

EXTENSIONS OF REMARKS

JUDICIAL REFORM

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, February 29, 1972

Mr. BYRD of Virginia. Mr. President, I have spoken on many occasions of the need for judicial reform in this country. I believe that the lifetime tenure of Federal judges is no longer warranted, and that the Constitution should be amended to allow the Senate to review the qualifications of Federal judges every 8 years.

It was for this reason that I introduced Senate Joint Resolution 106 on June 2, 1971.

I invite the attention of the Senate to an editorial entitled "Reforming the Judiciary," published in the Alexandria Gazette on February 26. The Alexandria Gazette is published and edited by Mrs. Sarah C. Messer.

I ask unanimous consent that the editorial be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

REFORMING THE JUDICIARY

This past weekend Sen. Harry F. Byrd Jr., Ind.-Va., in an address to the Virginia Society of the Sons of the American Revolution renewed his proposal for a constitutional amendment to curb some of the "extremism" within some of the federal judiciary. Federal justices now appointed for life after confirmation by the U.S. Senate would be subject to reappointment and reconfirmation every 10 years. Today it is impossible to remove any federal judge except by impeachment. There are more than enough examples of federal judges and supreme court justices who have continued to serve, even though they have been physically or mentally incompetent, to warrant such an amendment to the constitution.

Sen. Byrd's suggestion, at first blush, sounds like treason. Federal jurists secure under their protection by the constitution will no doubt remind us all of the sacredness of the constitution especially wherein they are concerned. We again reiterate our statement of several months ago. "If it was indeed time for a constitutional change in the voting age it is long past time for a constitutional amendment specifying a retirement age and a stated time for review of each justice as to whether he or she is capable, mentally or physically, of continuing in the job."

Even though George Mason is reported to have feared that the judiciary would take over and dominate the government, there seemed to be good and sufficient reason for writing it as it is in the constitution. For many years Mason's trust seemed to be honored and the judicial system functioned as intended. Somehow, we feel that some members of the judiciary have for sometime been eroding the high standards set for and upheld by justices until recent years. The central government has expanded its jurisdiction, created new laws and established scores of enforcement and regulatory agencies. Each of their actions and orders are subject to appeal to the courts. The demands on the

judges have mushroomed. To handle the extra load, the number of judges has multiplied. Selectivity in many instances has been politically motivated and appointments to the bench have resulted in some instances in less than the best. The supply of available outstanding men as always is very limited. The confirmation proceeding in the Senate is such that many desirable and honorable men would not permit their family to endure the public mud-slinging and even, at times, false charges.

At the same time, we believe the judiciary to have failed themselves in permitting members to go without rebuke for unbecoming behavior. Unlike the past 20 years members of the Supreme Court were once most circumspect in their private and public activities. No one can imagine a member of this high court under Chief Justice Charles Evans Hughes writing for a sex magazine, thus providing that segment of the publishing world the elements of social significance it little deserved, and thus helping the magazine to continue to exercise greater licentiousness in its pictures and literature. Can you imagine a member of the Supreme Court under William Howard Taft feeling obliged to resign due to disclosures of association with a financier who at the time was serving a term in jail? A little lower down the judicial scale, a district judge in Illinois is being brought to trial before another federal judge on charges of gross misbehavior while holding a previous high office. We certainly hope that Judge Otto Kerner will be able to clear himself of charges stemming from activities several years ago when he was governor of Illinois. Judge Kerner, following in the footsteps of his father, had established a reputation of honor and as a forward looking jurist with regard to the need to clean up our prisons.

Senator Byrd's proposal of limited tenure for the federal judiciary is based on a somewhat different reason than our endorsement. His is founded on the "extremism" of certain lower level jurists in the current quarrel over massive busing of elementary school students. He singled out the edict ordering massive busing in the city of Richmond, and the counties of Henrico and Chesterfield as an example of the federal judiciary's take-over of purely local matters.

We endorse these objections, too. The busing of elementary children away from their neighborhood schools requires much careful thought. Often the rhetoric of the attorneys and politicians and the decisions of judges, make it difficult to feel that our children's happiness and ability to learn is the important issue.

If the judiciary cannot or will not clean its own image and house, then we strongly endorse this constitutional change so the Senate can do so for them.

THE YORK COUNTY COALITION

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 1972

Mr. GOODLING. Mr. Speaker, societies can be dynamic only if their social and economic elements are properly coordinated. Such coordination can come about

only if there is some facility effectively designed to implement this coordination.

The York County Coalition is such a facility, serving as a catalyst that exposes the pressing social and economic needs of York County and sets the stage for satisfaction of these needs.

This coalition does not exist in the abstract but is, instead, made up of dedicated public and private citizens interested in promoting significant improvements in their county.

Because the circumstances surrounding the county of York are unique, and because the York County Coalition serves as a splendid example of a facility designed to attend social and economic needs at the county level, I submit a brief on York County and the York County Coalition to the RECORD and commend it to the attention of my colleagues:

A BRIEF ON YORK COUNTY AND THE YORK COUNTY COALITION

The county of York, Pa. is fairly typical of medium-size metropolitan areas in the United States with regard to the social and economic pressures under which they are forced to exist. And, as in most of the other areas of the nation, York has initiated efforts aimed at alleviating some of the pressures created by rapidly changing conditions and times.

York is unique in at least one respect. It has undertaken a priorities-setting program which will facilitate and speed the requisitioning and distribution of federal monies needed to fund the county's socio-economic efforts. This program will also ensure that the monies are distributed on a "real need" basis as determined by a coalition composed of local and regional government leaders, business and professional leaders and concerned and involved private citizens.

YMAP (York Metropolitan Area Project) is a federally funded project with a deadline for completion of April, 1972. It is being conducted by the York County Coalition through stimulus provided by the Federal Regional Council, Region III.

It's prime purpose is to create a fair and broad-based framework which will provide the input necessary for the citizenry of the county to set priorities and determine short and long range goals for projects and programs spanning a range of subject areas: the environment; zoning and land use; human needs; public services and facilities; economic development and employment; and regional inter-government cooperation.

These priorities and goals will permit federal agencies to respond to the county needs in a consistent and coordinated manner promoting more effective, sensitive and meaningful use of federal monies.

York county is one of several test sites in the country where this type of federal-local partnership is being tried.

I strongly support the York County Coalition and encourage the support of all of my constituents for the worthwhile effort the group has mounted. It is my sincere desire to see it succeed in helping to establish an effective model for securing coordinated delivery of federal assistance to medium-size metropolitan areas throughout the nation.

The chairman of the York County Coalition is Mr. William T. Wolf, president of Wolf Supply Co., York, Pa.

RADIO FREE EUROPE AND RADIO LIBERTY

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Tuesday, February 29, 1972

Mr. SCOTT. Mr. President, I have received a telegram from Lucius D. Clay, chairman of the board of directors of Radio Free Europe, regarding the unfortunate consequences of further congressional delay on funding for Radio Free Europe and Radio Liberty. I ask unanimous consent that this telegram and several editorials which have appeared in newspapers around the world be printed in the Extensions of Remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HON. HUGH SCOTT,
Minority Floor Leader, U.S. Senate, Old
Senate Office Building, Washington, D.C.:
We believe it our duty to inform you that we shall immediately be obliged to begin the liquidation of Radio Free Europe and Radio Liberty unless congressional action on pending authorizing legislation is completed.

The essential facts are these:

(1) Both Houses of Congress have passed authorization and appropriation bills to provide necessary U.S. Government support in fiscal year 1972.

(2) The President of the United States has assured us by letter that in his view "the free flow of information and ideas among nations is indispensable to more normal relations between East and West and to better prospects for an enduring peace" and that his administration believes that broadcasting of this type continues to serve a fundamental national interest.

(3) Within the past two weeks editorials by leading newspapers throughout the United States and Western Europe have given unqualified support. We are sending you today copies of editorials which have appeared in the following newspapers: San Francisco Examiner and other Hearst papers (2/20/72), New York Times (2/21/72), Washington Post (2/22/72), Philadelphia Inquirer (2/22/72), Washington Evening Star (2/22/72), Washington News (2/22/72), St. Louis Globe-Democrat (2/24/72), Los Angeles Times (2/24/72), Frankfurter Allgemeine Zeitung (2/19/72), Hannoverische Allgemeine Zeitung (2/19/72), Zurich Die Tat (2/19/72), Hamburg Die Welt (2/19/72), London Daily Telegraph (2/23/72), Muenchner Merkur (2/24/72), London Times (2/25/72), Paris Le Monde (2/25/72), London Sunday Times (2/27/72).

(4) Yet Radio Free Europe and Radio Liberty face the imminent prospect of liquidation with all attendant consequences and expenses, because it has apparently not been possible to reconcile the different Senate and House authorization bills through the normal procedure of compromise in the conference committee.

We want you to know that we are prepared to continue broadcasting under any arrangement that would assure the necessary U.S. Government contribution while leaving the present professional integrity of Radio Free Europe and Radio Liberty unimpaired.

The employees of Radio Free Europe and Radio Liberty have stayed on the job but are understandably concerned. We are hopeful that a solution can and will be found. We respectfully urge your support and assistance.

The message has been addressed also to Senators Mansfield and Ellender and Representatives Albert, Boggs and Ford.

Lucius D. Clay, chairman. Board of Directors, Radio Free Europe, and Members of the Board; Eugene N. Beesley, Stewart S. Cort, Winthrop Murray Crane III, Eli Whitney Debevoise, and William P. Durkee.

Trustees of Radio Liberty: Mrs. Oscar Ahlgren, John R. Burton, P. Peter Grace, Allen Grover, Alfred M. Gruen-ther, John S. Hayes, H. J. Heinz II, Isaac Don Levine, Ernest A. Gross, Michael L. Halder, John D. Harper, Roy E. Larsen, Neil H. McElroy, Donald H. McGannon, Robert D. Murphy, William B. Murphy, James M. Roche, Frank Stanton, Theodore C. Streibert, H. Gregory Thomas, Leslie B. Worthington, Henry V. Poor, Howland H. Sargeant, Whitney N. Seymour, John W. Studebaker, Reginald T. Townsend, William L. White, and Philip L. Willkie.

(Recent U.S. Editorial Opinion)

[Published Feb. 20, 1972, in San Francisco Examiner and other Hearst papers]

EDITOR'S REPORT—A SMELL OF SMOKE

(By William Randolph Hearst, Jr.)

PALM BEACH, FLA.—President Nixon's historic mission to Peking is of course the Big Story of the day, but comment in this column is being deferred until we see what actually happens over there in Maoiland.

Judging by the poisonous major foreign policy article transmitted from Peking on Friday by Mao's official press agency, Hsinhua, all I will say is that it doesn't look as if the get-together is going to be all warm lichee nuts, aromatic tea and happy fortune cookies.

The article, issued while the President was en route in his quest for "a generation of peace," accused the Nixon administration of continuing policies of "aggression and war" and proceeded with a lengthy tough talk recapitulation of all the many differences between the United States and Red China.

Since even the President admittedly does not know what may come of his trip, all the advance speculation which has been filling the news columns strikes me as pretty futile. So—with no further apology—I turn to another news story which deserves a lot more attention than it probably has gotten.

This shocker, strictly speaking, was not straight news. It came in the form of a scoop reported with editorial comment last Thursday in the crackjack Washington column of Rowland Evans and Robert Novak. Here are the first three paragraphs, summarizing the latest outrage being attempted by my least favorite senator, J. William Fulbright of Arkansas:

"The inexorable campaign by Sen. Fulbright to cast U.S. foreign policy in his own image has almost strangled the broadcasts beamed into Communist eastern Europe by Radio Free Europe and Radio Liberty.

"Operating from his power base as chairman of the Senate Foreign Relations Committee, Fulbright is within days of cutting off, at least temporarily, vital U.S. government subsidies for the two programs. Unless Congress acts before next Tuesday, the money stops.

"Congressional sentiment for the broadcasts is so overwhelming that it seems improbable Fulbright will ultimately succeed. But he has come perilously close to doing what two decades of Moscow's electronic jamming could not do: end non-governmental communications between the United States and some 200 million residents of the Soviet Union and 100 million in five other Communist countries."

It must be realized as background that eastern Europeans since 1950 have been hungrily dependent on the two Munich-based broadcasters for uncensored news of the outside world. Radio Free Europe transmits to Poland, Czechoslovakia, Hungary, Romania

and Bulgaria. Radio Liberty is beamed into the Soviet Union itself.

I have been in all but Bulgaria and talked with residents of all of these countries. Invariably they have stressed that the news and entertainment they get from the American stations constitutes a real godsend to their lives—a whiff of the freedom they are denied.

The Communist governments, naturally, are deeply resentful of the broadcasts, which is why the appeasement-minded Fulbright has been trying to cut off funds for the stations. As Evans and Novak put it:

"To the chairman, such spending is an anachronistic relic of the cold war, prejudicial to East-West detente."

The fact that Fulbright has been trying to block further broadcast funds is bad enough. The way he has gone about it is all but incredible and an inexcusable affront to his fellow lawmakers.

As Evans and Novak tell it, it seems that the stations have been operating with subsidies provided by the CIA. Last year the administration proposed direct government financing but Fulbright balked, demanding first a study of the operation by the Library of Congress to see if the broadcasts are "in the public interest."

The study reports were in Fulbright's hands before last January 26—and he wasn't pleased with what he read. They warmly praised the programs and strongly advocated continued financing by the government.

"Radio Free Europe," reads one report, "contributes substantially to preserve the reservoir of good will toward the United States by eastern Europeans."

The other reports says:

"Radio Liberty has played an explicit enough indirect role in lightening the burden of the Soviet people."

Now get this. On January 26 a Senate-House conference met to resolve differences in their respective bills providing funds for continuing the broadcast. They got nowhere because Sen. Fulbright alone knew of the favorable reports and he had sent them back to the Library of Congress for "reworking!" According to Evans and Novak.

This outrage is only another all too typical example of the extremes to which our consistent appeasers of Communism go.

For the life of me, I simply cannot understand these people. They claim to be Americans yet they criticize or actively oppose almost anything intended to strengthen this nation and its allies. Conversely they invariably support almost anything which favors our enemies.

You don't have to ask who those enemies are. They have announced their enmity often enough, and proven it often enough. They have proclaimed us as the only fly in their omelet and they are sworn to get us out of their way.

Contrary to what many of my readers seem to think—and apparently I have to keep saying this again and again—I am not opposed to Communism or any other dictatorship someplace else. The government of another country is its own business. I am simply opposed to any regime which keeps interfering with our way of life or that of our friends.

Some of our friends, of course, have non-Communist military dictatorships. It is typical that these are invariably the major targets of those who—for want of a better word—I can only call our leftist-liberals.

You never hear these people refer to Communist regimes as military dictatorships, an exact description. Instead they regard the Red regimes as part of some kind of idealistic social experiment which only reactionary numbskulls can view with alarm.

Be nice to the Communists, the Fulbrights say. Keep smiling and holding out a friendly hand in spite of all the insults, threats and outright aggressions. On the other hand, they

insist, it's a disgrace for us to keep giving money to Greece.

They take the position that democracy would result if this nation acted to topple the dictatorship of our valued Mediterranean ally. It would not. The present regime would merely be replaced by a hostile Communist dictatorship.

By constantly criticizing and hampering the efforts of our nation's elected leaders, the Communist appeasers and others who run with them place our leadership at a grave disadvantage.

You can't even call them a loyal opposition. I don't say they are giving aid to the enemy, but what they are doing must be mighty comforting.

Right now these people—in Congress and elsewhere—are sharpening their swords for another all-out effort to cut down our national defense budget.

It makes no difference to them that the Soviet Union is arming at a pace which will give it clear military superiority over us in just a few years.

To the contrary.

They simply refuse to admit the smell of smoke—and meanwhile go right on giving encouragement to those who are vowed to burn our house down.

[From the New York Times, Feb. 21, 1972]
SAVING FREE VOICES

For a generation now, Radio Free Europe and Radio Liberty have contributed enormously to enlarging the market place of ideas in Eastern Europe and the Soviet Union. Their transmissions have made available to those countries factual news of the outside world that the governments involved would have preferred their subjects did not know. In addition, these stations have broadcast the writings of such dissidents as Nobel Prize-winner Aleksandr Solzhenitsyn, whose masterly novels and stories are prohibited in the Soviet bloc. A Library of Congress study of these stations, made at the request of the Senate Foreign Relations Committee, has paid high tribute to these organizations' contributions toward liberalization of the Soviet world.

But now both these stations are threatened with extinction tomorrow unless House and Senate conferees end a Congressional stalemate. This situation arose because each chamber voted a different bill authorizing the continuation of these broadcasts.

If the deadlock kills Radio Free Europe and Radio Liberty, the chief gainers will be the Soviet bloc's hardliners who hate the two radio stations as allies of the liberal and progressive elements in the Communist world. Moreover, the demise of these broadcasts because of the inability of House and Senate conferees to agree would hardly project a flattering view of the American legislative system, nor would it add to American prestige for Europeans to see an important political question decided by a mere technical stratagem.

We believe the work of these two stations has a lasting validity and importance, but even those of a different view must realize that the existence of these organizations provides potential bargaining counters for President Nixon's Moscow visit next May. At the least, all concerned should be able to agree that a final decision on the future of Radio Free Europe and Radio Liberty cannot be made until Mr. Nixon has returned from the Kremlin, and Congress can take a hard look at the post-Moscow situation of American foreign policy.

[From the Washington Post, Feb. 22, 1972]
RADIO FREE EUROPE STILL HAS A PART TO PLAY

When American public—or political—opinion swings, it tends to swing hard, and this is likely to be more and more of a problem for the Nixon Administration as it

CXVIII—387—Part 5

trumpets its "breakthrough" in Peking this week and, presumably, further success in Moscow in May. No matter what the true measure of the rapprochement achieved in either Communist capital, there will be a tendency on the part of some to exploit a "new era" in world relationships as a reason for scuttling anything and everything that smacks of the dark, old Cold War days. A case in point is the effort now being conducted in the Senate, largely by Senator Fulbright, to choke off appropriations for Radio Free Europe and Radio Liberty, which beam broadcasts into Eastern Europe and the Soviet Union, respectively, with the help of government funds. The CIA used to finance these broadcasts covertly and after this was brought inescapably to light two years ago the government took over the burden openly, but on a temporary basis while debate continued about whether these operations should be continued, and in what form.

With the question still unsettled, a continuing resolution authorizing temporary funding of RFE and RL expires today and the money will run out in a few weeks. This is just what Senator Fulbright thinks should happen, his point being that everything is changing, what with Mr. Nixon's new approaches and new evidence of conciliation in China and the Soviet Union, and that therefore RFE and RL should "take their rightful place in the graveyard of Cold War relics." The Senator would have us believe, on the basis of White House briefings he has received about the President's policy, that broadcasts this sort behind the Iron Curtain are contrary to the President's purposes in Peking and Moscow.

The President, however, has not only never said as much, but has actually expressed quite the opposite view; in a recent letter to Mr. Stewart Cort, the chairman of a fund which seeks to raise private money to supplement RFE operations, Mr. Nixon said he thinks the free flow of information is "indispensable" to more normal relations between East and West. Given the nature of the service performed by RFE and RL, it would seem to us that their programs fit the President's definition of what is still needed in Europe, for all the bright hopes of easing tensions and developing detente. For these are not provocative, propagandistic diatribes and still less do they "sell" America, U.S.I.A.-style. Rather, what both stations attempt to do is tell the people of Eastern Europe and Russia news about themselves and their own countries which their governments don't want them to hear. They do this job professionally, responsibly, and effectively, by almost all accounts, and the only real question for Congress, in our view, is how RFE and RL should be set up in a more permanent way so that they can go on doing it.

[From the Philadelphia Inquirer,
Feb. 22, 1972]

KEEP FREE VOICE SPEAKING

Unless the unexpected happens, Congress today will let Radio Free Europe and Radio Liberty die of lack of funds. We believe that such an eventuality would be a painful and unthinking blow against the dissemination of ideas and fact—and against the human aspirations of millions of Eastern Europeans and Russians.

The fiscal crisis is the product of a fit of excessive enthusiasm about the spirit of detente with communism and legislative manipulation largely deriving from the legislative-executive tug-of-war—and of peace.

The price tag is \$36 million a year. Appropriation bills have been passed by both the House and the Senate. The measures differ substantially; among other things, the Senate version is for a one-year program and the House's is for two years. No conference is scheduled, and a temporary continuation of funding runs out tonight.

Without new funds, both organizations report, they will have to disband within no more than two weeks.

The most effective enemy of the new funding effort has been Sen. J. William Fulbright, whose opposition was succinctly defined in a speech to the Senate last week: "These radios should be given an opportunity to take their rightful place in the graveyard of cold war relics."

Much of the popular support enjoyed by Senator Fulbright and others who share his distaste for the programs comes from the appalling fiscal history of the operations. Slightly more than a year ago, Sen. Clifford P. Case divulged that the preponderance of the radios' expenses for their more than 20-year history had been supplied covertly by the Central Intelligence Agency, while the American people and Congress had been left with the impression that private contributions had been carrying the burden.

The Nixon Administration backs a new program, incorporated in the House-passed bill, which would set up and fund a non-profit organization independent of the government. Much of the virtue of the stations' effectiveness has been in the fact that their programming has not been tied to official American foreign policy, a detachment which the House proposal would keep alive. Senator Fulbright managed to limit the Senate's bill to a one-year appropriation which would put the stations under the control of the Secretary of State—thus involving them directly in policy.

For all the unforgivable impropriety and duplicity of the now-known CIA front operation, the stations have served, we believe an enormously important role.

Both are headquartered in Munich. RFE broadcasts in native languages to Bulgaria, Czechoslovakia, Hungary, Poland and Rumania, and has a staff of about 1,600. Radio Liberty, with a staff of about 1,000, broadcasts in Russian and other languages used in the Soviet Union.

In the aftermath of Senator Case's disclosure, Senator Fulbright asked scholars of the Library of Congress to evaluate the programs. To his surprise, the reports were highly favorable; the Senator refused to release them.

But a few days ago, the Radio Liberty report, by the Library's Soviet and Eastern Europe expert, Dr. Joseph G. Whelan, was published in the New York Times.

In part, Dr. Whelan's study said: "The reality of Radio Liberty 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 peaceful democratic change from within."

In contrast to the impression which Senator Fulbright and other opponents seek to give, we believe the effect of such communication is to reduce the rigid polarization of people and policies in the Free World and the Soviet bloc. Gradually, but significantly, we have seen evidence that awareness of the ideas of the outside world has encouraged intellectuals and others in communist countries to press, sometimes with startling effectiveness, for liberalization and reform.

To send the major conduit of these ideas to Senator Fulbright's "graveyard" for the sake of intemperate zeal of political advantage—or inertia—would be a sad and inexcusable act of resignation.

[From the Evening Star, Feb. 22, 1972]

VOICES OF HOPE

We hope that members of the Senate Foreign Relations Committee who pride themselves on their liberalism and their championship of the right of dissent in this country will not take it upon themselves to deny the same rights to the citizens of the Soviet

Union and Eastern Europe. For this, essentially, is what they may do in the near future by scuttling the operation of two radio stations that have played an essential part in the tentative and fragile trend toward liberalism in the Communist world.

The fact that Radio Free Europe and Radio Liberty, both operating out of Munich, were once secretly financed by funds from the Central Intelligence Agency is, in our view, quite beside the point. The point is simply whether or not the operation of these stations promotes the broadest foreign policy interests of the people of Eastern Europe and the Soviet Union.

The Congress, by and large, apparently believes that they do promote these interests. As of last November, both the House and Senate had passed separate bills providing for the public financing of the stations, under the overall supervision of the State Department. But since then, the two bills have been bottled up in conference where resolution of the differences between them has been effectively blocked by Chairman Fulbright of the Senate Foreign Relations Committee. If there is no action by the end of this (next) week, the stations will be out of business.

For his part, Fulbright is openly hostile to the operation of the stations. In his view, they are an "anachronism" that have "outlived any usefulness they may have once had." Says Fulbright: "I submit these radios should be given an opportunity to take their rightful place in the graveyard of cold war relics."

The men in the Kremlin and in the beleaguered chancelleries of Eastern Europe would certainly agree; a good many millions of people in Communist countries would not, including the small, desperately brave and bitterly persecuted group of intellectual dissidents in the Soviet Union. The same goes for millions of Soviet Jews. For these people, Radio Liberty is the only means of getting pleas across to their own countrymen.

As for Radio Free Europe, which broadcasts to the Eastern block countries, the Congressional Research Service of the Library of Congress has reported that "it contributes substantially to preserve the reservoir of good will toward the United States" and has even, in the opinion of the researchers, contributed to the slight liberalization of the Communist regimes that has taken place. If so, it would be a tragedy if these programs were scrapped in the name of American liberalism.

