hold harmless" provision, this would become a very costly addition in the future.

In order to provide adequate and comprehensive medical care to all our people, a national universal health insurance program should ultimately be established. Such a plan would replace the present Medicare and Medicaid programs which have proven inadequate to properly meet our medical needs, particularly in the area of prevention and rehabilitation. Pending the establishment of a national health program, the Federal government should assume the full cost of the Title XIX Medicaid program.

As I indicated in my testimony before the Senate Finance Committee on September 10, 1970, with reference to the welfare reform measure, I have strong reservations about the workability of the administration bill and believe it should be thoroughly tested through pilot projects before put into effect on a nation-wide basis. These pilot projects should be carried out out in selected cities presenting diverse problem areas and administrative structures.

The rising costs of welfare are forcing Missouri, and I am sure most other states, to the brink of financial disaster. Unless substantial fiscal relief is provided by the federal government soon, severe restrictions will need to be placed on payments and services to persons on the welfare rolls.

We believe it imperative that federal relief in the form of a "hold harmless" provision; the rebate to the states of a certain amount of dollars for each welfare recipient; or an increase in the formula which governs the amount of federal matching funds available for each of the categories, should come about during the current fiscal year ending June 30, 1972. The financial problem is here now and is acute, and must be remedied.

## THE SCANDAL OF ABORTION

### HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 28, 1972*

Mr. HOGAN. Mr. Speaker, I have become greatly troubled by the direction the national debate over abortion appears to be taking.

The trend toward casual, unthinking acceptance of abortion is nearly as scandalous as the act of abortion itself, which is the destruction of a helpless unborn human being. The people who argue that an abortion is just another operation such as a tonsillectomy have either overlooked or ignored the scientific and medical facts and the frightening ramifications of abortion, which are discussed by Dr. Kenneth M. Mitzner in a powerful article entitled "The Scandal of Abortion." The article appears in Ideas, and I now insert it into the RECORD:

THE GROWING SCANDAL OF ABORTION

(By Dr. Kenneth M. Mitzner)

What is an induced abortion? It is the killing a distinct, irreplaceable, unique human individual. *At best,* it is equivalent to killing a person in his sleep. And, as we all know, killing a person in his sleep, even without inflicting any pain, is a more serious offense than causing him painful injuries which are not fatal. This is because *the offenses lies in depriving the individual of the rest of his life.*

THE BASICS OF THE ISSUE

At what exact moment does a new human being come into existence? Nobody knows for sure. There are competent medical researchers and ethicists, men sincerely devoted to the cause of respect for human life, who question whether an individual is present during the first fourteen days after conception, the period when twinning is possible.[1 2] The issue, reduced to very simple terms, is this: Does twinning represent the development of two individuals from a matrix which is only "potential" human life, or is it the formation of a second individual where one individual exists?[3]

In the absence of a clearcut answer (and it is possible we will never have one), it is our duty to give the living, growing human cells the benefit of a doubt. *We must protect human life from the moment of conception,* not because we are *sure* that an individual is present, but because we cannot be sure of the contrary. This means rejecting some of the new birth control techniques, such as the intrauterine device and *some* varieties of the pill, which allow conception but prevent implantation in the uterus. There are plenty of other methods to take their place.

There still arise some tragic cases in which the right to life of the unborn child is outweighed by the right to self-defense of the mother, and in these cases abortion can be justified. Such situations are rare and becoming rarer. St. Louis City Hospital, in 1966–68, did one abortion to 5,101 live births and had zero maternal mortality.[4] Margaret Hague Maternity Hospital in Jersey City, where the religious convictions of most of the patients reinforced (and even molded) the conservative attitude of the doctors, reduced the abortion rate to one in 17,500 before abandoning therapeutic abortion altogether.[5 6] Any justification which does exist for taking the baby's life will vanish with the advent of "artificial wombs" now under development.[7]

Most of the situations which arise today are covered by the letter of laws allowing abortion to protect the life of the mother. In fact, the choice is usually between saving the life of the mother and losing both lives. Situations in which the danger to the mother is non-lethal but still drastic enough to justify self-defense are covered by specific court decisions and by the reluctance of district attorneys to indict. Indeed, the laws allowing abortion to protect the life of the mother have in practice been stretched to encompass a considerable number of abortions—many in highly respectable hospitals—where there is no threat to the mother's life or health.[8 9]

*But there is not a place in America today where the unborn child has the protection he deserves.*

THE BABY AS VICTIM

Conception occurs about halfway through a woman's menstrual cycle. By the time she has strong reason to suspect she is pregnant, there is already no question but that her body houses, a distinct new human individual. By the time the presence of the baby can be verified—usually in the fourth week after conception[10 11]—his heart is beating, the three principal regions of his brain have begun to differentiate, and all other organs are present in at least primitive form.[12 13 14]

In practice, it is rare for pregnancy to be verified and an abortion performed less than six weeks after conception. A woman tends to wait for the second missed period before going to the doctor—especially if she doesn't want to believe she's pregnant. Abortion at six weeks kills a little human being with arms and legs, fingers and the beginning of toes.[15] His head may appear outrageously large compared to his body, but this is only because of the rapid rate at which his brain is developing. At this age will already respond, by flexing his neck and trunk, if his lips or nose are stroked lightly.[16] His brain waves can be observed with modern electronic devices.[17]

There are two standard techniques for killing a baby at this age. In a dilation and curettage (D and C), the abortionist reaches into the womb with a sharp instrument (curette), cuts the baby and his associated membranes into small pieces, and scrapes them out. Dr. Alan Guttmacher, one of the leading advocates of abortion, has described this process in detail. He compares the removal of recognizable "fetal parts" to "tonging for oysters."[18]

The D and C is being displaced by suction curettage, in which the baby is torn from the wall of the uterus by a small but very powerful vacuum cleaner. The doctors who use this device frequently refer to it by the affectionate term "baby-scrambler."

A six-week fetus is only about an inch long and may pass through the baby-scrambler in one piece. The method is used, however, up to about 3½ months, when the baby is three of four inches long, and the older babies are torn to pieces by the suction. The doctor who does the abortion never has to look at the results of his work. However, after a legal abortion, the pieces have to be examined in the pathology laboratory, just as a tonsil or an appendix has to be examined. Needless to say, many pathologists are revolted by this task and have been very cooperative in providing photographs of the dismembered babies for use by anti-abortion groups.[19]

The head, the rib cage, and the limbs are usually separate and recognizable. The eyes are frequently popped. The abdomen has been torn away and the viscera emptied out, but in some specimens the heart and the intestine are identifiable. A skilled doctor can do this to fifteen babies a day and still have plenty of time to play golf.

At best, we said, abortion is equivalent to killing a person in his sleep. But the victim of the baby-scrambler is no silent sleeper. Depending on his age and inclination, his last moments may be spent swimming in his watery surroundings, drinking some of the fluid, learning to coordinate the movement of his hands, sucking his thumb, or making faces.[1 20] Certain types of anesthetic, given to the mother, will also knock the baby out,[21] but the trend is toward giving her a local anesthetic which usually has no significant effect on the baby.

Beyond fourteen weeks, the most popular method of abortion is "salting out."[22] A needle is inserted through the wall of the mother's abdomen into the bag of waters surrounding the baby. Some of the fluid is removed and replaced by a concentrated salt solution. The salt solution draws out the baby's body fluids and sears his skin. It also creates pressure imbalances which cause hemmorhage of the brain and of other internal organs. Death is slow and painful.

How slow? The younger babies, whose skin is very thin and delicate, probably last only a few minutes. Older babies have lived through almost two full days of immersion in the salt solution and then have been

Footnotes at end of article.

born alive. It can safely be assumed that all intermediate gradations exist.

*One little girl in New York survived and was put up for adoption.*[23] In California, the best known case is that of Baby Girl Wolfe. She was sixteen inches long and weighed three pounds. According to her death certificate, for twelve hours she was a citizen of the United States. "Last occupation: Infant." "Number of years in the occupation: Life." For twelve hours, she was a constituent of State Senator Anthony Beilonson, who wrote the law under which she was exterminated.

Perhaps Baby Girl Wolfe would be alive today if the hospital where she was born had had adequate facilities for treating live babies. The attending nurse did everything possible to save her life, but her superior told her she couldn't transfer the baby to another hospital without the permission of the attending physican. Without the permission of the doctor who had worked for two days to kill the baby. The nurse finally called the fire rescue squad, but it was too late.

When the doctor is present, he can usually prevent any attempt to save the baby. Fortunately, it is standard procedure for the doctor to not be there when the woman gives birth to the salted-out baby. Just as with the suction curettage, the doctor need never directly confront the fruit of his labors.

How painful is salting out to the baby? the fact that unborn babies react strongly to pain has been well established in the course of research on giving them blood transfusions.[24] The babies who are killed by saline abortion are all well beyond the age at which almost the entire body surface is sensitive to touch and to pain.[25 26] The exception is the top and back of the head, the regions which receive the roughest handling in birth. These areas are completely insensitive until after birth.[26] Apparently the child is so strongly affected by pain that sensitivity in these regions would reduce his chance of survival.

The last of the popular methods of abortion is hysterotomy. This operation is very much like a Caesarian delivery.[27] the main difference is the intent. Hysterotomy is the principal method used on babies beyond the age at which salting out is effective. Since the doctor is present, embarrassing rescues can be avoided. Sometimes the baby is just left to die, sometimes drowned, sometimes wrapped tightly in a surgical towel until he stops moving.

Some of the old-timers in the abortion industry, like Dr. Leon Belous of Beverly Hills, prefer hysterotomy to salting out. Incidentally, Dr. Belous, who now has a multi-million dollar legal abortion practice, was being represented in an illegal abortion case by the law firm of Beilenson and Leavy at the same time Beilenson was promoting "abortion reform" out of sheer altruistic interest in the plight of reluctant mothers.[28]

* * * * *

If the reader still has any doubt that abortion is the killing of a human being, consider the testimony of Malcolm Watts, M.D., the passionately pro-abortion editor of *California Medicine*, official journal of the California Medical Association. Dr. Watts puts it this way in a recent editorial:

"The very considerable semantic gymnastis which are required to rationalize abortion as anything but taking a human life would be ludicrous if they were not often put forth under socially impeccable auspices." [29]

Paul Ehrlich, the insect biologist turned messiah who leads the Zero Population Growth movement, is one of the few pro-abortion leaders who has tried to deny in writing that the fetus is a "human being." In the same sentence, he defines the fetus as an "unborn child." [30]

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Footnotes at end of article.

THE RIGHT TO LIFE

The laws of the United States and the several states protect the right to life of Jews, Gypsies, Negroes, Mexicans, Puerto Ricans, old people, cripples, imbeciles, and various other classes of human beings which are considered undesirable or burdensome to large elements of our society. It would therefore seem reasonable that these same laws should protect the right to life of the unborn baby.

It would seem reasonable, that is, if it were not for the incessant clamoring of those who have made a cult out of killing the unborn. We are bombarded from all sides by propaganda praising abortion as the cure to all the world's ills, and denouncing those who oppose it as reactionaries, hide-bound puritans, woman-haters, lackeys of the Pope, and horror of horrors, enemies of ecology. It is by no means easy to stand firm in the face of this barrage.

Perhaps then it would be a useful exercise to examine the principal arguments of those who would deny the protection of law and society to the unborn child and to see where they go astray.

* * * * *

The most grotesque of their arguments is the "unwanted child" argument. It is better, they say, to be dead than to be unwanted or poor or handicapped. They usually back his argument up with inflated psuedo-statistics on the number of battered children and imply that battery is the common fate of the unwanted.

Perhaps the best answer to their argument was given by the New Jersey Supreme Court in the case of Gleitman vs Cosgrove [31] In 1959, Jeffrey Gleitman was born with substantial defects in sight, hearing, and speech, the result of German measles. His parents claimed that they would have procured an abortion if Drs. Cosgrove and Dolan had not given a "reassuring answer" every time Mrs. Gleitman asked about the effects of her illness on the baby. Therefore, the Gleitmans sued the doctors for damages, on their own behalf and on behalf of Jeffrey. In rejecting all claims, the court reasoned as follows:

"The infant plaintiff is therefore required to say not that he should have been born without defects but that he should not have been born at all . . . In other words, he claims that the conduct of defendants prevented his mother from obtaining an abortion which would have terminated his existence, and that his very life is 'wrongful' . . . It is basic to the human condition to seek life and hold on to it however heavily burdened. If Jeffrey could have been asked as to whether his life should be snuffed out before his full term of gestation could run its course, our felt intuition of human nature tells us he would almost surely choose life with defects as against no life at all. 'For the living there is hope, but for the dead there is none.' "

President Nixon, in recent excellent statement against abortion [32], put it this way:

"A good and generous people will not opt, in my view, for this kind of alternative to its social dilemmas. Rather, it will open its hearts and homes to the unwanted children of its own, as it has done for the unwanted millions of other lands."

His statement was in part motivated by an open letter he received from eighteen prominent professors, physicians, and clergymen who summed up their position in these words: [33]

"We find bone-chilling similarities in the anti-life stance of sectors of American society and the Nazi propaganda and practice but a third of a century ago. Yesterday it was 'unwanted' Jews, Gypsies, political and religious dissenters, and the mentally or physical handicapped. Today in America for the moment it is only our 'unwanted' unborn. But tomorrow it may be our 'unwanted' aged or defectives and those who have outlived their usefulness. We face the specter of the manipulation of human beings from their genes to the life-goals."

The signers included Prof. Leo Alexander, who was an expert witness for the prosecution at the Nuremberg trial of Nazi medical war criminals and who is well known for his psychological studies of these men.[34 35 36] Another signer was Arthur Dyck, Professor of Population Ethics at Harvard. So much for the unwanted child argument.

* * * * *

Next we have the right-of-the-mother-to-do - what - she - wants-with-her-own-body argument. This argument not only ignores the fact that the unborn child is a separate individual, it also ignores the existence of a whole body of restrictive law on such subjects as prostitution, narcotics use, and selling oneself into slavery.

A related argument is the "viability" argument, which says that, since the child is completely dependent on the mother until he is viable in the outside world, the mother should have the right to dispose of him if she sees fit. The helplessness of the victim is used to justify his destruction.

* * * * *

The "defeatist" arguments have played a major role in the progress of the abortion movement. The essence of these arguments is that laws against abortion are ineffective and women who want abortions will get them anyway, so we may as well make the procedure legal and save the "thousands of women a year who are being killed by illegal abortionists.

First, let's get rid of this myth about thousands of women a year dying of illegal abortions. In 1965, before any state had an easy abortion law, there were 235 known deaths from illegal, legal, and spontaneous abortions. The doctors at the 1967 International Conference on Abortion—representing all positions from strong pro-abortion to strong anti-abortion—concluded that, allowing for unreported cases, 500 abortion deaths a year would be a reasonable overall figure.[37]

Five hundred deaths a year is five hundred too many. But does an attempt to save these women justify over 200,000 babies a year just in California and New York?

Make no mistake about it. Many of these abortions, perhaps most of them, perhaps an overwhelming majority of them would never have taken place if it were not for the permissive laws. It takes a massive mechanism of publicity, advertising, propaganda in the newspapers and the women's magazines, referral services, kickbacks to school nurses, pressure from social workers, and welfare fraud to feed the abortion mills of California and New York. In California, the domestic supply of babies for adoption has been dried up almost completely by abortion and babies are being imported from Asia and Latin America.

Frequently, a woman is under tremendous pressure from her family or husband or boy friend to have an abortion she doesn't want. Where the law is on her side, she may resist successfully. Where abortion is easy to come by, when the abortion mentality is rampant, she doesn't have much chance.

* * * * *

Much of the success of the abortion movement has been due to the overpopulation hysteria. We are shown pictures of the teeming streets of Calcutta and told that the whole world will look like in a few years unless we Abort! Abort! Abort! Nobody points out that India is only half as crowded (in people per square mile) as New Jersey, and that India's problems stem from abysmally poor

use of the human resources it has. Nobody points out that it will take the United States as a whole over two hundred years to reach the level of population density which is now sustained quite comfortably by New Jersey. Nobody points out that countries like Ireland and Spain, where abortion is almost non-existent, have much lower rates of population increase than the United States.

Fortunately, the hysteria is beginning to die down. America is taking a second look at Prof. Ehrlich's proposals that we solve our social problems by applying the principles of insect control. Even the Commission on Population Growth and the American Future, which is well stocked with enthusiasts of imposed population control and absortion such as Sen. Packwood, had to conclude that "There is little question that the United States has the resources, if it chooses to use them, to meet the demands of a population growing at the current rate as well as to correct various social and economic inequities . . ." [38]

* * * * *

The pro-abortionists frequently neutralize prospective opponents by making them feel guilty about "imposing their moral views on other people" or "trying to legislate morality."

I must plead guilty to being the type who likes to impose his morality on other people. Even as a child, I supported American participation in the war against Hitler. I am glad we liberated the concentration camps instead of allowing them to continue on a local option basis. If I saw a man on the street trying to murder an infant, I would do everything I could to stop him, even if the infant's mother asked me not to interfere, even if the murderer were a respectable doctor.

SOCIETY AS VICTIM

The consequences of abortion to society as a whole can be disastrous. As we've already seen, the leaders of the abortion movement are well aware that they are killing human beings. Furthermore, in addition to their interest in abortion, they usually advocate other measures and attitudes which involve the killing of innocent human beings. Dr. Watts made his frank comments about abortion in the course of an editorial in which he told doctors to "prepare to apply" a "new ethic" in which "it will become necessary and acceptable to place relative rather than absolute values on human lives." Under this new ethic, doctors would practice "death selection and death control" based on criteria which may include "personal fulfillment" and "betterment of the species." [39]

Three years ago, when the "Green Revolution" in agriculture was already under way, Paul Ehrlich wrote that the most "cheerful" future he could envision for the world involved letting up to a half-billion people starve to death, many as a result of willful decisions not to send food relief.[39] Now some of the developing countries are already looking forward to food surpluses.[40]

Alan Guttmacher, the doctor who likes to tong for human arms and legs, is best known as the head of Planned Parenthood and the man who turned it from an anti-abortion position ("An abortion requires an operation. It kills the life of a baby after it has begun. It is dangerous to your life and health. It may make you sterile . . .")[41] to a key role in the abortion establishment. Guttmacher is also on the Advisory Council of the Euthanasia Education Fund, which favors mercy killing for "physical or mental or spiritual disability." [42]

A recent meeting of the American Society of Anesthesiologists considered the question of whether a physician should try to resuscitate a sickly new-born "in view of recent liberalization of abortion laws, and the national concern over the population explosion." [43]

Twenty-two years ago Prof. Alexander described the first link in the long chain of Nazi medical war crimes with these words:

"It started with the acceptance of the attitude, basic in the euthanasia movement, that there is such a thing as life not worthy to be lived." [44]

It is any wonder that he and his associates are worried about what is happening in America today?

Exactly what did happen in Germany? The abortion movement began before 1900 and had significant support in intellectual circles by 1911.[41] An overpopulation psychology began to develop at about the same time. After Germany's defeat in World War I, there was a complete collapse of social and ethical values. Abortion, strongly promoted by certain intellectual groups, became rampant, although still illegal.[45 46 47] A "euthanasia" movement, more accurately a movement for medical killing of "worthless people," was launched in 1920.[48]

By the time Hitler came upon the scene even as a bit player, Germany society was saturated with the anti-life mentality. Hitler just perfected the techniques. His first program of mass killing was the extermination of over 275,000 Germans in a "euthanasia" program.[34 48]

Abortion for non-Aryans was promoted and even forced. The war crimes tribunals judged these abortions to be *crimes against humanity.*[49] It is interesting that some Nazi doctors balked at doing abortions beyond 20 weeks [50] but many American doctors do not.

THE FRENCH PHILOSOPHER

Let's go back a little further in history to revolutionary France in 1795 and the man who, as far as we can determine, was the first in the modern Western World to promote abortion as a means of population control and a matter of woman's rights:

"This state will forever be poor, if its population surpasses the means by which it can subsist . . . Do you not prune the tree when it has overmany branches? . . . but it is not at the moment that man reaches maturity one must destroy him in order to reduce population. It is unjust to cut short the days of a well-shaped person; it is not unjust, I say, to prevent the arrival in the world of a being who will certainly be useless to it." [51]

"The penalty against child-murdering mothers [in Europe] is an unexampled atrocity. Who then has a greater right to dispose of the fruit than she who carries it in her womb? . . . To interfere with the usage a woman chooses to make of it is stupidity carried beyond any conceivable extreme." [53]

Does anyone really believe France was overpopulated in 1795? Does anyone really believe that the Marquis de Sade made these statements because of a humanitarian concern for the welfare of society?