[From the Washington News, Feb. 22, 1972]
ON STRANGLING FREE RADIOS

In a great disservice to the nation, Chairman J. William Fulbright of the Senate Foreign Relations Committee is trying to still the voices of Radio Free Europe and Radio Liberty.

Since 1950-51, the two U.S. Government-supported networks have broadcast invaluable news and comment to the peoples living under communism in Eastern Europe.

Radio Free Europe has about 30 million regular listeners in Czechoslovakia, Poland, Hungary, Romania, and Bulgaria. The audience of Radio Liberty, which broadcasts to the Soviet Union, is harder to measure, but numbers in the millions.

Sen. Fulbright calls the stations relics of the cold war that aggravate relations with the Soviet Union. Altho both houses of Congress have voted \$36.2 million for the networks this year, Sen. Fulbright is maneuvering a conference committee to kill the measure.

He is, of course, Congress' leading exponent of the revisionist theory of history. Worked out by radical historians, the theory holds that the United States caused the cold war by irrational fear of communism and overreaction to what it saw of Soviet expansionism.

Needless to say, most responsible historians do not buy the revisionist line. They point out that the cold war did not result from imaginary American fears but from genuinely threatening actions by Stalinist Russia.

Radio Free Europe and Radio Liberty are hated by the rulers of Eastern Europe because they threaten the Communist party's monopoly of information and propaganda. By punching electronic holes in the Iron Curtain, they give the people an alternative to official lies and deceptions.

For two decades, the Soviet leadership has paid the two networks the compliment of trying to jam their broadcasts. Because they both broadcast from Munich, the Kremlin has also brought heavy—but unsuccessful—pressure on West Germany to close them down.

We understand the Kremlin's fury at RFE and Radio Liberty and its desire to throttle them. What we do not understand is Sen. Fulbright's eagerness to do the job.

In the interest of this country and the unhappy peoples of Eastern Europe, Congress ought to follow its own good instincts and not Sen. Fulbright's dubious revisionism.

[From the St. Louis Globe-Democrat,
Feb. 24, 1972]

GAGGING RADIO FREE EUROPE

Broadcasts of Radio Free Europe and Radio Liberty, which for years have been beaming news and analysis of world issues behind the Iron Curtain, are in acute danger of being silenced.

Bills of the Senate and House for federal subsidy of between \$35 million and \$38 million have been arbitrarily bottled up in conference committee.

For two decades Moscow's jamming has failed to stop the programs, which send free world facts and interpretation of political, economic and social problems into Russia and Eastern Europe.

Now one senator and a few misguided conferees threaten to destroy those patently valuable broadcasts.

The congressional jammer is J. William Fulbright, who denigrates the programs as "a relic of the cold war." This is familiar, standard conduct for Fulbright in almost every matter that tends to be against the Soviet propaganda line.

The senator has used his weight as chairman of the Senate Foreign Relations Committee, as well as devious maneuvering, to block adoption of the Administration's request for funds to continue these two radio stations.

He declared yesterday the Senate would accept the House bill—for permanent operation of Radio Free Europe and Radio Liberty—"over my dead body."

Fulbright is willing to continue the two stations through June 30. No longer. He said in a Senate speech last week these broadcasts "should be liquidated."

It would be tragic and a body blow to democratic processes, if the Arkansas senator were to succeed in his plan to destroy two of the prime outlets informing peoples behind the Curtain.

Congressional sentiment is overwhelmingly for retaining the radio systems. But so far Fulbright, marplot of so many United States foreign policies, has effectively blocked the subsidy legislation.

Two key Senators can have a significant influence on whether Senator Fulbright succeeds. One is Democratic Sen. Frank Church of Idaho, who opposes RFE but supports Radio Liberty, which has had a great deal to say in behalf of Soviet Jews. The other is Missouri Sen. Stuart Symington.

Senator Symington has tended to agree with Fulbright in many policy areas. He is reported to "have an open mind" on the radio issue.

The Globe-Democrat strongly urges Stuart Symington to use his considerable influence to support continuation of both Radio Free Europe and Radio Liberty on a permanent basis, with State Department support through federal funds.

Failure to break the Fulbright jam in the conference committee would be a serious error in American policy, and a dismal blackout for millions in the USSR and its satellite European states—people whose only knowledge of what goes on in the world, especially in America, comes through these channels to which they tune surreptitiously but with eager regularity.

For years these two radio stations were supposedly supported by wide public donation. Actually they were largely financed by the CIA's federal funds. This was a mistake, though the fact has been widely known since 1967. Now the Administration has asked open government subsidy.

Both radio programs have done a good job in telling the United States story to people who could never know it otherwise. The Library of Congress was asked to study the two radio operations and reported back Jan. 26 with warm praise and recommendation for continued federal financing.

These reports have been largely sequestered, apparently by Fulbright, from other members of the conference committee.

Congressional authorization under which the radios operate formally expired on Tuesday. It is understood RFE and RL have sufficient funds to continue another week or two.

After that, unless the jam created by Senator Fulbright is broken, they will have no alternative but to stop.

This would be a grave misfortune for American diplomacy. It would be against public consensus and apparently the majority of Congress.

It is possible that vigorous support by Senator Symington can break the bottleneck and preserve Radio Free Europe and Radio Liberty. This would be an act of competent judgment and statesmanship.

[From the Los Angeles Times, Feb. 24, 1972]

THE SIEGE OF RADIO FREE EUROPE

Sen. J. William Fulbright (D-Ark.) made a laudable, highly pertinent speech a few years ago urging the American people to outgrow the clichés of the cold war—to distinguish between "old myths and new realities." It was good advice.

Unfortunately, in his efforts to kill off Radio Free Europe and Radio Liberty, the influential chairman of the Senate Foreign Relations Committee is showing a certain confusion between myth and reality himself.

For more than 20 years Radio Free Europe has been broadcasting to the Communist countries of Eastern Europe. Its smaller sister operation, Radio Liberty, broadcasts to the Soviet Union in Russian and 16 other languages. In hours of broadcasting to these areas, the two Munich-based stations are far more active than the Voice of America.

Now Fulbright wants to kill off RFE and Radio Liberty by blocking congressional authorization for the current fiscal year. Falling in that, he favors a Senate-passed bill which would extend the life of the stations only through June.

We strongly urge, instead, that Senate conferees accept a House-passed bill which would authorize operations for two more years. During those two years, a study would be made to determine if the broadcasting operation should be continued—and if so, under what arrangement.

Fulbright argues that RFE and Radio Liberty are "relics of the cold war" which have outlived their usefulness in a day when the emphasis is on East-West efforts at détente. In this he is mistaken.

There was a time, prior to the 1956 uprising in Hungary, when the Munich-based stations indeed exhibited a cold war obsession. Nowadays, however, it is recognized that the Communist governments won't be overthrown by force. Any improvement must come about through the slow process of internal liberalization. And to the degree that such liberalization occurs, there is a hope that Communist foreign policy will mellow, too.

RFE and Radio Liberty encourage the liberalization process by publicizing the doings and writings of dissident intellectuals and others in the Communist countries whose opinions would otherwise remain smothered by censorship.

Shutting down RFE and Radio Liberty would make Communist hard-liners—those who oppose both detente with the West and internal liberalization—very happy. But it would be a discouraging development, indeed, to those who are striving, in the Czech phrase, the communism with a human face.

It may be, of course, that substantial changes are needed in the way the stations are financed and managed. Direct European participation, for example, is long overdue. And certainly government support in the future should be open, rather than half-hidden as it was in the past. But these are matters which should properly be explored in the study called for in the pending House bill.

(Recent European Editorial Opinion)
(Translation)

[From Frankfurter Allgemeine Zeitung
(Frankfurt, Germany) Feb. 19, 1972]

SUPERFLUOUS?

Bonn: Senator Fulbright has once again advocated to have "Radio Free Europe" in Munich abolished. This time he thought of a new argument. The West European governments had for a long time understood that this radio station had become superfluous, the Senator said. With this contention, however, Fulbright is in error. It might well be that consideration, especially in the capital of the Federal Republic, has been given as to whether or not the existence of "Radio Free Europe" was a hindrance for Bonn's Ostpolitik; a question which so far has been answered in the negative. Also, however, in Bonn no one doubts the basic function which this radio station serves for the population of the East European countries. The radio station gives information about what actually happens in the world, and not least what is happening in Moscow's sphere of influence. For this reason "Radio Free Europe" certainly will not be superfluous for a long time.

(Translation)

[From Hannoversche Allgemeine Zeitung,
Hannover (West Germany) Feb. 19, 1972]

THE VOICE OF FREEDOM

It seems to depend on the strong arm of a single man whether millions of East Europeans and Soviet citizens will retain the opportunity to receive more information than inadequate Party papers have to offer. Senator Fulbright, Chairman of the Foreign Relations Committee of the American Senate, is fighting with all his power against the continued existence of "Radio Free Europe" and "Radio Liberty."

He is fully aware that the majority of his own countrymen does not share his opinions. The majority in both houses of Congress correctly believes that a continued dissemination of news and information in the Communist camp, so far possible only by radio, remains necessary also during a period of detente. But due to his strong position as Chairman of a Senate sub-committee he could possibly delay the appropriation of the necessary means until the two Munich radio stations waste away.

Since Fulbright cannot rely on American support, he claimed in a speech this week that Europeans have long ago accepted the idea that Radio Free Europe and Radio Liberty would have to disappear. The Senator is mistaken. Europeans have not accepted this idea, and they will not accept it. They know exactly how important the work of these two stations is.

In this era of detente it is all the more important that the voice of free opinion is not silenced. For what has begun now is a quiet struggle for the intellectual orientation of people in all of Europe. Communist propaganda does not know peaceful coexistence. It will continue its running fire. We must counter at least with objective information.

Fulbright has only spoken of West Europeans. He should also think of East Europeans. There is ample evidence that Radio Free Europe is the straw of hope to the people in Eastern Europe who don't want to be kept in ignorance by official propaganda. If nothing else can be done for them, they should at least be allowed to keep this straw.

(Translation)

[From Die Welt (Hamburg, Germany) Feb. 19, 1972]

LIBERTY TO THE GRAVEYARD

Why do many Soviet citizens listen to Radio Liberty? Why do countless numbers of East European listen to the broadcasts of Radio Free Europe, also active in the Munich area? Why do the inhabitants of the "GDR" switch every evening at news time to a West German TV channel? This obviously happens because the people of these areas feel themselves miserably informed by their mass media and insufferably "charged" propagandistically against the West.

On this subject, former Polish Minister of Education Bienkowski wrote: "If a government practices the tactics of suppressing information, there will always be others to fill the gap, to enlighten the information-hungry population about events, in its own language, and to tell it why the respective governments want to keep certain events secret."

U.S. Senator W. Fulbright is yielding to the pressure of the East European governments. He wants to have the two radio stations closed down. The Senator has enormous quantities of information available to him; he and his fellow citizens are not cut off from correct news sources. Isn't Senator Fulbright making things too simple for himself when he wishes for a place in the "graveyard" for remnants of the Cold War for the two radio stations? Does information represent weapons of the Cold War, or is it proof of a functioning democracy? The Senator represents the Democratic Party, which in the times of Roosevelt not only held forth hopes for the East Europeans for political freedom, but assured them of it. How times change...

(Translation)

[Die Tat (Zurich, Switzerland) Feb. 19, 1972]
A VITAL INSTRUMENT OF COMMUNICATION

VIENNA.—The most recent unobjective attacks of the American Senator Fulbright against Radio Free Europe and Radio Liberty demonstrate with all the clarity needed the complete ignorance of the well-known chairman of the Senate Foreign Relations Committee about conditions in Eastern Europe. The two Munich-based American radio stations, in operation for many years, are the only reliable sources of information linking the population behind the perforated but still existing iron curtain with the outside world. Especially in times of crisis—such as the invasion of Czechoslovakia in 1968, the uprising of Polish workers in 1970, or the Sino-Soviet conflict—their broadcasts are received by millions of people. While it is true that the BBC, the Voice of America and the

Deutsche Welle also broadcast regular programs in East European languages, they cannot compare with the flood of information provided from morning till night by Radio Free Europe. During the Hungarian uprising of 1956, grave political mistakes were made in accordance with the American foreign policy prevailing at the time. However, the management has since been reorganized and the program reoriented along lines of objectivity and information neatly separated from commentary.

The campaign of the Communist countries which was unleashed in connection with the Olympic Games provides ample proof of the discomfort the existence of RFE causes those regimes.

Furthermore, Radio Moscow and all the other East European radio systems daily broadcast Western-language programs and commentaries, the style of which resembles remnants of the cold war much more than, for example, the newcasts and concerts of RFE.

It was undoubtedly a mistake to keep the financing of the station through the American secret service in the dark, instead of openly entrusting a government committee with it. This, however, does not alter the fact that the continued operation of RFE—even more so at a time of East-West dialogue—is of immense political significance.

For this reason the closing of this station—the value of which can neither be expressed in terms of military divisions nor ICBM's—would be a political mistake without precedent.

(Text)

[From London Daily Telegraph,
Feb. 23, 1972]

EDITORIAL

A disgraceful surrender of the West's right to broadcast objective news and comment across the iron curtain is about to take place unless the American government acts quickly and firmly to stop it. Funds have been cut off from Radio Free Europe and Radio Liberty, both based in Munich, which for over 20 years have been transmitting to the satellite countries, and also to Russia in the main languages of the Soviet Union. As was recently nearly the case with American foreign aid, the cut-off is a result of a dispute in Congress.

Senator Fulbright is in his usual role of leading the appeasers. A year ago he succeeded in stopping the provision of funds for the two stations by the Central Intelligence Agency. The State Department took over the responsibility on a year-to-year basis. The Senator now seems within an ace of blocking the voting of funds for the coming year, in which case the stations would have to close down within a fortnight. He says that this would put them "in their rightful place in the churchyard of cold war relics."

Is it "cold warfare" to broadcast the truth to the peoples of the Communist dictatorships? Is it wrong to give them samples of Western culture and entertainment, to seek to correct the dangerous, perverse and malicious slanders about the allegedly aggressive war-like West with which they are fed by their governmental propaganda machines? Do the Communist regimes, in the barrage of vicious propaganda against the West with which they crowd the channels day and night, ask whether they are offending the susceptibilities of the societies it is their intention to disintegrate? The West has the obligation, to itself and to subject peoples everywhere, to testify to democracy. Radio, as millions behind the iron curtain will gratefully confirm, is the ideal means of communication in the circumstances. It must not be silenced.

(Full text was distributed by European services of UPI and [West German] DPA).

(Translation)

[From Muenchner Merkur (Munich, Germany, Feb. 24, 1972)]

FULBRIGHT—A CONTRADICTION IN HIMSELF

American Senator William J. Fulbright, known to the public as a vehement and ruthless opponent of the foreign policy of Presidents Johnson and Nixon, alleges to want to do away with "an anachronism". Having already succeeded in sacrificing the activity of the renowned Institute for the Study of the USSR to his ideas about a "policy of relaxation", by way of cutting down on foreign aid by the American Congress, he is now setting about robbing the inhabitants of the East European Communist countries of their only sources of information independent from their rulers.

The two American radio stations "Radio Free Europe" and "Radio Liberty" tried in their broadcasts beamed at Eastern Europe to correct the one-sided picture, drawn by official Communist propaganda, about reactionary capitalism and progressive Communism. For two decades now the Kremlin has been demanding the elimination of these "nuisances". Fulbright is now determined to relegate them "to their rightful place in the graveyard of relics of the cold war." The dissemination of truth should not be subjected to the relaxation euphoria of the Senator. Fulbright as a guardian of democratic order and preserver of Western freedom is a contradiction in himself.

(Text)

[Editorial reprinted February 24, 1972 by the following West German Dailies: *Frankfurter Allgemeine Zeitung*, *Die Welt* (Hamburg), *Stuttgarter Zeitung*]

[From London Daily Telegram of February 23]

A disgraceful surrender of the West's right to broadcast objective news and comment across the iron curtain is about to take place unless the American government acts quickly and firmly to stop it. Funds have been cut off from Radio Free Europe and Radio Liberty, both based in Munich, which for 20 years have been transmitting to the satellite countries, and also to Russia in the main languages of the Soviet Union. As was recently nearly the case with American foreign aid, the cut-off is a result of a dispute in Congress.

Senator Fulbright is in his usual role of leading the appeasers. A year ago he succeeded in stopping the provision of funds for the two stations by the Central Intelligence Agency. The State Department took over the responsibility on a year-to-year basis. The Senator now seems within an ace of blocking the voting of funds for the coming year, in which case the stations would have to close down within a fortnight. He says that this would put them "in their rightful place in the churchyard of cold war relics."

Is it "cold warfare" to broadcast the truth to the peoples of the Communist dictatorships? Is it wrong to give them samples of Western culture and entertainment, to seek to correct the dangerous, perverse and malicious slanders about the allegedly aggressive war-like West with which they are fed by their governmental propaganda machines? Do the Communist regimes, in the barrage of vicious propaganda against the West with which they crowd the channels day and night, ask whether they are offending the susceptibilities of the societies it is their intention to disintegrate? The West has the obligation, to itself and to subject peoples everywhere, to testify to democracy. Radio, as millions behind the iron curtain will gratefully confirm, is the ideal means of communication in the circumstances. It must not be silenced.

(Text)

[From The Times (London), Feb. 25, 1972]
MR. FULBRIGHT STRIKES A BLOW AT FREEDOM

The threat hanging over Radio Free Europe, the American station which broadcasts to Eastern Europe from Munich, raises basic questions about the proper conduct of relations with Communist countries now that both sides profess a desire for detente and cooperation. Senator Fulbright says that the station is a relic of the cold war and is "inconsistent with a desire for agreement." He is doing his best to cut off funds and is being very successful. Formal funding arrangements ran out this week and Congress is now deadlocked over what to do next.

The Communist powers agree enthusiastically with Senator Fulbright and have long been trying to persuade Herr Brandt that he should not renew the station's license to remain in Munich after July. They say that the station's activities constitute interference in their internal affairs and thus contravene the code of conduct which they envisage emerging from the European Conference on Security and Cooperation which is expected next year.

These arguments are wrong and should be firmly rejected. It is true that Radio Free Europe is a child of the cold war. It was financed secretly by the CIA and was originally intended to play its part in rolling back the frontiers and communism. It has, however, changed considerably since those days. During the Hungarian uprising of 1954 it was widely accused of deliberately fomenting trouble and of raising false hopes among Hungarians that they would be helped by the West. A reappraisal followed. Thirteen people were removed from the Hungarian section and new controls and new policies were developed.

Now the station largely accepts that Communist systems will have to develop gradually from within. It provides a calmer and more factual news service that is very widely heard in Eastern Europe.

It is not always perfect but it clearly meets a very deeply felt need among its listeners, as any traveler in Eastern Europe can testify. It gives them news about the world and about their own domestic affairs that is not available from their own controlled press. It also has a first-class research department which provides background material for scholars, institutions, governments, journalists and other subscribers in the West. This two-way flow of information is needed on both sides and would be very difficult to replace.

Naturally Radio Free Europe is a thorn in the flesh of East European governments because it breaks their monopoly of information. For them, truth in any form is an enemy agent. It can therefore be said to undermine their system, but only so long as people want to listen to it. When the press was freed in Czechoslovakia in 1968 scarcely anybody bothered to listen to Munich, for it had become irrelevant. It can be condemned to the same irrelevance again any time the Soviet Union wishes.

Meanwhile, whether its activities can be regarded as improper interference depends on what you mean by detente. As the Communists themselves never tire of pointing out, detente does not mean ending the peaceful competition between two systems. What it should mean is codifying the rules on a fair and equal basis.

There is no reason why these rules should exclude peaceful and equal competition between ideas. Indeed, this is one of the basic values of the Western world which should be most vigorously defended. Nor can anyone say that the Communists do not have an equal chance. They have free access for their ideas in Western markets. They can work

through legal publications and legal Communist Parties. They can broadcast as much as they wish, and as their programmes on Ulster have shown they can win all the prizes for vicious inaccuracy.

The West has fewer means at its disposal. To give up Radio Free Europe would be a gratuitous act of appeasement that would unbalance things even more and would be a very severe blow to the millions of people in Eastern Europe who still look to the West not only for information but for the defence of values in which they believe, and which even many progressive Communists regard as vital for the salvation of their system. Such a sacrifice would be regarded as a serious betrayal and as confirmation that super-power politics have again triumphed over concern for the needs of people.

The only point on which Senator Fulbright is right is that the secret funding of Radio Free Europe by the CIA was disgraceful. Discussion should now turn to finding better and more open ways of sustaining a very necessary institution.

(Translation)

[From Le Monde (Paris), Feb. 25, 1972]

(By Bernard Feron, Deputy Foreign Editor)

Mr. J. W. Fulbright, Chairman of the Senate Foreign Relations Committee, has gone to war against two stations located in Munich, namely Radio Free Europe which addresses the citizens of the Peoples Democracies, and Radio Liberty which "caters" to the people of the Soviet Union. The arguments by the Senator may be summarized as follows: These two institutions are relics from the time of the Cold War. In order to demonstrate their good will, the authorities of the United States must suppress them before President Nixon's trip to Moscow.

Obviously, the government in Washington cannot dissolve by decree these organizations which basically have been created through private initiative. Yet it is no secret for anyone that Radio Free Europe and Radio Liberty would disappear almost immediately if the United States stopped providing them with funds. Formerly, it was the CIA which took care of this financing. The Communist countries were then able to maintain that the radio stations were dependent on an espionage service. In order to put an end to this annoying situation, the State Department took over from the Central Intelligence Agency. Senator Fulbright is determined to block the funds destined for this purpose. By contrast, Mr. John Irwin, Acting Secretary of State, has requested that the Congress continue to support [the stations]. A decision is expected imminently.

Radio Free Europe and Radio Liberty are without any doubt the Western stations which command the largest audience in Eastern Europe. Every day, they provide their listeners with information which the local press and radio withholds from them. Do the stations always fulfill their task with the required seriousness? At the beginning of 1957, the leadership of Radio Free Europe was accused of having poured oil on the fire at the time of the Hungarian tragedy and of having encouraged the rebels in Budapest to carry on a hopeless battle. An investigation was initiated. The leadership of the radio rejected the accusations leveled against it, but it had to give way to a new leadership.

The two organizations are obviously blackened by their origin. They were conceived as propaganda instruments, used by exiles who wished to reverse the new order that had been established in their countries. Time has destroyed these illusions. At the same time, the broadcasters have perfected their system of information. Obligated to pro-

vide themselves information for their editorial staffs, they have created centers which are perhaps best equipped to collect news from Eastern Europe, thanks to their reading of the entire local press and to the constant monitoring of the radios. The conclusions which the editors draw from these studies may certainly be subject for discussion, but the information which they gather and broadcast is very useful for the public in the East as well as for the specialists in the West.

It is not this facet of the stations' activities which attracts the greatest attention during the current dispute. The American Library of Congress does not share the opinion of Senator Fulbright; it opines that in Eastern Europe, these institutions which are under debate at present "contribute substantially to preserve the reservoir of good will towards the United States" and even that the governments of the Eastern countries have sometimes undertaken steps desired by the public, being encouraged by Radio Free Europe.

Commentators also mention that Senator Fulbright's project would sever the ties which still link millions of people in Eastern Europe to the West. The listeners are not forced to listen to the stations. Must one deprive them of the possibility to do so if they so wish? Is the elimination of Radio Liberty and Radio Free Europe the condition necessary for improving the relations between Washington and Moscow? This is not obvious.

(Text)

[From the London Sunday Times,
Feb. 27, 1972]

IN DEFENCE OF RADIO FREE EUROPE

Senator Fulbright believes that Radio Free Europe and Radio Liberty, operating from Munich, should be stopped from broadcasting to Eastern Europe and the Soviet Union because they are "cold war relics" and hinder détente. He is wrong on both counts. The radios abandoned the unfortunate policy of "liberating the captive peoples" in 1956 and now support Willy Brandt's Ostpolitik and all Communist reform movements in Eastern Europe. It is true that the Russians and their allies have consistently demanded that Brandt should expel the radios from Munich. But his refusal to do so has not stopped the Russians and the Poles from signing treaties with him, and the Czechoslovak-West German treaty is held up by a dispute over the Munich agreement of 1938, not over the radios, in fact, by their consistently objective coverage of West German events, the radios have done more than any other organization to dispel amongst ordinary East Europeans the official Communist myth of "West German revanchism."

Fulbright argues, rather startlingly, that the radios are useless because "truth and freedom are indigenous and subjective issues and cannot be transferred from one people to another." That fashionable cynicism is disproved by Soviet hatred of the radios: it is precisely the "transference of truth" that the Russians fear. The radios, whatever their imperfections, provide East Europeans with a far more reliable source of world and domestic news than their own government-controlled media. It would be a tragic and distasteful appeasement for the West to cut off that source at Soviet behest.

Fulbright's only useful suggestion is that Western Europe might play a part in financing the radios. They should close down only when, as in Dubcek's Prague Spring, East Europeans no longer need to listen to them; with the current KGB persecution of Soviet dissidents and Husak's campaign of intellectual genocide in Czechoslovakia, that day is sadly still far away.

ALTERNATIVES TO THE STRIKE IN PUBLIC LABOR RELATIONS

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 1972

Mr. HUNGATE. Mr. Speaker, in view of the increasing interest and concern about strikes in the public sector, the following suggestion of alternatives from the Harvard Law Review—December 1971, volume 85, No. 2—should be helpful:

ALTERNATIVES TO THE STRIKE IN PUBLIC LABOR RELATIONS

(Merton C. Bernstein)

For four decades collective bargaining has been the central feature of public regulation of private labor-management relations, and the right to strike, while occasionally curtailed, has been thought essential to making it work. And it has worked reasonably well. Manhours lost in strikes constitute an infinitesimal fraction of all hours worked. In the public sector, however, strikes have been prohibited. Strikes by public employees may cause intense disruption in community life, as when transit systems cease operation or schools close. Yet, there has been developed no other effective mechanism for resolving the inherent conflicts between public employers and their employees. This essay proposes, in the context of public employment at the local level, two new methods of accomplishing the desirable functions of strikes without the illegality and disruption that are their present hallmarks.

I. PATTERNS OF PUBLIC LABOR RELATIONS

A. History

Until fairly recently unionization at all levels of government was slight. Public employees pursued their group interests through associations and leagues, and occasionally unions, whose typical operation was to lobby for favorable civil service laws, pay scales, fringe benefits, and administrative regulations. Before the surge of unionization in the private sector brought on by the New Deal and World War II, many public employees enjoyed job security, benefits, and status that few private employees could match.

However, by the late 1940's unions represented a major segment of the privately employed and won protection and economic gains which appeared to outdistance the progress of nonunionized and public employees. Large numbers of semiskilled and skilled workers entered the ranks of the middle class, formerly the preserve of professionals and white collar workers. "Plumber" and "teamster" came to imply, not grubby and poorly paid work, but short hours and high pay, while "civil servant" came to be associated with drab routine and shabby gentility. For instance, to teach required a strong feeling of vocation and, some thought, a vow of poverty. In addition, in the 1960's the apparent success of the militant stands taken by civil rights groups emboldened government employees to use collective action and direct confrontation to obtain more security and better compensation. Consequently, in the last decade unionization grew more rapidly in the public sector than in the private.

Often in the early stage of union activity, public employers—especially the federal government—took the position that while employees' unions might be consulted about employee concerns, recognition of a union, let alone bargaining, could not be reconciled

with the sovereignty of the state or the benign role of the nonprofit employer. Whatever its merits, that official posture began to break down soon after the election of President Kennedy, who had received heavy support from organized labor. A committee he appointed to study the role of employee organization, dominated by Secretary of Labor Goldberg, Undersecretary Willard Wirtz, and Theodore Sorenson, all firm believers in collective bargaining, could hardly have decided against recommending a representative role for public employee unions. The resulting executive order provided for limited representative status to unions. President Nixon has continued this trend, making exclusive recognition even more central to the federal government's relations with its employees.

Meanwhile, public employee unions at the state and local level grew, demanded to be recognized as bargaining agents, and agitated for significant pay raises, fringe benefits, and increased job security. Put to the test by illegal strikes and sometimes illegal "sanctions," and weakened by the example of the federal government, the "consultation without recognition" model was routed here, too, probably forever. At the same time, public employees drew from their private counterparts' credo and habits. As a result, the pattern of at least the short term future will probably consist of union representation, where chosen by a majority of employees in appropriate units, and negotiation of signed agreements covering at least some of the subjects traditionally bargained over in the private sector.

B. Recognition and Bargaining—Without strikes

Modern public labor relations statutes provide machinery for unit determination, elections, certification of the successful contender (if there is one), and bargaining. However, all but two ban strikes by public employees.

Various philosophical justifications have been offered for this ban: strikes against the sovereign state are intolerable; public employers are not motivated by profit; public services are essential; and public employee unions with both political influence and coercive power through strikes would have an undue opportunity to distort the normal political process. As a practical matter, the strike ban is the result of a different chain of reasoning. Because the state now provides protection for union activities, machinery for union representation, and procedures for the promotion of bargaining such as mediation and factfinding with recommendations, unions and their members should count themselves lucky to receive the new dispensation and work within the system.

Perhaps they should, but they have not; unions have resisted these arguments from the outset. There are a number of reasons for their attitude. Many leaders of public employee unions come from the ranks of organized labor in the private sector, where the strike is a legally protected, central tactic of bargaining and a means of enhancing organizational spirit and loyalty. Perhaps more important, strikes have been the weapon for transforming public employer intransigence into union recognition, better bargains, and even legislation for protecting union activities. Thus, while statutes have banned strikes as a matter of law, even those with the most draconian sanctions have failed to prevent them as a matter of fact when bargaining deadlocks occur. Indeed, the imposition of sanctions may be counterproductive, for both union and government officials may benefit from such occasions for demonstrating personal intrepidity without dealing with the hard problems of settling the underlying dispute. Russell Smith observes that we perhaps accord "a kind of de facto recognition to conduct officially de-

clared illegal... [a] state of affairs scarcely desirable in any society which purports to order its human relations according to the processes of law."

His colleague, Professor St. Antoine, agrees: "It is folly... [to outlaw] absolutely a form of conduct that is sure to be engaged in, under certain conditions, by respectable persons in the thousands."

These observations have the ring of wisdom.

II. THE STRIKE WEAPON

Assessment of the strike weapon requires fresh recognition of its differing settings, tactics, and impacts. So many arguments for and against allowing the strike in public labor relations derive from its role in private labor relations that the analysis properly begins with the private sector.

A. In the private sector

While potentially very destructive weapons, strikes are seldom employed; their salutary persuasive effect results from the mere existence of the possibility of a strike. What damages strikes cause are, arguably, the relatively small price paid to make collective bargaining work.

The classic model of the private strike is that of a group of employees which withholds its labor from an employer in order to gain recognition or bargaining concessions. The employees forgo their wages and the employer loses the revenue derived from the sale of the goods or services they would otherwise produce. The beauty of the strike is that while a potent weapon, it also inflicts damage on the wielder, so that even the threat of its use induces in both sides the degree of reasonableness essential to realistic bargaining. When the strike operates in this manner, it clearly merits legal protection.

However, it must be recognized, especially by those who counsel legalization of strikes in the public sector, that even in the private sector strikes do not always perform their hoped-for function. In some private sector strikes, the contending parties suffer little or no loss while others bear the brunt of the stoppage. For example, in the extended New York City newspaper strike several years ago, the printers had full employment opportunities and the publishers actually saved money by not printing during low-advertising periods; it was the other newspaper employees, the retailers, and the retailers' employees who suffered serious loss. Moreover, economists have long been aware that some major strikes disrupt the economy so seriously as to put in doubt their classical justification. In addition, employer mutual aid pacts and strike insurance—and, probably to a lesser degree, union strike benefits—operate to eliminate or reduce significantly the disciplining power of the strike weapon. In short, while often a salutary device, the private strike sometimes fails to operate as advertised.

B. In the public sector

So far as public employees are concerned, strikes have the same fairly direct effect that they have in the private sector: current income stops. However, when we compare private and public employers, we find differences that preclude reliance on the classical model of the private strike.

As noted above, the private employer is motivated by loss of sales—an occurrence which is direct, measurable, and predictable. However, in most public employee strikes, the government's revenues continue; only its wage payments stop. What creates pressure on the governmental employer to bargain are expressions by its citizens of their need for the public services. Such expressions are rarely clear, however, for the citizenry is composed of many groups with overlapping interests in getting services, differing abilities to pay taxes, and varying degrees of political punch. Moreover, citizens are rarely

aware of the precise relation between costs and services. On innumerable occasions in the last decade rejections in referenda of taxes to support schools have led to subsequent school shutdowns; I suggest that the votes might well have been different had the shutdowns occurred before or during the time that the voters were registering their preferences. Unfortunately, the precision of citizen perception may not be significantly increased even by strikes, because the choice for citizens then seems to be, not how much of a public service to have, but whether or not to have it at all.

A second crucial difference between private and public employers is that the former are, so far as labor relations are concerned, relatively closely knit organizations. Top management often participates in collective bargaining, and when it does not, the company negotiators generally report directly back to it. In addition, management has had, at least until Phases I and II of President Nixon's game plan, the ability to set prices and make similar policy decisions without interference. This concentration of power makes possible reasonably rapid and decisive resolution of disagreements with unions.

Government employers, however, are characterized by diffusion of responsibility. Typically, one set of officials is involved in the negotiation process and another in the appropriations process; and occasionally even the citizens may speak directly through referenda. For local governments this problem is exacerbated, for not only are there executive and legislative officials at the local level, but also significant portions of local budgets are determined by the state legislature and the governor, and, indeed, by Congress and the President. Therefore, those officials who participate in negotiations often cannot make binding decisions; at most they can pledge to seek requisite funds or legislation. And, as a corollary, those who allot funds have great difficulty in predicting how much each type of service will cost and thus in allocating resources among services. The result of all this is that the decisionmaking process takes much time.

In order to perform their functions in collective bargaining, public officials usually need the citizen pressure generated by strikes, but they need it in a form that gives them more time than the traditional strike permits. In Pennsylvania, the early months under a statute allowing strikes have been marked by numerous stoppages, possibly beyond the number anticipated. This might be a temporary phase which will not be repeated as public employers and unions learn how to use the law. I suspect, though, that the strike weapon is too drastic for the peculiarities of public labor relations. And in any event, the implacable opposition in most states to traditional strikes by public employees places the legalization of such strikes beyond debate for the foreseeable future.

III. COMPULSORY ARBITRATION—A DUBIOUS ALTERNATIVE

Compulsory arbitration is often proposed as a peaceful means of settling the differences between public employers and employees. There are, however, serious objections to the use of this device in either the private or public sector. Successful bargaining requires that each side determine which issues it feels most strongly about, estimate the other side's priorities, determination, and strength, and then trade concessions with the other side in an effort to reach a mutually acceptable "deal."

In arbitration, however, all arguments are supposedly based on logic—even though it has long been recognized that reasoned criteria, especially for setting wages, are illusory. Consequently, compulsory arbitration undermines good faith bargaining, for the weaker party has little to gain from bargaining. Furthermore, since arbitrators may treat the

best disclosed offers as the permissible limits of the award, it pays for each side not to disclose how far it is really willing to go on each issue. As a result, the availability of arbitration saps the efficacy of factfinding; and, at the arbitration stage, the stated issues and arguments may so obscure the parties' true needs and desires that the resultant award may easily miss a satisfactory resolution of the dispute.

A further difficulty arises from use of compulsory arbitration of disputes in the public sector—the preemption of public officials from deciding policy issues. Viewed mechanically, the arbitration process does not seem to allocate public resources: arbitrators fix equitable salaries for employees, and officials determine, given these cost figures, how much public service should be purchased. As a practical matter, however, employers rarely contemplate and unions would rarely permit curtailment of services and employment. Thus, the wage decision and the resource allocation decision are inevitably linked. Also, professional employees often bargain over programs. For example, teachers' unions may demand certain kinds of educational offerings or limits on class size. Even if arbitrators were capable of dealing with the complexities of budgeting and choosing programs, elected officials should not delegate the duty they owe the electorate to settle these questions. Deciding policy issues is the vocation of officials, not of arbitrators. Furthermore, when decisions lack an adequate electoral base, they will be short-lived, as the drastic retrenchments of Medicaid demonstrate.

Compulsory arbitration in the public sector would also face a problem more mechanical, but not less important, than that of inappropriate delegation. Typically, the employment contracts of public employees are staggered, so that only one or a few groups will be negotiating new contracts at any one time. In such a context the frequent disputes over the relative pay scales of the various groups of public employees create nearly insoluble perplexities, with each group demanding higher pay scales than the previous group received. I suggest that the bargaining process offers a possible way off this treadmill: a compensation package can be negotiated with each group of employees which, while intrinsically satisfying to the group, defies comparison with those of other groups. It is dubious, however, that the traditional arbitration format can produce stable arrangements. Even if the arbitrators possess the abilities necessary to determination of the appropriate pay relationships—and they may not, since the basic problem requires policy resolution—they would not, in the course of arbitrating one group's contract dispute, have all the competing groups before them. Nor would some new scheme to allow all competing groups to present the merits of their claims be feasible, for it would incur the risk of a simultaneous strike by all those groups dissatisfied with the award.

I would also like to point out what would be a significant transitional problem were compulsory arbitration to be widely adopted in the public sector. Few potential neutrals now possess sophistication in public finance. While expertise might be developed, several years of factfinding in public labor disputes which involved budgeting issues seem to have produced little confidence among arbitrators that they are equipped to deal with such problems.

"Either-or" arbitration, having been specially proposed, deserves special mention. Under this arrangement the arbitrators decide which side's final offer is more "reasonable" and take it as their award; they cannot choose any point between the parties' offers. While such a system is said to encourage reasonableness by both parties, it is actually gimmickry which encourages poker

playing. Sweetly reasonable and unpalatably sour proposals may often be intermixed in each party's offer, but the arbitrators are powerless to select only the reasonable elements.

Furthermore, even if under such a system it may be said that the parties deserve what they get, the ultimate award carries with it little promise of stability. Anyone with labor relations experience knows that whenever a winner and a loser may be identified, the leadership of the loser is likely, if only to regain face, to cause trouble.

In conclusion, since neither the union nor the local government may have agreed to the process of arbitration, to the selection of the arbitrators, or to the ultimate award, the resolution of disputes by this method is inherently unstable. Coercion is not only unattractive; it also works quite poorly.

IV. PROPOSED ALTERNATIVES: THE NONSTOPPAGE STRIKE AND THE GRADUATED STRIKE

It is reasonably clear that in public employment, the strike ban does not work; yet in most jurisdictions legalization of the strike is not a real possibility. And, I submit, the strike as it is known in the private sector would not function in the same way in the public sector and does not fit the peculiarities of public collective bargaining—diffuse responsibility and the consequent need for longer periods of time to reach settlements than in the private sector. Compulsory arbitration has serious drawbacks, not the least of which are its unacceptability to large segments of public management and unions and the likely instability of its results.

Therefore I suggest that we explore the possibilities of two other arrangements which have never been considered in the public sector but which, I suggest, fit the needs of all the parties more adequately than either present practices or the currently proposed alternatives.

It will help to give a rough sketch of the functioning of these two arrangements before I go into them in detail. In a non-stoppage strike, operations would continue as usual, but both the employees and the employer would pay to a special fund an amount equal to a specified percentage of total cash wages. Thus, while both parties would be under pressure to settle, there would be no disruption of service. In a graduated strike, employees would stop working during portions of their usual workweek and would suffer comparable reductions of wages. Here, there would be pressure not only on employees and employer but also on the community; however, the decrease in public service would not be as sudden or complete as in the conventional strike. I believe that these two new types of strike substitutes would work best in tandem.

A. The Nonstoppage Strike

Under my proposal, a public employee union would be free to declare a nonstoppage strike after all other bargaining procedures failed to produce a settlement. Employees would be obliged to continue to work full time but would forego a portion of their take-home pay. I suggest that, initially, ten per cent would suffice. This money would be paid by the public employer directly into a special fund (more fully discussed below). In addition to paying the equivalent of regular wages, the employer would also put into the fund an extra amount equal to what the employees have given up; this latter sum would constitute a loss to the employer. The union would have the option periodically to increase the amount of the foregone wages and employer payment, perhaps by increments of ten percent every two weeks. The public employer would have the option to require the union to switch to a graduated strike. If the employer did this, the employees would continue to lose the same rate of pay, but the employer would forego services rather than pay out additional funds.

I believe that exercise of the option to initiate the nonstoppage strike and increase the percentage can be limited to the union. The union has little other leverage, since the conventional strike would still be prohibited. Also, were the public employer able to initiate a procedure under which employees would work without pay, questions of involuntary servitude might arise. In any event, the employer would still have the strategic bargaining advantage of instituting after a deadlock in negotiations, certain changes in pay or other terms of employment which have been offered to the union and rejected.

The nonstoppage strike would accommodate the peculiarities of public labor relations. It would attract the attention of and put pressure on both the public officials who deal directly with the union involved and other members of the executive branch whose own budgets might be affected, the local legislature, and state officials. And while a nonstoppage strike would not precipitate a crisis, its pressure would be steady and inescapable. Thus, it may provide the necessary incentive for the various bodies of government to act, while allowing them the time they need to do so effectively. Moreover, it does not disturb consideration of the merits of the dispute with the hysteria and histrionics now typical of illegal strikes.

While nonstoppage strikes would create additional expense for public employers—many of whom are hard pressed as it is—they should also put an end to the present practice of paying the employees at overtime rates when a strike ends to reduce the backlog of work accumulated during the strike. Also, hopefully, the expense should be only temporary, and, as will be explained below, the money will not go to waste. In any event, the price does not seem too high to pay for a substantially improved process of bargaining.

Nonstoppage strikes offer significant advantages to employees, perhaps even more than would legalization of conventional strikes. In the first place, their rate of loss of pay would be lower at any given time than if there were an all-out strike. For employees with mortgage and other installment obligations to meet, this continuity of income is highly desirable. And, to the extent that the nonstoppage strike encourages more responsive bargaining without any stoppages, the total loss of pay may be less. In addition, in a full-scale strike, especially one of long duration, the employer is not liable for fringe benefit payments. Thus, life insurance policies may lapse or require payments by employees at a time when their income is interrupted, and group medical care insurance may have to be kept in force at the higher-cost individual rates. In a nonstoppage strike these benefits should continue.

Second, in actual strikes employees run the risk of losing their jobs. A common sanction in illegal strikes is to fire strikers. In the private sector, too, replacement of economic strikers has long been permitted, and while I have seen no data on public employer activity of this sort, I think it highly probable that permanent, nondiscriminatory replacement of strikers will become a feature of the legal public employee strike. In nonstoppage strikes, of course, jobs would be secure. Moreover, the absence of even temporary replacements would eliminate a traditionally potent source of violence, which everyone has a stake in averting.

Third, long-run employee and union interests are best served by a method that is legal and discomfits the community as little as possible. As union leadership knows from its post-World War II experience, unpopular strikes lead to distasteful legislation. And by the same token, strikers, even if they feel their conduct justified, often must incur the disapproval of friends, neighbors, and others

in the community. A peaceful method of pursuing demands seems clearly preferable.

The public employer would need some means of assuring union and employee compliance with the ground rules. Obviously working full time for less than full pay might encourage some employees to slow down or "call in sick"—a favored device in strike-ban jurisdictions. Two procedures would minimize violations. First, the unions must see that it is to their advantage to persuade members that it is to their advantage to abide by the rules. That is, all must be made aware that the "struck" employer is indeed under strike-like pressure. Second, the statute should provide for an expedited (and I mean quick) unfair labor practice procedure to hear and determine charges of slowdown or improper absence. However, these areas are so sensitive and have such a potential for emotional overreaction that employer discipline of employees should be limited to those cases where impartial hearing officers make a finding that the improper action has taken place.

One serious problem with the nonstoppage strike is finding a suitable use for the special fund to which the public employer and employees have contributed. In order to insure that the loss will actually discipline the parties' conduct in bargaining, the fund would have to be placed effectively beyond their recapture. I recommend that the fund be put at the disposal of a tripartite Public Purposes Committee in which respected community figures outnumber the total number of union and government members. This committee would be charged with the task of applying the money to publicly desirable, preferably short term projects that are not currently in the public budget—creation of scholarships or construction of public recreation facilities, for example. Certainly public employees would get little direct advantage from such a use of the money. Moreover, since these projects would not be currently funded, the committee's action would not discharge any of the government's present obligations; and since such contributions would occur irregularly, the government could not count on being relieved of any future burdens. Consequently, given public officialdom's abhorrence of losing control over money, this use of the funds should also provide an incentive for public employers to bargain.

Finally, I would like to dispel what may perhaps be a lingering doubt about nonstoppage strikes. Although they were initially proposed for use in the private sector more than two decades ago, they have had little acceptance by private parties. There are a number of reasons for this. First, although strikes have been the subject of some academic disapproval and periodic editorial dismay, they remain an acceptable device in the private sector. There has been, therefore, little real pressure for a substitute. Second, for a nonstoppage strike in the private sector to be as effective as the conventional strike, the contributions of the employer to the fund must be geared to the amount of profits it is spared from losing. Because of the obvious difficulty of calculating this figure, achieving a formula for employer contribution which is satisfactory to both parties could easily be more formidable an obstacle than resolving their basic economic differences. Thus, any statutory imposition of a nonstoppage plan would, while solving in a crude way the complexities of computing the formula, raise the claim by employers of deprivation of property without due process and the analogous employee claim of involuntary servitude.

Clearly the first reason does not apply in the public sector, for strikes are not currently acceptable. Nor does the second carry much weight. There is no need in the public sector

to base a formula on profits because there are no profits; what should be required by the employees is that there be sufficient pressure on the public employer, and I believe my proposal provides that. The third, too, is inapplicable. Government may of course impose conditions on itself; and since it is constitutional totally to deprive public employees of the right to strike, it should be permissible to provide them with a halfway measure, especially when it is the union which voluntarily initiates its use. In short, no significant barriers to adoption of nonstoppage strikes exist in the public sector.

B. The graduated strike

A nonstoppage strike may be insufficient to induce responsive bargaining. More direct pressure may be required, and the graduated strike would provide it.

In a graduated strike the union would call work to a halt in stages. During the first week or two of the strike the employees would not work for half a day; during the next period, if the union so chose, they would not work for one full day per week; and so on, until they reached some floor short of total stoppage. Employees' take-home pay would be cut proportionately.

The effect of a graduated strike would be to give the public a taste of reduced service without the shock of immediate and total deprivation. This would start in motion the political machinery I described earlier, but would not overload it. Citizens would make complaints about their inconvenience known to their elected representatives. Local officials, both executive and legislative, would thus be under pressure to do something, but would nevertheless be able to consult with each other and with the officials at higher levels of government. They would therefore be able to negotiate with the union in a reasonably coordinated and authoritative manner. Free of resentment and of posturing over illegality, the complicated political process of sorting out preferences between higher costs and fewer services and among competing demands could then work itself out.

To insure that employees really suffer proportionate loss of wages would require, first, that they be unable, after the strike, to reduce backlogs at overtime rates. This could probably be accomplished simply by a limitation on overtime pay for some period following the strike. It does not seem necessary to do more: to the extent the employees ultimately recoup their lost wages, the public will have the lost service restored; and in any case it is unlikely that either side's losses will ever be totally recovered. Second, it would be necessary that the shutdown not exceed the announced level. While enforcement of this requirement would not be easy, it would probably be satisfactory for an impartial body with an expedited hearing procedure to determine the actual extent of the employee stoppage and to mete out appropriate penalties, including reduction of wages. In addition, there would be another strong inducement to proper observance of the ground rules: union and employee recognition that they have an effective, fair, and acceptable weapon to encourage good faith bargaining.

As I stated before, I think that the graduated strike and nonstoppage strike would work best in tandem. Because a nonstoppage strike would cause the public less disruption, we should perhaps require that unions try it for at least four weeks; they would then have the option of instituting a graduated strike. However, since both types of strikes are certain to put pressure on the public employer, I think we should give the employer some limited options. If it feels itself financially hard pressed, it can select the graduated strike, which would result in no additional expense. If it believed that the service performed by the employees was so essential to the public that cessation could

not be tolerated—for example, fire and police protection—it should have the opportunity to persuade an impartial, preferably expert, tribunal that the services are in reality so indispensable. If successful, it could limit the union to the ever-more-expensive nonstoppage strike.

V. CONCLUSION

A blanket ban on strikes by public employees does not work. Illegal strikes are bad for labor relations and even worse for the rule of law. However, conventional strikes, if legalized, would be ill adapted to the complex procedures of public labor relations. Yet the public must accord its employees reasonable procedures that produce responsible bargaining. Under my proposals, bargaining could perform its salutary function, but without the disruption caused by the conventional strike and in ways adapted to the peculiarities of the public's needs and the government's intricate procedures for allocating resources.

Our federal system is complex and often awkward, but it enables us to experiment with various means of regulating public labor-management relations so that neither the public nor public employees are victimized. We should test the nonstoppage strike, the graduated strike, and indeed any other promising arrangements as we grope in this old field mired with so many new problems.

WALD ON POW'S

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 1972

Mr. ANDERSON of Illinois. Mr. Speaker, last week Dr. George Wald, Harvard's Nobel Prize winner in medicine, returned from Hanoi and claimed, on the basis of an interview with two American pilots, that North Vietnam is "way ahead of the Geneva Conventions" in its treatment of American prisoners of war. Yesterday, in this Chamber, I charged that "either Dr. Wald is a dupe or Hanoi is a dope," and I went on to cite numerous articles of the 1949 conventions which Hanoi has flagrantly violated.