And, knowing the great literary influence Sade had on such diverse authors as Swinburne, Dostoyevski, and Baudelaire,[53] can anyone doubt that his political philosophy has also had a profound effect on modern political thought—not just in connection with abortion, but in many areas?

If you doubt it, let me suggest the following experiment. Read Sade's political pamphlet "Yet Another Effort, Frenchmen." [54] Then read Edgar A. Mowrer's contemporary account of Germany on the eve of Hitler's rise to power.[55]

Then look around you at America today. And shudder . . .

FIGHTING SADES' DISCIPLES

To be sure, those in and out of the medical profession who today advocate abortion-on-demand are usually Sadists only in the technical, historical sense. Although they are advocating a point of view first articulated by the villianous French Marquis, it would be unfair to accuse them all of harboring similar evil motives. Typically, the abortion proponent expresses his position in terms heavily larded with humanitarian and liberal sentiment. He asks us to believe in the purity of his motives—and probably believes in it himself. But, whatever his motivation, the practice he is advocating is nothing less than "an appurtenance of murder," in the words of the Dr. Israel Unterman, Chief Rabbi of Israel.

It is entirely fitting to quote the Chief Rabbi in this context since the issue of abortion is *inter alia* a profoundly religious one. Today much of the opposition to our current abortion scandal is coming from religious sources. On May 8 of this year, the Rabbinical Council of America, the major organization representing the one and one half million Orthodox Jews of this nation reasserted the traditional Jewish position against all but therapeutic abortion and urged state legislatures "to submit their abortion statutes the serious evaluation in view of the experiences of several states during the past year." Calling attention to New York City where 100,000 unborn children have been aborted, the rabbis condemned "permissive abortion laws" which contribute to "the general deterioration of moral values in our society." (For a complete study of the Jewish position on abortion, the reader is referred to the article, "Jewish Law and the Abortion Controversy" by Michael S. Kogan which appeared in IDEAS, Vol. 1, No. 1 (Autumn, 1968).)

Other religious bodies have also spoken up against abortion-on-demand. The opposition of the Catholic Church is well-known—although, unfortunately, weaker now than formerly; and certain traditional Protestant denominations have expressed their alarm at the new permissive abortion laws. It is significant that in his statement of April 3. President Nixon based his view that "abortion [is] an unacceptable form of population control" on his own "religious beliefs" and on the fact that "ours is a nation with a Judaeo-Christian heritage."

Today, united action is called for from all those who cherish the moral and ethical values of that heritage. One concrete result of such action is the Birthright program, now operating in cities all across the United States and Canada. This agency provides women with the counseling and assistance they need to resist the abortion mentality, and bring their babies to term.

Such programs and attitudes must be encouraged if we are to successfully turn back the advances of the heirs of de Sade. Speaking out of nearly four thousand years of Western moral tradition, we answer their deadly philosophy with the words of Moses: "Behold, I set before thee this day life and death. Therefore choose thou life!"

FOOTNOTES

[1] Hellegers, A. E., Fetal Development. *Theological Studies.* March 1970.

[2] Cooke, R. E., et. al., ed. *The Terrible Choice: The Abortion Dilemma,* Bantam, 1968, Ch. 8.

[3] See for example Joyce, R. E., and Joyce, M. R., *Let Us Be Born,* pp. 31–3.

[4] Cavanaugh, D. Reforming the Abortion Laws: A Doctor Looks at the Case. *America.* pp. 406–411, April 18, 1970.

[5] Donnelly, J. P., "Therapeutic Abortions, The Margaret Hague Maternity Hospital 1931–1954," *Bulletin Margaret Hague Maternity Hospital,* Vol. 8, #2, pp. 28–33.

[6] Donnelly, J. P., "Are There Medical Indications for Therapeutic Abortions"—Journal Medical Society, N.J. Vol. 11, 52–114, 1955.

[7] See *Time,* April 19, 1971, pp. 38–43 for American experiments on artificial wombs. For British experiments, see Willke, Dr. and Mrs. J. C., *Handbook on Abortion,* Hiltz, 1971. The American experiments use lamb fetuses. The British use freshly aborted babies.

[8] Greenhill, J. P., *Obstetrics,* Saunders, 1965, 13th edition, p. 589.

[9] Bolter, S. The Psychiatrist's Role in Therapeutic Abortion: The Unwitting Accomplice, *Am. J. Psychiatry 119*, p. 312 (1962).
[10] Greenhill, op. cit. pp. 227–8.
[11] Arey, L. B., *Developmental Anatomy*, Saunders, 1965, 7th edition, p. 161.
[12] Arey, op. cit., chart facing p. 106.
[13] Davies, J., *Human Developmental Anatomy*, Ronald, 1963, pp. 269 ff.
[14] "Life Before Birth." *Life* Magazine educational reprint Number 27.
[15] Flanagan, G. L., *The First Nine Months of Life*, Simon and Schuster, 1962, p. 43.
[16] Hooker, D., *The Prenatal Origin of Behavior*, University of Kansas Press, 1952, pp. 62–3.
[17] Still, J. W., *J. Washington Acad. Sci. 59*, p. 46, 1969.
[18] Guttmacher, A., Techniques of Therapeutic Abortion, *Clinical Obstetrics and Gynecology*, March 1964, pp. 100–103.
[19] See Willke, op. cit., for examples.
[20] Flanagan, op. cit., pp. 50–57.
[21] Hooker, op. cit., pp. 58–59.
[22] Schiffer, M. A., Induction of Labor by Intra-amniotic Instillation of Hypertonic Solutions for Therapeutic Abortion or Intrauterine Death. *Ob-Gyn.* 33:729–736, 1969.
[23] "Girl Fetus Survives Abortion in New York," Los Angeles *Times*, December 19, 1970.
[24] Liley, H.M.I., *Modern Motherhood*, Random House, 1966, pp. 50–52.
[25] Arey, op. cit., p. 521.
[26] Flanagan, op. cit., p. 54.
[27] Willke, op. cit. shows a photograph of the baby being removed.
[28] Belous's lawyers are listed in the report of the case, People vs. Belous, 71 Cal. 2d 996, 458 p. 2d 194, 80 Cal. Rptr. 354 (1969).
[29] "A New Ethic for Medicine and Society," *California Medicine, 113*, 67–68 (1970).
[30] Ehrlich, P., *The Population Bomb*, Ballantine, 1968, p. 147.
[31] Gleitman vs. Gosgrove, 49 N.J. 22, 227 A. 2d 689, 693 (1967).
[32] "Nixon Abortion Statement," N.Y. *Times*, April 4, 1971.
[33] CONGRESSIONAL RECORD, vol. 116, pt. 29, pp. 39059, 39060.
[34] Alexander, L., "Medical Science Under Dictatorship," *New England Journal of Medicine, 221*, 39–47 (1949).
[35] Alexander, L., "The Sociopsychologic Structure of the SS," *Archives of Neurology and Psychiatry, 59*, 622–634 (1948).
[36] Alexander, L., "War Crimes"—Their Socio-Psychological Aspects," *American Journal of Psychiatry, 105*, 170–178 (1948).
[37] Cooke, op. cit., pp. 43–47.
[38] Interim Report, Commission on Population Growth and the American Future, 1971, p. 5.
[39] Ehrlich, op. cit., pp. 78–80.
[40] United Nations Food and Agriculture Organization, *The State of Food and Agriculture*, 1970, Foreword.
[41] Quoted in Ratner, H., "Is It a Person or a Thing?" *Report*, April 1966, pp. 20–22.
[42] *A Living Will*, Euthanasia Education Fund, 1970 (Fifth printing).
[43] "Should Depressed Neonate Always be Resuscitated?" *Ob. Gyn. News*, January 1, 1971.
[44] Gebhard, P. H., et. al., *Pregnancy, Birth and Abortion*, Wiley, 1958, p. 236.
[45] Shuster, G. N., *The Germans*, Dial, 1932, pp. 237–238.
[46] Mowrer, op. cit. Ch. 16.
[47] Villard, O. G., *The German Phoenix*, Smith and Haas, 1933, pp. 268–286.
[48] Wertham, F., *A Sign for Cain*, Macmillan, 1966.
[49] *Trials of War Criminals*, Nuremberg Military Tribunals, Vols. IV, V.
[50] *Trials of War Criminals*, Nuremberg Military Tribunals, Vo. IV, pp. 1082–1084.
[51] Marquis de Sade, "Yet Another Effort Frenchmen." in *Justine*, etc., Grove Paperback, 1966, p. 336.
[52] Marquis de Sade, *Juliette*, Grove Paperback, 1968, pp. 782–3.
[53] Gorer, G., *Marquis de Sade*, Norton, 1963, p. 97.
[54] Ref. 63, pp. 296–339.
[55] Mowrer, op. cit.

## LET OUR GOVERNMENT SHOW ITS INTEREST

### HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 8, 1972*

Mr. SIKES. Mr. Speaker, like many of my colleagues, I come from a seafood producing district. I am aware of the economic plight of that industry. It occurs to me that it will be well to remind our colleagues of some startling facts. For instance, 60 to 70 percent of all the seafood products utilized in the United States are imported, and of these imports, the highest percentage is of edible seafood products. This is a situation which is not improving. In fact, it is getting worse. While this is happening, the world's supply of some of the most important food fish is constantly getting scarcer. This includes tuna, cod, haddock, perch, salmon, and even shrimp.

The serious consequences of a shrinking market for American producers should receive careful thought. The reasons for today's unhappy situation are easy to comprehend. Domestic production is becoming more costly as wages and prices increase and as the cost of vessels and equipment go up. There has been little interest on the part of the government toward strengthening import policies although there is a definite need for barriers to stem foreign competition. This means less production by U.S. fishermen.

An equally serious problem is that coastal fisheries beyond the 12-mile limit are being fished harder and harder by other countries whose vessels are more modern and whose operations are subsidized by their governments. Actually there are hundreds of foreign vessels in traditionally American fishing grounds. This has created massive difficulties. Foreign fleets do not always enter into direct competition for the seafood sought by American fishing vessels but their method of fishing depletes or destroys fish, creating serious conservation problems. The smaller, shore based U.S. fishing vessels cannot compete with the fleet supported trawlers of Russia and Japan. In addition to depleted catches, American fishermen suffer the loss of expensive fishing equipment which is destroyed because of the methods used by foreign vessels.

Sports fishermen also are adversely affected. This has an effect on the seafoods industry in general which cannot be ignored. Japanese and other commercial long-line fishermen have operated in competition with sports fishermen in the northern Gulf of Mexico. While the interests of these fishermen have been primarily for tuna and similar seafood fish, sport fishermen are convinced that commercial long-line operations in the vicinity of their accustomed fishing grounds markedly reduce catches of marlin and sailfish. Obviously large catches of food fish in the area also upset the present favorable balance for fishing in the gulf and help to deplete these waters of food fish. At my instigation, the Department of State has taken up the problem with appropriate Japanese authorities, and assurances have been forthcoming from the Japanese that their fishing operations would be conducted with more consideration for the interests and concerns of America's sports fishermen. It remains to be seen how this informal understanding will actually work in practice.

One area which is thought to offer promise is to establish a wider market for seafood products which are still in good supply such as mullet. Unfortunately, this has met with indifferent success. This is difficult to understand by people brought up in mullet country who consider it an excellent product. Commercial seafood farming has been explored and there appears to be promise from shrimp rearing operations. Such an undertaking is now in progress at Saint Andrews Bay in Panama City, Fla. These and other efforts to expand and improve the seafood market should receive vigorous support from State and Federal research agencies.

The principal problem appears to be from commercial operations in waters adjacent to our own shores. U.S. fishermen are fed up with the tender care which our Government has extended to foreign fishing vessels. A number of South American nations have declared jurisdiction over their coastal waters to the Continental Shelf with territorial waters extending out 200 miles. Vessels in the U.S. fishing fleet have been harassed and forced to pay fines for operating in those waters. In contrast, the United States requires observance only of a 12-mile limit. Most of the problems being created off our own waters are within the 200-mile limit. It is time for the United States to protect the interests of its own people by establishing a 200-mile limit and by placing import duties on foreign produced fish to equalize the market for domestic producers. To accomplish these changes it will be necessary for U.S. commercial fishermen to insist through their Senators and Representatives on new policies by our Government. Otherwise, the American seafood industry faces a bleak and dwindling future.

## SCHLESINGER CHALLENGES CONGRESS TO OPPOSE EXECUTIVE SECRECY

### HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 28, 1972*

Mr. MOORHEAD. Mr. Speaker, Arthur Schlesinger, writing in a recent edition of the New York Times Sunday

Magazine, joins the growing list of individuals who recognize that this Nation's Government is doing its citizens a disservice by hiding far too much information behind the cloak of official secrecy.

Schlesinger challenges the Congress to assert its right, and the people's right, to information generated by the executive branch by passing legislation which defines more narrowly those areas which the executive can keep from public scrutiny. The Foreign Operations and Government Information Subcommittee, which I chair, has been investigating this matter for many years.

In 1967, under the leadership of my friend, the gentleman from California, Mr. JOHN MOSS, the subcommittee reported the Freedom of Information Act. Last year I chaired 7 days of hearings following the Pentagon papers controversy.

Next week, the subcommittee will begin a long series of hearings into the Freedom of Information Act and related matters which affect the amount of information available to the Congress and to the American people. We must be resolute in ending this frustration of the democratic process through excessive secrecy.

I would like to introduce Mr. Schlesinger's article in to the RECORD at this time:

THE SECRECY DILEMMA

(By Arthur Schlesinger)

"A popular Government, without popular information, or the means of acquiring it, is but a Prologue to a Farce or a Tragedy; or, perhaps both."—James Madison (to W. T. Barry, Aug. 4, 1822).

It says in the 29th chapter of Deuteronomy, "The secret things belong unto the Lord our God." This has not been a view, however, wholly accepted by the American press last month, when Jack Anderson published classified documents showing how the Nixon Administration really felt about the Indo-Pakistani war, he observed an established tradition of journalism. At the same time he transgressed an established tradition of government. Here were the two solemn principles, disclosure and confidentiality, equally portentous and equally venerated, in sharp collision. The conflict of principles left many Americans, I would think, considerably baffled.

It should have given some too a sense of intellectual discomfiture. Republicans who denounced Anderson might have remembered their own delight when The Chicago Tribune printed secret defense plans of the Roosevelt Administration shortly before Pearl Harbor. Democrats who applauded Anderson might have remembered their intense displeasure over equivalent journalistic audacity when they were in power. Still, both Republicans and Democrats probably agree that you cannot run a government if every internal memorandum is promptly handed to the press. And both probably agree that you cannot run much of a press if it is a crime to publish anything stamped secret by the Government. The question is whether between these extremes it is possible to discern further guiding principles.

One principle surely is that the Government's case for a measure of secrecy is not altogether frivolous or self-serving. "The Federalist" is generally worth consulting on these matters; and its authors clearly specified two fields where secrecy seemed to them essential. The first was diplomatic negotiations: "It seldom happens in the negotiation of treaties, of whatever nature, but that perfect secrecy and immediate *dispatch* are sometimes requisite." Woodrow Wilson, it is true, later appeared to repudiate this doctrine when he said that "diplomacy shall proceed always frankly and in the public view" and called for "open covenants of peace, openly arrived at." Before World War I the French Assembly did not know the secret clauses of the Franco-Russian alliance; nor did the British Foreign Secretary inform even his own Cabinet of the military understandings between the British and French General Staffs. This is what Wilson hoped to abolish.

But, as he himself made clear at Versailles, he really meant by "diplomacy" not the processes but the results of negotiation. In practice he favored plenty of talk out of "the public view" but no concealment of results—i.e., open covenants secretly arrived at. As for the negotiating process, Jules Cambon, who was French Ambassador to Berlin before World War I and whom that acute student of diplomacy Harold Nicolson regarded as perhaps the best professional of the century, was only mildly exaggerating when he wrote, "The day secrecy is abolished, negotiation of any kind will become impossible." His recent trans-Atlantic shuttling suggests that Henry Kissinger would agree. Whether blowing the secrecy destroys his capability for future private negotiations is a problem that one hopes Mr. Kissinger has pondered.

A second field noted in "The Federalist" as requiring secrecy was that of intelligence: "There are cases where the most useful intelligence may be obtained, if the persons possessing it can be relieved from apprehensions of discovery." Contemplation of these two fields led "The Federalist" to conclude: "So often and so essentially have we heretofore suffered from the want of secrecy and dispatch, that the Constitution would have been inexcusably defective, if no attention had been paid to those objects." In such terms "The Federalist" vindicated the right of the executive branch to conduct negotiations and, by inference, intelligence operations, without any immediate obligation to supply Congress or the people the detail of what it was doing.

So from the start the American Government has been into secrecy. War of course, provided a third category of legitimate restriction. The National Archives tells us that such classifications as "secret," "confidential" and "private" can be traced back to the War of 1812. Military plans, movements and weaponry remain items that can be plausibly withheld from immediate publication. A fourth category includes information that might compromise foreign governments or leaders or American friends or agents in foreign lands. The case for withholding such information is obviously strong; as too is the case, in a fifth category, for withholding personal data given to the Government on the presumption that it will be kept confidential—tax returns, personnel investigations and the like. A sixth category includes official plans and decisions which, if prematurely disclosed, would lead to speculation in lands or commodities, preemptive buying, private enrichment and higher governmental costs. One doubts whether the most righteous opponent of official secrecy would seriously argue that Government must at once throw open its files in these six categories.

Yet no one can doubt either that a legitimate system of restriction has long since escalated into an extravagant and indefensible system of denial. The means by which this has been done is primarily the device of "security classification"—i.e., restricting access to public information on the grounds of national security. In 1962 the House Committee on Government Operations found there were "more than a million Government employees [permitted] to stamp permanent security designations on all kinds of documents," adding that few of them seemed to heed Secretary of Defense Robert McNamara's sensible injunction, "When in doubt, underclassify." The General Accounting Office estimates that the security system costs taxpayers from $60- to $80-million a year.

Testifying last summer before Congressman William Moorhead's Foreign Operations and Government Information Subcommittee, William G. Florence, a retired Pentagon security officer, portrayed the contemporary condition of the classification frenzy. The Pentagon's top security officer, he said, believed that the classification system should even extend to information in the public domain; and zealous security-stampers, particularly in the Navy, had been discovered classifying newspaper clippings. Florence estimated that the Pentagon files contained about 20 million classified documents and that "the disclosure of information in at least 99.5 per cent of those classified documents could not be prejudicial to the defense interests of the nation." He later changed this estimate to read that 1 to 5 per cent "must legitimately be guarded in the national interest," but this hardly affects the point. The classifiction system has plainly got hopelessly out of control.

And the reason for this is evident enough—it is that the only control over the system has been exercised by the executive branch itself. The legal basis for security classification was first provided by general orders of the War and Navy Departments; then by a 1940 executive order of President Roosevelt's still confined to military intelligence; then by a 1951 executive order of President Truman's, extending the system to nonmilitary agencies and authorizing any executive department or agency to withhold information it considered "necessary in the interest of national security"; then in 1953 by President Eisenhower's executive order 10501—"The bible of security-stamping," Florence calls it. It was as a result of this order that the system got completely out of hand, for it provides no effective control over the classification of documents and no feasible method for their declassification once the sacred stamp has been placed on them.

Neither the Truman nor Eisenhower executive orders were based on specific statutory authority; but, as Eisenhower's Commission on Government Security argued in 1957: "In the absence of any law to the contrary, there is an adequate constitutional and statutory basis upon which to predicate the Presidential authority to issue Executive Order 10501." This very formulation implies, however, that Congress has the power to control the classification system should it wish to do so.

Since Congress has not wished to do so, the executive branch has had a free hand in dealing with classified information. Naturally this has made it vulnerable to its own worst instincts. "Every bureaucracy," Max Weber has written, "seeks to increase the superiority of the professionally informed by keeping their knowledge and their intentions secret. . . . The concept of the 'official secret' is the specific invention of bureaucracy." If secrecy in some cases remains a necessity, it also can easily become the means by which Government dissembles its purposes, buries its mistakes, safeguards its reputation, manipulates its citizens, maximizes its power and corrupts itself.

The secrecy system, once out of control, offers temptations few governments have the fortitude to resist. I suppose there may be situations of dire emergency when governments have no alternative but to deceive the people. But uncontrolled secrecy makes it easy for lying to become routine. And, even short of lying, governments can hardly resist exploiting secrecy to their own advantage. There have been few greater frauds, for ex-

ample, than the idea put over by the executive on Congress and public opinion that only those with access to classified information know enough to have a judgment on questions of foreign policy. Actually 99 percent of the information necessary for intelligent political judgment is available to any careful reader of The New York Times. We would have been far better off in Vietnam during the Kennedy years had our Government confined itself to reading newspaper dispatches and never opened a Top Secret cable signed Harkins or Nolting. The myth of inside information—"if you only knew what we knew"—is essentially a trick to obstruct democratic control of foreign policy and defend the monopoly of the national security bureaucracy.

As Justice Potter Stewart has observed, a secrecy system constructed on present lines will inevitably be "manipulated by those intent on self-protection and self-promotion." It will also inevitably invite defiance. Indeed, given Congressional apathy, defiance remains about the only recourse when legitimate secrecy balloons into illegitimate secrecy and an administration runs the system in the interest not of the nation but of itself. So, as a corrective, aggrieved citizens through our history have felt themselves morally warranted in violating what they have seen as a system of secrecy laid down unilaterally by the executive branch for its own protection. In 1844 the Tyler Administration, anxious to avoid public debate over the acquisition of Texas, tried to sneak a treaty of annexation through the Senate in executive session. Senator Benjamin Tappan of Ohio, irate at this procedure, wrote his brother Lewis, the New York abolitionist: "Suppose I send you the Treaty & Correspondence, will you have it published in the Evening Post in such a way that it cannot be traced back?" Lewis Tappan, a little apprehensive, consulted with Albert Gallatin, who had served as Jefferson's Secretary of the Treasury and later as minister to Paris and to London. The elder statesman told him to go ahead. William Cullen Bryant published the treaty in an Evening Post extra, and Tyler's stratagem was defeated. Were the Tappans, Gallatin and Bryant to be condemned? Or, did Tyler's abuse of secrecy justify their action?

The answer might well be that the functioning of democracy requires some rough but rational balance between secrecy and disclosure, between official control of information and public need for it. When the Government upsets that balance by deceiving the public, lying to it or withholding information essential for informed debate and decision, a healthy democracy is likely to move, in one way or another, to re-establish the balance, whether through the agency of dissenting officials, indignant legislators or resourceful newspapermen. "Secrecy can be preserved," Justice Stewart has reminded us, "only when credibility is truly maintained."

This principle of re-establishing the balance is confessedly elusive. Anyone who acts on it is taking a chance. Only the aftermath can prove him right or wrong in deciding that government has violated its part of the contract. "The line of discrimination between cases may be difficult," as Jefferson wrote in a discussion of the question whether the violation of written law was ever justified; "but the good officer is bound to draw it at his own peril and throw himself on the justice of his country and the rectitude of his motives."

The Anderson case suggests the problem. Has the Nixon Administration really fulfilled its part of the contract? Has it maintained the credibility that Justice Stewart tells us is necessary to justify the preservation of secrecy? Has it given the nation the kind of information it needs if democratic control of the Government is not to become a fiction? Here is a President who last year held five formal press conferences, plus four last-minute chats with White House correspondents; who in the year before held four formal conferences and one at the last minute. Here is an executive branch which old Washington hands regard as the least open the country has seen for years. Then came the Indo-Pakistani war—with the President in an evident pet; with a valuable Assistant to the President for National Security Affairs saying in private "the President does not want to be even-handed," demanding in private that his colleagues "tilt" American power in favor of Pakistan, while telling the press, "There have been some comments that the Administration is anti-Indian. This is totally inaccurate" (and while the State Department, if that body matters any longer, was proclaiming in public a stance of "absolute neutrality"); and with a proven military dunderhead, still inexplicably blessed with great responsibility, wrong once again in his military forecasts. Here, above all, was an Administration dead against internal or external debate in the face of highly controversial decision.

Given this situation, what recourse was there? If the Anderson columns display the kind of Government we have, it is surely appropriate in a democracy that we know it; it is definitely *not* the function of a secrecy system to shield public officials from accountability for their tantrums, folly or mindlessness. Nor did the disclosure jeopardize on-going negotiations or intelligence operations or military plans. Worst of all, by outlining the 'tilt" policy only behind locked doors, the Nixon Administration deprived Congress and the electorate of the opportunity—one might say the right—to discuss President Nixon's pro-Pakistan program on its merits. This was the unpardonable sin; and some anonymous, disgusted and courageous bureaucrat, with the help of Jack Anderson, was trying to rectify the situation and to re-establish the balance.

What can be done to save the republic from the perennial need for restoring the balance in such desperate ways? Government has the right to preserve for a period both the confidentiality of its internal processes and the security of information in those categories where security is vital. It has manifestly abused that right. Writing in 1953, Harold Nicolson said, "I am confident that, in the Free World at least, the age of secret treaties is behind us." He was wildly optimistic; and it is ironic that secret covenants should have enjoyed so rich and rank a revival in Woodrow Wilson's native land. The contents of the so-called Hyde Park Aide-Memoire concerning the uses of atomic energy, signed by Roosevelt and Churchill at Hyde Park on Sept. 18, 1944, were not known in this country until published by the State Department in 1960. The Symington subcommittee in the Senate has unearthed a parade of secret agreements withheld from Congress and the people—Ethiopia in 1960, Laos in 1963, Thailand in 1964, South Korea in 1966, Thailand again in 1967, not to mention secret annexes to the Spanish Bases Agreement of 1953. Senator Clifford Case has now introduced a bill—or rather revived a bill the Senate passed in 1955—that would require the President to transmit all executive agreements to the foreign affairs committees of both houses. If the President deems an agreement too sensitive for publication, he can hand it over under the seal of secrecy; but he can no longer lock it up in his own office and tell no one.

In addition to the control of secret agreements, we urgently need a rational and orderly system for the classification and declassification of official documents and for the withholding and release of nonclassified documents. The Nixon Administration has recently shown itself aware of the need for reform. In the wake of the Pentagon Papers, President Nixon asked Congress for $636,000 to begin the declassification of World II papers—a vast mountain of material, 160 million pages in 49,000 cubic feet of storage space. This was to have launched a declassification program that would have employed 110 persons for five years at a cost now set at $6-million. Congress has thus far not provided the funds, though it is expected to do so this year.

The legislative hesitation may well be justified. The National Archives estimates that at least 95 per cent of the classified documents of World War II would be declassified as a result of this program. Thus we would be spending at least $6-million (in all likelihood the ultimate cost would be much greater) to identify that 5 per cent of World War II documents that must, it is supposed, be kept secret for a few years longer.

"Systematic declassification," William L. Langer has written, "is patently impossible: The records are so voluminous that it would take large teams of highly qualified personnel years to complete the assignment." Professor Langer is not only the leading American historian of European diplomacy, he also served as chief of the Research and Analysis Branch of the Office of Strategic Services, in an equivalent post in the Central Intelligence Agency and as a member of the President's Foreign Intelligence Advisory Board. His testimony cannot be dismissed as that of a naive scholar who has spent his life in the stacks and doesn't understand the realities of public affairs.

Document-by-document declassification will not do. An automatic declassification procedure was nominally instituted in 1961; but this system, however praiseworthy in intent, left so many exceptions as to become substantially meaningless. What we must have is a system which after a stated period (of which more later) automatically declassifies practically everything, including information on diplomatic negotiations and military planning. A longer period—probably a very much longer period—should apply to documents that describe intelligence operations, compromise foreign citizens or invade the privacy of American citizens, that is, the materials in categories two, four and five of legitimate restriction. (The allegation that declassification would expose our diplomatic and military codes is now a bogeyman. With the domination of cryptography by sophisticated computers, the old ciphers have been abandoned, and the new ones, David Kahn, the author of "The Codebreakers," tells us, "are, in all practical senses, unbreakable.")

The schedule of automatic declassification should be accompanied by some form of appellate procedure. That is, if a department or agency feels that disclosure in a particular case would injure the nation, it should have an opportunity to claim exemption before an independent review board. But the burden of proof must always be on those who wish to lock the information up.

The executive has it within its power to establish such a system immediately on its own initiative. If it does not do so, then Congress must pass legislation defining the criteria for classification and declassification and providing for Congressional oversight of the results. If Congress is by any chance serious in its big talk about reclaiming lost powers it ought to pass such legislation anyway. (One difficulty is that Congress's own record in making public its own papers and proceedings is far from inspiring.)

The question remains how long the closed period should be. Practice abroad varies widely. Denis Mack Smith, the best English historian of Italy, has just published a book entitled "Victor Emanuel, Cavour and the Risorgimento" dealing with events in the period from 1840 to 1870. In conducting his research, he was denied access to the papers of Count Cavour and to the royal archives. Cavour died

a solid 110 years ago; Victor Emanuel died 94 years ago. This would seem an excess of caution. In the Soviet Union, though the Bolsheviks threw open the Czarist files, they have clamped down hard on their own; a scholar doing research in Moscow runs the risk of being expelled as a spy.

But other nations are responding to the pressures for access. Until very recently the French required specific clearance for the use of official documents after 1871; in a burst of liberalization, the Archives Diplomatiques have now accepted a 30-year rule in principle. The British for a long time had a 50-year rule; Sir Alec Douglas-Home, as Prime Minister, once remarked that his inclination "would be rather to tighten up the 50-year rule than to relax it." But Harold Wilson's Labour Government, in one of its few visible achievements, reduced the closed period (except for Home Office papers and other records breaching personal privacy) to 30 years. The Heath Government has recently in one brilliant stroke opened the Cabinet records and other departmental papers for World War II—the period which the Nixon Administration would keep closed for five more years until its declassification teams slog through the snow-drifts of records, drift by drift.

Moreover, Mr. Justice Caulfield's historic decision in the recent prosecution of The London Sunday Telegraph and Jonathan Aitken for publishing a secret report about Biafra has greatly damaged the old Official Secrets Act; now the Government has appointed a Committee of Inquiry under Lord Franks to review the whole problem of Government secrecy. It should be added that in Sweden, as always an admirable country, almost all records, I understand, including very recent papers and excepting only royal documents of the King in council, can be examined by any citizen.

For most of its history, the United States has led the world in permitting access to official archives. That indispensable series, "Foreign Relations of the United States," began the publication of diplomatic dispatches in 1861. Until nearly the end of the 19th century, the new volume each year published official secrets of the year preceding, with no perceptible harm to national security. The 1870 volume ran a dispatch of that same year from George P. Marsh, the American Minister in Florence, in which he criticized the Italian Government for its "vacillation, tergiversation and duplicity." The dispatch was reprinted in an Italian newspaper on the very day that Marsh was dining with the Minister of Foreign Affairs. "Was Mr. Marsh handed his passport?" William M. Franklin, the able present Director of the State Department Historical Office has written. ". . . No, as Mr. Marsh had to admit, the only result was that the Italians treated him better than ever. He continued happily and successfully in his Italian post until his death 12 years later." Perhaps candor is a more negotiable diplomatic commodity than those State Department officials understand who in recent years have tried to prevent the publication in "Foreign Relations" of dispatches 20 or more years old because they contain frank comment on men still active in the public life of their countries.

Partly for this reason and even more because budgetary allocations to the Historical Office have failed to keep pace with the swelling flood of documentation, the series has fallen behind even the 20-year rule it set for itself after the war. The year 1971, for example, saw the publication of volumes for 1946; and subsequent years will be even further delayed until the delayed until the Nixon Administration decrees the release to the State Department of the National Security Council records of the Truman Administration. The situation is made worse by the fact that scholars are not permitted access to State Department files before the "Foreign Relations" volumes for the year have been released (and access is permitted only on a restricted basis for the several years preceding). Nevertheless "Foreign Relations" remains an impressive achievement. Most other nations committed to documentary series are still bogged down in the prewar period.

Concerned with the delays, President Kennedy wrote Secretary of State Dean Rusk on Sept. 6, 1961, "In my view, any official should have a clear and precise case involving the national interest before seeking to withhold from publication documents or papers 15 or more years old." If our Government had lived up to the Kennedy rule, historians would be much happier. Its failure to do so has contributed to the recent pressure for much more rapid disclosure. Other events, of course, have intensified the pressure, including the disclosures by Jack Anderson, Neil Sheehan, and Daniel Ellsberg. In addition, the knowledge that Government officials do not hesitate to show classified documents to members of Congress or newspapermen when they find leaking to their own or their department's advantage, or when they are trying to combat their own Government's policy, has increased outside skepticism about the sacrosancity of the secrecy system. Undoubtedly the proliferation of memoirs in which former Presidents, diplomats and even Special Assistants to Presidents break the official deadline with impunity has also encouraged people to question the 20-year or even the 15-year rule.

Now we have the apparition of Dr. Edward Teller, who not too long ago was hounding J. Robert Oppenheimer as a security risk, suddenly asking, "Can we and should we keep any secret for more than a year?" He evidently received this revelation as a member of a Task Force for Security set up by the Pentagon in 1970 under the chairmanship of Frederick Seitz, the physicist and former president of the National Academy of Sciences. The Task Force itself concluded more formally that it was unlikely "that classified information will remain secure for periods as long as five years and that it is more reasonable to assume its knowledge by others in periods as short as a year through independent discovery, clandestine disclosure or other means." It added: "Classification establishes barriers between nations, friendly as well as not, creates areas of uncertainty in the public mind on public issues and impedes the flow of useful information within our own country." The Task Force even reflected that "more might be gained than lost if our nation were to adopt, unilaterally if necessary, a policy of complete openness in all areas of information" but decided that, "in spite of the great advantages that might accrue from such a policy, it is not a practical proposal at the present time." Instead it recommended a 90 per cent decrease in the amount of scientific and technical information under classification.

The idea of no secrets at all is an arresting one. It is perhaps true that our secrecy system has kept more things from the American people than it has from the enemy. The North Vietnamese, the Chinese and the Russians knew all about the C.I.A. war in Laos; only the American Congress and electorate were kept in the dark. It is also true that the secrecy system has been a fertile source of blunder and folly in foreign policy. Without secrecy, the British would not have got into Suez nor the Americans into the Bay of Pigs, nor would it have been so easy for successive administrations to deepen American involvement in Indochina.

Moreover, the abolition of secrecy might well diminish international tensions by making it harder for one power to place the most sinister possible interpretation on the actions of another. Ignorance makes it easy to conclude the worst; but the worst may not always be the most accurate. We begin to see today that both America and Russia did things in the early Cold War that each government saw as modestly defensive in purpose and that the other government saw as intolerably aggressive and hostile. If a series of Pentagon Papers and Kremlin Papers, recording in Sheehan-Anderson detail what these two governments were actually saying and planning in their inner councils, had been published, say, in 1949, each side might have reconsidered its view that the other was fanatically bent on world conquest. Herbert Fels, after half a career in the State Department and the other half as a historian and therefore with intimate knowledge of both interests, recently and, I believe, correctly observed of the conventional objections to shortening the closed period. "Earlier publication of the American record would, on the whole, dispel suspicion and mistrust of our policies rather than nourish them.

But I guess that Dr. Seitz and his comrades are right. The abolition of official secrecy presupposes a different world. If rigorously carried out, it would make international negotiation difficult and personal privacy impossible. But it is an excess in a good direction; and the same kind of skepticism about secrecy has recently produced a number of more moderate schemes for a still drastic abbreviation of the closed period. Congressman Moorhead, whose instructive hearings have thrown much light into the more shadowed recesses of the secrecy system, recently proposed that any paper stamped Secret should become public in two years; Top Secret would take three years. He would also empower a Congressionally appointed commission to make exceptions. Senator Muskie would set up an independent board authorized to transmit classified documents at any time to Congress and, when they are two years old, to make them public. George Ball, the former Under Secretary of State and an astute and experienced public servant, has advocated a five-year rule.

Yet such ideas raise problems—problems which the total abolition of secrecy would raise in even more acute form. It is important, for example, that disclosure not be so precipitate as to inhibit Government officials from making unorthodox suggestions. The McCarthy period had a dismal enough effect on the public service; think what that effect would have been if members of the Foreign Service knew that everything they put on paper or said at a meeting would be submitted to Roy Cohn in the next two or three years. It is also important that disclosure not be so rapid as to invite fishing expeditions by one political party in the files of its predecessor. And, from the viewpoint of the historian, it is urgently important that the system of disclosure not tend to dilute the research quality of documentary records. Herman Kahn—not the thermonuclear Herman Kahn, but the Herman Kahn now at Yale, whose services as head of the Franklin D. Roosevelt Library and later of the Presidential libraries system have benefited a generation of scholars—recently said, "My own conviction is that there has been a decline in the qualities of frankness and honesty in our records to a considerable degree because of the great pressure to make everything immediately available to historians and journalists who want to do historical writing about what happened yesterday, last month or last year." Too much eagerness on the part of historians for instant access may well defeat their own long-term interests.

This perhaps is one reason why some historians have taken a more circumspect position. Professor Langer suggests that confidential and secret documents be made available "to qualified scholars" after five or 10 years. James MacGregor Burns proposes eight to 10 years. My own vote would be for 10 years—i.e., two and a half Administrations—

with some type of appellate procedure to permit extensions in categories two, four and five and other exceptional cases. I am strengthened in the belief that a decade would be about right by the remarks of Winston Churchill in the House of Commons on May 15, 1930: "When we come to the question of how far these matters are affected by the lapse of time I would point out that it is nearly 10 years ago. That is a very long time." With the increase in the velocity of history, it is an even longer time 40 years later. Yet the Nixon Administration refuses to make a blanket declassification of World War II documents after 27 years!

If Congress declines to make a frontal attack on the secrecy system, it is still not without means of improving public access to official records. The Freedom of Information Act, passed in 1966 after a decade's labor and perseverance by Congressman John Moss of California, is based on the proposition that disclosure should be the rule, not the exception, and that, in Moss' words, "the burden should be on the agency to justify the withholding of a document and not [on] the person who requests it." The act further provides for judicial review when access is denied. However, the act also allows for nine categories of exception, the first of which is for matters "specifically required by executive order to be kept secret in the interest of the national defense or foreign policy." When Julius Epstein of the Hoover Institution on War, Peace and Revolution tested the statute in his laudable campaign to secure the release of the Operation Keelhaul documents—a file dealing with the forced repatriation of Soviet displaced persons after World War II—the courts rejected his plea. In practice, the Freedom of Information Act has simply not affected classified information. The Moorhead subcommittee will hold hearings this spring with a view of amending the act and restricting the range of exceptions.

Another means of legislative action lies in the narrowing of the use of "executive privilege" as a means by which the executive branch withholds information. Members of Congress ordinarily can obtain classified documents on request, at least when it serves the purpose of the executive branch. The effect of classification is usually less to deny secret information than to prevent public discusion and debate of such information (and also to make it harder to know what to request). Congress also on occasion may request unclassified material—internal memoranda, minutes of meetings and so on—that might reveal disagreements within the executive branch or expose bureaucrats advocating unpopular views to Congressional retaliation. Immediate Congressional or public access to the internal communications of the executive would undoubtedly end the full and frank exchange among Government officials on which wise policy depends. When Government wants to turn down Congressional requests for material, classified or unclassified, and if methods of bureaucratic attrition fail, it may threaten or invoke executive privilege.

Obviously executive privilege is essential to protect the inner workings of Government. Obviously also it is liable to grave abuse. A decade ago President Kennedy tried to end the practice by which lessor officials in the executive branch assumed this authority on their own cognizance. "Executive privilege," he wrote Representative Moss in 1962, "can be invoked only by the President and will not be used without specific Presidential approval." However, when President Nixon's Secretary of Defense cried executive privilege last summer as an excuse for not showing the Senate Foreign Relations Committee, even on a confidential basis, the Pentagon's five-year plan for military assistance, the sorely tried chairman, Senator Fulbright, responded by introducing legislation requiring the President to take personal responsibility for the use of executive privilege and to explain his reasons in detail. Senator Sam Ervin, as usual a mighty fortress on such issues, held hearings on the Fulbright bill last autumn before his Subcommittee on the Separation of Powers.