Last evening the Rockford Morning Star phoned Dr. Wald to get his reactions to my charges. Dr. Wald reportedly defended his conclusions, and then went on to say that the Geneva Conventions are not relevant to Vietnam, "an undeclared war." This statement is but one more indication that Dr. Wald has not bothered to read the 1949 conventions which in article 2 states that:

The Convention shall apply to all cases of declared war or any other armed conflict between parties to the convention.

Mr. Speaker, while Vietnam is not a declared war as far as we are concerned, I do not think there is any question that it qualifies as "any other armed conflict" between parties to the convention. The United States ratified the Geneva Convention in 1955, and North Vietnam acceded to the Geneva Convention in 1957.

I asked yesterday why, if North Vietnam is bettering the Geneva Conventions, it has not permitted the International Red Cross or other neutral intermediaries to inspect POW facilities as is required by article 26 of the conventions?

In his interview with the Rockford paper, Dr. Wald responded:

As to international inspection, the North Vietnamese told me I could discuss anything I talked to the POW's about, except the location.

Now I hardly think that Dr. Wald qualified under the conventions as a proper neutral or impartial intermediary, and I seriously doubt that his interview with only two prisoners constitutes what could in any way be called an inspection of POW facilities. And with respect to his instructions that he could not discuss the location of POW facilities, I would call to his attention article 23 of the conventions which directs the detaining power to provide information regarding the geographical location of prisoner camps to the prisoners' country.

In conclusion, Mr. Speaker, I maintain, as I did yesterday, that Dr. Wald just does not know what he is talking about, either with respect to how the majority of American prisoners are being treated or what the provisions of the Geneva Convention Relative to the Treatment of Prisoners of War of 1949 actually require. I think if he would bother to study those conventions and examine the testimony of former POW's as to their treatment, he would conclude with me that North Vietnam is not only bound to abide by those conventions, but has been in gross violation of them. I would hope that he could then join with me and other Members of this Congress in condemning the inhumane treatment these prisoners have been receiving at the hands of the North Vietnamese, and in calling upon that government to comply with these most basic rules of human decency.

FIRE SAFETY IN NURSING HOMES

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 1972

Mr. KEATING. Mr. Speaker, when testifying before the Special Studies Subcommittee of the Committee on Government Operations exactly 1 week ago, I indicated my intent to offer a program in Congress to deal effectively with the problems of fire safety currently afflicting our country's nursing homes. The following are the broad outlines of this legislative program, which today is being introduced in Congress:

First, a bill to amend section 232 of the National Housing Act to require, as a condition of eligibility for mortgage insurance, that a nursing home or intermediate care facility comply with the provisions of the Life Safety Code, and; to authorize the Federal Housing Administration to insure loans to provide fire safety equipment for nursing homes or intermediate care facilities.

This bill is being offered basically for two reasons: To make certain that the Federal Housing Administration insures loans for construction only of long-term care facilities which are in conformity with the most strict fire safety standards, and also to provide those existing institutions which need assistance to at-

tain this goal with appropriate support from the Federal Government.

Second, a bill to amend the Social Security Act to require that intermediate care facilities receiving funds approved under title XIX of this act comply with the provisions of the life safety code now applicable to skilled nursing homes certified under the medicaid program.

Under present law, intermediate care facilities receiving Federal funds under title XIX are not subject to the same standards of fire safety as are skilled nursing homes. This bill will correct this deficiency, as there is no compelling reason to require one set of fire safety standards for some institutions, and a different set of fire standards for other institutions.

This bill also calls for the full disclosure of ownership interests in nursing homes to an appropriate State agency, and for making this information available to the public.

As a result, those persons desirous of selecting a safe nursing home for their elderly will have access to information necessary to make a prudent decision.

Finally, I am introducing a bill to amend title VI of the Public Health Service Act to authorize funds for construction of long-term care facilities only in those instances where construction is in conformity with the provisions of the life safety code. By this action, the Public Health Service Act will be brought into line with other Federal statutes mandating strict adherence to the life safety code's substantial fire protection measures.

The measures introduced today will provide a degree of uniformity, consistency, and rationality in those statutes relating to facilities that provide care to our older Americans. With the enactment of the legislative program offered today, all these facilities will be subject to the same strict fire safety standards, and once and for all we will set aside the practice of multiple fire safety standards for different kinds of nursing homes.

I feel confident that with the enactment of this program, fires such as occurred in the Green Nursing Home in Lincoln Heights, Ohio, last month can be kept to an absolute minimum. Complete fire safety may be an impossible goal; however, a stronger effort at fire safety must be made, and a strong beginning has been made today.

VOICE OF DEMOCRACY CONTEST WINNER IN WEST VIRGINIA

HON. JAMES KEE

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 1972

Mr. KEE. Mr. Speaker, Curtis D. Goho, Jr., of Princeton, W. Va., a city in the district which I have the honor to represent, has been awarded first place in the Voice of Democracy Contest for the State of West Virginia.

Our West Virginia champion is a 16-year-old junior student of Princeton High School. He is the son of Mr. and

CXVIII—388—Part 5

Mrs. Curtis D. Goho, Sr., residing at Route 4, Box 415, Princeton, W. Va. His father is a forestry research technician and his mother a registered nurse. He has one brother, age 12, and a sister, age 14.

Curtis is sports editor and photographer for the school newspaper, student council representative, member of the Key Club, Annual Staff, Order of the Arrow, debate team, Spanish Club, Pep Club, Christian Youth Council, Forensics, and has played numerous major and minor dramatic roles in school and church productions. He is an active participant in Boy Scouts, having attended the Boy Scouts National Jamboree in 1969 and has attained the rank of Eagle Scout. Past achievements include serving as Junior High School Student Council president, recipient of the West Virginia Golden Horseshoe Award and second place State winner in the Reader's Digest speech contest. His hobbies include photography, music, camping, sports, and debating. Future plans involve attending West Virginia University to prepare himself to pursue a career in dentistry.

Curtis is representing West Virginia in the national contest finals which will be held in Washington, D.C., on March 3-8, 1972. All West Virginians will be watching and pulling for this outstanding young American.

The Voice of Democracy program is solely sponsored by the Veterans of Foreign Wars and its ladies auxiliary, in cooperation with the State and National Broadcasters Association. The theme for this year's script was "My Responsibility to Freedom." Total student participation throughout the State of West Virginia was 2,554 students representing 87 high schools. The national total participation this year was nearly 500,000 school students from over 6,800 high schools.

I am very proud of Curtis Goho. His hard work has won for him the top honors in our State. His winning speech is an excellent illustration of some of the clear and lucid thinking of today's young people. This young man is also a good example of the constructive attitude of the great majority of our future leaders.

Mr. Speaker, these contests certainly articulate the spirit of democratic government and are likewise beneficial to those who participate and are enlightening those who hear and read these essays. I, therefore, want to commend the Veterans of Foreign Wars of the United States and its ladies auxiliary for conducting this excellent contest each year.

After reading Curtis Goho's outstanding speech, one can readily see why he was West Virginia's champion. I am, therefore, pleased to commend his essay to the attention of my colleagues:

MY RESPONSIBILITY TO FREEDOM

(By Curtis D. Goho, Jr.)

Hello. My name is Sam Jones, Joe Thomas, Ted Smith, Bob Brown. What my name is doesn't really matter. What does matter is that I am an American. And, as an American, I am a free man, one who can say what I feel, go wherever I want to, and have freedom of my life with no undue interference from anyone. These are the freedoms which it is my responsibility to defend.

When I was smaller, I took these freedoms

for granted, not knowing what they were or why I had them. Actually, I hardly knew that they existed. But now that I am nearing the age where I can help to uphold and secure these freedoms, I realize that they are not to be taken lightly. This freedom which I have is not a gift that is freely given to me. I must deserve it first. I must work for freedom, live for it, and, if the call should come, die for it.

In working for freedom, I can do my part in upholding its strengths and overcoming its weaknesses. My part must be one of upholding the ideals of freedom for all, not just for one person and not just for me, but for everyone. To overcome the weaknesses of freedom and to uphold its strength, it is my duty to keep myself informed in world, national, and local affairs, to discover how my government works by studying its functions, and in a few years to carefully examine both sides of an issue and then take my stand and vote for the people whom I feel will uphold my freedom to the fullest extent. It is also my responsibility to serve freedom in any office which is necessary to administer and uphold it. I must be a thinking person, one who not only keeps myself informed for my freedom but to keep others informed as well.

Working for freedom is not my only responsibility. I must be willing to sacrifice my life if it is necessary to protect freedom. Throughout the years, many men have died for freedom, not only for themselves, but for other people of the world—people who they never had seen before. The doughboys of World War I and the G.I.'s of World War II, Korea, and Viet Nam never knew the people they were fighting for, only that those people wanted freedom—and they died for it. If the time comes, I also must be willing to give my life for this cause, not for myself but for my children and their children.

Besides working for freedom and possibly giving my life for it, I must live my responsibility to freedom every day of my life. I must be prepared to take my part in the smaller tasks, however trivial they seem to be. Such everyday occurrences as obeying traffic regulations, living up to laws, and serving on juries also go into making up my responsibilities to freedom.

Someone once said "a chain is as strong as its weakest link." Freedom is only as strong as its weakest person, and in order to make freedom a success, each person must give their all for it. So as my responsibility to freedom, I, a free man, no matter what my name, race, or creed, have a duty to freedom of working for it, living for it in my everyday life, and possibly dying for it. For freedom is only as strong as I am.

JAMAICA SELECTED AS ALL-AMERICAN CITY

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 1972

Mr. HALPERN. Mr. Speaker, it was indeed a great pleasure for me to learn that the National Municipal League has bestowed its annual "All-American City" title to Jamaica, N.Y.

The National Municipal League and the Saturday Evening Post started this annual competition in 1949 to encourage citizens initiative for local improvement. Winners are selected annually for this honor by a jury of distinguished citizens and experts on government. This year, these experts have selected Jamaica, Queens because of the vigorous action of

its citizens in bringing about major improvements in their community and thus setting an example of good citizenship for the Nation.

This award has great significance to me and the people of Jamaica because it recognizes the foresight, vision, and activity of an urban community trying to solve the problems of living and working in a megopolis.

It is particularly interesting to note the many and varied historic developments encompassed in the Jamaica community because it is a mirror of industrial America. History tells us that all major cities flourished near easy access to rivers or ocean facilities. New York City is no exception. Clearly one of the New World's oldest cities, New York is trying desperately to meet the challenges of the future and Jamaica is part of that challenge.

Jamaica, because it is geographically part of New York City, has a unique problem of trying to cope with the same ills of urban living and yet maintain an independence which will enable the community to deal more effectively with change.

Jamaica's fortunes have long been linked to those of the city. It was charted in 1650 and has served as the business and transportation hub for all southeast Queens. In the mid-19th century Jamaica consisted of scattered farms located on high ground in the midst of the many marshes and creeks which drained into Jamaica Bay. During the middle of the 19th century there was a flurry of railroad buildings on Long Island and Jamaica became an important rail center. By the 1880's it became New York's first inland community center.

Shortly thereafter, land values rose and family houses as well as commercial business grew as the community moved into the 20th century. Commercial activity, including meats slaughtering and packing, textiles, manufacturing, and carting flourished throughout the area.

Today, Jamaica contains the third largest retail district in New York City. This retail area is located within a larger central business district that contains such significant facilities as the main branch of the Queens Borough Library, Mary Immaculate Hospital, the Registrar's Office, the Supreme and Family Courts, the Bureau of Motor Vehicles, the YMCA, and the Jamaica District Health Center. Jamaica also has about 1,000 retail businesses which include three department stores and a good number of moderately sized stores.

Through the imagination, dedication, and activity of the civic leaders in Jamaica the present area is being converted into a multi-purpose urban center where many regional activities will be located. Proposed plans to date include:

A permanent 4-year liberal arts college;

Two new courthouses;

A new subway line;

Demolition of the Jamaica Avenue elevated train;

Two new municipal parking garages;

Three private office buildings—including a 20-story office tower complex;

One private parking garage;

Five new schools including a medical college;

New road and highways; and

Three thousand, one hundred, thirty-one new housing units.

As you can well imagine, Mr. Speaker, the room for growth, innovation, and progress is unlimited. As a lifelong resident of this area I have marveled at its ability to keep up with the changing times and the problems which engulf a city. For the past 40 years I have been actively involved in the affairs of my community and today I share my pride in Jamaica with the business, civic, and community leaders as well as the 273,000 people who work and live there.

We are building and rebuilding, working and reworking, and planning and replanning to make Jamaica a progressive, community which will serve the needs of all its residents.

I look forward with great pride and expectation to what we can do to make Jamaica an "All-American City" for all time. A community which constantly envisions change and then takes affirmative action to meet the needs which change imposes will, in my estimation, be able to provide unlimited opportunities for its residents. I am proud to say Jamaica is such a community.

At this time I would like to insert into the RECORD a portion of the article of the spring 1972 edition of the Saturday Evening Post which announced the winners of the All-American City awards:

JAMAICA: ALL-AMERICAN CITY

We have already noted that Jamaica has an overflow problem with all of the big-city ills of Manhattan itself spilling over on this smaller community. If you fly over the New York area, you won't notice Jamaica as such at all, since it is physically indistinguishable (even with its 273,000 inhabitants) from the great spread of solid mass in all directions of the metropolitan suburbia. It is part of a county with two million people, which is in turn part of the City of New York, which has eight million people. And New York City is the central core of a growing urban region comprising thirty-one counties in three states in which twenty million people reside.

But Jamaica has a soul. In the eighteenth century, it was the hub of traffic running from New York out across Long Island. Its crossroad was the famous Jericho Turnpike, still bearing that name, then a plank road which trembled under the hooves of Washington's cavalry and the gun carriages of the British. It would never do to permit a past of such individuality to become extinguished, but in fact that was just what was happening. But many Jamaica citizens turned to and now have been working for years to establish some kind of individuality in their community and to check decline of the downtown area. Three who have been particularly involved are David Starr, the editor of the *Long Island Press*; Dr. Canute Bernard, a medical doctor who is also chairman of the Jamaica Community Corporation; and Vincent M. Albanese, an attorney who is a former president of the Chamber of Commerce, and now president of the Greater Jamaica Development Corporation.

As they tell it, until recently, Jamaica—an old downtown and a residential pocket of poverty in a populous growing county of new shopping centers and affluent homes—had problems too serious to attract private investment but not serious enough to qualify for most government programs. Growth and prosperity were bypassing it, occurring all around it, but not within it. Lacking the

power to act in its own behalf, it was curiously suffering from inclusion in perhaps the most dynamic metropolis in the nation. Jamaica's black citizens were struggling to purchase their homes and retain the community qualities which attracted them there. Its white citizens were struggling with their fears and the decline which the transition threatened to bring.

"Now, with several years of hard work, persistence and exceptional leadership, Jamaica is a community on the verge of resolving its major problems of rebuilding itself to provide new opportunities and services for its residents, of regaining its identity and sense of worth.

"Simultaneously, business, civic and community leaders are moving it toward a regional consciousness and developing a constructive partnership with the government at several levels. The considerable resources of the city and state have been brought to bear on Jamaica's problems and prospects. Public investments scheduled for Jamaica and environs total about \$300 million, including rail service to JFK airport, a new Family Court, and a Civil Court which was initially to have been built elsewhere. Three private projects are underway: New York Telephone will open its Queens headquarters office building in the fall of 1971; a 730-car public garage opened in 1971; the site for a large commercial office building is being assembled by the City for a prominent developer.

"In the best traditions of American drive and public-private cooperation, Jamaica is moving ahead."

The whole idea has been to turn Jamaica into a regional center for business, education, health, the arts and government, via an organization, the Greater Jamaica Development Corporation. And Jamaica has developed greatly.

The citizens successfully blocked the city's plan for a housing program because the program was not good enough. They insisted that the city come back with a comprehensive plan which included schools, street improvements, good sewers and the other necessary services. The city government did as it was told by the citizens. The Jamaica people scored two notable and rather dramatic victories which could only have happened in a metropolitan area. The first was in the matter of a city subway. New York City had planned to run a subway line through Jamaica to Manhattan, but only touch an outlying portion of the Jamaica area—in other words, just a by-stop. The Jamaicans not only succeeded in having the subway rerouted so that service to Manhattan will now be via Jamaica Center; they also swung their weapon of citizen concern in the other direction, and in the same swoop caused the removal of a blighting elevated transit structure from Jamaica's main street.

Ten acres were cleared around the site of the planned subway station, to be privately developed for new offices—and new jobs—for Jamaica.

Even more contemporary is their problem with York College. This is to be a big one, some 10,000 students, and it was originally planned to put the campus on a scenic but remote site, actually the grounds of an old U.S. Army post at Fort Totten. But, much as Jamaicans might like the idea of an ivy-covered college somewhere in the vicinity, they thought far more highly of bringing York right into the center of their community, and inter-involving students and faculty with the life of the inner city. The Jamaicans persuaded the college to move plumb into their midst, into what had once been a lost and blighted site of fifty acres, but one which was still convenient to the business and residential neighborhoods of their community. It is a transfusion of new life and new community blood to Jamaica. Blight has given way to an educational center, with all of its vitality and cultural advantages.

THE EQUAL RIGHTS AMENDMENT

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 1972

Mrs. GRIFFITHS. Mr. Speaker, on February 8, Senator SAM ERVIN entered some material in the CONGRESSIONAL RECORD under the heading, "Elmo Roper Poll Shows Women Against the Equal Rights Amendment." Frankly, I feel that the passing out of misinformation by Members of the other body is to be deplored, and I must object to some of Senator ERVIN's remarks.

The Roper poll concerned "Women's Views of Women's Liberation"—not women's views of the equal rights amendment. The questions are geared to men and women's views of women's positions in the social structure, such as questions on "Men's clubs and lodges should be required to admit women," "men should stop appraising women on the basis of beauty and sex appeal," and "women employees should not emphasize their femininity." The poll on women's liberation in itself is misleading, since the ideology of some members of women's lib goes far beyond the issues raised by the equal rights amendment.

Senator ERVIN said that it was a "myth" that American women support my amendment. I have received letters, cards, and telegrams from women throughout the Nation, expressing their support for the equal rights amendment. Many have been the victims of the sex discrimination the amendment is designed to overcome.

As a matter of fact, I would like to call attention to a poll that did concern itself with the equal rights amendment. More than 70 percent of the respondents to the advocates' television program poll answered the question, "Should the equal rights amendments be adopted?" affirmatively. These results were quoted in the CONGRESSIONAL RECORD on February 14 by Senator BIRCH BAYH.

Senator ERVIN stated that I felt that women should have the legal responsibility for family support, if the woman in a household is the better wage earner. The equal rights amendment would not make women the breadwinners for their families. As has always been the case, this matter would be worked out in the home between the husband and the wife. In many cases, a woman is the breadwinner in the home, because she is widowed, divorced, or separated, if she is supporting parents or other relatives, or if her husband is ill, disabled, or unemployed. Why should such women be penalized by their Government enacting laws against them?

The amendment would give women the same protections the Constitution now guarantees to men—protections that have been actively sought and gained for all other minority groups. Where a law restricts or denies opportunities of women or men, the effect of the ERA would be to render such laws unconstitutional. Where laws confer a benefit, privilege, or obligation of citizenship, such would be extended to the other sex.

My amendment protects a woman, her family, and her husband from the consequences of sex discrimination. ERA means equal educational opportunities for both sexes, equal punishment for criminal offenses, a right to draw equally on social security, a right to the same pension benefits that men have for themselves and their families, and the same fringe benefits for all women Government employees. It would, hopefully, cause all employers to look upon women as persons.

Whatever their views on the silly and frivolous questions raised in the Roper poll, I feel that a majority of men and women support the justice of the equal rights amendment. Even in the Roper poll, cited by Senator ERVIN as support of his belief that most Americans did not want the ERA, more than 70 percent of those surveyed said that they felt that women should get equal pay with men for doing the same job and that women should have equal job opportunities. Women are not equal now, and in the name of justice, we must act to insure that women receive the same rights, privileges, and responsibilities that are now open to all male Americans and to all other minority groups—except women.

BERLIN ACCORD: NO WINNERS

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 1972

Mr. HUNT. Mr. Speaker, much concern is being shown by people here in the United States regarding the status of West Berlin and its role as a free city in Communist East Germany. This issue is of vital importance considering the city's future as an island of democracy in a captive area. My good friend and colleague from Iowa, WILLIAM J. SCHERLE, has prepared a very perceptive report on this situation so that the responsibility of the United States can be seen in its proper perspective:

BERLIN ACCORD: NO WINNERS

The late Nikita Khrushchev once said of the beleaguered bastion of West Berlin that it was a thorn in the side of the Soviet Union. He added, however, with grim satisfaction, that it was also a corn on the foot of Western Europe, on which the Kremlin could tread at will to cause discomfort to the Western allies. These two earthy images neatly summarize the checkered career of the unfortunate city. Divided as a spoil of war among the occupying powers in 1945, Berlin has never really ceased to be a battlefield. At the termination of the hot war against the Axis powers, a cold war almost immediately flared between the former allies and Berlin became the focal point of an unending series of disputes. The city's status has also been the subject of endless negotiations between the United States and the U.S.S.R. It is said that during the quarter century of East-West tensions, the blitz of diplomatic notes, protests, treaty drafts and other documents exchanged over Berlin would, if stacked next to the infamous wall in the Eastern sector, enable a refugee to step easily over the barrier.

Earlier this month, still another agreement on Berlin was signed by the United

States, Great Britain, France and the Soviet Union. The new Berlin accord, as it is known, has been hailed by all parties as an "historic event," a "milestone" in diplomacy, and a significant advance in the fortunes of the long-suffering residents of West Berlin. On closer examination, however, it becomes evident that there are no real winners in this latest round of negotiations. Some concessions have been wrung from the Communists, but a price has been paid for them.

On the positive side, the Soviet Union has agreed for the first time since World War II to recognize her responsibility to guarantee unimpeded civilian land access to the Western sectors of Berlin. This responsibility has never previously been acknowledged by the Communists. The Western powers unaccountably failed to exact any such admission from Russia in the original agreement governing the division of the city into occupied zones. (Air access and military movements on the ground were clearly stipulated in the earlier contract among the Allies and have never seriously been questioned as a result.) This omission has occasioned most of the trouble over Berlin because of the city's location. An isolated enclave more than 100 miles inside East Germany, West Berlin has been entirely dependent on the good will of the Communists for its lifelines of commerce and communication with the West. This accident of geography has allowed the Reds to exercise their notorious "salami tactics" with virtual impunity for more than two decades.

Russia also agreed to permit broader contacts between residents of the Western sector and East Berlin and East Germany. West Berliners had been barred from visiting the Eastern half of their city since 1966, and from venturing into surrounding East Germany since 1952. The wall will remain standing, but will become "porous". The traffic, however, will flow only one way. Embarrassed by the flood of three million refugees who fled to the West before the wall was erected, the Communists will not permit East Berliners to travel West. In addition, the Soviets recognized the legitimacy of West Berlin's ties to West Germany, a point the Communists hitherto refused to concede.

On the negative side are all the unspoken omissions. The grim wall will not be torn down, and the East German guards still have orders to shoot anyone trying to escape. The legal status of East Berlin was not even discussed. By implication, it is consigned forever to its Communist fate. Very little hope can be held out to those who long to see their city reunited in freedom.

The Soviets also won more concrete concessions in return for the access agreement. They will be allowed to establish a consulate in West Berlin, and they exacted a pledge from the Bonn government not to perform "constitutional" functions in West Berlin, such as Parliamentary elections. The Communist bloc stands to gain other advantages as well. The wording of the Berlin accord grants tacit recognition to the sovereignty of East Germany. The signing of the agreement will also pave the way toward a non-aggression pact between West Germany and the Warsaw Pact nations. In addition, the Russians hope that it will prepare the ground for a pan-European security conference, the aim of which will be to reduce manpower force levels on the continent. The Soviets want to accomplish this for two reasons: first, of course, they wish to diminish American influence in European affairs by reducing the American military presence in Europe; second, they hope to secure their Western flank on more friendly terms in order to concentrate their main troop strength on the Chinese border.

The Soviet fear of increasing Chinese pressure and their consequent desire to estab-

lish a framework of cooperative relations with Europe coincides conveniently with three trends in the West: West German Chancellor Willy Brandt's policy of "Ostpolitik" or reconciliation with Communist Eastern Europe; the increasingly independent stance of West European nations with respect to the Atlantic alliance and the growing American conviction that the United States alone cannot indefinitely fill the role of world policeman, and that our allies should assume greater responsibility for their own defense. In view of all these converging factors, it is quite likely that the European security conference will take place and that the Soviets will honor their agreement on Berlin so long as they find it to their advantage to do so. The hitch is, of course, that one day Russia may no longer hold that opinion. When that day comes, no accord will be able to save the beleaguered West Berliners from yet another round of battles with the encroaching Communist enemy.