The problem is that the secrecy system has been unilaterally determined and controlled by a major party at interest—the executive branch of the Government. The result is that Government has been able to move rather easily from legitimate to illegitimate uses of secrecy. Harold Nicolson, we have seen, lost no opportunity to emphasize the essentiality of secrecy in negotiations. But he distinguished sharply between negotiation and policy and always added, with equal emphasis, that policy "should never be secret, in the sense that in no circumstances should the citizens of a free country be committed by their Government to treaties, engagements, promises or commitments, of which they have not had full knowledge," which the press has not had full opportunity to publish and the legislature to debate and approve. "I feel it to be the duty of every citizen in a free country," Nicolson declared, "to proclaim that he will not consider himself bound by any treaty entered into by the Administration behind his back."

This was President Nixon's particular offense in the Indo-Pakistani affair—keeping his policy secret from the American people. But he was far from the first offender. Every President since the war has done much the same thing at one point or another. If governments were always wiser than citizens, such a course might be justified. But the theory of democracy is that they are not; and the practice of recent years generally verifies the theory. Illegitimate secrecy has corrupted our conduct of foreign affairs and deprived the people of the information necessary for the democratic control of foreign policy. So long as the executive branch persists in these abuses and so long as Congress remains unwilling to assert itself, the courage of the Andersons, Sheehans and Ellsbergs would seem to provide the only restraint and recourse if we are to get our democracy back into working equilibrium. However, with intelligence and determination, we can surely think up a better way.

## CONSIDERING FIRST PRINCIPLES

### HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 28, 1972*

Mr. CRANE. Mr. Speaker, as our society proceeds to discuss the necessity to reorder priorities, pursue this goal or that, to enact a particular piece of legislation, to impose upon individuals new restrictions and rules, it is rarely done within the context of what our society is meant to be and what its view of man really is.

We are guilty, as a result, of endlessly viewing events and policies in the short run, wondering how they will effect the next election, or the next statistical survey of the Department of Labor or some other bureau.

The unfortunate fact is that unless we review our philosophy of man and government we are in serious danger of seeing both eliminated. That danger presents itself in many forms, the end result of each being a situation in which man becomes a cog in a collective society and is subject to whatever whim a legislature or bureaucrat seeks to impose upon him.

In his essay, "The Role of Rules," Leonard Read, president of the Foundation for Economic Education, reflects upon this situation. He notes that the Founding Fathers believed that:

> Men's rights to life, livelihood and liberty are endowed by the Creator. These rights are part of our very being. . . . Each man participates in an order which confers upon him certain prerogatives which other men should not impair.

Mr. Read also considers the Founding Fathers' real meaning in their use of the phrase, "All men are created equal." He points out that:

> This phrase has been seized upon by the Declaration's detractors to "prove" how nonsensical its writers were in whatever they declared, including the Creator concept.

Discussing the meaning of the concept of equality as it was used in the Declaration, he writes that:

> What they had in mind was the profound idea that all men are equal before the civil law as they are before God. This relegates civil law to its proper place. Without this concept of equality before the law, justice is out of the question and civil law is out to get you and me.

If law is unlimited, if the executive and the legislature can exercise its will upon the American people without the traditional constitutional restraints, then we have arrived at the point where we live under the rule of men, and not of law. In such a situation, freedom is a temporary and illusory phenomenon.

Mr. Read states that:

> Those who aspire to a good society must (1) Understand and obey the basic principles of rules of morality and ethics, and (2) Establish and limit the scope of civil law so as to insure liberty and justice for all.

I wish to share Mr. Read's essay with my colleagues, and insert into the RECORD at this time.

THE ROLE OF RULES

(By Leonard Read)

It is an accepted notion in some circles that there are no norms or guidelines for human action. We are, it is said, creatures of impulse, responding to whatever notions pop into mind. "Radical relativism," as it is called, invites reexamination of the way of life founded on rules and principles. There seems to be considerable confusion about the nature and purpose of rules.

An aphorism may help put the point in focus: "Rules are meant for those expected to obey; principles for those expected to think." This seems to suggest that rules are made by dictators to be obeyed by slaves and that principles are the findings of philosophers to be savored and pondered by thinkers. But such a conclusion is far too shallow.

The principle of a thing is a verbal formulation of its nature and its workings; a rule is a homely guide to action deducted from the principle.

There are good rules and bad rules precisely as there are true and false principles. A good rule: "Do not unto others that which you would not have them do unto you." A bad rule: "The king can do no wrong." Now to principles: "The earth revolves on its axis and around the sun" (Copernicus) is a principle upon which man may rely. An earlier theory, "The sun revolves around the earth" (Ptolemy) has now been rejected as

a true principle because it has been proved to be inadequate. Rules derived from the principles of Copernicus may be followed with assurance and may not safely be ignored.

Ptolemy's theory afforded no basis for the law of gravitation. Rules deduced from such a theory would prove disastrous. Example: a medical officer attached to the Air Force in the Far East during World War II told me of a B–29 Captain whose mission was to transport some fifty Chinese coolies to a labor assignment. Half way to his destination and at 18,000 feet, he visited the cabin to check on his charges. Some missing! How come? Later, from a peekhole position, he observed that they had opened a hatchway. Two of them made a saddle of their hands on which one of their buddies would sit, all three laughing as they tossed him out! These people knew nothing of the law of gravitation and, of course, could not observe the results. To them, it was only to fly through the air like a bird!

No one knows precisely how to explain gravitation, yet many of us know that it works and we frame countless rules accordingly: for instance, we do not jump off the Empire State Building. To disregard these rules is to court disaster.

Principles, discovered by philosophers and scientists, abound by the thousands. Yet, most of us are unaware of many of these principles. Even the vast majority of philosophers and scientists have not the slightest idea about each other's formulations. Who among them, for instance, knows of the subjective and marginal utility theory of value or the principle of freedom in transactions? Perhaps one, now and then—a rarity! Had we no way of abiding by principles except as we understand them, man would perish from the earth.

One of the world's great astronomers comes to mind. In his field he is tops. And because he sees more through his little peekhole than others with similar peekholes, he ventures with self-assurance into politico-economic matters about which he knows next to nothing. Over and over again we witness geniuses in their particular specializations assuming a knowledge of areas in which they have no competence. Follow this astronomer in astronomy and become enlightened; follow him in political economy and become enslaved. Specialization, when coupled with man's arrogance, leads toward such danger.

What then is our saving grace? Rules! Do not touch a red hot stove or a live wire; do not jump out of a plane without a parachute; do not cheat, lie, steal, kill; do not feather your own nest at the expense of others. I do not have to know that "the volume of a gas varies inversely as the pressure to avoid a bomb exploding in my face. I only need to know the rule, "Don't play with bombs."

Let us now turn to the idea that "rules are meant for those expected to obey." True, perhaps, but what is the nature of these rules? There are two divisions—poles apart and each requiring its distinct kind of obedience. Rules in the first category are psychological in nature and obedience consists in practicing self-discipline; those in the second are sociological in nature and obedience consists in submitting to external authority.

Take the Golden Rule, which is a maxim in the first category. This is the oldest ethical proposition of distinctly universal character. If one is intelligent enough to see the wisdom of this rule and if he has the strength of character to heed it, he obeys. Otherwise, not! Each individual makes his own decision to obey or not, and there is no external authority on earth, no government, that has the slightest power to exact obedience to such a rule. Intelligence and strength of character are never the products of external compulsion but are exclusively voluntary and of one's own making. Is this not self-evident?

The Commandment, "Thou shalt not covet," is but another of countless ethical and moral rules—a rule that is obeyed or not as the individual chooses. A gun at my head could not keep me from coveting another's achievements or possessions. These are secrets of the soul, intellect, and conscience. Such secrets are not necessarily revealed to others or understood by them. No matter how stupid or wrong my secret longings, they are not subject to correction by external compulsion. In these matters each decides on the rules to be accepted or rejected and he prospers or fails in life's purpose according to how intelligently he identifies the rules and obeys them.

Once we recognize our shortcomings in understanding and obeying these ethical and moral rules and guidelines—an area in which the individual is in complete command and without interference—we must conclude that man by nature is imperfect. Regardless of how well we know these rules and how obediently we serve them, we will, to some extent, offend the rights of others. Perfect harmony in society is not possible, even among the moral and spiritual elite. And pronounced indeed is the disharmony caused by those who have no scruples—no rules of their own!

This poses the necessity for rules of the second kind, those that are sociological in nature. These are meant to take effect if and when moral laws are ignored or violated; they are designed to cope with the antisocial as distinguished from the peaceful actions of citizens, that is, with those actions which cause injury to others. Injury, as the term is applied in this context, must be carefully defined by rules, which if properly drawn and obeyed, would assure a fair field and no favor. In this category of rules, we are expected to obey *not necessarily* what our conscience suggests but, rather, what an external authority dictates. As distinguished from moral law, this is civil law; it punishes those who trespass against their fellows, but it presupposes that there are men who behave ethically a good part of the time.

It is utter folly to believe that there can be a good society without the rule of law—civil law, that is. Yet, this category of rules is loaded with the possibility for evil as well as good results. Civil law can, and often does, lead to total statism—enslavement—or it can, but rarely does, lead to securing individual liberty. Nonetheless, the free society is out of the question in the absence of civil law; to have even the remotest chance of the good society requires that we assume the risk that civil law might go askew. To achieve the best, we must face and overcome grave dangers. There is no alternative!

Wherein lies our hope? Is there, indeed, a certain narrow course which, if scrupulously followed, would secure liberty to all alike and which would, at the same time, steer away from lawless anarchy on the one side and all-out statism on the other? If so, what is it?

There is definitely and explicitly such a course and it can be ours if we are not blind to it. The price tag, however, is the ability to see and, having seen, to stay on course.

This high road has as its foundation what many early Americans believed—and I devoutly believe—to be a wholly reasonable presupposition, namely, that men's rights to life, livelihood, and liberty are endowed by the Creator. These rights are part of our very being; and our being, although it is compounded of elements deriving from our society and other ingredients that link us with nature, is rooted in a reality which transcends both nature and society. Each man participates in an order which confers upon him certain prerogatives which other men should not impair.

This proposition gains confirmation as we reflect on the absurdity of its only possible alternative, namely, that men's rights to life, livelihood, and liberty are endowed by a human collective which, in this context, is government. Of what is government composed? Persons no more graced with virtues, talents, and omniscience than you or I! For any human being to believe that our rights to life, livelihood, and liberty are or could be derived from him is nothing less than egomania.

This inherent rights principle, affirmed in the Declaration of Independence, has fallen by the wayside so far as comprehension and acceptance are concerned. Giving the reasons, beyond a growing egomania, is no less difficult than trying to explain the decline in religion, that is, the rejection of an Infinite Power or Intelligence over and beyond our little, finite minds.

There is, however, an easily misunderstood companion idea in the Declaration that may have lead many people astray: ". . . that all men are created equal." That has been seized upon by the Declaration's detractors to "prove" how nonsensical its writers were in whatever they declared, including the Creator concept. Of course men are not equal in a single personal attribute. This is so obvious that the authors of the Declaration took no pains to say so. They were not writing to fools. What they had in mind was the profound idea that *all men are equal before the civil law as they are before God.* This relegates civil law to its proper place. Without this concept of equality before the law, justice is out of the question and civil law is out to get you and me. As Professor Benjamin Rogge puts it, "The blindfolded Goddess of Justice is encouraged to peek: 'Tell me who you are and I shall tell you what your rights are.' "

Finally, these two kinds of rules work one on the other—they are interacting. It is ridiculous to believe that any set of civil laws can be devised to bring about the good society among a people having no moral and ethical scruples. On the other hand, whenever a first-rate citizenry carelessly permits the civil law to go beyond its principled scope of maintaining the peace of the community, it will deprive them of their liberty and self-responsibility. In this event, they will degenerate into lawbreakers, black marketeers, connivers.

Those who aspire to a good society have no manner of realizing their goal except as they (1) understand and obey the basic principles or rules of morality and ethics, and (2) establish and limit the scope of civil law so as to insure liberty and justice for all.

Thus, the first-rate citizen has a dual role to perform as related to the role of rules.

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## THE 50TH ANNIVERSARY OF THE CHICOPEE, MASS., RED CROSS

### HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 28, 1972*

Mr. BOLAND. Mr. Speaker, the Chicopee, Mass., chapter of the American Red Cross has just celebrated its 50th anniversary. Chartered on October 21, 1922, the chapter has played a vital role in Chicopee's community life ever since, offering services that range all the way from disaster relief to first aid training.

I had the honor of taking part in a dinner the chapter held on February 18 to mark its 50th anniversary, Mr. Speaker, and I can testify personally to the dedication and enthusiasm of the chapter's staff and volunteers.

The following history, written by chapter historian Raymond P. Snyder, out-

lines the growth of the Chicopee Red Cross over the past half century:

HISTORY OF CHICOPEE CHAPTER AMERICAN RED CROSS, 1922–72

(By Historian, Mr. Raymond P. Snyder)

Chicopee was a branch of the Hampden County Chapter of the American Red Cross until May 27, 1922, at which time it was decided that Chicopee have its own Chapter. A balance of $600.46 was turned over to the Chicopee Chapter which had Charles C. Ludden as its first Chairman and John B. Knight as its first Treasurer.

A Charter was applied for and received on October 21, 1922. The Chapter then prepared to have its first drive for membership. It resulted in a membership of 1145, with Nelson Carter as Chairman of the drive. That year, the Chapter contributed to the Near East and Russian Relief Funds. In 1924, it started a yearly contribution to the Hampden County Tuberculosis Society for work at the Chicopee T. B. Hospital which was then situated in the Alderville section.

In October of 1927, there was a flood in the Mississippi Valley and Chicopee sent $5189.00 to aid the victims of this disaster. This work was done by the Chairman and the Executive Committee since the Chapter could not afford an Executive Secretary at that time. A small office on the second floor of the Chicopee Savings Bank was used as headquarters.

The Chapter continued its work in Home Service and its drive for membership each year. In March of 1936, Chicopee had its own disaster in the form of a flood which inundated the sections of Chicopee called Ferry Lane and Willimansett. Under the direction of the National Field Representative, Miss June Lonas, and the disaster team sent by National and headed by Miss Ruth Kernodle, relief and rehabilitation were put into immediate effect. An office was set up in the Starzyk Building and social workers from all parts of the country were hired. Many Chicopee residents served as volunteers.

Many families were cared for in shelters set up in schools, church basements, and halls. Kitchens and dining areas were set up to feed them. As the water receded and the damaged homes cleaned of mud, repaired, or replaced, families started to return to their homes.

The section called Ferry Lane was completely inundated. The only material objects showing were the tops of electric light poles. Police, National and Coast Guard units used motor boats to search the area for those who might not have been able to leave their homes. Some were taken off roof tops. National Red Cross sent funds to aid the Chapter to pay for the damage. It also replaced many animals such as cows and horses which people needed for their livelihood.

After the flood, the Chapter went back to its daily routine, but at this point, it was felt an Executive Secretary was needed on a full time basis. Miss Helen James, who had worked for National Red Cross during the flood, was hired by the first complete slate of officers which had been elected that year. It was composed of Charles C. Ludden, Chairman; Eugene O'Neil, Jr., Vice Chairman; John B. Knight, Treasurer; and Raymond P. Snyder, Secretary. Mr. Snyder served as Secretary from that time until 1954 when he was elected Vice Chairman and later Chairman.

In September of 1938, disaster again struck Chicopee in the form of a hurricane which did a great deal more damage than the flood of 1936. Shelters and kitchens were again set up to care for the homeless. Chicopee Falls steel bridge was washed away, light and power supplies were shut off and this put many out of work. It was estimated that the damage was in excess of one million dollars.

In 1939, the second slate of officers was elected. Dr. Louis Mannix was elected Chairman and Mr. Louis Beauchamp, Treasurer.

Two years later, World War II was declared and the Chapter started its war programs. First Aid classes were demanded, but since Chicopee had no instructors, National sent an instructor, Dr. Newbaker, to prepare future instructors. A class of 34 was organized. It was composed of school personnel, members of the Fire and Police Departments, etc. These classes were held at the Cabot Street Fire Station five nights a week. Among the members who became instructors were: Mr. Nap St. Francis, Jr., now retired Director of Health, Safety, and Education in the School Department; Mr. Edgar Canty, now retired Deputy Chief of the Fire Department; Mr. Joseph M. Grise, Jr., retired Funeral Director, and Mr. Raymond P. Snyder. The 34 instructors were immediately assigned classes which were held in Industry, Schools, Fire and Police Departments.

Volunteer Services were organized under the Chairmanship of Mrs. Katherine Wilson and later Mrs. Charles Bray who held this position untiringly for many years. The first year they produced 750 hand knit sweaters, 250 layettes, 200 hospital bed shirts, and 500 woolen dresses for women and little girls. The cloth was sent to the Chapter by National Red Cross.

A Motor Corps was organized with Mrs. Louis Mannix as Chairman. She also continued in this position for many years. Life Saving and First Aid were also organized with Mr. Nap St. Francis as Chairman, a position he too held for many years.

The Blood Bank Program was not active until recent years. Mrs. Loula Topulos and Mrs. Edwina Stroshine served as temporary Chairman for a time until Mrs. Lucille Messier was named Chairman, a position in which she has given untiringly of her time and effort. Mention of the Blood Program would not be complete without a very special mention of Miss Linda Baker who has given 63 years of service to the Red Cross as a Registered Nurse and who did extensive work with our Bloodmobiles.

Miss James resigned to return to school and Mrs. Katherine Wilson replaced her on a temporary basis until the second Executive Secretary was chosen. Miss Annette Bernardin was appointed. She remained a year and then left to return to her home city of Lawrence, Massachusetts where she became Executive Secretary of that chapter. Mrs. Mary D. Connell then replaced Miss Bernardin.

During Mrs. Connell's many years of faithful service, the Chapter headquarters were moved from the Chicopee Savings Bank building to 127 Main Street, Chicopee Falls. It remained there for several years and then purchased the present Chapter House which was named for Mrs. Connell for her dedication to Chicopee and the Red Cross.

Since Mrs. Connell's untimely death, the following have served the Chapter as Executive Director: Mr. John Carter, Mr. Richard Lawrence, and the current Director, Colonel William Wolfendon.

The goal of the Chicopee Chapter is to aid in time of disaster, to conduct a Blood Program, Safety Programs, a Junior Red Cross Program, aid to Veterans and their dependents, and aiding military personnel and dependents. Particular mention should be made of the services rendered to the military personnel at Westover Air Force Base throughout the years. The Chicopee Chapter has aided literally thousands of these servicemen and their families through counselling, communications, financial assistance and material aid. In addition to this aid being a part of the mission of the Red Cross, we believe we have made a significant contribution to good Base-Community relations through our efforts. Our assistance to Westover personnel and other Armed Forces personnel and their families will continue.

In order that this brief history not become too lengthy, the following is a list of names of those who should also be mentioned for their devotion and long hours of dedication to the Chapter. If any names are omitted, it is not intentional.

Mrs. Ike Alpert (deceased).
Mr. George Atkinson.
Mrs. Marie Aubrey.
Mrs. Gertrude Austin.
Miss Linda Baker.
Mr. Frank Beardsell (deceased).
Mr. Frank Beasley (deceased).
Mr. Paul H. Benoit.
Mr. Stephen Berestka (deceased).
Mrs. Eva Bergeron.
Dr. Olen Bielski.
Mrs. W. R. Blair.
Mr. Robert Boulay.
Mayor Edward Bourbeau (deceased).
Mrs. Alene Bowman.
Mrs. Charles Bray.
Mrs. Marion Brown.
Miss Rhea Campbell.
Mr. Raymond Carignan.
Mrs. Leona Caron.
Mr. Nelson Carter.
Mrs. Olive Champagne.
Miss Sophie Chmura.
Miss Victoria Cyran.
Mr. John J. Desmond, Jr.
Mr. Arthur M. Donaldson.
Mr. John Fitzpatrick.
Mrs. Mary Fleury.
Mrs. George Fontaine (deceased).
Mr. Roger Gallant.
Mrs. Nancy Gemme.
Mr. James Hafey (deceased).
Mrs. Beatrice Haley.
Mrs. Pearl Hayes.
Miss Esther Hebert.
Mr. Colonel Holgate.
Mrs. Laura Hontz.
Mrs. John Kirby (deceased).
Mr. George Lewis.
Mrs. Josephine MacDonald.
Mr. Thomas McElhorne.
Mrs. Jane Maciolek.
Mrs. Anna Mahoney.
Mrs. Ray Marcille.
Mrs. Lucille Messier.
Mrs. Wilfred Messier.
Mrs. Mabel Midura.
Mrs. C. Mitchell.
Capt. Robert Murray.
Atty. Joseph Nowak, Sr.
Mrs. Claire Ouimette.
Mrs. Hazel Pickup (deceased).
Mrs. Mary Polom.
Mrs. Frank Pikula.
Miss Rita Rodden.
Mrs. Bertha Robinson.
Mrs. Ann Rose.
Mr. Edmund Roy.
Mr. Leo Roy.
Mr. James Sebolt.
Mr. John Shea.
Atty. Walter Shea (deceased).
Dr. Smolczynski (deceased).
Mrs. Edwina Stroshine.
Mr. Thaddeus Szetela.
Mr. Henry Tessier.
Mr. Harkness Usher.
Mrs. Merle Usher.
Mrs. Thomas Wilson.
Mrs. Elizabeth Wright.
Mr. Stanley Ziemba.
Miss Eugenie Trumbell.