With this background and summary of the situation as it exists today, of even greater concern is West German Chancellor Willy Brandt's policy of "Ostpolitik"—accommodation with Communist Eastern Europe—whose serious deficiency lies in the offer of concessions without seeking anything in return. If carried to its ultimate conclusion, the agreements being promulgated pursuant to this policy will put a stamp of approval on the permanent division of East and West Germany and will add immeasurably to the precarious position of West Berlin. As Congressman SCHERLE has observed:

It is quite likely that the European security conference will take place and that the Soviets will honor their agreement on Berlin so long as they find it to their advantage to do so. The hitch is, of course, that one day Russia may no longer hold that opinion. When that day comes, no accord will be able to save the beleaguered West Berliners from yet another round of battles with the encroaching Communist enemy.

THE PRESIDENT'S "PEACE" PLAN

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 1972

Mr. SCHMITZ. Mr. Speaker, in a dramatic report to the American people January 25, the very next day after his numbing budget message reporting a current \$38 billion deficit and programming another \$25 billion deficit, President Nixon unveiled his new eight-point plan to end the war in Vietnam, ruling out in advance any possibility of an American military victory.

While the President's grandiose peace plan may have sounded quite plausible to many Americans, those accustomed to the harsh realities of such political dealings in the continuing cold war cannot fail to see in it another example of the kind of policymaking which has led us to defeat in past confrontations with the same foe. For in Southeast Asia we are not merely dealing with an ordinary adversary who understands and abides by the generally accepted rules of war, but with a deadly Communist enemy proved incapable, by more than half a century

of political intrigue and revolutionary violence, of ever honoring any type of treaty or "agreement." The Reds from Moscow to Peking to Hanoi have consistently looked upon treaties with all nations as merely worthless scraps of paper to be used to their own advantage and then discarded after suiting their purposes. To the Communists, therefore, "promises are like piecrusts—made to be broken."

President Nixon's eight-point plan incorporated many of the very demands made by the North Vietnamese Communists in their own seven-point proposal at the Paris peace talks last July. But, as expected, the Red negotiators promptly denounced the President's public offer, claiming that he had not fully responded to their wishes. Said the President plaintively:

The truth is that we did respond to the enemy's plan, in the manner they wanted us to respond—secretly.

In essence, the President's plan would force on the hapless South Vietnamese a coalition government, including Communist members, thus providing what history has shown to be the typical foundation for a complete Communist takeover. And it would withdraw all American troops and support forces from Southeast Asia at a time when a major Red offensive is about to begin, thus paving the way for a Communist triumph. All we would get in return would be a Communist promise to halt their aggression and to release all our prisoners—whose release, at the cost of our total defeat, would make a mockery of all they have suffered and that their fellow soldiers died for. The President has even offered \$7 billion to rebuild Vietnam once the war ends, a third of which would go as a kind of reparations to rehabilitate Communist North Vietnam. On the House floor February 1, Congressman H. R. GROSS, of Iowa, called this the most humiliating proposal he ever heard. I could not agree with him more.

Testifying before the House Committee on Un-American Activities on May 20, 1957, the Director of the Foreign Policy Research Institute, Dr. Robert Strausz-Hupé flatly rejected the frequently advanced theory that the Communists are following a "limited war" strategy in their efforts to seize control of the world. An acknowledged expert on Communist affairs, Dr. Strausz-Hupé stated that the Communist strategy "never has been, and is not now, a strategy of limited war," rather, it is a strategy of "protracted conflict." He continued:

The strategy of protracted conflict prescribes the annihilation of the opponent by a long series of carefully calibrated operations, by feints and maneuvers, by psychological and economic warfare, and by diverse forms of violence . . . It encompasses all known forms of violent and nonviolent conflict techniques, and fuses them into a weapons spectrum which begins on the left with the seemingly innocuous political activities, such as the clandestine distribution of leaflets, and terminates on the right end of the spectrum with the megaton bomb.

The Communists, he continued, have a distinct advantage in their protracted conflict strategy because from their standpoint—

There is no difference between military and political means. They are all instruments of conflict, leading to the same objective of power accumulation.

In this manner, the Communist hope to make small, steady gains while avoiding an all-out conflict which they do not want.

Therefore, the North Vietnamese Communists make more and more demands at the Paris peace talks, expecting eventually to get what they really want. They will continue the war as long as they think they have more to gain than to lose by it. Since all negotiations with the Communists start from the premise that nothing they now control can be touched—or is even an issue—the worst they can ever get is a draw while the best we can ever get is likewise, a draw. As we keep retreating and giving them better and better offers, they will keep demanding more and more. They are willing to go on fighting indefinitely while we are becoming war-weary, our military morale is ebbing, and the administration refuses to take the necessary steps to win.

PRESIDENT'S PEACE PLAN BEST POSSIBLE

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 1972

Mr. SHRIVER. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following editorial from the Peabody, Kans., Gazette-Herald that responsibly discusses the proposals for peace in Vietnam presented recently by President Nixon. The editorial properly calls on Americans to support the peace plan, "at least until it had had a chance to work or to fail."

PRESIDENT'S PEACE PLAN BEST POSSIBLE

Although certain quarters have kept up an instant and steady volley of criticism, the peace plan proposed by President Nixon surely deserves the support of all Americans—at least those who want us to get out of the mess in Southeast Asia. The continued delay on the part of the Reds is almost flabbergasting, considering the fact that it gives them so much for so little—merely turning our prisoners of war loose.

For the Reds it means that the American troops who have kept them from their planned take-over of South Vietnam are being withdrawn within a few months—and after all, what are a few months to the Communists, who have been trying to capture all of Vietnam for several decades. It comes as near to abject surrender as America can possibly come.

Those who criticize the plan must have a rather strange set of values. Either they really don't care about the end of the war and getting the prisoners home, or they have not even a particle of understanding of what the enemy wants, has said he wants, and has tried to get through the years.

We must remember at the outset that the Communists are not particularly interested in a peaceful settlement of the conflict. They started the war to take over South Vietnam, they always intended to do it, and they still hope to succeed. Neither are they very interested in whether American men get home to their families now or ever. They do not have

the same regard for life, death and love that we do—at least on the top political level—and to them the prisoners are merely pawns to be used against an enemy that has a soft spot for them.

We could hardly expect the Reds to immediately accept any terms short of abject surrender, turning the nation over to them and the U.S. paying for rebuilding the country. Actually, the peace proposals went much farther than anyone has any right to expect. Even to consider allowing the Communists in the government is virtually surrendering and turning the nation over to them for they can be counted on to cause enough turmoil to wreck any government in which they participate as anything but absolute rules.

From the American point of view, the peace plan is the most we can offer, and certainly enough to please any enemy if he wants to be pleased. It should end our involvement in the tragic struggle—and probably our position as a factor in Southeast Asia in the future. That may be just as well, too. The South Vietnamese, who are probably wonderful people individually, have been the worst friends a nation ever set about to help—and that's another chapter.

At any rate, Americans should support the peace plan, at least until it had had a chance to work or to fail. It is certainly better than any other proposal on this side of the war, and it is over-fair to the enemy.

Maybe the Reds and their supporters abroad and in America expect us to send them reparations, too.

FULL TAX EXEMPTION TO ALL POW'S AND MIA'S

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 1972

Mr. RAILSBACK. Mr. Speaker, the war in Southeast Asia has affected all of us. However, there are none who have suffered more than our servicemen who are prisoners of war, missing, or in a detained status, and their families. It is clear that something must be done to relieve some of the many difficult consequences of this tragic situation.

Quite obviously, no bill will adequately compensate the imprisoned and missing men or their families for the serious hardships and deep mental anguish they must endure. However, in a small way, the legislation we are considering today will lend some assistance to these people and let them know they have not been forgotten.

Briefly stated, this bill would amend the Internal Revenue Code to give a full tax exemption to all servicemen who are prisoners of war, missing, or in a detained status. The present law exempts the entire amount of taxable income for enlisted personnel and the first \$500 of taxable income for commissioned officers serving in a combat area. This bill will extend a full exemption to all servicemen for such time as they are missing or detained. Although the financial relief afforded will be small and the legislation cannot erase the pains of these brave individuals, this bill will at least be a positive expression of the Nation's recognition of the great sacrifices which these men and their families have made and are continuing to make for their country.

I hope the legislation is passed today without any delay.

RETAIL CLERKS LOCAL 35 SAYS CENTRAL ILLINOIS IS AMERICANA

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 1972

Mr. PUCINSKI. Mr. Speaker, Advocate, the magazine of the Retail Clerks International Union ran an extremely interesting article on Local 35 in central Illinois in its March edition. The article set forth what it takes for good, effective union representation. It also provides an idea of central Illinois citizens' thinking about our economy. I commend the article to my colleagues' attention. This article shows what an impressive role the retail clerks play in helping Americans share in the promise of America. It is an inspiring article on the enormous opportunities that we Americans have in shaping the future. Equally important, this excellent article gives us a new dimension of awareness that in America—midwest America—there is no limit to opportunities.

The article follows:

CENTRAL ILLINOIS IS AMERICANA

Illinois—from Alton and Godfrey north to Jacksonville and Quincy—is Local 35 country, a country steeped in American folklore and labor history.

Legend has it that here the Indian warrior chief Quatoga destroyed the Plasa, a monstrous bird which preyed on human flesh.

Here Lewis and Clark explored the American midlands. And abolitionist Elijah Lovejoy's printing press was dumped into Mark Twain's Mississippi River.

John L. Lewis led the miners to stirring labor deeds from his home in Gillespie, a town smack in the middle of Local 35 territory and a town whose every retail store now bears an RCIA union store card.

RCIA, too, has a history in this Americana, a history dating back to 1891 when an RCIA local was chartered in Quincy. For the past 81 years, through lean depression years and more prosperous ones, RCIA has been a steadfast union pillar in this 12½ county, central Illinois community.

Then, in 1970, five locals merged, forming Local 35.

"It was a definite plus for servicing our members," Local 35 Secretary-Treasurer Bob Schreier said. His assessment is borne out by statistics: membership has zoomed 20 per cent since the merger.

Firm organizational structure alone doesn't account for Local 35's success. Added to that has been militant collective bargaining, conscientious grievance handling, and just plain hard work. To build the union, Schreier and Business Representative Chuck Cross work a "40-hour day."

"The union office is open 8:30 A.M. to 5:00 P.M., but most days there are early morning meetings, distributions, store visits," Schreier said. And the staff averages two evening meetings each week. But that's the way a union should represent its members, Schreier feels.

And it pays off.

Walk with Bob through any store in the 12½ counties and you will be stopped by half-a-dozen hellos and friendly comments to the "union man." And not only by the employees; customers also know Bob by sight, for he and Local 35 are deeply involved in community and political life. Indeed, it is by no accident that Bob is a five-time Century Club member of the Active Ballot Club. Chuck, as befits his more youthful age, is a one-time member.

Local 35 knows the advantage of a large,

powerful RCIA. The members experience the benefits firsthand, especially in their health and welfare program.

"We are in the District Council 3 program, and the 50,000 members participating in this plan give a small local like ours a break we could never have on our own," Schreier said. "It has been one of the best things that ever happened to our people."

Bert Elfen and Bernice Slocumb proved the point. Now 67, Bert worked 23 years in a mom and pop grocery store. Bernice worked 26 years in another mom and pop store. Without the large RCIA group policy, Bert and Bernice would have suffered meager returns in their vintage years.

But now they have retired the RCIA way: with full credit for their past service. And they get the credit even though the plan was not negotiated in their stores until 16 months ago. As Schreier said, "I was a great day for our people."

The same could be said for all Local 35: "a great day for retail people in central Illinois."

The leadership of Local 35: Pat Adler, board member; Bert Elfen, recorder; Luther E. Clark, president; and Robert Schreier, secretary-treasurer; Chuck Cross, board member; Deacon Gimmy, 1st vice president; Evelyn Pitman, board member; Ruth Poole, board member; and G. W. Wright, 2nd vice president; Board member Mae Farmer.

HOW LOCAL 35 MEMBERS FEEL ABOUT THE ECONOMIC SQUEEZE

(Editor's Note: When we went to cover Local 35 as the "Local of the Month," we also took along a tape recorder and picked up these comments from the members. These replies are in answer to the question: "What do you think of the current economic situation?")

Dick Bauser, A & P: Maybe in the long run, over a period of months, the wage-price freeze might work out, but as far as freezing the wages for the first 90 days, I never did buy that. Working people certainly didn't get a fair shake out of that deal. Besides, prices simply have not been held down as tightly as wages. Prices have been going up all the time.

Elsie Herbstreit, National Food: I didn't like the fact that we were supposed to get a wage increase and then we didn't. Our wage increase was to come due, but the date was the day after the freeze was announced, so we simply didn't get it. I don't think that's a fair arrangement for working people.

Mary Lee Brandt, National Tea: But I think more money should be spent in the United States instead of sending it out. We just have to stop the war, and then we have to create some jobs so these boys coming home will have a place to work. I know some Vietnam veterans and some of them are saying they wish they could go back. They are really treated terribly here.

Peter Rolla, Tri-City Food: The freeze came too late because right around here they had already raised prices in anticipation of a wage increase, but then we were denied the wage increase. So here we are stuck with lower wages to pay higher prices. Food prices have gone up, but everything else has gone up even more than food.

Vic Busee, Central Hardware: I believe they are going to try to keep the economy moving through the rest of this year—because it's an election year. I think prices have gone up extremely in some lines, in spite of the freeze. My wife complains that prices have gone up—particularly in grocery stores.

Joan Smith, Central Hardware: I don't believe in these freezes, especially when you tell me that I can't get any more than a 5.5 per cent increase. But while wages are held down prices go up. I got a \$5 bigger utility bill. Grocery prices are up, so is clothing, but wages are frozen. It's not fair.

Betty Holiday, Belco: With so many people out of work, I just don't go along with the wage-price freeze at all. And be-

sides, prices aren't frozen anyway. I can point out a lot of prices that have gone up.

Ken Williamson, Kroger: I'd like to have a lot more, but I feel the situation now is reasonable. I guess we have to give it a little time to work. We have some catching up to do. I certainly feel I could use more money a week myself. I think that labor is always the guy who is behind.

Bill Burney, Kroger: The economy is really going to pot. They put on a wage-price freeze and the wages are sure frozen but the prices keep going straight up. I think what is going to happen in the future is real clear. Whoever the Democrats nominate for president is going to win.

KHRUSHCHEV REMEMBERED— AND FORGOT

HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 1972

Mr. FLOOD. Mr. Speaker, with the intensive cultural repressions being staged now against intellectuals in Ukraine, it would do us well to gain some insights into this recurring phenomenon in the largest captive non-Russian nation both within the U.S.S.R. and Eastern Europe. Under Stalin and under Khrushchev similar repressions and even genocide took place. The continuity in the use of this imperialist Russian tool of domination must be looked into and investigated if our relations with Moscow in the United Nations and directly are to have any honest meaning on purely humanitarian and civilized grounds.

An interesting article in this respect appeared in the autumn 1971 issue of the Ukrainian Quarterly, which enjoys worldwide circulation, even in the Communist world. The article is titled "Khrushchev Remembered—and Forgotten," and is authored by Dr. Lev E. Dobriansky of Georgetown University. I strongly commend it to the studied reading by my colleagues and the general public, particularly if we are still cognizant of the blunt reality of the captive nations.

The article follows:

KHRUSHCHEV REMEMBERED—AND FORGOT
(By Lev E. Dobriansky)

Nikita Sergeyevich Khrushchev passed away, but what he was to have alleged to have said while a "state pensioner," what he purportedly offered as "memoirs," will be discussed and even controverted for many years to come. The basic source of contention among historians, Kremlinologists, scholars and analysts of the Soviet Union will undoubtedly continue to be the book *Khrushchev Remembers*. It aroused much interest and controversy while the former Russian leader was alive, and as events and developments unfold it will certainly be referred to in the years after his death. Given certain circumstances threatening the very existence of the Soviet Union as such, it is even possible for Khrushchev in his permanent stillness to be endowed with posthumous rehabilitation and the work to resurge into analyzed prominence again. Life is pregnant with the unexpected.

It is somewhat against the background of Khrushchev's death that an analysis is made here of the book along lines and perspectives which scarcely appeared in the many reviews during the remaining months of his life. The

curious and naive reactions in the West to his death are worthy of an analysis in themselves. In the main, they furnish adequate clues as to how well our opinion-makers and others understood the man, his theatrics and, above all, his devious background. It is small wonder, as one views it now, that *Khrushchev Remembers*, despite all the superficial spectaculars of publicity and the like which surrounded its issue, was hardly examined critically in the light of the most fundamental issues and differences between the U.S.A. and the U.S.S.R. in particular.

A few observations concerning his death, as well as the authenticity of the work and the editorial comments, will enable us to gain a deeper perception of K's philosophical and political notions and, most of all, his disclosures about pervasive Ukrainian and non-Russian nationalism within the Soviet Union a fundamental subject that was almost completely lost in most reviews of the book. Some other revealing aspects deserve consideration, and emphasis has to be placed on what K conveniently forgot as bits of his so-called memoirs and self-legitimizing notes were assembled into book form. A careful reading of the book can incite almost endless commentary and criticism because of the variety of experiences and subject matter. The important consideration, however, is to distinguish the essential from the unessential in terms of current developments and tendencies in the USSR and beyond. In short, the pertinence and relevance of K's disclosures and experiences for the impending future. This is the orientation assumed here.

WESTERN EULOGIES TO A TYRANT

On September 11, 1971 Khrushchev died at the age of 77. For reasons of their own Moscow and its puppets virtually ignored the event. The former leader of the Soviet Russian Empire was simply buried in an obscure corner of Novodevichy convent cemetery by the Moscow River. Even the photograph on his grave, showing him originally as a leader, had to be changed a month later, now portraying the "unperson" that he was since his ouster in October 1964.¹ The news of his death was generally known in the Free World long before the populaces in the USSR were informed of it. It is likely that many in the Soviet Union are still unaware of it, so brief and skimpy was the official report.

In sharp contrast, and for reasons of short knowledge and naivete, the reports and comments on the event amounted to virtual eulogies to a man stained with the blood of millions of victims. A few examples will suffice. As one would expect, an editorial in a so-called liberal Washington organ characterized K as having been "in a peculiar sense a great man." With typical erraticism and mental confusion, it depicted him as "an authentic person, not a tyrant, not a zealot, not an automaton, not a clerk."² In his climb to the top the wily peasant trampled on the perished bodies of millions and while at the top sanctioned political murders and subtle arrests of countless dissidents and non-Russian nationalists, including Jews, but these evidently aren't the marks of a tyrant for some in our society who are long on high-sounding words and pitifully short in heart and vision.

To extend the comedy, in the same organ the former Russian tyrant is depicted as an impressive teacher. As the article puts it, he "had to 'teach' Americans the hardest of lessons to learn: that we were not No. 1, not invulnerable, not immune to the consequences of our acts in the way to which we had become accustomed since World War II . . ."³ The speciousness of this observation should be self-evident if one possesses any sense of Russian propaganda and political power realities in the world, but it is noteworthy that in this and another article

by the same author no single mention is made of the prime lesson taught the Russian politico by the U.S. Congress and its Captive Nations Week Resolution.⁴ As the documented facts well show, the supposedly combative Russian leader suffered not only apoplexy but political diarrhea over this soundly calculated challenge. Significantly, as will be seen later, K conveniently forgot this horrifying experience in his so-called memoirs. However, in fairness to the paper's writer, it should be pointed out that in his other piece he at least states, "The Ukraine in that period put up tremendous resistance to Stalin's policies. Millions died. Khrushchev's hands were bloodied."⁵

A whole array of similar comments and reactions could be assembled. Unsurprisingly, both Cyrus Eaton and W. Averell Harriman sent their condolences on the passing of the deceptive Russian politician bent on world domination. How politically foolish one can be is clearly exemplified in Eaton's remarks: "He was trying for understanding with the United States and was content that we should pursue our own economical and political systems while his country followed its own ideas."⁶ Hungary, Berlin, Cuba, Vietnam and other crises mean nothing to the American industrialist whose money alone justifies the published expression of his childish utterances. Despite his official record, Harriman fares no better with his comment that the former promoter of Soviet Russian imperio-colonialism was "willing to compete with the U.S. in world domination but ready to back down to avoid a nuclear war." Just pause to consider this comment on the part of our former ambassador to Moscow. The U.S. engaged in "world domination"? K backing down "to avoid a nuclear war" or fearful for the end of the USSR when his bluff in Cuba was called? Yet such individuals, and many like them, have played their role in the decline of American global power and leadership.

One more example is sufficient to indicate the drive poured out by sources at the time of K's death. Another editorial unabashedly states, "And yet it is impossible to write him off as a tyrant . . . For the fact is that the shoe-pounding peasant had one overriding quality that appealed to men on both sides of the ideological curtain. He was honest!"⁷ Just to cite one among numerous cases, honest when he instructed Gromyko to lie into President Kennedy's face that no missiles were being planted in Cuba? The closing of the editorial is a gem of political immaturity in dealing with the Russians. It reads, "He left Russia better off than he found it. He left the world fractionally closer to the ideal of international peace. And for that, we must be thankful for his life." Again to contradicting cases, if by Russia is meant the USSR, no previous base is good enough to measure solid betterment where resources under both Stalin and Khrushchev were inordinately diverted to totalitarian and global military and political ends at the heavy real cost of the peoples in the USSR. The rapid naval expansion under K's regime has already displayed its threatening effects in the Mediterranean and elsewhere.

Fortunate for our society and our political sanity, quite a number of analysts and opinion-makers did not fancifully imbibe in these expressions of naive sympathy for a spokesman of Soviet Russian imperio-colonialism and the expansion of Moscow's empire. They at least remembered Khrushchev and have not been hoodwinked by the calculated gyrations and deviations of imperialist Russian diplomacy that stretches from bearish growls to smiles as the circumstances dictate. Anyone familiar with this brand of diplomacy, whose roots go back to Muscovy and the Mongolian legacy, cannot but absolutely discount the sympathetic expressions as untutored reactions on the part of amateurs in the field of Russian expansionist policy.

Footnotes at end of article.

Here, too, a few examples will show how Khrushchev was realistically remembered and failed to pull the wool over many American eyes. A powerful editorial in an outstanding mid-west city put it bluntly, "The embodiment of a certain raw power of personality he certainly was. A friend of the United States, the West, or of mankind he was not."⁸ It also rightly pointed out, "Khrushchev will be remembered for his renunciation of Stalin at the 20th party congress in 1956, but he neglected to emphasize that he had been Stalin's faithful henchman in all that oriental tyrant's bloody works." The editorial's incisive refutation of comments by Senators Hubert Humphrey and Edward M. Kennedy and so-called Kremlinologists like Harry Schwartz and Harrison E. Salisbury of *The New York Times* makes for choice reading.

Not only large organs but small suburban ones as well properly characterized the man for what he was and resisted the false sympathies exemplified earlier. For instance, a popular newspaper in a Washington suburb had this to say, "Would that we say 're-quiesscat in peace,' but we cannot. For here was a man who presided over the physical or spiritual deaths of millions. This fact was, in most cases, totally ignored or just barely hinted at in the reams of material written about him this past weekend."⁹ One might ask what has happened to the moral consciences of some of our opinion-moulders? Have they been paralyzed by neurotic fears stirred by nuclearitis? How would they have reacted in a similar environment to a Hitler who at least was more direct and less devious and serpent-like than a Stalin or a Khrushchev and whose genocidal count was far less than that of the two?

Finally, as another prominent example of those who really remembered "the Hangman of Ukraine" is the remarkable, detailed address delivered by the Honorable John M. Ashbrook of Ohio on the floor of the House of Representatives. Under the apt caption "Good Ole Khrushchev" the Congressman cites and quotes the specific crimes of Khrushchev from the early 30's into the 60's. He clear-mindedly observes, "Reportedly Khrushchev died peacefully in his sleep. May his untold, forgotten victims who died painfully and awake, find the true peace of those who sought vainly for justice here; especially the millions of paupered peasants to whom promises of land, by Lenin, were finally fulfilled when Khrushchev's agents deposited on their weary bodies several shovelfuls of rich soil they so loved."¹⁰

No matter how long one's sophistry and casuistry may be, the clear fact is that those who chose to eulogize the Russian genocidist, can only be deemed sick both morally and politically or simply plain ignorant of the creature they were dealing with. If the Congress as a whole were alert as it should be, the described situation would justify more than ever a reprinting of the 1959 hearings on *The Crimes of Khrushchev*.¹¹ The re-publication and distribution of the series would mirror more than anything else the weaknesses of those who were taken in by this political actor possessed with peasant wisdom and cunning. Theologically and humanistically, penance for the worst of sins is noble and acceptable. But nowhere in the so-called memoirs or anywhere else is there any sign of penitent regret on the part of this deceitful actor for his heinous crimes.

Much, for example, is made of his tirade against Stalin's policies at the 20th party congress, but few seem to appreciate the fact that if Anastas Mikoyan in his address hadn't precipitated the alleged de-Stalinization, this shifting "pragmatist" would undoubtedly have not pursued this course. Not that it made any substantial difference with

regard to the fixed objectives of Russian political ambitions and the technologicio-economic requisites for enhanced social efficiency to realize the ends of imperial Russian supremacy in the world. Khrushchev was totally dedicated to these ends, and at whatever proportionate cost, as every Russian or Russianized leader in the Kremlin must necessarily be. In short, to eulogize him is tantamount to eulogizing Lenin, Stalin and those who have succeeded him within the imperial context of the Soviet Union. This is the type of reckless nonsense that many of our supposedly more enlightened opinion-makers and others were engaged in.

THE AUTHENTICITY OF K'S REMEMBRANCES

As is well known, the publication of *Khrushchev Remembers* stimulated a wide assortment of theories regarding the authenticity of the "memoirs." One theory is that the material originated with the K.G.B., filtered through the Russian agent Victor Louis who met with *Time-Life* editors in a Copenhagen hotel three months before publication date.¹² Another theory places the source of origin with the Khrushchev family, primarily Adzhubei, his son-in-law. Still another claims that neo-Stalinist groups were responsible for the publication, seeking to discredit K's followers in the CP apparatus. A final one injects the C.I.A. as the ultimate source, having infiltrated the K.G.B. and thus working with elements in it to emphasize the anti-Stalinist tones of K's material for mutual advantage. The British defector and Russian spy, H.A.R. Philby, told the Moscow correspondent of the Czech Communist Party paper *Rude Pravo* that the so-called memoirs were concocted by the C.I.A.¹³

For our purposes, to dwell on these theories and speculations would be a waste of time. The source of origin, the motives behind the publication and the intended effects would be interesting to know, but they're really not relevant here. Khrushchev himself disowned any responsibility for the publication of the work, but this did not mean denying the greater part of the material and contents that were obtained from recordings and notes and clearly bear the Khrushchevian qualitative stamps of pungency, earthiness and factual relevancy of expression. Whether some regard the memoirs as being of historical importance or not, the criteria of evidential authenticity are the high probability of the points remembered in approximate conformity with known related facts and the marked reflection of K's character and personality in the assembled material. On these two grounds the greater and substantial part of the contents in the book is unmistakably Khrushchevian.

Edward Crankshaw, the British Kremlinologist, and numerous other analysts are on safe ground in upholding the essential authenticity of the work. In his introduction of the book Crankshaw plainly states, "I did not have to read very far, however, to feel pretty well sure that these were the real thing and by the time I had finished I was convinced."¹⁴ Indeed, a careful reading of the book will convince anyone of its authentic qualities, given an adequate background of USSR history and familiarity with K's experiences, style and behavior. The introducer explains his position adequately and satisfactorily, and on the whole performs a real service with his commentary and notes.

However, a few criticisms can be lodged. For one, as shown in the hearings on the *Crimes of Khrushchev*, the record of K's crimes doesn't begin in 1936-37 with the treason trials but rather in 1931-32 when he made several trips from Moscow to Kiev to participate in the horrible man-made famine in Ukraine. Also, the commentator's repeated use of "the Ukraine," a provincial and demeaning term, is a bit surprising for one otherwise given to significant nuances and delicate peculiarities pertaining to the

U.S.S.R. and its various nations. When, with reference to 45 million Ukrainians, he writes of them as "Little Russians, dourer, more practical, harder working than the dominant Great Russians of Muscovy," it becomes readily evident that he lacks a keen, perceptive grasp of the brittle relationships between Ukrainians and Russians as the two largest but different Slavic nations in the USSR.¹⁵ Archaic, Czarist usages, such as "Little Russians" and "Great Russians," are scarcely adaptable for current analyses of the USSR.

Moreover, unless one is unsure of himself and his knowledge of the case, why the doubt imputed into this raised question: "How much did Khrushchev realize what he was doing when he presided over the arrest, imprisonment, or deportation to Siberia of practically the whole of the middle and lower-middle classes of what is now called the Western Ukraine?"¹⁶ This is like asking whether Stalin realized the same in the 30's. As the ruthless boss over the area, K knew very well what he ordered and was doing. Overlooked by the commentator and most reviewers alike, K's constant references in the book to pernicious Ukrainian nationalism supply the obvious answer to the neutralistically posed question. In addition, Crankshaw's opinion that K's greatest achievement was to break out of the Stalinist mold and make it possible "for the Western world to hope that a measure of co-existence more complete than he himself was yet ready to conceive might one day be realized" is subject to serious analytic question. The Stalinist mold was not simply indiscriminate killing, arrests and deportations. As a totalitarian, imperialist framework, it continues to this day, even after Khrushchev.

K'S THOUGHTS

If in the vein of Mao's thoughts, many of which are comical in themselves, one is seeking in this work or any other compiling the addresses of the former Russian leader for what may be called "K's Thoughts," he cannot but arrive at the conclusion that his so-called philosophical and political views are more a product of indoctrinational babble than of logical, thought-out processes or ideological acumen. Regarded by some as "a pragmatist," Khrushchev was clearly not a polished, educated man and far from being a thinker or statesman of any depth or profundity. The lucky peasant perforce had to rely on sheer cunning, deception, showmanship, political wiles, and an endless recitation of memorized proverbs to make his way to the top and remain there as long as he could. The crudity of his antics at the U.N., his drunken behavior on a state visit in Belgrade, his showmanship with Castro, Nasser and others, and his penchant for "administrative economics" to solve totalitarian-created problems in the USSR, not to mention numerous other compensating spates of unorthodox behavior, are enough to indicate the type of personality Khrushchev was. His peasant craftiness even allowed for extreme obeisance in dancing the Hopak at Stalin's bidding in the drunken early hour parties at the Kremlin. Briefly, a crude personality he was; a thinker or statesman he definitely was not, and many an educated Russian must have suffered psychologically to view this political bumpkin as head of the present Soviet Russian empire. His brazen craftiness is also well reflected in this obvious attempt in these so-called memoirs to moralistically remake his image from that what close students have known him to have on the basis of his ruthless deeds.

To eke out any rounded philosophical outlook on the part of K in this work or any other is an impossibility. To be sure, the clichés, slogans and stereotyped utterances are there, but any depth of thought is entirely lacking. If anything, he was a roman-

Footnotes at end of article.

tic from any charitable intellectual viewpoint. Among many examples, K relates how he listened to lectures on political economy and as he puts it, "it seemed to me as though Karl Marx had been at the mine where my father and I had worked. It seemed as if it were from observing our life as workers that he had deduced his laws and scientifically proved why and how the workers must liberate themselves from capitalist slavery and build a Socialist society."²⁷ This is indicative of K's conception of Marxism, devoid of any understanding that in Marx's spurious scientific socialism the mechanical liberating force is supposedly the internal breakdown of capitalism itself and not any self-liberating workers' movement. His romanticism is exemplified further by these words: "If I may use the language of religious believers, I'd say that every participant in the Communist movement was to me an apostle, ready to sacrifice himself in the name of our common cause."²⁸ K places heavy stress on truthfulness—"Only through truthfulness can we win the confidence of the people"—but nowhere can any definition or elucidation of truth be found in the work, the true presumption being that what is "truth" for the Party is truth for the people.²⁹

However, as for expression of views, whether justified or not, Khrushchev is not to be found wanting. The book is studded with them, and a critical reader would not find it difficult to take issue with them. Here, too, a few examples, will suffice. In recounting his earlier years, K mentions returning from the Front to the Donbas at the beginning of 1922 and observes that "Lenin was striving to use the respite at the end of the Civil War to build up our industry, our economy, and the living standard of our people."³⁰ Now, here and elsewhere, K is of the conception that only a civil war was waged between the Russian whites and reds, and ignores completely, if he really understood it, the first international wars between the newly independent states of Ukraine, Byelorussia, Georgia, Armenia and others and Russian Communist imperialism. In another place, he relates his arbitration in Kiev between Vertinsky, "a Muscovite," and Dobrotko, "a Ukrainian," and goes on to state, "At that time the difference was still significant."³¹ Isn't there still the same marked difference forty years hence, as many a tourist in the U.S.S.R. has acutely observed? At least it can be said that K is on solid ground when he unequivocally declares himself as being a Russian. As he puts it to Stalin, "It hardly makes sense to send me a Russian, to the Ukraine."³² Western analysts and writers have been notorious in misidentifying him as a Ukrainian.

It is this type of superficial comment that runs throughout the work. The writer could cover page by page and show the gross superficiality of the man himself, who had to rely on buoyant theatrical means and brute extroversion to compensate for his uneducated bearings. To cite a few more examples, the shooting of our U-2 spy plane over Central Asia, the Russian bumpkin depicts as "a landmark event in the history of our struggle against the American imperialists who were waging the Cold War."³³ This propaganda drive may impress some, even our so-called revisionist historians of the Cold War, but anyone familiar with the political warfare heritage of Russian imperio-colonialism immediately senses the established technique of accusing the victim to conceal the accused. K praises the collectives in Ukraine for contributing to victory over the Germans, but fails to mention the mass demand for decollectivization under the Germans early in the war, both in Russia and Ukraine. On the other hand, astonishingly enough for any Russian leader, for the first time he equates

the crimes of Stalin with Hitler's, but fails to mention that at Nuremberg, Hitler's henchmen, in effect his counterparts, were executed for direct participation in the crimes.³⁴

UKRAINIAN AND NON-RUSSIAN NATIONALISM

Both historically and for the future, perhaps the one single factor that is most significant in the book is Khrushchev's more than abundant disclosures regarding Ukrainian and other forms of non-Russian nationalism in the U.S.S.R. The book is replete with them, and aside from complete factual accuracy, anyone carefully analyzing the work page-by-page cannot possibly leave it without a deep impression of this living and indomitable force within the U.S.S.R. Here, too, space forbids considering each example, but the several given are adequate to show K's nervous awareness of this indestructible force. Indeed, as we shall finally see, it goes a long way to explain his frenzied behavior toward the Captive Nations Week resolution. Early in the work he points out that Kiev was notorious as a stronghold of Ukrainian nationalist elements and he knew that the Ukrainian nationalists in Kiev were sure to regard me as a hopeless Rusak.³⁵

Though many in the West scarcely recognize them, K doesn't hesitate to mention the Kuban Cossacks' sabotage of the collectivization drive early in the 30's. As he describes it, "whole Cossack settlements were picked up and moved forcibly to Siberia." The same occurred in Ukraine, and with nationalist reactions. As first secretary of the party in Ukraine, in May 1938, K declared, "I pledge myself to spare no effort in seizing and annihilating all agents of fascism, Trotskyites, Bukharinites, and all those despicable bourgeois nationalists on Ukrainian soil."³⁶ Stalin's henchman conveniently forgets to relate the Russification program he conducted in Ukraine and the Vinnitsa genocide during his reign. But he readily admits, "Ukrainian nationalists gave us more trouble than anyone else between the signing of the treaty in 1939 and the outbreak of war in 1941." K devotes indicative space to Stepan Bandera and Ukrainian nationalists with "a pathological hatred of the Soviet regime."³⁷

In several sections of the work Khrushchev attempts to appear as an opponent of anti-Semitism, although his inclinations to the disease are well-known. In one place he quotes himself as having said, "How dare you use the word 'Jid'? Don't you know it's a very offensive term, an insult to the Jewish nation?"³⁸ As the editor rightly points out in a footnote, the close approximation to the term in both Russian and Ukrainian is properly used by the Jews themselves, so "this seems to be yet another case of Khrushchev getting in a dig at the Jews while professing his total freedom from anti-Semitism." In this connection, too, K forgets to mention that when he resumed his role as *gauleiter* over Ukraine following the war, a wholesale deportation of Jews was undertaken. His discussion of the proposal at that time to establish a Jewish Soviet Republic in the Crimea is interesting in itself, but his view that it was unnecessary because of the existence of Birobidzhan in Siberia, an autonomous republic set up by Stalin to get rid of the Jews in the European sector of the USSR, is a further indication of K's feelings in the matter.

Actually, Khrushchev employs concepts with reckless abandon. In his secret speech as elsewhere, he talks about some mythical "Soviet nation." He evidently hopes for one in Russian substance and spirit, but the multi-national realities in the Soviet Union render it impossible. To take another example, K is well aware of Georgian nationalism when he declares "We know that there have been at times manifestations of local bourgeois nationalism in Georgia as in several other republics." His accounts on Beria, Georgian profiteering and the like appear to indicate a distaste for things Georgian. Rec-

ognizing the non-Slavic national stocks of the Baltic nations, K again shows no regard for national self-determination when he presents the forcible incorporation of the Baltic states into the USSR as simply a matter of "negotiation" and the expulsion of its bourgeois leaders.

WHAT K PRIMARILY FORGOT

This concise analysis has indicated numerous incriminating events that Khrushchev conveniently forgot. As one writer shows, he also forgot America's economic aid at the beginning of the 20's, which according to him "saved the Soviet Union."³⁹ In 1921 there was no Soviet Union; more accurately, then, the imperialist R.S.F.S.R. was saved. However, the one historical episode over several years and in which he was steeped is significantly omitted in his memoirs. And that is K's setback by the Captive Nations Week resolution, passed by Congress in 1959. Private citizen Richard M. Nixon in his book *Six Crisis* clearly states "The Captive Nations Resolution was the major Soviet irritant throughout my tour" and shows in detail that this troubled Khrushchev more than anything else.

It is unnecessary to dwell on the details of this episode extending down to the moment of K's ouster in 1964. All of this has been essentially documented in the writer's own work on *The Vulnerable Russians* (New York, 1967). In part relying on Nixon's testimony, it points out that "Nixon tells us that the Russian jaller developed 'a long harangue' and spoke in 'a high-pitched voice,' and frequently pounded the table."⁴⁰ Signs of an untroubled political soul? The documentation covers K's subsequent article in *Foreign Affairs*, his vehement denunciation of the resolution at Camp David, before the Supreme Soviet and in addresses to the end of his rule, and in Moscow and puppet publications during his regime. On the very eve of his ouster, K had this to say in an address in Czechoslovakia: "In the United States a farce entitled 'captive nations week' is held every year. The people's democratic system has been in existence for twenty years but the imperialists still ramble on with nonsensical ideas of 'liberating' the nations of Eastern Europe."⁴¹

To have been so deeply concerned with the substance and aim of the resolution from its very inception in 1959 to his ouster in 1964, Khrushchev surely must have suffered no lapse of memory on this score. This is another and major example of his "honesty," as some of our misguided eulogists believe. The obvious explanation for this chasmic omission is the fact that no Russian imperialist leader, former or present, would want to demonstrate in compact form his profound fear of both the essence and possible implementation of this resolution. The editors of the book note an ambivalence in K toward the force of non-Russian nationalism in the USSR, but had they criticized him for this marked omission, there would be no question of K's fearful stand on it. One need only peruse the literature on the bolt that struck him between the eyes at the time of Vice President Nixon's visit to Moscow, and irritated him down to a month before his ouster.

In this passing phase of the so-called era of negotiations Khrushchev leaves us with a perception well worth pondering. After all, being largely of the same ilk, he must have recognized his contender well. Concerning the prime totalitarian in Peking, K has this to say: "Politics is a game, and Mao Tse-tung has played politics with Asiatic cunning, following his own rules of cajolery, treachery, savage vengeance, and deceit."⁴² Each of these rules applies to K's Moscow as well. They will be encountered when President Nixon visits both Peking and Moscow. In a world where one-third of humanity still is very much captive and the resolution remains, as K put it, like "a black

Footnotes at end of article.

cat" across communist paths of aggression, the fundamental question is at what cost will these encounters be sustained, at what price to freedom?

FOOTNOTES

- ¹UPI, Moscow, USSR, October 7, 1971.
- ²"Nikita Khrushchev," *The Washington Post*, September 12, 1971.
- ³Stephen S. Rosenfeld, "Khrushchev's Mark on the U.S.," *The Washington Post*, September 17, 1971.
- ⁴For this history see the writer's book *The Vulnerable Russians*, New York, 1967.
- ⁵Stephen S. Rosenfeld, "Khrushchev's Life: Peasant, Hero, Dishonor," *The Washington Post*, September 12, 1971.
- ⁶"Pragmatic, Say Eaton, Harriman," *The Washington Post*, September 12, 1971.
- ⁷"Nikita Khrushchev," *The Sunday Star*, Washington, D.C., September 12, 1971.
- ⁸"Hardly A Friend," *The Chicago Tribune*, September 14, 1971.
- ⁹Fred Dell, "Comment," *The Arlington News*, Arlington, Virginia, September 15, 1971.
- ¹⁰"Good Ole Khrushchev," *Congressional Record*, vol. 117, pt. 27, p. 35364.
- ¹¹*The Crimes of Khrushchev*, Hearings, Committee on Un-American Activities, U.S. Congress, 1959.
- ¹²Roger Jellinek, "The Last Word: That Khrushchev Book," *The New York Times Book Review*, May 16, 1971.
- ¹³"Philby Surfaces," *The Washington Post*, August 21, 1971.
- ¹⁴*Khrushchev Remembers*, Boston, 1970, p. vii.
- ¹⁵*Ibid.*, p. xvi.
- ¹⁶*Ibid.*, p. xvii.
- ¹⁷*Ibid.*, p. 23.
- ¹⁸*Ibid.*, p. 62.
- ¹⁹*Ibid.*, p. 9.
- ²⁰*Ibid.*, p. 15.
- ²¹*Ibid.*, p. 113.
- ²²*Ibid.*, p. 106.
- ²³*Ibid.*, pp. 200-202.
- ²⁴*Ibid.*, p. 343.
- ²⁵*Ibid.*, p. 33.
- ²⁶*Ibid.*, p. 90.
- ²⁷*Ibid.*, p. 145.
- ²⁸Henry C. Wolfe, "Khrushchev Didn't Remember," *The Wall Street Journal*, May 11, 1971.
- ²⁹"Nixon's Testimony of American Bewilderment," Chapter II, *The Vulnerable Russians*, p. 28.
- ³⁰*Ibid.*, p. 77.
- ³¹*Khrushchev Remembers*, p. 461.

COMMUNITY CHEST MARKS 50TH ANNIVERSARY—UPSTATE ORGANIZATION BECOMES THE UNITED WAY OF CENTRAL NEW YORK

HON. JOHN H. TERRY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 1972

Mr. TERRY. Mr. Speaker, February 29 marks a significant date in the history of Community Service Organizations of Onondaga County. On this date, the community chest of Onondaga County completes its first 50 years of service to the central New York area.

During that period of assistance to the area, the community chest has worked diligently to meet the needs of the various organizations which it has assumed responsibility for providing financial assistance.

At the beginning of March, the community chest will take a new name: The United Way of Central New York. Its purpose will not significantly change, but

its scope of operation will broaden. It is hoped that cooperative efforts from adjoining communities can be developed.

The president of the community chest for the past 2 years has been Stuart P. Raleigh, Jr. During his term of office, the community chest improved its operation and expanded its area of involvement into various service groups of the community.

The new slate of officers are: Leonard Markert, Jr., president; Hendrix Ten Eyck, senior vice president; O. Mark DiMichele, vice president for community relations; and John Morrissey, vice president for agency operations; all long time personal friends of mine to whom I extend every wish for a successful term.

As the United Way of Central New York begins its second 50 years, it deserves the congratulations and gratitude of the community. It is a pleasure to join with the residents of central New York in saluting this outstanding organization.

HON. HASTINGS KEITH'S LATEST NEWSLETTER ALSO SENT TO HIGH SCHOOLS

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 1972

Mr. KEITH. Mr. Speaker, for many years I have made it a practice to consult with my constituents as to their views on major issues facing our Nation. Periodically, this is done by questionnaires.

Because many high school seniors, and perhaps juniors, will be voting this year, I have had an extra number of current questionnaires printed in order to sample their views on these matters.

I feel that it will help these young people to be asked to reflect upon these matters and to participate in this activity. It will certainly help me to have the benefit of their points of view.

It will be informative, interesting and pertinent to see in what, if any, way their outlook differs from older constituents—and to see how, if at all, their views may vary from grade to grade or from school to school.

A supply of these questionnaires is being sent to each high school in Massachusetts 12th District. I have asked each principal who wishes to participate, to distribute them to the students on a class-by-class basis and return them to me for tabulation.

One of the advantages of coordinating this activity with the school system is that we should get a much better cross section of student thought than if we were to send additional questionnaires to their homes.

Hopefully, this activity will encourage further participation in politics and government by our young people. At the very least, it will be helpful to me in casting my votes here in the Congress.

The text of the questionnaire follows:

FEBRUARY 1972.

DEAR FRIEND: As your Congressman, I'm interested in your thoughts on major issues. This questionnaire lists some of them.

I'd appreciate it if you'd give me the benefit of your views by filling in this questionnaire and mailing it back to me.

I know it's difficult to answer such questions with a simple "Yes" or "No." But that's what I have to do on every vote—no matter how critical or complicated the issue may be.

Sincerely,

HASTINGS KEITH,
Member of Congress.

1. I favor the Nixon Peking and Moscow visits.
2. We should give the Communists everything they demand in Vietnam in order to get our troops and prisoners back home.
3. The draft should be replaced with an all-volunteer armed force.
4. Foreign imports should be limited if they hurt our industry and jobs.
5. The Federal Government's wage and price control program is working.
6. Social Security benefits (and payroll deductions) should be automatically adjusted to cost-of-living increases.
7. The minimum wage should be increased to \$2 an hour.
8. I favor National Health Insurance.
9. I favor National no-fault auto insurance.
10. Deficit spending is all right if it helps the economy.
11. Foreign aid should be cut—increased—kept as it is—.
12. We should spend more money on space exploration.
13. I favor compulsory arbitration to settle long strikes that threaten the National safety.
14. U.S. Presidents should be elected by direct, popular vote.
15. U.S. Presidents should be limited to one 6-year term.
16. The Federal Government's attitude toward pollution goes too far—not far enough—is just about right—.
17. I favor more Federal anti-pollution programs even if they mean higher utility rates.

DETACH AND SAVE

If you have comments or suggestions regarding the Federal Government, or if I can be of service to you and your family in any way as your Representative in the Congress, please contact me.

THE THREAT TO INDIVIDUALISM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 1972

Mr. RARICK. Mr. Speaker, It was reported that the California Supreme Court banned the death penalty as "degrading, dehumanizing, and incompatible with the dignity of man." Another report revealed that 135,000 abortions were performed in California last year. In California it is illegal as well as degrading, dehumanizing, and undignified to take the life of a convicted criminal who has committed first degree murder, yet in California it is legal to take the life of an unborn child.

The Governor of Oregon has proposed that his State study the possibility of legalizing euthanasia—mercy killing, so sick, elderly persons may choose death to a life of suffering.

In Sweden, the epitome of theoretical liberalism, suicide has become an acceptable means of terminating life.

In a disconcerting review of a new book on Sweden entitled, "The New

Totalitarians" by Roland Huntford, editor Alexander Campbell of the Toronto Star, indicates the alarming degree to which Socialist Sweden has been transformed into the "brave new world" of Aldous Huxley. Education in Sweden serves to mold persons for the new antihill society. Competition, individuality and imagination are discouraged. The news media functions not to inform people, but rather to form opinions for them.

Where are we going? To watch Swedes may be to watch ourselves as we may be in the future.

I insert several newsclippings in the RECORD:

[From the Washington Evening Star, Feb. 24, 1972]

CALIFORNIA COURT CONFUSED POLICY WITH LAW

(By James J. Kilpatrick)

Last week's decision of the California Supreme Court, banning death sentences in that state, raises anew some old questions of law and public policy. In my own view, the decision was clearly wrong.

The California court construed California's own state Constitution. The decision is therefore final and not subject to further appeal. It applies solely to California, and serves to nullify only those death sentences that had been imposed by California courts upon more than 100 prisoners awaiting execution.

Yet the action of the California court cannot be viewed so narrowly. On Jan. 17 the U.S. Supreme Court heard arguments in four cases (the most heinous of them, ironically, from California) that directly challenge the concept of capital punishment as a violation of the 8th Amendment. The Amendment says that "cruel and unusual punishments" shall not be inflicted.

The problem presents two separate questions: The first is: Is capital punishment unconstitutional? The second is: Is it immoral, unwise, or ineffective? The questions have nothing to do with one another.

I do not see, for the life of me, how capital punishment, as such, possibly could be held unconstitutional. The 5th Amendment implicitly sanctions it. "No person shall be held to answer for a capital . . . crime, unless on a presentment or indictment of a Grand Jury." Both the 5th and the 14th Amendments give further sanctions in terms of due process of law.