Our thanks to the above generous and dedicated volunteers who have made the Chicopee Chapter an instrument of service to the community trhough the past fifty years.

PAST CHAPTER OFFICERS

*Chairman*

Mr. Charles A. Ludden, 1922–1937.
Dr. Louis Mannix, 1938–1941.

Mrs. James E. Marshall, 1942–1945.
Mr. Walter J. Trybulski, 1946–1950.
Mr. Nap St. Francis, Jr., 1951–1954.
Mr. Francis P. Rogowski, 1955.
Atty. Thomas D. Murphy, 1956.
Lt. Col. Maurice Trdjanowski, 1957.
Mr. Raymond P. Snyder, 1958–1960.
Mr. Joseph P. Quinlan, 1961–1965.
Mr. Stanford Celatka, 1966.
Mr. Thaddeus Wegrzyn, 1967–1969.
Present chairman: Mr. Thaddeus Budynkiewicz.

*Vice-chairman*

Mr. Eugene O'Neil, Jr., 1937.
Mrs. William R. Blair, 1938–1939.
Mrs. Thomas Wilson, 1940–1944.
Atty. Joseph W. Nowak, 1945 and 1952.
Mr. Nap P. St. Francis, Jr., 1946–1950.
Mr. Henry B. Fay, 1951 and 1953.
Mr. Raymond P. Snyder, 1954–1956.
Mr. Anast Giokas, 1956–1957.
Mr. Joseph P. Quinlan, 1958–1960.
Mr. Stanford Celatka, 1961–1965.
Mrs. D. J. Hanifan, 1966–1971.
Present Vice-Chairman: Mrs. D. J. Hanifan.

*Treasurer*

Mr. John B. Knight, 1937.
Mr. Louis T. Beauchamp, 1938–1943.
Mr. Roland J. Majeau, 1944–1957.
Mr. Mitchell Kuzdzal, 1958.
Mr. Anthony Krystofik, 1959–1960.
Mr. Deonysias G. Dulchinos, 1961–1965.
Mr. Thaddeus R. Wegrzyn, 1966.
Mr. Edward Fitzgerald, 1967–1968.
Mr. D. R. Zajchowski, 1969–1970.
Mr. Raymond Arbour, 1971.
Present treasurer: Mr. Raymond Arbour.

*Secretary*

Mr. Raymond P. Snyder, 1937–1953.
Mrs. Josephine M. DeGowin, 1954–1960.
Miss Marilla Huot, 1961–1966.
Dr. Olen A. Bielski, Jr., 1967–1968.
Mrs. Loula Topulos, 1969–1970.
Present secretary: Miss Rita Rodden.

COMMITTEES OF THE BOARD OF DIRECTORS

*Blood program*

Lucille Messier, Chairman; Leona Caron, Mary Fleury, Josephine McDonald, Mary Polom.

*Budget and finance*

Raymond Arbour, Chairman; Robert Boulay, Ted Wegrzyn.

*Community involvement*

James Mercer, Chairman; Edward Breton, Ruth Campbell, Al Beaupre, Sophie Chmura, George Haggerty, Raymond Snyder, William Wolfendon.

*Disaster services*

Ray Carignan, Chairman; Raymond Arbour, Dr. Olen Bielski, Robert Boulay, Mitchell Jasinski, Theodoer Erdhart, James Sebolt.

*First aid*

Mitchell Jasinski, Chairman; Raymond Carignan, James Sebolt, David Turgeon.

*Nominating*

James Mercer, Chairman; Raymond Arbour, William Coscore, George Haggerty, Rita Rodden.

*Membership and funds*

Raymond Arbour, Chairman; Robert Boulay, Ted Wegrzyn.

*Personnel practices and policies*

Thomas Murphy, Chairman; Raymond Arbour, Dr. Olen Bielski, Stanford Celatka, William Coscore.

*Properties*

Raymond Snyder, Chairman; Ruth Campbell, George Haggerty, Mrs. D. J. Hanifan, Samuel Jameson, Rita Rodden.

*Service to military families*

Vera LaFleur, Chairman; Anne Batson, Kathy Hogan, Edwina Stroshine.

*Water safety*

Ted Budynkiewicz, Chairman; Mary Hill, Raymond Deforge, Christine Merigan, C. V. Rivest, Joan Sullivan, David Turgeon, Alexander Vyce, Judy Wolcott.

*Youth service*

Sophie Chmura, Chairman; Victoria Cyran, Rita Rodden.

FIFTIETH ANNIVESARY COMMITTEE

Chairman, Vera LaFluer.
Publicity, William Wolfendon.
Historian, Raymond Synder.
Guests, Robert Janulevicz.
Decorations, Loula Topoulas.
Refreshments, Edward Wall.
Tickets, Marguerite Dearness and David Turgeon.

The chapter's annual report for 1971–1972 reveals the broad range of services now offered:

FIFTIETH ANNIVERSARY ANNUAL REPORT, AMERICAN RED CROSS, CHICOPEE, MASS.

DEDICATION

Fifty years is a major milestone for any organization, institution or way of life. The Traditional ideals and services of the Red Cross have become a reality in our community during these years. But the accomplishments of the past—and the hopes of the future—would not be possible were it not for the thousands of volunteer workers who have given so generously of time, energy, and spirit in the preceding half century. So to them—the Red Cross volunteers—we dedicate our 50th Anniversary Meeting.

The American Red Cross is the instrument chosen by the Congress to help carry out the obligations assumed by the United States under certain international treaties known as the Geneva or Red Cross Conventions. Specifically, its Congressional Charter imposes on the American Red Cross the duties to act as the medium of voluntary relief and communication between the American people and their armed forces, and to carry on a system of national and international relief to prevent and mitigate suffering caused by disasters.

All the activities of the American Red Cross and its chapters support these duties.

Nationally and locally the American Red Cross is governed by volunteers and it is financed by voluntary contributions.

OFFICERS

Mr. Thaddeus Budynkiewicz, Chairman.
Mrs. D. J. Hanifan, Vice Chairman.
Mr. Raymond Arbour, Treasurer.
Miss Rita Rodden, Secretary.

BOARD MEMBERS

(*Terms Expire 1973*)

Mr. Raymond Arbour, Mr. Robert Boulay, Mr. Edward Breton, Mr. William Coscore, Mr. Richard Demers, Mr. George Haggerty, Mr. Samuel Jameson, Mrs. Vera LaFluer.

(*Terms Expire 1974*)

Mr. James Allen, Mr. Ted Budynkiewicz, Miss Sophie Chmura, Mrs. D. J. Hanifan, Mr. Donald Heroux, Mr. Robert Janulevicz, Mr. Mitchell Jasinski, Mr. James Mercer, Mr. David Turgeon, Mr. T. R. Wegrzyn, Mr. John Woods, Mr. Edward Wall.

(*Terms Expire 1975*)

Mr. Stanley Bigda, Dr. Olen Bielski, Mr. Raymond Carignan, Atty. Thomas Murphy, Mr. George Ouimette, Miss Rita Rodden, Mr. Raymond Snyder, Mrs. Loula Topulos.

Honorary board member: Miss Linda Baker.

STAFF

William Wolfendon, Executive Director.
Mrs. Marguerite Dearness, Secretary.
Miss Esther Hebert, Volunteer Staff Aide.

CHAIRMAN'S MESSAGE

Once the idea for establishing an organization to be called the Red Cross became a fact in Geneva, Switzerland in 1865, it so strongly appealed to the best instincts in man that it was predestined to spread widely. The Red Cross movement has grown both in size and service to mankind throughout the world.

Our own chapter came into being in 1922 with the issue of our charter from American Red Cross National Headquarters. On this, our 50th Anniversary it is proper that we recognize the ideals of the Red Cross and recognize the volunteers and career staff of the Chicopee Chapter who have through the years carried out the Red Cross programs.

In spite of serious and persistent financial problems, the Chapter through its volunteers has continued to provide its service to the community, both military and civilian. I see no immediate relief from these financial problems; yet the tasks of the future must be accomplished.

I am proud to serve as your Chapter Chairman and am confident that our dedicated and loyal volunteers and staff will meet the challenges of the future as they have so ably in the past fifty years.

THADDEUS BUDYNKIEWICZ,
*Chapter Chairman.*

SERVICE TO MILITARY FAMILIES

In accordance with the terms of its Congressional Charter, the Red Cross is charged with the responsibility of acting as the medium of relief and communication between the American people and their Armed Forces.

We believe this responsibility has been adequately discharged by our chapter during the past year as it has in the past 50 years of its existence.

Our case load is always high due to the proximity of Westover AFB but we are happy to be of service to the fine men of Westover and their families. As in the past, our aid has taken the form of counseling, emergency communications, health reports, and financial assistance.

Breakdown of case activity is as follows:

| | |
|---|---|
| Loans to servicemen and their families | $3,480 |
| Total loans | 27 |
| Total number of cases serviced | 187 |
| Total number of requests for limited service | 132 |
| Total cases | 319 |

VERA LAFLUER,
*SMF Chairman.*

DISASTER SERVICE

In accordance with our Congressional Charter, the Chicopee Chapter Disaster Action Team stands ready now to assist in times of personal or community crisis as it has during the past 50 years of its existence. Our assistance to the victims of disaster includes temporary lodging, food, and clothing—all a GIFT of the Red Cross.

At this time when the Chicopee Chapter observes its 50th Anniversary, I think it appropriate to recognize the efforts of the National and International Red Cross and its Disaster relief for over one hundred years. The record speaks for itself.

Many thanks to the trained and dedicated volunteers who serve on our Disaster Action Team.

RAYMOND L. CARIGNAN,
*Disaster Chairman.*

OFFICE OF VOLUNTEERS

At the time of this observance of our 50th Anniversary, I would like to recognize and commend the thousands of volunteers who, through the years, have accomplished the mission of the Red Cross in our community. Only when it is realized that there are but two staff employees in the Chapter, does the scope of the work of our volunteers become apparent.

Volunteers in the past have left to our present corps of volunteers, a legacy of service to their fellow man. We accept the challenges and tasks of the present and the fu-

ture in carrying out the Red Cross ideals in the best traditions of 50 years of service to our community.

LOULA TOPULOS,
*Chairman of Volunteers.*

FIRST AID

Throughout the 50 years of our existence, our volunteer instructors have trained thousands of people in the art of First Aid. We are proud of this service to our community and intend to continue it.

During the past year, we conducted courses for 150 people as follows:

| | Courses | Certificates |
|---|---|---|
| Junior first aid | 1 | 32 |
| Standard first aid | 7 | 66 |
| Advanced first aid | 1 | 52 |

MITCHELL JASINSKI,
First Aid Chairman.

BLOOD PROGRAM

It is with a great sense of personal satisfaction that I serve as your Blood Program Chairman. It is wonderful to see blood donors come forth, many for the first time, and see them leave with pride knowing their donation of blood is the gift of life to people in need.

It has been a great pleasure to work with the heads of clubs, lodges, college, and industrial plants who are so cooperative with our Blood Program.

We have had 25 blood banks during the past year and have collected 1072 pints of blood. A total of 2224 volunteer hours were served.

A big "Thank You" to my wonderful and faithful volunteers who cooperate 100% with me.

LUCILLE MESSIER,
*Blood Program Chairman.*

WATER SAFETY

Volunteer Water Safety instructors conduct courses for people of all ages in swimming and lifesaving.

More than 1200 persons were reached by demonstrators and given instruction on personal safety in, on, and around the water. The Chicopee Red Cross is justly proud of its Water Safety Program. We are proud of the corps of volunteer instructors and of the excellent work they have done. It is our goal to "water-proof" Americans through our Water Safety Program.

| | Courses | Certificates |
|---|---|---|
| Beginner swimming | 51 | 392 |
| Advanced beginner swimming | 27 | 244 |
| Intermediate swimming | 28 | 152 |
| Swimmer | 16 | 75 |
| Advanced swimmer | 1 | 2 |
| Junior life saving | 15 | 69 |
| Senior life saving | 15 | 86 |
| Water safety aide | 1 | 2 |
| Total | 154 | 1,022 |

THADDEUS BUDYNKIEWICZ,
Water Safety Chairman.

NURSING PROGRAM

Our volunteer nurses continue to serve with dedication and skill at our blood banks. They served 480 hours at the 25 blood banks.

I extend my own thanks and those of the chapter to these fine volunteer nurses.

Miss LINDA BAKER, R.N.,
*Chief Nurse.*

FINANCIAL REPORT—FISCAL YEAR ENDING JUNE 30, 1971

*Income*

| | |
|---|---|
| Allocation from United Fund (chapter portion only) | $17,397.00 |
| Miscellaneous income | 217.00 |
| Total income | 17,669.00 |

*Expenses*

| | |
|---|---|
| Salaries and related expenses | $12,529.74 |
| Office maintenance and operations | 3,156.50 |
| Activities and services | 3,523.34 |
| Total expenses | 19,209.58 |
| Excess of expenses over income | (1,540.58) |
| Total allocation from United Fund | 31,000.00 |

BEQUESTS TO THE RED CROSS

Pursuant to its Congressional Charter, the Red Cross is a national corporation and the chapters are its local units.

The following basic forms are recommended for making a testamentary gift to the national organization or a local chapter.

For a bequest to the national organization:

"I give, devise, and bequeath to the American National Red Cross the sum of . . . dollars" (or otherwise describe the gift).

For a bequest to the local chapter:

"I give, devise, and bequeath to the American National Red Cross the sum of . . . dollars (or otherwise describe the gift) for the use of Chicopee Chapter."

## RARICK TESTIMONY ON THE BUSING PROBLEM

## HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 28, 1972*

Mr. RARICK. Mr. Speaker, I was privileged to testify today before Subcommittee No. 5 of the House Judiciary Committee in support of legislation proposing an antibusing amendment to the Constitution prohibiting the assignment of any public school student to a particular school because of his race, creed, or color. Ratification of such an amendment—which would, I believe, come swiftly—would restore the right of freedom of choice to the American people, which is, after all is said and done, what America is all about.

I insert my testimony in the RECORD at this point:

STATEMENT OF JOHN R. RARICK

Mr. Chairman, Members of the Subcommittee, I welcome this opportunity to testify today as you begin consideration of legislation to correct the inequities of forced busing to achieve "proper racial proportions," a problem that threatens freedom in America by dividing our people and demoralizing our educational system.

Forced busing to achieve theoretical racial proportions is both morally and legally wrong; it is an abrogation of the basic American right of freedom of choice and a denial of the rights of the American citizen to choose the society in which he will live, work, and raise a family, a society where he can pass on his heritage and culture in peace and harmony with his chosen friends.

Forced busing is a practice which, if demanded of adult Americans, would be immediately condemned and stopped. It is no more moral for society to apply to children the force which, if it were applied to adults, men would know immoral. What charity, what compassion, what morality is there in forcing a child as we would not force his father. Anyone can see that to apply such force to American adults would make our society a police state.

One of the best statements exposing the immorality of busing school children to achieve racial balance appeared in the Wall Street Journal of February 26, 1971. Two key passages of this editorial are worth noting at this point.

The editorial begins with a very definite statement: "Surely it is time to face up to a fact that can no longer be hidden from view. The attempt to integrate this country's schools is a tragic failure." The article concludes with a statement of its principal theme, a theme that is very relevant to the legislation now before this Subcommittee:

"So long as he does not encroach upon others, no man should be compelled to walk where he would not walk, live where he would not live, share what company he would shun, think what he would not think, believe what he believes not."

Mr. Chairman, I ask that the text of this editorial, "Forced Integration: Suffer the Children," be inserted at this point in my testimony.

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[From the Wall Street Journal, Feb. 26, 1972]

FORCED INTEGRATION: SUFFER THE CHILDREN

(By Vermont Royster)

"Surely it is time to face up to a fact that can no longer be hidden from view. The attempt to integrate this country's schools is a tragic failure."

The words of Stewart Alsop in Newsweek will serve as well as any. They are startling, honest and deeply true. Whatever anyone else says otherwise, however shocked we may be, we know he is right.

The proof lies in the fact that Congress, in a confused sort of way, has made it clear that it no longer thinks forced integration is the way to El Dorado. Since Congress is a political body, that in itself might be evidence enough. But Mr. Alsop has also put the statement up for challenge to a wide range of civil rights leaders, black and white, ranging from Education Commissioner James Allen to black militant Julius Hobson, and found none to deny it. Beyond that, we have only to look around ourselves, at both our white and our black neighbors, to know that the failure is there.

But that only plunges us into deeper questions. Why is it a failure? And why is it tragic? Why is it that something on which so many men of good will put their faith has at last come to this? Where did we go wrong?

And those questions plunge us yet deeper. For to answer them we must go back to the beginning. It is the moment for one of those agonizing reappraisals of all our hopes, emotions, thoughts, about what is surely the most wretched of all the problems before our society.

A SIMPLE PROPOSITION

We begin, I think, with a simple proposition. It is that it was, and is, *morally* wrong for a society to say to one group of people that because of their color they are pariahs—that the majesty of law can be used to segregate them in their homes, in their schools, in their livelihoods, in their social contacts with their fellows. The wrong is in no wise mitigated by any pleas that society may provide well for them within their segregated state. That has nothing to do with the moral question.

In 1954, for the first time, the Supreme Court stated that moral imperative. Beginning with the second decision the judges in a series of decisions struck down the legal underpinnings of segregation.

Since emotions and prejudices are not swept away by court decisions, there were some white people in all parts of the country who resisted the change. But they were, for all their noise, in the minority. The great body of our people, even in the South where prejudice had congealed into custom, began the talk of stripping away the battens of segregation. Slowly, perhaps, but relentlessly.

Then some people—men of good will, mostly—said this was not enough. They

noticed that the mere ending of segregation did not mix whites and blacks in social intercourse. Neigborhoods remained either predominantly white or black. So did schools, because our schools are related to our neighborhoods. So did many other things. Not because of the law, but because of habit, economics, preference—or prejudices, if you prefer.

From this came the concept of "de facto" segregation. This Latin phrase, borrowed from the law, describes any separation of whites and blacks that exists in fact and equates it with the segregation proscribed by law. The cause matters not. These men of good will concluded that if segregation in law is bad then any separation that exists in fact is equally bad.

From this view we were led to attack any separation as de facto segregation. Since the first attack on segregation came in the schools, the schools became the first place for the attack on separation from whatever cause. And since the law had served us well in the first instance, we chose—our lawmakers chose—to use the law for the second purpose also. The law, that is, was applied to compel not merely an end to segregation but an end to separation by forced integration.

It was at this point that we fell into the abyss. The error was not merely that we created a legal monstrosity, or something unacceptable politically to both whites and blacks. The tragedy is that we embraced an idea *morally* wrong.

That must be recognized if we are to understand all else. For what is wrong about forced integration in the schools is not its impracticality, which we all now see, but its immorality, which is not yet fully grasped.

Let us consider.

Imagine, now, a neighborhood in which 95% of the people are white, 5% of them black. It is self-evident that we have here a de facto imbalance. We do not have legal segregation, but we do not have integration either, at least not anything more than "Tokenism."

Let us suppose also that for some reason—any reason, economics, white hostilities, or perhaps black prejudice against living next door to whites—the proportion does not change. The only way then to change it is for some of the whites to move away and, concurrently, for some blacks who live elsewhere to move into this neighborhood. One is not enough. Both things must happen.

CREATING AN IMBALANCE

Or let us suppose the proportion does change. Let us suppose that for some reason—any reason, including prejudice—large numbers of white families move out of the neighborhood, making room for black people to move in, so that after a few years we have entirely reversed the proportions. The neighborhood becomes 95% black, 5% white.