Justice Potter Stewart made the point during oral argument last month: "One of the things that bothers me about the 14th Amendment," he said, "is that the deprivation of life is expressly prohibited without due process of law—and therefore by implication is approved when there is due process. And this is why I say that to me it is more than just a semantic problem. Now we're not talking about the express wording of the Constitution."

Precisely. Even if one embraces every activist theory ever advanced about our "living," or "flexible," or "evolving" Constitution, only the two adjectives of the 8th Amendment would be subject to judicial interpretation: Is a particular method of execution "cruel and unusual"? Disemboweling a prisoner, or boiling him in oil, might thus be unconstitutional. But unless the legislative judgment of 41 states is to be discarded altogether, the electric chair and the gas chamber cannot be regarded, at law, as constitutionally impermissible.

The California court confused the two questions. The majority declared that capital punishment, as such, "degrades and dehumanizes all who participate in its processes." Such punishment is "incompatible with the dignity of man." Very well. But these are not arguments of law; they are arguments

of policy; they are arguments of a legislative committee room.

We ought to keep these things straight. It simply does not follow that a given practice is unconstitutional because it is viewed by some judges as degrading, dehumanizing, or "incompatible with the dignity of man." Human slavery exhibited all those evils; yet human slavery was expressly sanctioned by the Constitution and was ended, as a matter of law, only by the 13th Amendment. By the same token, to deny women a right to vote is unfair; but it was not constitutional prior to the 19th Amendment.

If capital punishment is to be abolished, it ought not to be abolished by judicial decree. This is to vest in judges the power effectively to amend the Constitution. It ought to be abolished by the Congress, as to federal crimes, and by the individual states, as to state crimes. Or it ought to be abolished by outright amendment of the Constitution.

Reasonably minded men may well disagree on the wisdom of capital punishment. As a public policy, perhaps it ought to be abandoned. But "the express wording of the Constitution," in Stewart's phrase, has to be upheld.

COMPETING CONCEPTS OF PUNISHMENT

(By James J. Kilpatrick)

Put the questions of constitutional law to one side. Solely as a matter of public policy, should the death sentence be abolished or retained?

In the wake of this month's decision in California, the issue is before us once again. The California Supreme Court, construing a provision of the state's own constitution, banned capital punishment in an opinion "grounded not in sympathy for those who would commit crimes of violence, but in concern for the society that diminishes itself whenever it takes the life of one of its members."

The language tells us something of a court that would "ground" a judicial opinion not in law, but in "concern." But no matter. Does society "diminish itself" by imposing the death sentence, however infrequently, as punishment for particular crimes?

Certainly a great man theologians, penologists and legislative bodies have thought so. More than 200 years ago, the Italian penologist Cesare Beccaria was urging the unwisdom of capital punishment. His views attracted the support of such eminent Americans as Franklin and Paine. England and Canada, among many other Western nations, have abolished the death sentence. It has been abandoned in nine of our own fifty states. Nearly five years have passed since the last execution in the United States. Plainly the trend is against it.

Part of the trend results of new enlightenment (if it is enlightenment) on the whole business of crime and punishment. The theory rejects the ancient concept that crime should be punished. In this view, crime is not crime; it is sickness. We do not punish sickness; we treat it. By extension, there are no criminals; there are only sick people. And surely it is degrading and debasing for society to claim the life of a sick man.

This reasoning appears to be implicit in the opinion of the California court. Punishments are matters of degree. If a society "diminishes" itself by taking the life of a prisoner, society also "diminishes" itself by taking the liberty of a prisoner. Life and liberty are coupled in our concept of due process. If it is cruel to execute, it is also cruel to imprison. The theory of the new enlightenment cannot condone punishment in any degree, for again, it is wrong to punish the sick.

So much for metaphysics. The more familiar argument against capital punishment is that it offers no deterrent to heinous crime. The argument requires a close look. To impose sentence solely as a deterrent—

that is, to punish one man as an example to others—is to use the prisoner as a means to an end; someone else's end. And as C. S. Lewis has written, "this, in itself, would be a very wicked thing to do."

Perhaps the deterrent concept can be used partly as a justification for capital punishment. Is it a deterrent? The evidence is inconclusive. It is reasonable to suppose that in perhaps 70 percent of all homicides, the possibility of a death sentence provides no deterrent whatever. These are the murders—11,000 of them in the U.S. in 1970—that were classed as crimes of passion. Persons in a blind rage will not see reason.

My own view—I advance it tentatively—is that the old concept of crime and punishment ought to be preserved. If a criminal can be "treated," fine; if a convict can be "rehabilitated," fine; if a sentence has the effect of deterring others, well and good. But punishment ought not to be imposed because it is therapeutic; but because it is just.

Thus I would retain the death penalty for a small list of crimes: murder as part of a felonious act; the murder of a prison guard or law enforcement officer; assassination; the selling of hard drugs. There might be others. In each such case, I would require full-scale judicial review as a matter of right.

If a death sentence were affirmed, so be it. The execution of a cold-blooded killer, found guilty after a fair trial, is not an act of social depravity; it becomes an act of elementary justice.

[From the Washington Post, Feb. 27, 1972]

NO RUSH TO CALIFORNIA FOR ITS EASY, LEGAL ABORTIONS

(By Kathleen Neumeyer)

LOS ANGELES.—Abortions in California are legal, easy to obtain and inexpensive—but there has been no great upsurge in demand for them since California liberalized its abortion laws in 1967.

Planned Parenthood of Los Angeles reported that there were 135,000 abortions performed in the state last year, compared with an estimated 120,000 abortions, legal and illegal, per year before the law was changed. And although California is among the easiest places in the United States to obtain a legal abortion with no residency requirement, there appears to be no rush from out of state.

Figures recently released by the National Family Planning Council, a nonprofit research organization endorsed by the Los Angeles County Health Department, indicated that only 8 percent of the women they questioned in a year-long study came from out of state. Planned Parenthood, however, said as many as 30 percent of the women who sought that organization's help were from outside California.

California allows therapeutic abortions in cases of incest or rape, and where the physical or mental health of the mother would be harmed by giving birth.

Some hospitals require a psychiatric examination in questions of mental health, but this is not required by law. The law demands only that two physicians concur on the advisability of the operation, and abortion counselors say this has become a rubber stamp procedure.

California abortions can cost as little as \$150, and they are sometimes performed in 10 minutes.

A woman faced with an unwanted pregnancy can arrange an abortion through her own gynecologist, Planned Parenthood, or any of a number of abortion counseling clinics, many of them prominently advertised in the underground press.

"Nobody knows the abortion laws better than these abortion counselors," the district attorney's office said.

If a woman is uncertain of her pregnancy, the counselor will arrange a test to confirm that she is pregnant. Next she is advised of the alternatives open to her—bearing and keeping the child, adoption, abortion.

The National Family Planning Council said of 9,391 women who considered undergoing an abortion, less than 50 per cent went through with it.

But if the woman does choose to terminate the pregnancy, the operation can be scheduled for the next day, in most cases.

If a woman is 12-20 weeks pregnant, the maximum time allowable for a legal abortion, she must undergo a saline infusion procedure, which takes several days and costs about \$375, compared to \$1,500 two years ago.

OREGON'S GOVERNOR PONDER'S "DEATH WITH DIGNITY"—EUTHANASIA STUDY URGED

LINCOLN CITY, OREGON (UPI). Gov. Tom McCall has proposed that the state of Oregon study the possibility of legalizing mercy killing so sick, elderly persons can choose "death with dignity" instead of "life as a vegetable."

He said many elderly persons fear "leading their life a long time in a hospital, possibly unconscious and with a great deal of pain . . . doing nothing, no hope, no enjoyment of life."

To be able to choose life or death legally is "a need that is agonizingly overwhelming in the minds of the elderly," the 59-year-old governor said.

"I'm old enough to understand the fear."

He made his suggestion in a speech to 400 liberal Republicans attending a weekend conference on such controversial issues as legalization of marijuana, amnesty for draft evaders and a state lottery.

Gov. McCall said Oregon's delegation to the White House Conference on Aging reported to him that euthanasia—so-called mercy killing—should be one of the top priorities for consideration. He said he would call a seminar next month to consult physicians, sociologists and philosophers.

Sen. Robert Packwood, R-Ore., and Republican State Chairman Hank Hart said they thought the idea should be studied further and seriously debated.

But State Rep. Morris Corthers, a physician, said he did not think any new laws were called for.

"Doctors should not be put in the position of being executioners," he said.

[From the Sunday Star, Feb. 27, 1972]

IF THIS IS THE BRAVE NEW WORLD, WE'RE IN TROUBLE

(By Alexander Campbell)

The New Totalitarians. By Roland Huntford. Stein & Day. 348 pages. \$10.

In Aldous Huxley's "Brave New World," a satirical novel about the future, a small boy is placed under observation for possible abnormality when he runs howling from a small girl who wanted to play at sex in the bushes. Roland Huntford says the future has already arrived, in Sweden, where "the word 'freedom' is almost entirely confined to the sexual field."

Huntford is the London Observer's Stockholm correspondent, and he quotes Dr. Gosta Rodhe, head of the department of sexual education in the Swedish Directorate of Schools: "We don't care at what age children start going to bed with each other." Dr. Rodhe believes that "emotion has got to be removed from sex," but Huntford says that what Sweden has is "compulsive sexuality." Kids who don't really want to have sex feel compelled to.

Emotions as distinct from physical acts were heavily frowned on in Huxley's imaginary World State, whose motto was "Community, Identity, Stability," achieved by "self-indulgence up to the very limits imposed by hygiene." Only one character in "Brave New World" has real individuality and he commits suicide. Sweden's suicide rate is the fourth highest in the world, not the highest, but many Swedish intellectuals commit suicide. Huntford says it's "as if something like a third of the leading poets,

novelists and playwrights in England and America" were to kill themselves.

His book will make many Swedes mad, but they may have a hard time refuting it. Huntford doesn't deny that the Swedes are swimming in welfare, or that they've succeeded in creating a high-technology, mass-market economy, where capital and labor seem to be at peace with each other, and unemployment is kept down to only 2 percent. He gives the credit for all this to the Social Democrats, who have held unbroken power since 1932, and have dominated Swedish politically since about 1918.

But Huntford, as his title indicates, also accuses the Social Democrats of having created a virtual dictatorship. Everyone has welfare, but all power belongs to a small elite of bureaucratic planners, and whoever dissents is in trouble. "Perfectly reasonable parents", he claims, go in terror of having their children taken away from them by a child welfare board, if they don't "conform absolutely" to the bureaucrats' ideas. The population of Sweden is about 8 million; in 1968, 21,000 children were removed from their parents. The name of the game is consensus.

Sven Moberg, Sweden's deputy Minister of Education, told Huntford: "The purpose of education is to turn out the correct kind of person for the new society. The new school rejects individuality . . . It rejects competition . . . Individuality is discouraged."

Huntford reports that a Russian education official who toured Sweden was shocked at the Swedish system, and lectured Stockholm schoolchildren on the need for competition in learning, as "the only way to efficiency." But a Swedish manufacturer, who had built up his own firm from scratch, told Huntford: "I don't want my children and grandchildren to be taught to be individuals. They'd only be unhappy." And the head of a chemical research institution in Stockholm is quoted as complaining that his younger workers seem devoid of initiative. They fear to rise above the level of the group, and their work is generally poor and unimaginative. Huntford quotes from an official Swedish teaching guide, which says, "We must avoid encouragement of young people's imagination."

They appear to have succeeded only too well, according to Huntford, who says that the great majority of Swedes thoroughly approve what their planned society does.

However, the bureaucrats have taken steps to ensure that rebels against the system don't infiltrate their ranks. Anyone, man or woman, who wants a top university appointment in sociology, political economy and education has to be a Social Democrat. Huntford maintains. Swedish military officers, too, have to be men of the left.

In art as well as politics, Swedes are taught to be left-handed. The Swedish National Theatre is run by a Social Democrat, Erland Josephson, who declares, "I won't allow any plays that glorify the individual." This, by Josephson's own account, cuts out Ibsen, Schiller, and the first Scandinavian playwright, Holberg, who was "aristocratic, and we've got to be democratic." England's Bard scrapes by, at least with "Coriolanus," because that particular play of Shakespeare "can be interpreted in a radical way . . . We put it on as an attack on bourgeois values." Josephson boasts that, in Sweden, "all private theaters will disappear within 10 years."

It's the same with the media. The official function of radio and TV in Sweden, Huntford says, is not to inform people, but to form their opinions for them.

TV sets are more concentrated in Sweden than in other countries; one news program has as its audience 50 percent of the total population. The tenor of programs follows government thinking. Huntford declared that from 1968, when the government adopted an anti-American policy, mainly but not entirely over Vietnam, "producers were

told that no program on the United States would be considered unless it was unfavorable." A Stockholm newspaper published a number of letters, from children, that suggested the anti-American propaganda was working. "I think", a 6-year-old wrote, "that all Americans are swine."

Dr. Olof Lagercrantz, the editor of Sweden's biggest newspaper, the Stockholm Dagens Nyheter, doesn't believe that news should be "objective." If it's "objective," he argues, that means it's "conservative," whereas "news must be used to change society and influence people."

Doesn't anybody ever kick? Seldom or never, maintains Huntford, and he reports one of the rare exceptions. At the ceremony in Stockholm at which the Russian writer, Alexander Solzhenitsyn, was awarded the Nobel Prize, a dissenting Swedish scientist, Professor Arne Tiselius, seized the chance to complain out loud that "truth is no longer fashionable" in Sweden, and that words "have been manipulated in order to indoctrinate people and give power to the already powerful mass media."

Although Tiselius is himself a Nobel Prize winner, his comments were almost totally ignored in the Swedish press, and on the radio and TV. However, says Huntford, "the other speeches at the ceremony were reported to their full plitudinous extent."

Dissenting intellectuals, it seems, simply resort to suicide if they find they really can't conform.

What evidently worries Huntford, more than the apathy of the welfare-swaddled, brainwashed Swedes, is the appalling thought that what has happened there may quite soon be happening everywhere if planners and bureaucrats get their way. "To watch present Swedes," warns Huntford, "may be to watch our future selves."

A disturbing book.

Alexander Campbell is an editor of The Toronto Star.

JOHN GEIGER COMMENTS ON THE PROBLEMS OF AMERICAN VETERANS

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 1972

Mr. HILLIS. Mr. Speaker, this morning John Geiger, national commander of the American Legion, appeared before the Veterans' Affairs Committee to offer the Legion's position on the problems of American veterans. I thought Mr. Geiger's comments during his annual appearance before the Veterans' Committee were quite valuable and should be of interest to all Members of Congress. I am therefore submitting Mr. Geiger's statement before the committee for the review of my congressional colleagues. Included in his statement are resolutions passed by the American Legion at its national convention last September in Houston, Tex. I am certain these resolutions will receive serious study by all of us.

The resolutions follow:

STATEMENT OF JOHN H. GEIGER, NATIONAL COMMANDER, THE AMERICAN LEGION, BEFORE THE COMMITTEE ON VETERANS' AFFAIRS, HOUSE OF REPRESENTATIVES, TUESDAY, FEBRUARY 29, 1972

Mr. Chairman and Members of the Committee: I appreciate the opportunity of appearing today before this distinguished Committee of the Congress to represent the

American Legion, the largest of the nation's veterans organizations, composed of over 2,700,000 veterans in more than 16,000 Posts located throughout the country. Included among its members, who have served in four wars, are nearly 500,000 veterans of the Vietnam Era. The organization in 1971 recorded its seventh consecutive year of membership growth.

The annual appearance of the National Commander of The American Legion before the House Committee on Veterans Affairs is prized by all National Commanders. The reasons are twofold. First, it provides me with an opportunity to acknowledge, on behalf of my organization, the contribution of this Committee to the welfare of the nation's veterans, and to let you know how much we appreciate the contribution. Second, I am able to inform you, at least briefly, of those matters which, in our judgment, are of the greatest importance at this particular time to the nation's veterans, and to which we hope you will give your attention during this session of Congress.

For many years the House of Representatives has reposed in this Committee the responsibility of looking to the needs of the nation's veterans, and of preparing legislation that will answer those needs. The resulting program of veterans benefits that has been enacted into law through the years is nothing short of monumental. At no time in the history of the world has a nation taken such keen interest in the readjustment of the citizen soldiers who fight its wars, and made such extensive provisions to facilitate that readjustment.

American veterans are fortunate in many ways in consequence of having performed the highest duty of citizenship—that of bearing arms in defense of the republic. But they are most fortunate because they are part of a people represented by a Congress that has never ignored them once their service was completed.

And may I say that this particular Committee has most certainly met its responsibilities in the best tradition of its distinguished predecessors. We of The American Legion are grateful to you, Mr. Chairman, and to all of you who serve on the Veterans Affairs Committee. We appreciate your efforts—we look to you for leadership—and we pledge to you our full resources in the preparation and consideration of constructive legislation, and also in the task of bringing to the attention of the American people the extent and nature of the nation's responsibilities to its veterans.

I cannot compliment this Committee without at the same time expressing the thanks and appreciation of The American Legion to the Committee's very able Staff Director and the entire Committee staff. Their expertise in the field of veterans affairs, and their complete cooperation with The American Legion and its staff, are invaluable in enabling us to meet our responsibilities to the nation's veterans.

SPECIAL COMMITTEE ON VETERANS MEDICAL CARE

The first matter of importance that I have to discuss this morning is the future of the Veterans Administration medical care program. It is the considered opinion of The American Legion that the medical care program is in jeopardy. And if we are correct in that estimation, we wish to make one further point in that regard. That is, that the VA medical care program, as it is now constituted, will be defended by The American Legion with all of the energies and resources this organization will be able to muster.

The present unparalleled medical care program administered by the Veterans Administration has been developed through a period of fifty years until it has reached its present position of proficiency and effectiveness. It is at present a great national re-

source, and The American Legion does not intend to see it disappear, either as a result of being dismantled or by being absorbed into some other comprehensive medical care plan that the Congress may see fit to adopt.

The American Legion has seen this potential threat to the VA medical care program developing on the horizon for some time. At our 1971 National Convention the delegates decided that it was time to openly and formally recognize the existence of this threat as we face the growing debate on the subject of National Health Insurance.

The National Convention adopted Resolution No. 113, a copy of which is appended to this statement. Resolution 113 directed the National Commander to establish a Special Committee that would report to the 54th National Convention in Chicago next summer.

A Special Committee, composed of distinguished Legionnaires, all knowledgeable in the field of veterans affairs and rehabilitation, has been appointed. The Committee has held many meetings, including one informative session with members and staff of this Committee.

My travels throughout the country, conferring with Legionnaires and with other Americans from all walks of life, have convinced me that the results of the work of the Special Committee cannot wait to be reported at our National Convention in August 1972. I therefore requested our Committee to step up the pace of its labors, and it will issue an interim report this week. We will keep you informed of our position.

The American Legion will do all in its power to thwart the danger to the VA medical care program, and we will look to this Committee for support and assistance. I have every confidence that the Veterans Affairs Committee will respond, because I know that the dedication of each of you to the health and welfare of the nation's veterans is as great as is our own. And I am satisfied that, working together, we can defeat any threat to the existing VA medical care program.

EDUCATIONAL ASSISTANCE PROGRAM FOR VIETNAM VETERANS OF OUR ARMED FORCES

Approval on March 3, 1968 of the "Veterans Readjustment Assistance Act of 1966" established an educational assistance program for the Post-Korean Conflict and Vietnam Era veteran. Since then, educational assistance payments have been increased by seventy-five percent. Despite these increased payments, cost of living increases and rising costs of education continue to bar many veterans from using their eligibility for education assistance. Many of those veterans who use their eligibility do so at considerable financial cost to themselves or to their families.

Although there may be some divergence of philosophy between other groups and organizations, The American Legion continues to adhere to the original concept associated with the World War II G.I. Bill, that the educational assistance provided was never intended to cover all costs but that veteran students were expected to supplement these costs from their personal funds or from other sources. We believe, though, that educational assistance—a combination of subsistence and direct institutional payments—should bear a reasonable relationship to the total costs, be they incurred in public or private education or training institutions.

Based on this belief, The American Legion at its 1971 National Convention approved Resolution 342. This mandate seeks four basic changes in the current GI education program administered by the VA—

(1) Direct payment to the educational institution of three-fourths of the costs for tuition, books, and other fees, but not more than \$1000 in any one ordinary school year

(2) VA-guaranteed educational assistance loans

(3) Direct VA loans to veterans who cannot obtain guaranteed commercial loans

under conditions and terms acceptable to the VA

(4) Continuance of the present educational assistance allowances as monthly subsistence payments

It is recognized that some abuses of the institutional direct payment provision of the original GI Bill occurred. These, we believe, were a direct result of laxity in the law, poor administration and confusion in regulation, inadequate supervision by State Approval Agencies and VA officers, and general inexperience on the part of the Federal Government in its initial venture into a unique and tremendous program of education and readjustment assistance.

In our opinion, a recurrence of these abuses is preventable by restrictions of subsequent and current law, VA experience in administration of education and training programs, and expertise in State Approval Agencies.

We do not propose that the program be so liberal as to stimulate veterans to enter the program merely for the purpose of subsistence allowances, but that it be sufficient to motivate veterans to enter and pursue to completion programs of education or training.

In urging these changes in the current GI education provisions, The American Legion was motivated by the concept that the Veterans Administration should be a one-stop agency to service those veterans who desire to enter programs of education or training by providing them with—

Subsistence;
Direct payment to institutions of education or training to cover costs of tuition, fees, books and other charges on enrollment;
Guaranteed and direct educational loans.

Mr. Chairman and Members of the Committee, we do appreciate the significance of the constructive changes proposed in H.R. 12828 as reported by this Committee to the Committee of the Whole House. We express disappointment, though, that the measure as reported did not provide for direct institutional payments and VA student loans as recommended by the Legion.

We will continue to urge enactment of these provisions.

INCREASED RATES OF COMPENSATION FOR SERVICE-DISABLED VETERANS

At present, Chapter 11 of title 38, United States Code, authorizes payment of compensation of \$450 monthly to those veterans whose wartime service-connected disabilities are evaluated at 100 percent.

Under the authority of this Chapter the Administrator of Veterans Affairs adopts and applies a schedule of ratings of reductions in earning capacity from specific injuries or combination of injuries, including disease residuals. These ratings are based, as far as practicable, upon the average impairments of earning capacity resulting from such injuries in civil occupations.

Disability compensation payments were last increased by Public Law 91-376, effective July 1, 1970. At that time the increased payments for 100 percent disability compared favorably with spendable average annual earnings of production or nonsupervisory personnel in private nonagricultural payrolls.

To maintain the veterans' purchasing power these payments must respond to cost-of-living increases. As published by the Bureau of Labor Statistics, Department of Labor, the July 1, 1970 index was 116.7, and by December 1971 it had advanced to 123.1, an increase of about 5.5 percent. Current estimates are that the consumer price index will advance at an annual rate of 3 percent. In view of the fact that disability compensation rates do not automatically respond to changes in the cost of living, legislation proposed should anticipate increases that will occur in the interval between enabling legislation granting offsetting increases.

Mr. Chairman, we urge this Committee's consideration of increasing the monthly rate for 100 percent to \$500. This amount would materially assist these severely disabled veterans in meeting today's cost of living at a standard which is not demeaning to their status as veterans. A similar percentage increase in monthly compensation payments should be authorized those with disability evaluations of less than total.

The American Legion will recommend additional improvements in this program when hearings on compensation legislation are held by one of your subcommittees in the next few weeks.

DEVELOPMENT AND MAINTENANCE OF AN ADEQUATE SYSTEM OF NATIONAL CEMETERIES

At present there are four separate cemetery systems administered by federal agencies: the national cemetery system operated by the Department of the Army; a number of cemeteries adjacent to its facilities controlled by the Veterans Administration; the National Park Service of the Department of Interior; and overseas cemeteries under the American Battle Monuments Commission.

We believe that this division of jurisdiction is responsible for the absence of a clear policy on the present and future development of a system of national cemeteries.

To assure that every veteran who wants the honor should have the right to burial in a national cemetery reasonably close to his home, The American Legion is urging the enactment of legislation which would provide that

(1) Congress transfer all active cemeteries to the jurisdiction and supervision of the Administrator of Veterans Affairs.

(2) The Administrator undertake and complete a study of national cemetery needs based upon a demographic study of the veteran population, and submit his findings and recommendations to the Congress, within a reasonable period of time.

(3) The Administrator be empowered to acquire, by gift, purchase, or condemnation, lands necessary for use as national cemeteries.

In addition, we suggest that the enabling statute or its legislative history specifically bar the Administrator of Veterans Affairs from issuing orders limiting burial of eligible veterans, such as is now the case in Arlington National Cemetery, so long as burial sites are available.

Mr. Chairman, we urge favorable consideration of these objectives and early reporting for House consideration of national cemetery legislation.