Again we have an imbalance. Again we do not truly have segregation, but call it that, if you wish; de facto segregation. In any event we do not have integration in the sense that there is a general mixing together of the blacks and whites.

Now suppose that we act from the assumption that this is wrong. That it is wrong to have the neighborhood either 95% white or 95% black. That the mix to be "right," must be some particular proportion.

What action is to be taken? In the first instance, do we by law forcefully remove some of the white families from the neighborhood so that we can force in the "proper" number of black families? Or; in the second instance, do we by law prohibit some of the white families from moving out of the neighborhood? If we do either, who decides who moves, who stays?

The example, of course, is fanciful. We do none of this. No one has had the political temerity to propose a law that would send soldiers to pick people up and move them, or to block the way and prevent them from moving. No one stands up and says this is the moral thing to do.

Stated thus badly, the immorality of doing such things is perfectly clear. No one thinks it moral to send policemen, or the National Guard, bayonets in hand, to corral people and force them into a swimming pool, or a public park or a cocktail party when they do not wish to go.

No one pretends this is moral—for all that anyone may deplore people's prejudice—because everyone can see that to do this is to make of our society a police state. The methods, whatever the differences in intent, would be no different from the tramping boots of the Communist, Nazi or Fascistic police states.

All this being fanciful, no one proposing such things, it may seem we have strayed far from the school integration program. But, have we?

The essence of that program is that we have tried to apply to our schools the methods we would not dream of applying to other parts of society. We have forced the children to move.

There are many things wrong with the forcible transfer of children from school to school to obtain the "proper" racial mix. It is, for one thing, wasteful of time, energy and money that could better be applied to making all schools better.

To this practical objection there is also the fact that in concept it is arrogant. The unspoken idea it rests upon is that black children will somehow gain from putting their black skins near to white skins. This is the reverse coin of the worst segregationist's idea that somehow the white children will suffer from putting their white skins near to black skins.

Both are insolent assertions of white superiority. Both spring from the same bitter seed.

Still, the practical difficulties might be surmounted. The implied arrogance might be overlooked, on the grounds that the alleged superiority is not racial but cultural; or that, further, both whites and blacks will gain from mutual association. That still leaves the moral question.

Perhaps it should be re-stated. Is it moral for society to apply to children the force which, if it were applied to adults, men would know immoral? What charity, what compassion, what morality is there in forcing a child as we would not force his father?

It is a terrible thing to see, as we have seen, soldiers standing guard so that a black child but cringe in shame that only this way is it done. But at least then the soldiers are standing for a moral principle—that no one, child or adult, shall be barred by the color of his skin from access to what belongs to us all, white or black.

But it would have been terrifying if those same soldiers had been going about the town rounding up the black children and marching them from their accustomed school to another, while they went fearfully and their parents wept. On that, I verily believe, morality will brook no challenge.

Thus, then, the abyss. It opened because in fleeting from one moral wrong of the past, for which we felt guilty, we fled all unaware to another immorality. The failure is tragic because in so doing we heaped the burdens upon our children, who are helpless.

MUST WE TURN BACK?

Does this mean, as many men of good will fear, that to recognize as much, to acknowledge the failure of forced integration in the schools, is to surrender, to turn backward to what we have fled from?

Surely not. There remains, and we as a people must insist upon it, the moral imperative that no one should be denied his place in society, his dignity as a human being, because of his color. Not in the schools only but in his livelihood and his life. No custom, no tradition, no trickery should be allowed to evade that imperative.

That we can insist upon without violating the other moral imperative. So long as he does not encroach upon others, no man should be compelled to walk where he would not walk, live where he would not live, share what company he would shun, think what he would not think, believe what he believes not.

If we grasp the distinction, we will follow a tragic failure with a giant step. And, God willing, not just in the schools.

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RESUMPTION OF TESTIMONY BEFORE THE SUBCOMMITTEE

Forced busing to overcome racial imbalance is illegal; it is, on the face of it, in violation of the law of the land. But what is the "law of the land"?

We start with the Constitution of the United States, where the law of the land is defined in no uncertain terms in what is called the supremacy clause, found in article VI.

"This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby . . ."

The crucial provision of our Constitution is:

"This Constitution and the Laws of the United States which shall be made in pursuance thereof . . . shall be the supreme Law of the Land . . ."

Nothing is provided about Supreme Court decisions being the law of the land. On the other hand, judges are bound by acts of Congress.

Now Congress has enacted laws pursuant to the Constitution which are the law of the land. One of these laws goes right to the heart of our school problems today and points out the usurpation by the Supreme Court's ruling on busing.

Title 42 of the United States Code, section 2000 C–6(a)(2) reads:

". . . provided that nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or the school district to another in order to achieve racial balance or otherwise enlarge the existing power of the court to insure compliance with Constitutional Standards."

42 U.S.C. 2000C Definition (b) reads:

"Desegregation means the assignment of students to public schools and within such schools without regard to their race . . . but desegregation shall not mean the assignment of students to public schools in order to overcome racial imbalance."

And then to make sure that the intent of Congress was not misunderstood, when we appropriated money to operate the Department of Health, Education, and Welfare, we wrote into that law—in English so plain no one can misunderstand—a provision forbidding HEW to misuse taxpayers moneys in busing to achieve racial balance.

The language of the HEW Appropriations Act reads:

"No part of the funds contained in this Act may be used to force busing of students, abolishment of any school, or to force any student attending any elementary or secondary school to attend a particular school against the choice of his or her parents or parent in order to overcome racial imbalance."

I would particularly point out here, Mr. Chairman, that part of title 42, U.S.C. that specifically provides that no Federal court shall "otherwise enlarge the existing power of the courts, to insure compliance with

Constitutional Standards." Certainly this passage, which is existing law, calls into question the Supreme Court's very justification for its actions in the Swann-Mecklenburg decision.

These laws forbidding the use of forced busing or the assignment of students to public schools in order to overcome racial imbalance have never been declared unconstitutional. They are the law of the land, and courts which hold to the contrary are in direct disobedience of the very law which they have sworn to uphold.

The problem confronting this Committee and the Congress is, then, involved with the relationship between the separate branches of the government. It is evident that the Federal judiciary will not on its own iniative return to the law of the land. It is, therefore, up to us—the representatives of the people assembled in Congress—to restore the basic right of freedom of choice to the American people and rescue them from judicial tyranny.

Mr. Chairman, it is worth pausing a moment here to take note of Jefferson's remarks on the dangers of judicial tyranny. He said:

"The Constitution is a mere thing of wax in the hands of the judiciary.

"The great object of my fear is the federal judiciary. That body, like gravity, ever acting, with noiseless foot, and unalarming advance, gaining ground step by step, and holding what it gains, is engulfing insiduously the special governments into the jaws of that which feeds them.

"I am sensible of the inroads daily made by the federal judiciary into the jurisdiction of its co-ordinate associates, the State governments. The legislative and executive branches may sometimes err, but elections and dependence will bring them to rights. The judiciary branch is the instrument which, working like gravity, without intermission, is to press us at last into one consolidated mass.

"Our government is now taking so steady a course as to show by what road it will pass to destruction, to-wit: by consolidation first, and then corruption, its necessary consequence. The engine of consolidation will be the federal judiciary; the two other branches, the corrupting and corrupted instruments.

"It has long been my opinion, and I have never shrunk from its expression, that the germ of dissolution of our federal government is in the constitution of the federal judiciary; an irresponsible body (for impeachment is scarcely a scare-crow), working like gravity by night and by day, gaining a little today and a little tomorrow, and advancing its noiseless step like a thief, over the field of jurisdiction, until all shall be usurped from the States, and the government of all be consolidated into one. To this I am opposed; because, when all government, domestic and foreign, in little as in great things, shall be drawn to Washington as the centre of all power, it will render powerless the checks provided of one government on another, and will become as venal and oppressive as the government from which we separated."

There are, as you are all well aware, steps that we, the elected representatives of the people assembled in Congress, can take to check the power of the judiciary and satisfy the cry of the people raised against the use of forced busing to overcome racial imbalance.

There is incontrovertible evidence to indicate that a vast majority of Americans are opposed to forced busing to achieve some ridiculous notion of "proper racial proportions." In the Gallup Poll of September 1971, the results indicated that 73% of the American people oppose the use of forced busing to achieve some idea of proper racial mixture. Only 19% indicated that they favored the continued use of busing, with 8% indicating no opinion on this issue. I would dare say that the number of Americans opposing forced busing has increased over the past school year with the further implementation of Swann-Mecklenburg and the recent Richmond decision.

One of the means available to the Congress to check the power of judiciary is through Constitutional amendment. 146 Members, as of February 25, 1972, have indicated their support for this approach to the problem of busing through the signing of discharge petition 9, calling H.J. Res. 620 from the consideration of this Committee. This bill proposes an amendment to the Constitution reading, in essence, "No public school student shall, because of his race, creed, or color, be assigned to or required to attend a particular school."

I speak today in support of this or similar legislation. I repeat, there is no need of further laws prohibiting the use of busing to achieve "proper racial balance"—it is already against the law of the land, clearly stated in incontrovertible language. The problem is caused not by our laws, but by a Federal judiciary that has virtually ignored the laws it has sworn to uphold. Our Constitution, the very foundation of the American system, is quite clear on this—one sure means available to the Congress to check the power of the judiciary is through Constitutional amendment, to restate to our friends on the bench that the people want the Constitution to mean what it says.

I would, in conclusion, again point out that passage of this legislation and eventual ratification as part of the Constitution will restore the basic right of freedom of choice to the American people and will protect them from judicial tyranny by restoring to them the right of private property, the right to reap the benefits of ownership and/or residence in a place of their own choosing.

Finally, Mr. Chairman, I would point out one further effect that ratification of such a Constitutional amendment would have. It would be an effective curb on such decisions as rendered in the Richmond case and suggested in the earlier Atlanta decision wherein the Federal judge or judges ordered the merger of an inner city school system with the school systems of surrounding counties, again to achieve and maintain "proper racial proportions." I am sure that you are all well aware of the fact that such a decision will, through implementation, force wholesale busing of school children to achieve some unrealistic notion of racial proportions.

Mr. Chairman, I urge you and the Members of the Subcommittee to give favorable consideration to H.J. Res. 620, or similar legislation proposing an amendment to the Constitution prohibiting the assignment of any public school student to a particular school because of his race, creed, or color. Ratification of such an amendment—which would, I believe, come swiftly—would restore the right of freedom of choice to the American people, which is, after all is said and done, what America is all about.



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## HUCKSTERS IN BLOOD

### HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 28, 1972*

Mr. VEYSEY. Mr. Speaker, in my remarks on my bill, H.R. 11828, I have often referred to Dr. J. Garrott Allen as an expert on many aspects of blood banking. He has been involved in this field for nearly 20 years as a laboratory and clinical researcher, a blood bank administrator, and now as professor of surgery at Stanford Medical Center. Dr. Allen's long and varied experience in this field has led to a strong conviction that volunteerism is indispensable in blood banking.

"Hucksters in Blood" is a well written statement of Dr. Allen's views. Particularly important is Dr. Allen's conviction that labeling blood as to its source is crucial to quality blood for all recipients of blood. I commend this article to the attention of my colleagues.

The article follows:

HUCKSTERS IN BLOOD

(By J. Garrott Allen, M.D.)

The main hazard of a blood transfusion is the hepatitis it may produce. Blood, like milk, may be bought and sold. Unlike milk, not all sources of blood are Grade A. The quality of milk is better regulated by the Food and Drug Administration than is the quality of blood, regulated by the Division of Biologics Standards of H.E.W. Milk is a product that carries an implied warranty as to the health of the herd. Milk itself is tested daily at the dairy for quality, and for bacteria four times in six months, according to the USPHS Milk Ordinance of 1965. There is no such ordinance governing the production of blood and blood products. National standards for milk apply in every state, but this is not true for blood, except when interstate shipment is involved. Blood, produced and sold within a state, may be governed by few, if any, regulations as to quality.

The problem is so serious that physicians, blood banks and hospitals have become gunshy about transfusions, until protective legislation can be developed. Quietly, laws have been passed in state after state which protect the medical profession, including blood banks, against the liability that may be incurred when a patient develops transfusion hepatitis. Already, in more than 25 states, such laws have been passed which strip the patient of his right to sue. These laws attempt to guarantee immunity for the doctors, blood banks and hospitals from any and all ill effects that may arise from the administration of blood or its derivatives. Many, if not all, of the states have been stimulated to pass similar laws, after the Illinois State Supreme Court, on September 29, 1970, handed down its decision on the Cunningham vs. MacNeal Memorial Hospital case.

This decision granted permission for the local court to try the case in which Cunningham had filed suit for damages sustained from transfusion hepatitis, allegedly contracted from a transfusion at the MacNeal Memorial Hospital in 1960. The blood was from a commercial donor.

It is estimated by the National Research Council and the American National Red Cross that approximately 30,000 cases of hepatitis occur each year. The mortality rate is about 20% in patients over 40, and three-fifths of the blood given is to patients 40 years and older. This could be reduced by 90% if all blood were from volunteer donors.

Volunteer donors are friends, relatives, or any other persons, who give blood without pay as a civic duty, as a replacement without pay for a friend or who participate in a volunteer blood assurance program. In our affluent society, many patients elect to pay for blood rather than to ask their friend to volunteer as donors. This has been a mistake because a large proportion of purchased blood is from the lower socio-economic groups, which include Skid-Row and addict donors as well as prison donors. These donors carry, on the average, about 10 times the risk of transmitting hepatitis as does a population of similar size of volunteer, unpaid donors.

The sine qua non of the commercial donor is that he has been paid or that he is a prisoner. The commercial donor is willing to

sell his blood for from $5 to $10 or, in the case of prisoners, to buy time. These people, living under crowded and unsanitary conditions, tend to be exposed to hepatitis. Whether or not they develop the disease, many carry the infectious agent in their blood for many months to many years, perhaps a life time. There is no test that will satisfactorily detect most of these carriers who otherwise usually appear in good health. The common use of the needle among drug users is a notorious way in which hepatitis of this kind is transmitted. It is money that these people need to obtain more drugs or alcohol. Commercialism in blood is a national problem. For the above reasons, the most important information about blood, other than typing and cross-matching, is whether it has been purchased.

If blood were labelled according to its origin, whether it had been purchased or donated, the doctor would have a basis upon which to make a rationale decision. He could then request a unit of blood from a volunteer donor, or he could perhaps use a less dangerous fluid. The National Institutes of Health and the National Research Council appear unwilling to consider this simple safeguard. Apparently, to do so would acknowledge that there are two kinds of donor populations, high-risk and low-risk. And there are.

The point of law in question is whether blood is a service or a product. Legally, a product is subject to warranty, in that its producer guarantees its quality. A service is not. So blood is declared a service for the purposes of those who manufacture this "service". Therefore, there has been a scramble by the legislatures of many states to pass laws in which blood transfusions are declared a service, from donor to patient.

PROTECTIVE LEGISLATION

It does not seem fair that the doctor, the hospital and the blood bank should be protected against the risk of transfusion hepatitis and the patient not. Ironically the present laws are directed against the health of 100 per cent of our population and against the financial interests of 98 per cent of their constituents—those not engaged in the service of blood transfusion. In California the following law was passed in 1964:

"Section 1623. Blood, etc.; processing, distribution; service, not sale. The procurement, processing, distribution, or use of whole blood, plasma, blood products; and blood derivatives for the purpose of injecting or transfusion the same, or any of them, into the human body shall be construed to be, and is declared to be, for all purposes whatsoever, the rendition of a service by each and every person, form or corporation participating therein, and shall not be construed to be, and is declared not to be, a sale of such whole blood, plasma, blood products, or blood derivatives, for any purpose or purposes whatsoever."

This law certainly can not be said to be in the interests of our patients, and it is no credit to medicine or blood bankers. It is proposed to amend the law in California in 1971 more sternly against the patient by the passage of AB 2889.

Whether a transfusion represents a product, a service or a combination of both is irrelevant to the patient if he contracts transfusion hepatitis. He may be mildly ill, moderately ill, severely ill, or he may die.

Once such protective legislation has been passed, there is no stimulus for the physician, the hospital or the blood bank to improve the quality of blood. They need only maintain the status quo. Although the patient has eleven or more times the risk rate of contracting serum hepatitis from commercial blood than if only volunteer blood is used, by law the blood bankers are saying that all blood carries equal risk. Medically, as physicians, we know this is not true.

The patient has no choice as to whether he receives blood from a commercial high-risk donor population or a low-risk volunteer population. Even if the patient brings in volunteer donors in advance of his need, there is no guarantee that this responsible act will receive any consideration when he is transfused, even though his donors are of his own type. In no state do the laws require that blood banks are obligated to provide such patients with blood from volunteer sources in return for the patient's effort and foresight.

The California law does nothing to encourage blood banks, hospitals and physicians to improve the quality of blood they are now using. Backing similar legislation in Illinois are the American National Red Cross, the American Association of Blood Banks, the State Medical Society, the State Hospital Association, the Midwest Chapter of the National Hemophilia Foundation, and a variety of lesser medical or paramedical organizations. This seems strange.

Better they unite to form a vigorous national all-volunteer program, producing blood and its products that are uniform in excellence, and labelling it as unpurchased.

FACTORS DISCOURAGING VOLUNTEER BLOOD PROGRAMS

Would this country support an all-volunteer blood program? With vigorous leadership, almost certainly yes. The USA is the only country, in the western hemisphere and most of western Europe, in which a national volunteer blood program does not exist. We have not even attempted to form one. True, one can get blood through the Clearing House Program of the American Association of Blood Banks, but this does not mean that quality blood, given at one point, will be quality blood administered at another. The Clearing House system introduces a bias in favor of commercialism. If we had an all-volunteer program, Clearing House activities would be unnecessary, and quality blood donated would be quality blood delivered.

Another contributor to the use of commercial blood is blood insurance, issued as a part of many commercial health policies. These policies provide for the cost of blood and, in many cases, for its services. Such insurance can only lead to the assurance that more patients will receive commercial blood. Because the patient need not replace his blood, the insurance companies pay the hospitals, the hospitals in turn pay the blood banks which, then, pay commercial donors. Approximately 76 million people are insured under commercial policies, 70 million under Blue Cross, a little more than 20 million by Medicare and an unknown number by the Veterans Administration.

The Director of the Health Insurance Council of America informed me that, if the commercial insurance companies did not provide for the costs of blood in their policies, blood banks would provide their own insurance. This statement may well be correct because there have been several insurance policies offered by blood banks in different parts of the country. The matter of conflict of interest is easily circumvented through simple legal maneuvers. This does not change the fact that conflict of interest does exist and, while it can be swept under the legal carpet, the patient remains the potential victim of the hucksters of blood.

In the sale of blood, profits are large even for non-profit blood banks. Commercialism discourages volunteer donations. Many patients would rather buy blood than to bother their friends, although their friends usually would welcome the chance to give. Commercialism takes all the satisfaction out of giving.

TRANSFUSION: A BUSINESS OR A SERVICE

Our present commercial system is unique in that the poorer the product, the higher the price. Usually price is quality-related. A filet mignon costs more than a hamburger. In blood banking in the United States, the question is not so much between a service and a product as it is between a service and a business. Some establishments issue stock.

Most commercial blood banks are incorporated as "not-for-profit", the profits being consumed by large salaries, expansion and in the name of research. Getting to the bottom of the financial practices in blood banking is about as difficult as it is to ferret out the activities of the Mafia.

In the recently published book by Titmuss, entitled *The Gift Relationship*[1], he points out the much greater efficiency in the use of blood and its products in England than in the United States. However, no one is losing any money in this country because of this inefficiency, but we do lose about 8 times more blood, in proportion, than England does. In England, blood banking is a national service. In the United States it is a competitive business. In our country, each time a particular unit of blood is cross-matched, the cost of a new typing fee and a new cross-match is added. The potential financial yields can run in excess of $100 for each pint of blood (see Table I).

SKID-ROW AND THE AU ANTIGEN

Most agree that we could reduce our incidence of transfusion hepatitis by nearly 90% if we used an all-volunteer system. To do this means that blood must be labelled, when it is drawn, as voluntarily given or purchased. Such distinctions would tend to eliminate the use of prisoners and Skid-Row and addict populations as donors. Money for drugs or alcohol, or buying time from a prison sentence, are the urgent needs of these people and why they show up so frequently at blood banks using commercial systems.

Beginning in 1961, Dr. Baruch Blumberg,[2] discovered an antigen in the blood of an Australia aborigine which was not recognized as being related to transfusion hepatitis until 1965. Since then a number of similar tests have been developed, but none, by whatever method currently used, discovers more than 25 to 30% of infectious carriers of hepatitis when routinely used. The failure to achieve better detection of infectious donors would seem to indicate that the Australia antigen is but one of several antigens that may cause transfusion hepatitis. The work of Krugman[3] would seem to verify this. Indirectly, the work of Prince[4] supports it too. He has found that his technique detects only one out of four potentially infectious donors. Compared to my clinical observations in which I found the attack rate for transfusion hepatitis from prison blood to be eleven times that recorded for volunteer blood,[5] Prince found his Au antigen test to be positive twelve times more frequently for blood from commercial sources.

In the results of Au testing, as of May 1971, about 75% of possibly infectious donors escape detection. One would expect that the results of our clinical experience would show disease, in any susceptible patient receiving infectious blood, to be four times greater than the laboratory results of Prince would have indicated. This indeed proved to be true.

Perhaps the Au antigen accounts for only about 25% of hepatitis associated with transfusion. This possibility should not be overlooked.

INFORMED CONSENT AND STRICT TORT LIABILITY

Informed consent has no medical value in the case of transfusion hepatitis for several reasons. It is impossible for the lay patient to be informed adequately of the risk of hepatitis that transfusion may carry, and it is unreasonable to expect him to understand the full range of complications of hepatitis. Furthermore, the patient may be under anesthesia before the decision is made

Footnotes at end of article.

to give him a transfusion, or he may be brought into the hospital unconscious and in urgent need of blood. With these acknowledged deficits, one nonetheless should carry out the charade of informed consent. But it would be much simpler for the patient's doctor to know the source of the blood before he gives it. He needs to balance risks against gains in making this decision, without this knowledge, he can not.

The strict tort liability theory assumes that there is a certain liability inherent in the cost of doing business. When there are so many at risk for transfusion hepatitis, why should not all share in the costs of the few who contract the disease? In our everyday life we have solved similar problems by suitable procedures, which also involve services that can be life-saving. For example, we do not, as individuals, pay each time we use the Fire Department or the Police Department. Taxation insures that a person will not be charged for the service of putting out a fire in his home. In our community, the average cost of a fire call is $2,900. These costs are shared community-wide, and as citizens, we are happiest when we have not had to use these services. Why not also "tax" for unavoidable accidents in Medicine?

FINANCING TORT LIABILITY

About thirty-thousand cases of posttransfusion hepatitis occur each year, according to the estimates of the National Research Council and the American National Red Cross. This is a reasonable guess. Further, they estimate that if an all-volunteer program were used, only about 3,000 cases would occur. This too is probably correct, assuming that doctors use blood more conservatively than at present. If each of the 3,000 patients who develop posttransfusion hepatitis were awarded an average of $20,000 each, the national total would be $60,000,000. This may be more than most blood banks make in profit.

But the strict tort liability theory could help enormously to improve our national blood program, if it were properly used. Costs of $60,000,000 per year could be readily met if one added $1.00 per year per person to each of the hospital insurance policies covering the 180,000,000 people currently insured, and the total of $1.00, divided three ways among the doctor, the hospital and the blood bank, for each transfusion given. This would tend to limit the administration of blood to only those patients who really needed it. This would also create a large nest-egg of $186,000,000 per year, or about three times what is needed to get started. Later these charges could be reduced according to experience (illustrating this possibility are the data shown on Table II). A scheme such as this could cover other unavoidable medical accidents, and these considerations are not far away. Since the patient will already have paid his part, the costs to the doctor, hospital and blood bank should not be permitted to be passed on to the patient.

This plan seems a more reasonable approach than to introduce legislative methods that are designed to protect the selective interests of only 2 per cent of our total population who one day also may need blood.

FOOTNOTES

[1] R. M. Titmuss, The Gift Relationship: from Human Blood to Social Policy (Pantheon Books, New York, January 1971).

[2] W. T. London, M. Difiglia, A. I. Sutnick, B. S. Blumberg, New Eng. J. Med. *281*, 571 (1969).

[3] S. Krugman, J. P. Giles, J. Hammond, J.A.M.A. *200*, 365 (1967).

[4] C. E. Cherubin and A. M. Prince, Transfusion, *11*, 25 (1971).

[5] J. G. Allen, Cal. Med. *104*, 293 (1966).

TABLE I

*Average charges for blood around the Bay Area*

*Possibility I:* Income from one unit of blood, given to first crossmatched patient: $25 1 unit of blood, each; plus $16 processing fee, each unit; plus $8.75 crossmatching fee, each unit equals $49.75 and $2.50 ABO grouping, each new patient; plus $4.50 Rh-typing, each new patient; totals $56.75.

*Possibility II:* Income from one unit of blood, given to fifth crossmatched patient: (According to the blood bank, one unit of blood averages to be crossmatched 5 to 6 times before it is actually given. Surgeons order blood for most operations, but do not use it): $8.75 crossmatching fee, plus $2.50 ABO grouping, plus $4.50 Rh typing, equals $15.75 times 5 patients, equals $78.75, plus $25 one unit of blood, $16 processing fee; total $119.75.

*Possibility III:* Charge to patient for one unit of blood ordered, but not given: $8.75 crossmatching for each unit ordered (usually more than one unit); plus $2.50 ABO grouping (once on each new patient); plus $4.50 Rh typing (once on each new patient) equals $15.75.

*Possibility IV:* Out-dated blood can be returned to the supplier (who uses it for fractionation) with no cost to the hospital.

TABLE II

*Sources of Fund to Offset Costs for Tort Liability*

Professional contributions per transfusion: $2 million from practicing physicians (estimated 250,000 each); $2 million from blood banks (estimated 5,500 facilities); $2 million from hospitals (estimated 7,800 nationwide); totals $6 million.

Patient contributions at $1 per annum (each insured person, all ages): $76 million through commercial insurance companies; $70 million through Blue Cross insurance; $21 million through Medicare; $13 million (approx.) through Veterans Administration; totals $180 million from insured patients (approximate total).

$180 million patient contribution per annum, plus $6 million professional contribution per transfusion equal $186 million, approximate total yield, minus $60 million estimated for tort liability awards ($20,000 × 3,000 cases) equals $100 million annual surplus.

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## TEMPLE ANSHE EMETH OF YOUNGSTOWN, OHIO, CELEBRATES GOLDEN JUBILEE

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## HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 28, 1972*

Mr. CARNEY. Mr. Speaker, on Sunday, February 20, 1972, Temple Anshe Emeth of Youngstown, Ohio, celebrated 50 years of service to the community. In 1919, a handful of people founded Anshe Emeth Congregation: Messrs. and Mesdames Max Fish, Max Frankle, J. Schwartz, David Rand, and Messrs. J. D. Feldman and Philip Isenberg. Anshe Emeth or "Men of Truth" was decided upon as the name for the congregation, with the understanding that it would be orthodox in ritual and conservative in nature.

These dedicated men and women chose to establish a new congregation because they were dissatisfied with the type of religious education their children were receiving in the congregations which existed in Youngstown at that time. They worked, fought, struggled, sacrificed, and contributed until in September 1922, the first new building was completed. The ultimate objective of erecting a house of worship was realized in June 1927, when the cornerstone of Temple Anshe Emeth was laid amid great rejoicing.

The original goal of Anshe Emeth Congregation has never been forgotten nor forsaken. The education of their children is still the primary function and responsibility of the congregation. Today, Temple Anshe Emeth has risen to the forefront as the leader of Jewish education for children in Youngstown.

Another reason Temple Anshe Emeth came into being was the desire of some people to end segregated seating to enable women to sit with the men. As a result, women are a vital part of this congregation, not only as sisterhood members, but also as an integral part of the religious services and the administration of the temple.

I join with Rabbi Samuel Meyer, 50th Anniversary Chairman Irwin A. Marks, President Allen H. Goldstone, and Sisterhood President Mrs. Alvin Finesilver in wishing the entire congregation of Temple Anshe Emeth "Mazal Tov" and a second 50 years as successful as the first 50 years.

The names of the charter members, synagogue family, patrons and 50th Anniversary Committee of Anshe Emeth Congregation follow:

CHARTER MEMBERS

Max Fish, George Isroff, Ignace Schwartz, Eugene Crow, S. J. Yarmy, A. M. Frankle, Joseph S. Schagrin.

TEMPLE PAST PRESIDENTS

Max Fish, 1919–22.
Ignatz Schwartz, 1922–26.
John N. Scott, 1926.
Mose Frankle, 1926–29.
Harry M. Krause, 1929–32.
Leon J. Knight, 1932–35.
Murray Nadler, 1935–38.
David Schneider, 1938–40.
Murray Nadler, 1940–44.
Sigmund Yarmy, 1944–45.
Marvin Itts, 1945–47.
Emanuel Katzman, 1947–49.
Harry M. Krause, 1949–51.
Joseph Ungar, 1951–54.
Reuben Segall, 1954–56.
Joseph Ungar, 1956–57.
Max Harshman, 1957–59.
David Schwebel, 1959–61.
Charles Zeigler, 1961–63.
Myron J. Nadler, 1963–65.
Barnard L. Linder, 1965–66.
Irwin Marks, 1966–71.

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Mrs. B. H. Bernstein, 1925–26.
Mrs. A. M. Frankle, 1926–27.
Mrs. Mose Frankle, 1927–34.
Mrs. Leon J. Knight, 1934–38.
Mrs. Irwin Elder, 1938–41.
Mrs. Jack Tamakin, 1941–43.
Mrs. Nat La Tuchie, 1943.
Mrs. Leon J. Knight, 1943–44.
Mrs. Cecil Welford, 1944–45.
Mrs. Max Marks, 1945–46.
Mrs. George Green, 1946–47.
Mrs. Ben Rome, 1947–49.
Mrs. Victor Weiss, 1949–50.
Mrs. Ben Rome, 1950–51.

Mrs. Jacob Eigner, 1951–54.
Mrs. Isadore Polonsky, 1954–57.
Mrs. Irwin Marks, 1957–59.
Mrs. Donald Ungar, 1959–61.
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Mrs. Saul Eichenbaum, 1968–70.
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Jack Rusnak, 1970–71.

USY PAST PRESIDENTS

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Ileane Oblonsky, 1955–1956.
Florine Fish, 1956.
Deena Scholsser, 1956–1957.
Judi Ocker, 1957–1958.
Greta Davidson, 1958–1959.
James Schwartz, 1959–1960.
Eugene Simon, 1960–1961.
Ruth Segall, 1961–1963.
Joel Moranz, 1963–1964.
Karen Engel, 1964–1966.
Julianne Luntz, 1966–1968.
Judy Krauss, 1968–1969.
Ann Dee Hasden, 1969–1970.
Marilyn Marks, 1970–1971.

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Cantor Ernest Gottesman.
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Allen Udell, Vice President.
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Dr. Milton Greenberg, Vice President.
Kenneth Burdman, Treasurer,
Charles Schwartz, Secretary.

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Photography and Publicity, Dr. William Gordon, Chairman.

Invitations, Mrs. Kenneth Burdman, Chairman; Mrs. Jerry Fish, Co-Chairman.

Decorations, Mrs. Ben Reiff, Chairman.

Hospitality, Max Harshman, Chairman.

Ad Book, Alex Gross, Mervyn Hollander, Co-Chairmen.

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* Presidium.

## A MESSAGE FOR MILITANTS

## HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 28, 1972*

Mr. VAN DEERLIN. Mr. Speaker, the congregation of St. John's Episcopal Church in Chula Vista, Calif., recently dedicated a shrine to Americans who are prisoners of war or missing in action in Southeast Asia.

There had been rumblings that anti-war groups might seize the occasion to demonstrate their militancy outside the church. Happily, no such inappropriate actions occurred. Yet if persons so inclined had attended the service that morning, they would have heard a message directed straight to the questions they often raise.

St. John's rector, the Reverend Gerald H. Graves, is no apologist for the adventure in Vietnam. But like many of his fellow Americans, Father Graves does not equate his desire for peace with a license to trample the flag, burn draft cards or obstruct commerce.

In hope of achieving a wider audience for his views, I asked Father Graves to provide a copy of the sermon he preached following dedication of the prayer shrine, for inclusion in the RECORD. The sermon follows:

A SERMON PREACHED BY THE REVEREND GERALD H. GRAVES, RECTOR, ST. JOHN'S EPISCOPAL CHURCH, CHULA VISTA, CALIF., ON SEXAGESIMA SUNDAY, FEBRUARY 6, 1972

Today, in churches throughout the Nation, "Four Chaplains Sunday" is being observed. Early on the morning of February 3, 1943 the United States troop transport Dorchester was in icy seas off Greenland. Most of the 900 men or board were asleep below decks. Suddenly, a torpedo struck the flank of the ship. Frantically climbing up the ladders, the men milled in panic and confusion on the decks.

In those dark moments, the coolest men aboard were four Army Chaplains—Clark V. Poling (Reformed Church of America), Alexander D. Goode (Jewish), John P. Washington (Roman Catholic), and George L. Fox (Methodist). The four chaplains led the men

to boxes of life jackets, passed them out, then quietly slipped off their own life preservers, put them on four young soldiers and told them to jump.

Twenty-five minutes later, the Dorchester went down in a great rumble of steam. Some 600 men were lost, but the heroic chaplains had helped save over 200. The last anyone saw of them, they were standing on the slanting deck, their arms linked, in prayer, to the one God Whom all of them served.

It is appropriate that on the Sunday nearest the 29th anniversary of that display of faith and courage, we remember with gratitude, all those who have laid down their lives in the service of our Country, and to remember with special concern the estimated 1,600 prisoners of war in southeast Asia, as well as all those who serve in our armed forces. So, here in St. John's Church, we have formally dedicated and blessed a prayer shrine in their honor.

We live in a critical time, when some zealots take it upon themselves to demand that our state and national leaders do and say what they tell them to do and say. Others make no apologies for publicly ripping to shreds, or burning, the symbol of the United States of America, in the name of "personal right" and "personal freedom."

I have conversed with some who have been convinced that this is perfectly legitimate behaviour, because "the Flag," they say, "is nothing more than a piece of cloth; dyed, cut, and turned-out with thousands of others from a banner factory."

In the same way, the figure of the crucified Christ which hangs above the altar in this parish church is nothing more than a piece of carved wood—just as the other statues, crosses, and banners which surround us are mere pieces of wood, or metal, or cloth shraped into particular forms.

And so, many of those who destroy the flag will tell you that they still "love this Nation", and that they are only "demonstrating to us how too much emphasis is placed upon symbols and 'things'." This kind of reasoning I find difficult to accept.

In a room in the rectory, I have a picture of my beloved father, now departed. If I should hold that picture before you, tear it from its frame, then shred it to bits, or burn it, I doubt that you would put much faith in my protestations of "how much I loved my father," because you would recognize the fact that the photograph was a representation—a symbol of something much more precious and important than "just a piece of paper."

And that's why the shrine we've just dedicated and set apart today is important. It isn't "just an altar" adorned with flags of the Armed Forces and a figure of the risen living Christ. It isn't "just a place lighted with candles." It's a symbol, an outward and visible sign of our constant and outgoing care and concern for those who are too often forgotten—those who've won, and are winning, for us (be we "conservative," "moderate," "liberal" or "revolutionary") the freedoms we enjoy as citizens of this land.

Our Lord once gave a commandment which, like so many of the others He gave, we tend to forget: *"Render to Caesar the things that are Caesar's; and to God, the things that are God's."* That means, "Respect both your God, and your country."

St. Peter wrote these words to the early Christians: "Brethren, be subject for the Lord's sake, to *every* human institution; whether it be to the emperor as supreme, or to governors. For it is God's will that by doing right, you can put to silence the ignorance of foolish men. Live as free men, yet without using your freedom as a pretext for evil, but live as servants of God. Honor all men. Love the brotherhood. Honor those in authority over you".

Order is Heaven's first law. We owe allegiance to spiritual powers, but we also owe it to temporal powers. The same Lord who commands us to obey the divine law, likewise expects us to uphold the laws of the land. And of all the people on the face of the earth, Americans should display special willingness to submit to the law and show a true loyalty to this Nation and its institutions.

Is this to say that America is perfect? No, for certainly, it is *not*. Nor is the Church perfect, for like the Nation, it's governed by men. Still, I have never forgotten the words of a Hungarian who escaped to the United States a few years ago, and who said to me: "My God! Do those Americans who cry out constantly against their own country realize what they're saying?" In Budapest, he'd been a certified public accountant. Now, in Southern California, he's a baker's apprentice, having left half his family in Hungary, murdered by the Communists. Like countless others, he had fled to the only land he trusted to offer him freedom and compassion.

Ours isn't a large parish, but this past week I had occasion to look closely at our communicant list as I compiled some statistics. Here, in this single church we find English, French, Irish, German, Mexican, Oriental, Polish, Russian and Italian names—a reminder that all of us are the heirs of millions of foreign-born Americans to whom this nation has been the priceless possession of their souls. No person is truly an American who doesn't place America before himself. Those of us who are Americans must serve America. It must never be expected always to be serving us.

Still, when we speak with pride about our Country, we should never do it in a spirit of "putting down" another. (Unfortunately, there are too many "Archie Bunkers" among us). We who live here enjoy the assimilation of the best things of the spirit which others have brought to America from other lands and civilizations. These we should never repudiate. These we should always welcome. We dare not lose sight of the reverence we owe to the civilizations which lie back of so many of those who have immigrated to the United States. There is no reason why peoples and races and faiths of the world should surrender and abandon their individuality after coming here.

But loyalty to the American Ideal we should, and can expect. There's an intimate relationship between reverence and obedience. Among members of the military, we find obedience to higher authority, because they reverence what the authority represents: this nation, under God.

It is both unfair and unfortunate that some television and motion picture producers deliberately attempt to picture military people as either "bumbling half-wits" or as egomaniacs who are itching to begin a nuclear war. I have been the rector of three parishes during the past nineteen years, and in each of them there have been many who have made the military services their careers. I have never known any individuals more dedicated to the cause of peace. If there are any human beings who truly loathe mortal combat and conflict, the servicemen and their families head the list. And yet they full recognize the fact that the surrender of one's personal integrity, or the surrender of a nation's integrity, is suicide.

And so, today, we have blessed and dedicated this Shrine of Prayer—as far as we know, the first of its particular kind in America. We have set it apart in a spirit of gratitude for the privilege of living in a land built upon a basic faith in Almighty God; a land still young in comparison with most other nations of the earth, and still experiencing its "growing pains," yet still one where each individual person is free to believe and to worpship—or not—in his own way. We have dedicated this shrine with the prayer that we who are here today, enjoying all the benefits of American Freedom, will not allow ourselves to neglect in our thoughts or prayers the approximately 1,600 Americans who are held as Prisoners of War—imprisoned as a result of their efforts, on our behalf, to preserve all that we possess.

We bless it with a renewed determination to work, and pray, and given to assist other people to maintain their own freedoms from tyranny. May this shrine be a place where each one of us will stop frequently to remember in our private prayers the prisoners, as well as all those who serve our country and those who have given their lives that the ideals of the United States of America may be openly shared with all the peoples of the world.

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## STANLEY SIEGWALD, UNDAUNTED BY PERSONAL ADVERSITY

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## HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 28, 1972*

Mr. MAZZOLI. Mr. Speaker, I would like to call the attention of my colleagues to the courage and fortitude exhibited by a resident of my district, Mr. Stanley Siegwald of Shively, Ky.

Life has dealt to Mr. Siegwald what many would consider to be cruel and demoralizing blows. One of his children, a son, Mike, suffered from spastic paralysis and lived but 9 years. Mr. Siegwald, himself, was stricken with cancer of the throat in March 1969. He since has been subjected to a program of cobalt therapy which, in turn, has caused a number of painful and debilitating side effects.

But Mr. Siegwald's answer to personal adversity has not been discouragement or self-pity. Instead, he has redoubled his efforts to help others. He has involved himself in the Scouting movement and has compiled a commendable record of service to the young people of his community.

Last year he was named a winner of the St. George Medal "for outstanding contribution to the spiritual phase of Catholic scouting."

Mr. Speaker, I include the following article, which first appeared in the Record, the newspaper of the Roman Catholic Archdiocese of Louisville, in the CONGRESSIONAL RECORD:

CANCER VICTIM LEADS SCOUTS TO AWARDS

Faith, aid from his family and the inspiration he received from his spastic child were credited by a scout leader at St. Helen parish for an apparent victory in his battle against cancer. Along the way, he led 15 Scouts to their Ad Altare Dei Crosses and was awarded the St. George Medal, Catholic Scouting's highest award.

"I've been more inspired by him than anyone I've known in my entire life," said Stanley Siegwald as he talked about his spastic son, Mike, who died two years ago at the age of nine.

"He couldn't walk, he couldn't talk and we couldn't get through to him," Siegwald said, "but we knew he was intelligent by his reactions and the way he'd smile at us when we'd talk to him."

Siegwald added that when he was coaching the Scouts from St. Helen's Troop 31 in his home—and when one of the steps toward

the Ad Altare Dei Cross involved a discussion of what other than material poverty may lessen the dignity of man—he would point to Mike.

'The idea was that I was trying to urge the boys to recognize there is a poverty of the body which they can aid and that trying to help others is what Scouting is all about. Mike made them appreciate their own healthy body, too."

A native of New Albany, Siegwald, 47, of 3516 Park Row in Shivley, is a graduate of New Albany High School and a veteran of three years U.S. Army service in World War II.

After his return to civilian life, he attended a radio and TV engineering school and received his Federal Communications Commission license in 1948. For four years he was on the staff of WKYW and then joined WHAS as a radio and TV broadcast technician, where he is currently employed.

In 1952 Siegwald and his brother, Kenneth, were converted to Catholicism. A year later, Siegwald and his wife, Thelma, were married. They moved to Shively and since then have been members of St. Helen parish.

It was when their older son, Stanley, now 14 and a freshman at Bishop David High School, was a Cub Scout that Siegwald got inolved in the Scout program at the parish. When his son moved into Scouting, Siegwald served on various Scout committees. He was involved in the program when in March, 1969, it was discovered he had throat cancer.

Doctors ordered a series of cobalt treatments which they believe have cured the cancer and have halted its spread. But side effects from the cobalt, including a series of infections, have resulted. The side effects "knocked out my hearing for several months," Siegwald said.

It was in early 1970, just as he was about to take the course to qualify as an Ad Altare Dei counselor, when cobalt infections sidelined him again. Several months later, although still in pain, he completed the course.

Unable to talk above a whisper and in pain most of the time Siegwald counseled two groups of five Scouts through step one of the Ad Altare Dei preparation. Then, unable to speak loud enough for the group to hear, he taped the four hours of instruction for steps two, three and four. The scouts would come to his home and listen to his taped instructions and counseling.

By this means, Siegwald guided 10 Scouts, including his son, to their Ad Altare Dei Crosses in 1970. They were the first Scouts in the St. Helen Troop to receive the honor.

This year he has guided five of the 13 Scouts who will receive the award from Archbishop Thomas J. McDonough at a 3 p.m. ceremony Sunday, Feb. 13 at the Cathedral of the Assumption.

Through it all—his weeks in the hospital and his months of being unable to work except for brief periods of time—Siegwald said his wife and son have been sources of strength. And, he added, "I have a great deal of faith. My family and my faith helped me to survive."

For his efforts, Siegwald was one of only four persons in the Kentucky Home Council last year to receive the St. George Medal "for outstanding contribution in the spiritual phase of Catholic Scouting." But Siegwald explained that the only reason he told of having received the honor was "to express my appreciation to those who made is possible for me to receive the award."

Roy Dobbs, chairman of the Ad Altare Dei committee for the Archdiocesan Catholic Committee on Scouting, praised Siegwald for his efforts. And Mrs. Charles Rasche, whose husband is the Scoutmaster of the St. Helen parish troop, called Siegwald and his wife "two of the grandest people in the world."

Siegwald minimized his efforts and gave the credit to the Scouts.

"They were willing to work and wanted it (the Ad Altare Dei Cross). They just needed some guidance and someone to work with them."

## THE CHILD IS THE FATHER OF THE MAN

### HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 28, 1972*

Mr. STOKES. Mr. Speaker, if Spring Mill Elementary School is reflective of the broad education American children are now offered, I have great hopes for the future of our country.

On February 18, 1972, toward the end of Negro History Week, I had the privilege to address the students of Spring Mill Elementary School in Silver Spring, Md., on the subject of past and current black history.

In my presentation, I elected to concentrate upon men and women whose contributions were great but whose names would, I thought, be unknown to the children. To my vast delight, I was mistaken in my assumption.

When I mentioned Garrett Morgan, the inventor of the traffic light and the gas mask, I asked the children if they had ever heard of him. Hands shot up all over the room. Such was the case with Dr. Daniel Hale Williams, Benjamin Banneker, Phillis Wheatley, and Mary McLeod Bethune.

Whereas I, and others of my generation, had to learn black history on our own, children are now studying black, ethnic, and American Indian history in their classrooms. This development is significant, particularly in a suburban school like Spring Mill which is only 11 percent black.

The children whom I addressed did not have time for prejudices of any sort. It was easy to see that they were involved in a learning adventure, and that they were perfectly receptive to information about all kinds of people.

After the question and answer session, I had some questions of my own that needed resolution. I wanted to know who was behind this fine and energetic program.

The answer lay with the principal and faculty of Spring Mill Elementary School.

Mrs. Dorothy Coburn, the school's principal, has been with Spring Mill since its inception 8 years ago, and has been a principal for 14 years. She is a native Washingtonian who received her B.S. and M.Ed. degrees from the University of Maryland.

Mrs. Coburn has a deep commitment to the idea of awakening children to the multifaceted character and background of our country. When the Montgomery County schools were initially desegregated, she hired the first black teacher in an all white school, with the belief that children deserved a broader education than they were receiving in a segregated system. Since that time she has held various positions in the field of human relations training, recently teaching a course on the subject of American University in cooperation with Howard University.

Five years ago, Mrs. Coburn instituted her own social studies curriculum at Spring Mill. Each year the students are permitted to choose whether they prefer to study black, ethnic, or American Indian history. The program is carried out under the theme, "America is Made Up of Different People." In honor of Negro History Week, the entire school spent 2 weeks learning about black historical figures and black history.

The contribution made by Mrs. Coburn and the faculty is greater than they may realize. They are engaged in an exercise of consciousness changing. They are not only educating their students; the lessons will also extend to the students' parents and, ultimately, to the students' children.

One day, we may all live together in peace, through the efforts of such committed individuals as Mrs. Dorothy Coburn and her staff. I salute Spring Mill Elementary School.

## DO AS I SAY, ETC.

### HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 28, 1972*

Mr. DERWINSKI. Mr. Speaker, the Life publications serving suburban Chicagoland carried, in their February 20 issue, a very succinct commentary on governmental behavior during a period when economic contrcls have been placed on the economy. The practical nature of the editorial is obvious. The editorial follows:

DO AS I SAY, ETC.

Federal, state and local governments, the principal causes of inflation with their swollen budgets and uninhibited spending, have been exempted from price control regulations under the Economic Stabilization Program.

While wages and prices are controlled for nearly every other phase of the economy and payment of extra dividends are curbed for those successful businesses, the governmental sector is allowed to continue business as usual.

Is it any wonder that there is a tax revolt psychology among all classes of taxpayers? The theory seems to be in government that the old adage applies, "Do as I say, not do as I do."

## ENVIRONMENTAL PROTECTION AGENCY

### HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 28, 1972*

Mr. SYMINGTON. Mr. Speaker, on February 7, 1972, I placed in the RECORD a statement of my concern over this administration's antipollution effort. The entire budget for the Environmental Protection Agency—EPA—represents less than 1 percent of the total Federal budget. This compares with the 34 percent of the budget going for externally oriented national defense. The administration proposes $2.4 billion for EPA and $80 to $85 billion for the Department of Defense. While the Environmen-

tal Protection Agency is not the only Federal antipollution effort, its sole purpose is to enforce antipollution laws. Thus, EPA's budget is a reasonable measure of the kind of priority this administration refuses to place on antipollution programs.

Moreover, the administration has impounded $47 million from last year's EPA budget. Congress should closely monitor the funds it authorizes and appropriates for environmental work since this administration has not done enough to alleviate pollution.

I would call to the attention of my colleagues two excellent accounts of EPA's budget and the Federal approach toward the environment. The first is an editorial by Charles C. Johnson that appeared in the February 1972 issue of the Nation's Health; the second article appeared in the February 15, 1972, issue of Conservation News, which is published by the National Wildlife Federation.

At this point I place the items in the RECORD:

[From the Nation's Health, February 1972]

EPA BUDGET REVEALS WEAKNESS IN FEDERAL APPROACH TO POLLUTION

(By Charles C. Johnson, MSCE, Associate Executive Director)

Because of the many areas in which "environment" appears in the President's budget for FY 1973, it is pretty well impossible to discern what really constitutes the total federal support for these activities. Perhaps, for comparative purposes, the Environmental Protection Agency budget request can be used as representative of the extent of government effort at this time to correct our many environmental ills.

Although there are some positive changes in program emphasis, there is no actual increase in EPA's total 1973 budget over the 1972 budget. A budget for similar activities in FY 1971—just prior to formation of EPA—was $300 million. Two years later, the budget for these items (exclusive of construction grants) has only been raised to $440 million. This raises a question as to the degree of emphasis being placed on a problem regarded by many as a major national crisis.

A further question concerns the distribution of effort within EPA itself. When one separates the $2.16 billion for water pollution control—construction grants and program direction and support—from the total budget request of $2.45 billion, relatively little money remains for the pursuit of other activities associated with air pollution, solid waste, pesticide, radiation, and noise control. The solution is not to reduce the funds earmarked for urgently needed water pollution control activities, but to provide greater support in the other environmental pollution problem areas.

The 33 per cent reduction (from $35.8 to $23.3 million) in solid waste program activities suggests a failure to even grasp the scope of the problem, let alone recognize what is required to develop means for its solution. The ten per cent reduction in pesticide programs, even though a modest $2 million, suggests that we are nearing control of this very pervasive problem—and this is simply not so. Full implementation of the Clean Air Amendments Act of 1970 requires substantially more dollars than have been requested.

The question remains, can we really be serious about making an impact on our environmental pollution problems when we have such an undersupported and unbalanced approach?

[From Conservation News, Feb. 15, 1972]

BUDGET UP, ENVIRONMENT DOWN

In his State of the Union Message Jan. 20, President Nixon promised "new initiatives to fight pollution" and to develop "clean environmental resources" in 1973. However, what emerged a few days later in the Administration's 1973 budget request was anything but a "new initiative".

Compared to the fiscal 1972 version, there is not much change and, in fact, the total proportionate share allotted to the Environmental Protection Agency actually dropped. The new budget request, released on Jan. 24, lists 14 functional categories for funding purposes. "Natural Resources and the Environment" shows up 14th and dead last. Although ample room was found for various new and exotic items, such as the $5.5 billion intended for a space shuttle program, the EPA budget stayed essentially the same, dropping to only one percent of the total.

In his Feb. 3 testimony before the Subcommittee on Fisheries and Wildlife, Senate Committee on Appropriations, NWF Executive Director Thomas Kimball said that the new budget looks like a "patchwork of programs put together in response to pressures." He added that despite obvious national environmental needs, it seems that the groups with the greatest political clout get the most attention when funding time rolls around, especially in an election year."

The disappointingly low figures intended for the environment thus sets the stage for much political wrangling, with conservationists questioning the sincerity of the President's commitment to environmental quality. Congress has already authorized much higher levels for EPA for fiscal 1973 and is about to increase the total. For example, air pollution legislation passed in 1970 sets a 1973 ceiling of $465 million on spending—greater than the total operating budget of $439.3 million sought by the Administration for all EPA activities. (The rest of the EPA budget request is directed toward Construction Grants and Scientific Activities Overseas.) And new water pollution legislation which has already passed the Senate and awaits House action is certain to authorize another big increase for EPA.

Sharp increases were seen in the Administration's request for spending for public works by the Army Corps of Engineers and the Bureau of Reclamation. For its construction budget, the Corps is asking new spending authority of $164 million, nearly five times the comparable EPA figure. In addition, the largest item in the Department of the Interior budget request is for the Bureau of Reclamation. It is seeking $516 million which exceeds the 1972 level by more than $100 million.

Besides the limited budget and lack of priority given to the environment by the President, Kimball was also concerned about another factor—the freezing of funds. Several times in the past, what few funds for the environment have been pushed through Congress and eventually signed by the President have been held up by the Office of Management and Budget (OMB). "The present practice of impounding funds by the Executive Branch actually dupes the American public and thwarts the will of Congress," Kimball said. "The President should inform the Congress when he impounds funds, and why." Kimball cited instances where money had been allotted to various conservation efforts, but was never released by OMB.

## TAX ASSISTANCE FOR POW'S

### HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 28, 1972*

Mr. VANIK. Mr. Speaker, on Tuesday, February 29, 1972, the House of Representatives will consider under the Consent Calendar procedure, H.R. 9900, a bill to provide income tax exclusion for military and civilian prisoners of war.

The purpose of the bill is to exclude from gross income the entire amount of the compensation of members of the Armed Forces of the United States who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict.

A number of persons who have relatives who are prisoners of war have contacted me and expressed support for the bill. The Department of Defense was very warm in its endorsement of this proposal. I would like to quote portions of a letter which I received from the Department of the Navy's Office of Legislative Affairs on June 1, 1971:

The principal goal of this bill is to express deep-felt national concern for the well-being of imprisoned or missing servicemen. It would give special recognition by a grateful nation of the sacrifices that have been made and that are continuing to be made by these men.

With respect to the servicemen involved, there is simply no way that they can be financially compensated for the deprivation of human dignity and the mental and physical torture to which we know they are being subjected. Viewed in this light, it seems grossly unfair for the Government to insist on taxing their income while they are enduring unspeakable hardship. It is unfeeling and parsimonious for the United States to insist on the payment of income tax on a portion of the military pay of any service member in captivity. The forgiveness of the residual income tax is in part a token gesture to these men and their families in recognition of the very great sacrifices which they are making on behalf of this nation. Enactment of this bill will provide tangible evidence of this nation's concern for a group of Americans who are undergoing ghastly experiences as a result of having faithfully served our country.

The bill was reported unanimously by the Ways and Means Committee and the Treasury Department has indicated that it has no objection to the enactment of this legislation.

As the committee notes in its report accompanying this bill—House Report 92-825—the legislation will provide significant relief to our prisoners of war when they are returned and at a time when they may be facing particular economic hardship.

I hope that all the Members of this body will help support the passage of this legislation.

## VOLUNTEER DAY: FEBRUARY 29

### HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 28, 1972*

Mr. JAMES V. STANTON. Mr. Speaker, every day the American spirit of generosity and selflessness is evident in the efforts of the many people who, with no thought of personal gain, volunteer their time and energy for the advancement of a worthy cause. Several Red Cross officials, including Miss Eileen Madigan, Mrs. Robert Chamberlin, and Mr. Thomas Kiousis, Jr., have proposed that one day each year be set aside as Volunteer Day, to honor those who so contrib-

ute to the betterment of this community.

Mayor Ralph Perk of Cleveland, the commissioners of Cuyahoga County, and others have endorsed February 29 as the first Volunteers Day, and I join with them in saluting these citizens for their fine work.

To commemorate Volunteer Day, I would like to insert into the RECORD the following article and proclamation:

NOW FEBRUARY 29 WILL BE DAY FOR VOLUNTEERS

If all goes well, Sadie Hawkins may have to share her day—Feb. 29—with millions of volunteers throughout the country.

Volunteer Recognition Day, suggested by the Greater Cleveland Red Cross, will be proclaimed in Cleveland this year, and, perhaps by 1976, will be on the national calendar.

Mayor Ralph J. Perk issued the proclamation this morning, praising the thousands of volunteers throughout the city who "as unpaid helpers truly represent a gift of self to their neighbors in need."

The mayor said, "It's appropriate that we salute these volunteers who give extra time on this extra day of the year."

In accepting the proclamation, Mrs. Robert W. Chamberlin, Red Cross chairman of volunteer, replied, "People visiting our country have referred to volunteering as the first wonder of America. True, some volunteer work is performed in a spectacular manner, but more often it's done quietly in ordinary, commonplace jobs.

"Why a volunteer day on Feb. 29. Why not?" asked Mrs. Chamberlain. "We recognize Sweetest Day, Valentine's Day and many others. Why not recognize people who help people?

"Some agencies give their volunteers pins or certificates of appreciation, but what about the thousands of volunteers who go unrecognized and unthanked?

"For those people, satisfaction for helping is their best reward. However, our community can and should publicly acknowledge them. We hope other communities will do the same."

Volunteer Recognition Day was suggested by Miss Eileen Madigan, director of Volunteer recruitment and placement for the Red Cross.

"I've always hoped to see some kind of official day recognizing volunteers," she said. Then, I thought, "Leap Year, the extra day on the calendar would be the day.

"I checked the library and they couldn't find any volunteer recognition day. After that, we started a serious campaign."

The mayor of Akron and some suburban mayors have said they would issue proclamations. Next step, says Miss Madigan, is to suggest that Ohio Gov. John J. Gilligan issue a proclamation.

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CITY OF CLEVELAND—PROCLAMATION

(Designating February 29, 1972, as "Volunteer Day" in the city of Cleveland)

Whereas, the "extra" day given to us on February 29th is symbolic of the "extra" time which every volunteer gives during the year, and further symbolizes the "plus" that each volunteer puts into his tasks; and

Whereas, this gift of service is essential to the life of the community and the individual; and

Whereas, volunteering is the very core of the American way of life and vital to the well being of the nation and the city; and

Whereas, this proclamation was requested by the Greater Cleveland Chapter of the American National Red Cross to recognize all volunteers in every facet of community life,

Now, therefore, I, Ralph J. Perk, Mayor of the City of Cleveland, commend these civic and service minded volunteers for their continuing efforts to strengthen the city and nation, and hereby urge volunteer participation by every citizen able to give of his extra time.

In witness whereof, I have hereunto set my hand and caused the Corporate Seal of the City of Cleveland to be affixed this 20th day of January, 1972.

RALPH J. PERK,
*Mayor.*

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RESOLUTION DECLARING FEBRUARY 29 VOLUNTEER RECOGNITION DAY

Be it herewith resolved that Tuesday, February 29, 1972, be known as "Volunteer Day" in the County of Cuyahoga, State of Ohio.

Be it further resolved that this particular date be used to publicly acknowledge and recognize the men, women and youth who actively participate in a vast variety of significant tasks, freely giving their time and energy to constructive action in helping people.

Be it also resolved that the date of February 29, 1972, was selected because it symbolizes the "plus" that the volunteers give to tasks, because as unpaid helpers they truly represent a gift of self to their neighbors in need, and,

Because, this gift of service is essential to the life of the community and the individual, and

Because, volunteering is urgently needed in every conceivable avenue of human service, across the street and across the nation, and,

Because, volunteering is the very core of the American way of life and vital to the well-being of the nation and the country, we hereby urge volunteer participation by all citizens and commend those who are doing so, and,

Because, this proclamation was requested by the Greater Cleveland Chapter of the American National Red Cross to recognize all volunteers in every facet of community life, we commend and recognize this volunteer service agency for their continuing efforts to strengthen the nation and our county through community volunteer programs.

Signed and sealed by the office of the County Commissioners, State of Ohio on this —— day, February 1972.

HIGH CORRIGAN.
FRANK POKORNY.
SETH TAFT.

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# SENATE—*Tuesday, February 29, 1972*

The Senate met at 9:15 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

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PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Lord, whose kingdom is an everlasting kingdom, whose dominion spans all time and eternity, help us to work not only for our time but for all time, not only for our generation but for all generations, and to do it under Thy judgment and in accord with Thy spirit. Prepare us for the surprises of providence, the unexpected turns in the historical process. Give us wisdom to exploit sudden change for Thy kingdom's sake. Teach us how to be both kind and firm in the right, reverent in the use of power, and strong in the things of the spirit. Draw us together here and the leaders of the nations everywhere in a resolute devotion to the ways of peace and the life of Thy kingdom.

In the Master's name. Amen.

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## DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The second assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, D.C., February 29, 1972.*

*To the Senate:*

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
*President pro tempore.*

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

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## THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, February 28, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

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## COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

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## EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the Executive Calendar.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The nomination on the Executive Calendar will be stated.

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## CIVIL AERONAUTICS BOARD

The second assistant legislative clerk read the nomination of Whitney Gilliland, of Iowa, to be a member of the Civil Aeronautics Board.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.