INCREASE THE AMOUNT PAYABLE BY THE VETERANS' ADMINISTRATION TOWARD THE COST OF BURIAL AND FUNERAL EXPENSES

Chapter 23 of title 38, United States Code, provides that the Administrator of Veterans Affairs may pay not to exceed \$250 to cover the burial and funeral expenses of a deceased veteran, and the expense of preparing the body and transporting it to the place of burial.

The amount of this burial benefit was last increased in August 1958, from \$150 to the present \$250.

According to the latest information published by the National Funeral Directors Association of the United States, Inc., the average prices for adult funerals rose from \$661 in 1958 to \$926 in 1969. Bureau of Labor Statistics reports show that between December 1969 and December 1971, adult funeral prices increased by 7.7 percent. These averages do not include vault, cemetery or crematory expenses, monument or grave marker, or miscellaneous items such as flowers, burial clothing, additional transportation charges, honorarium for the clergyman, or newspaper notices.

We believe that the increased costs of funeral and burial services establish that there is a compelling need to increase the

Veterans Administration burial benefit to \$500.

Mr. Chairman, time does not allow a more detailed presentation to you of the Legion's legislative objectives in veterans affairs. Readjustment and rehabilitation of the young veteran is a continuing problem. As you know, we are actively supporting both legislative and administrative programs to meet their housing needs, assure them job opportunities and placement, and preference in federal employment.

In conclusion, may I again express appreciation to this Committee, to the Congress, and to the President of the United States for the understanding of the problems of our veterans and of their dependents and survivors. This understanding was reflected again in the recent enactment and approval of laws to improve the income maintenance of pensioners and of the parents, widows and children receiving dependency and indemnity compensation.

I would like to remind each of you that it will be a pleasure for The American Legion, tomorrow evening, to host all of the Members of Congress at our annual dinner in the Grand Ballroom of the Sheraton Park Hotel. Many of you have attended these dinners in past years. I hope you will agree they are pleasant affairs, and that you will be our guest again on this occasion. More than 1600 members of The American Legion, and the American Legion Auxiliary, are in attendance at our Annual Washington Conference. The dinner tomorrow evening will provide them with an opportunity to greet the Members of Congress from their home states.

Once more, I extend my warmest invitation to each of you to join us tomorrow evening—to have dinner, and to meet the Legionnaires from your particular areas.

Mr. Chairman and Members of the Committee, thank you again for this opportunity, and for the time you have given us.

Our beloved nation is living through difficult days. This is an election year, and there will be great debates on the issues. That is good in a democracy. However, for The American Legion, in all that is said and done, certain verities remain. Devotion to flag and country—devotion to the ancient principles of our heritage from our forefathers—dedication "to care for him who shall have borne the battle, and for his widow and his orphan"—these things are—for us—above the debate. And we shall be true to them as long as there is an American Legion.

FIFTY-THIRD ANNUAL NATIONAL CONVENTION, THE AMERICAN LEGION, HOUSTON, TEX., AUGUST 31, SEPTEMBER 1, 2, 1971
Resolution: No. 113 (Pennsylvania).
Committee: Veterans Affairs and Rehabilitation.

Subject: Authorizes and directs the National Commander to appoint a special committee to be known as the Special Committee on Veterans Medical Care.

Whereas, The American Legion, for the entire period of its existence, has been committed to the need for a single agency of the federal government to handle all veterans affairs; and

Whereas, an integral part of that agency, designated the Veterans Administration, has always been the veterans medical care program; and

Whereas, through the years the Veterans Administration medical care program and its hospital system, with the support of The American Legion, has developed into the finest single system of health delivery service in the world; and

Whereas, a continuing and intense concern of The American Legion is and has always been the maintenance of the integrity of the Veterans Administration medical care program; and

Whereas, there is a real possibility that proposals will be made to merge or associate

the Veterans Administration medical care program with other national health delivery systems that are or will be brought into being by the federal government; and

Whereas, such a prospect creates in The American Legion a sense of alarm and concern; and

Whereas, it appears that it would be provident for The American Legion to examine into the situation now existing with reference to national health delivery systems and their possible impact on the Veterans Administration medical care program; now, therefore, be it

Resolved, by The American Legion in National Convention assembled in Houston, Texas, August 31, September 1, 2, 1971, that The American Legion is irrevocably committed to the need for the maintenance of the Department of Medicine and Surgery within the Veterans Administration, and to the need for the preservation of the Veterans Administration medical care program and its hospital system as the single agency for providing health care services to the nation's war veterans; and be it further

Resolved, that The American Legion will oppose with all of its energies and resources any effort to materially weaken, restrict or reduce the Veterans Administration medical care program in the face of the apparent needs of the nation's war veterans; and be it further

Resolved, that this Convention does hereby authorize and direct the National Commander to appoint a special committee, to be known as the Special Committee on Veterans Medical Care; the members of the Special Committee to be drawn from the Veterans Affairs and Rehabilitation Commission, and to include representatives from among Department Rehabilitation Directors and Department Service Officers, and the Committee to be provided with staff support drawn from the staff of the National Veterans Affairs and Rehabilitation Division of the National Headquarters, and with professional and qualified consultants as may be necessary; and be it further

Resolved, that the National Executive Committee is hereby instructed to provide, from the funds of the national organization, such moneys as may be necessary to enable the Special Committee to complete its assigned task; and be it further

Resolved, that the Special Committee on Veterans Medical Care is charged to—

(1) examine into the adequacy of the Veterans Administration medical care program
(2) consider the potential impact on the Veterans Administration medical care program of a national health insurance plan

(3) restate, following thorough research, the reasons for the continuing necessity of an independent medical care program within the Veterans Administration

(4) study and examine any and all other matters relating to veterans medical care; and be it finally

Resolved, that the Special Committee on Veterans Medical Care shall submit its report, findings and recommendations to the 54th Annual National Convention of The American Legion.

RESOLUTIONS THAT REQUIRE LEGISLATIVE ACTION POLICY

A. Increase mileage allowance for VA beneficiaries

1970 Convention Resolution No. 476 (P.R.) urges that the Administrator of Veterans Affairs pay a mileage rate of 10 cents per mile for expenses incurred by beneficiaries while traveling pursuant to a Veterans Administration authorization.

B. Conditional discharges

1970 Fall NEC Resolution No. 31 seeks legislation to establish eligibility to VA benefits of those veterans conditionally dis-

charged or released from active service who immediately reenter such service.

C. Funds for the operation of the Veterans Administration

1971 Convention Resolution No. 420 (Ill.) urges that Congress to give a high priority to the budgetary needs of the VA to insure that sufficient funds will be made available to carry out this nation's commitment of providing first quality medical and hospital care for veterans.

D. Cabinet rank for Administrator of Veterans Affairs

1970 Convention Resolution No. 399 (Texas) seeks legislation to raise the office of the Administrator of Veterans Affairs to that of Cabinet rank.

E. Oppose the merging of VA programs with social security program.

1970 Convention Resolution No. 487 (Alabama) urges opposition to any legislation or administrative attempts to merge programs administered by the Veterans Administration with Federal Social Security benefits program.

F. Mustering-out payments for Vietnam era Veterans

1971 Convention Resolution No. 194 (Ohio) seeks legislation to provide that each member of the Armed Forces who served on active duty during the Vietnam Era, and who is discharged or released from active duty under honorable conditions, shall be eligible for mustering-out payments.

G. Commissary privileges for certain widows

1971 Convention Resolution No. 980 (Maryland) seeks legislation to authorize commissary and post exchange privileges for the widows of those war veterans who die of a service-connected disease or injury after separation from active duty with the Armed Forces.

H. Opposition to hospitalization of non-veterans in VA hospitals

1970 Convention Resolution No. 570 (Va.) urges opposition to legislative and administrative efforts to authorize the hospitalization of nonveterans in VA hospitals.

I. Recovery of overpayments

1970 Fall NEC Resolution No. 34 seeks legislation to provide that there shall be no recovery of payments or overpayments of any benefits (except servicemen's indemnity) under laws administered by the VA from any person, where, in the judgment of the Administrator, such recovery would defeat the purpose of benefits otherwise authorized or would be against equity and good conscience.

J. Oppose removal of limitations on existing attorney or agent fees

1970 Fall NEC Resolution No. 35 urges opposition to the enactment of legislation that would remove the attorney or agent fee limitations imposed by 38 USC 3404 or strike the penalty provisions of 38 USC 3405.

K. Special clothing allowance be provided certain disabled veterans

1970 Fall NEC Resolution No. 37 seeks legislation to provide for payment of a special clothing allowance to those veterans eligible to receive an artificial limb or brace from the VA.

L. Amend the Dual Compensation Act

1970 Fall NEC Resolution No. 38 seeks legislation exempting the Veterans Administration from the Dual Compensation Act as it applies to retired military personnel desiring employment with the Veterans Administration Department of Medicine and Surgery.

M. Transportation costs for burials of certain veterans

1971 Spring NEC Resolution No. 12 seeks legislation to provide that when any retired member of an Armed Force dies while a patient in a United States hospital, the cost of transporting the body to the place of burial shall be borne by the Secretary of such Armed Force.

1971 Convention Resolution No. 215 (Nebr.) seeks legislation to provide that where an eligible veteran dies in a State Veterans

Home, the Administrator of Veterans Affairs shall pay the cost of transporting the remains to place of burial.

N. Military honors at burial of veterans

1971 Spring NEC Resolution No. 15 seeks legislation to provide for full military honors at burial services of veterans.

O. Opposition to closing of United States Public Health Hospitals

1971 Spring NEC Resolution No. 48 urges the Congress and the President of the United States to restore to the budget funds needed to continue the operation of these hospitals.

P. Veterans Memorial Hospital in the Philippines

1971 Convention Resolution No. 339 (Philippines) seeks legislation to extend beyond June 30, 1973, the grants-in-aid program to the Veterans Memorial Hospital in the Philippines.

1971 Convention Resolution No. 350 (Philippines) seeks legislation to extend beyond June 30, 1972 the grants-in-aid for research in the Veterans Memorial Hospital in the Philippines.

Q. Government-issued grave markers

1971 Convention Resolution No. 388 (Missouri) seeks legislation to provide that the cost of setting government-issued grave markers, not to exceed \$100, be borne by the Department of Defense.

NATIONAL CEMETERIES

A. The National Cemetery Policy of the American Legion

1970 Convention Resolution No. 452 (N.Y.) seeks legislation to: (1) Transfer to the Administrator of Veterans Affairs existing national cemeteries presently under the jurisdiction of the Department of the Interior, and Department of the Army; (2) provide the Administrator of Veterans Affairs with authority and responsibility for the operation, care, and maintenance of these cemeteries; (3) direct the Administrator of Veterans Affairs to plan a system of national cemeteries and to establish a program of expansion of existing national cemeteries and creation of additional ones so that the capacity and distribution of national cemetery sites shall, at all times, be sufficient to assure burial in a national cemetery for those who so desire; (4) authorize the Administrator of Veterans Affairs to acquire such lands as are needed—by gift, purchase, condemnation, transfer, or by any other means; and, (5) provide that jurisdiction of national cemeteries be placed under those committees of the United States Senate which have jurisdiction of veterans affairs; and, (6) petitions the President, the Congress of the United States, and the Secretary of Defense to rescind the discriminatory order of February 10, 1967 which limited burials in Arlington National Cemetery.

B. Burial sites at Custer Battlefield National Cemetery

1971 Convention Resolution No. 100 (Wyoming) seeks legislation to provide additional burial sites at the Custer Battlefield National Cemetery.

CLAIMS AND RATINGS

A. Burial allowance

1970 Convention Resolution No. 104 (Montana) urges opposition to those legislative proposals that would amend 38 USC so as to reduce burial benefits.

1971 Convention Resolution No. 199 (Ohio) seeks legislation to provide that the burial allowance be increased to \$500.

B. Armed Forces retirement payments

1970 Convention Resolution No. 180 (Okla.) seeks legislation to remove the restriction against the receipt of Armed Forces retirement pay, due to length of service, concurrently with VA compensation.

C. Aid and attendance allowance to children

1970 Convention Resolution No. 195 (Md.) seeks legislation to provide aid and attendance allowance at the rate of \$50 per month to a child who is in receipt of death com-

pensation or dependency and indemnity compensation, if such child is (1) a patient in a nursing home, or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person.

D. Improve the disability compensation program

Seven-year Presumption for Progressive Muscular Atrophy

1970 Convention Resolution No. 577 (Va.) seeks legislation to provide that progressive muscular atrophy developing to a compensable degree within 7 years of separation from wartime service shall be considered to have been incurred in or aggravated by such service.

Special Compensation for Veterans Requiring Hemodialysis

1970 Fall NEC Resolution No. 36 seeks legislation to provide that a special monthly compensation be payable to those veterans whose chronic service-connected kidney condition requires hemodialysis on a continuing basis.

Presumption of Service-connected Death in Certain Cases

1971 Convention Resolution No. 370 (Va.) seeks legislation to provide that the widow, children and dependent parents of any person who died from natural causes after a service-connected disability had been rated total and permanent for 10 years shall be entitled to dependency and indemnity compensation.

Two-year Presumption for Psychosis

1970 Convention Resolution No. 541 (Minn.) seeks legislation to provide that a psychosis developing a ten per centum degree of disability or more within two years from the date of separation from war service shall be considered to have been incurred in or aggravated by such service.

Increase Statutory Awards Rate

1971 Convention Resolution No. 71 (Ky.) seeks legislation to increase the statutory awards of compensation payable under 38 USC 314 (k) from \$47 to \$75.

Increased Compensation (A&A) While a Nursing Home Care Patient

1970 Convention Resolution No. 573 (Va.) seeks legislation to provide that a person shall be considered to be entitled to increased disability compensation under title 38, USC, 314 (1) if he is a patient in a nursing home for a service-connected disability.

E. Improve the disability and death pension program

Comprehensive Improvements

1971 Convention Resolution No. 217 (Nebr.) seeks legislation to improve the death and disability pension benefits program for veterans of World War I, World War II, the Korean conflict, and the Vietnam era, and for their widows and children.

Oppose Suspension of Payments to Veterans Residing Outside the U.S.

1970 Fall NEC Resolution No. 32 urges opposition to any legislation which seeks to suspend or discontinue payments of disability pension to any war veteran residing outside the United States.

Income Exclusion for VA Pension Benefits

1970 Fall NEC Resolution No. 39 seeks legislation to exclude from pension annual income determinations the additional railroad retirement annuity payable for dependents in the family group.

Effective Date of Disability Pension

1971 Convention Resolution No. 310 (Calif.) seeks legislation to provide that the effective date of disability pension shall be the date permanent and total disability is established if an application is received within one year from that date.

F. Guerrilla recognition program of the Philippines

1971 Spring NEC Resolution No. 11 seeks legislation for the reopening of the guerrilla recognition program of the Commonwealth of the Philippines by the Department of Defense of the United States.

G. Payments to hospitalized incompetent veterans

1971 Spring NEC Resolution No. 17 seeks legislation to provide that in any case in which an incompetent veteran having neither wife nor child is being furnished hospital treatment, institutional or domiciliary care without charge or otherwise by the United States, or any political subdivision thereof, and his estate from any source equals or exceeds \$2000, further payments of pension, compensation, or emergency officers retirement pay shall not be made until the estate is reduced to \$1000.

H. Improve administrative discharge procedures

1971 Fall NEC Resolution No. 14 seeks legislation to further improve and insure due process in the Administrative Discharge Procedure followed by the Armed Forces and the U.S. Coast Guard.

MEDICAL AND HOSPITAL

A. Extend nursing home care to nine (9) months

1970 Convention Resolution No. 587 (Va.) seeks legislation so as to extend community nursing home care at VA expense to nine months.

B. Hospital care in civilian facilities of certain veteran dependents

1970 Fall NEC Resolution No. 40 seeks legislation to provide that the surviving dependents of those war veterans who die of a service-connected disability after discharge from active duty in the Armed Forces, as well as the wives and children of permanently and totally service-connected disabled veterans, shall be authorized hospital and outpatient care in civilian medical facilities at Government expense.

C. Medical services for nonservice-connected disability

1971 Spring NEC Resolution No. 9 seeks legislation to provide that the Administrator of Veterans Affairs, within the limits of the Veteran Administration facilities, may furnish such medical services as he finds reasonably necessary to any war veterans for a nonservice-connected disability.

D. Establishment and improvement of State medical schools

1971 Spring NEC Resolution No. 18 seeks legislation to authorize the Administrator of Veterans Affairs to provide certain assistance in the establishment of new state medical schools and the improvement of existing medical schools affiliated with the Veterans Administration.

E. Direct admission for nursing home care

1971 Convention Resolution No. 619 (Convention Committee) seeks legislation to provide that the Administrator of Veterans Affairs may authorize direct admission to any public or private institution which furnishes nursing home care, or care at the expense of the United States.

EDUCATION AND TRAINING

A. Educational benefits for wives and widows

1970 Convention Resolution No. 193 (Md.) seeks legislation to authorize educational assistance at the secondary level for eligible wives and widows; and that such training be provided without charge to any period of entitlement.

1971 Spring NEC Resolution No. 14 seeks legislation to permit eligible wives and widows to enroll in correspondence courses.

1971 Convention Resolution No. 544 (Miss.) seeks legislation so as to extend apprenticeship and other on-job training benefits to eligible wives and widows, and wives of prisoners of war and missing in action.

B. Educational assistance and vocational rehabilitation programs

1971 Spring NEC Resolution No. 44 (superseceded, in part, by 1971 Convention Resolution No. 342) seeks legislation to improve the educational assistance and vocational programs to (1) increase the maximum period

of eligibility to 48 months, and (2) increase the monthly subsistence allowance for vocational rehabilitation to a level commensurate with today's cost of food, housing, transportation and other necessities.

1971 Convention Resolution No. 342 (Md.) seeks legislation to improve the educational assistance program to (1) pay the cost of tuition, and such laboratory, library, health, infirmary, books, supplies, equipment, and other necessary expenses, excluding board, lodging, other living expenses, and travel, but in no event shall the payment authorized exceed 75 percent of such tuition cost and fees or \$100, whichever is the lesser, for an ordinary school year, (2) a veteran eligible for such tuition, costs, and fee shall be paid monthly assistance allowance, and (3) establish VA guaranteed and direct educational loans for Vietnam era veterans.

1971 Convention Resolution No. 471 (Idaho) seeks legislation to provide that vocational-technical students not be required to make monthly certification of attendance.

INSURANCE

A. Reopen NSLI for one year

1970 Fall NEC Resolution No. 30 supports legislation to reopen, for a one-year period, the right to apply for National Service Life Insurance for those insurable and service-disabled veterans of service between the inclusive dates of December 7, 1941 and September 2, 1945, and of June 27, 1950 and July 27, 1953, under policies providing for a premium charge that will include administrative costs.

B. Special term (RS) insurance be made participating

1970 Fall NEC Resolution No. 33 supports legislation to make policies of insurance issued to veterans under section 723, title 38, USC, participating; and, asks that the Administrator of Veterans Affairs determine the amount in the revolving fund which is in excess of the actuarial liability, including contingency reserves, and pay such excess as a dividend without interest less the annual administrative cost per policy.

C. Special Government Insurance for Vietnam era veterans

1970 Fall NEC Resolution No. 41 supports legislation to provide a Special Government life insurance program for Vietnam era veterans.

D. Effective date for increase in servicemen's group life insurance

1971 Convention Resolution No. 22 (La.) seeks legislation to provide that the effective date of the increased Servicemen's Group Life Insurance shall be June 1, 1971.

E. Statutory total disabilities

1971 Convention Resolution No. 501 (Texas) seeks legislation to provide that kidney and heart transplants shall qualify as statutory total disabilities for waiver of premiums and payment of monthly benefits for those insured who purchased a total disability income provision rider.

DEPARTMENT OF DEFENSE

A. Extend delimiting date for correction of a military record

1970 Convention Resolution No. 486 (Ala.) seeks legislation to delete the delimiting date for applying for a correction of a military, naval, or air service record.

IN SUPPORT OF H.R. 9900

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 1972

Mr. RHODES. Mr. Speaker, I wholeheartedly support H.R. 9900 which will amend our present law to exclude from

gross income the pay of members of the armed services and of civilian employees who are missing in action or in a detained status during the Vietnam conflict. No group is more deserving of any and all assistance which can be given them than these patriotic men and their families who together, though apart, suffer sadness and hardship during these tragic days.

Certainly, I hope the passage of this legislation will help to alleviate some of the problems which they face, as well as to assure them of our genuine concern over their plight and our heartfelt desire to help as best we can. If there is ever "unanimous consent" for any bill, it should certainly be for this one.

SOUTH SIDE CHAMBER OF COMMERCE SCHOLARSHIP PROGRAM

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 1972

Mr. GAYDOS. Mr. Speaker, despite substantial State and Federal financial contributions to education, there are far too many young Americans deprived of college degrees simply because they cannot afford the soaring costs of such an education today.

It is, therefore, most commendable and worthy of public recognition when a civic minded organization devotes time, effort and money to assist qualified students in the improvement of their education and their chances for a successful future. Such an organization is the south side chamber of commerce in my 20th Congressional District, which has established a "scholarship program" for students who reside in the neighborhood it serves.

Through numerous projects and civic programs, the south side chamber now is in a position to offer four outright grants to students from the South High School and the South Side Catholic High School. To be eligible for the grants, the students must attend either of the schools mentioned and reside in either the 16th or 17th wards of the city of Pittsburgh. Two students from each school will be selected for the award according to the following criteria: scholastic standing, service to the community, participation in school activities and the intention of continuing their education at an approved, accredited school.

The scholarship committee of the south side chamber will select the award winners from a list of nominees and make the formal presentation to the students upon their graduation from high school this spring. The scholarship committee, as the chamber itself, is comprised of men and women who have a deep and sincere interest in the improvement of the south side community. They include State Senator Frank Mazzei; H. A. Nevin, president of the chamber; Frank Sklar; Mrs. Ann Connelly; Sister Marie Therese, principal of South Side Catholic High School; John Wolsko, principal of South High School; and

W. R. Crawford, chairman of the committee and a representative of the United States Steel Corp.

Mr. Speaker, the men and women who belong to the south side chamber of commerce feel this is a program which will continue to grow and prove beneficial to the young people of the neighborhood as well as the community itself. It will add incentive and encouragement for young adults to further their education and, in turn, the south side community will reap the rewards of their knowledge and experience in years to come.

I salute the faith the south side chamber of commerce has exhibited in the future of young Americans, and I congratulate them on demonstrating a positive conviction in the future of their community.

WILDLIFE PORTRAIT SERIES NO. 2

HON. DELBERT L. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 1972

Mr. LATTA. Mr. Speaker, we all appreciate rare and exceptional talent, particularly when it is used and made available for the benefit and enjoyment of all mankind. I am proud to call to the attention of my colleagues the artistic talents and endeavors of a very unusual man. I refer to Bob Hines, a longtime artist for the U.S. Department of the Interior.

The Department of the Interior's Fish and Wildlife Service has just published "Wildlife Portrait Series No. 2" in its series of illustrations of America's fish and wildlife, part of a continuous program to help the public understand the need to preserve our environment.

Set No. 2 contains reproductions of original paintings of fishes by Bob Hines, a native of Fremont, Ohio, who has been an artist for the Fish and Wildlife Service since July 1948. Prior to that, he was staff artist for the Ohio Division of Conservation.

Hines was a colleague and close friend of the late Rachel Carson, and illustrated her book, "Edge of the Sea." Miss Carson was one of the first major voices raised in America about pesticides and pollution.

As artist for the Fish and Wildlife Service, Hines has traveled, sketched, and photographed wildlife and its habitat from Key West to the Aleutian Islands. Working with scientists and biologists he has incorporated scientific accuracy in his drawings. His early training as a taxidermist also contributed greatly toward such detail.

His illustrations have appeared in 19 books, numerous fish and game magazines, Reader's Digest, New Yorker, and most of the popular sports magazines.

One of his finest pieces of work with the Fish and Wildlife Service is the bald eagle painting "Symbol of Our Nation." The Government Printing Office has sold over 90,000 copies of this.

Another popular item he wrote and illustrated is "Ducks At A Distance," used by many thousands of waterfowl hunters.

The booklet was designed by the Service to help hunters identify waterfowl, and has been reprinted in Spanish.

The Department of the Interior can be proud to have Mr. Hines on its staff, for his service to his fellow Americans is priceless. Each drawing is a reminder that unless we all help clean up America, future generations will see wildlife only through the eyes and drawings of an artist.

I would commend to the attention of my colleagues and the public at large, these beautiful and noteworthy reproductions, which can be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

ELECTION YEAR BIG SPENDING SURGE PLANNED BY GOP ADMINISTRATION

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 1972

Mr. EVINS of Tennessee. Mr. Speaker, Time magazine in a recent issue highlighted the big spending plans and techniques of the administration in this election year.

The President and his budget associates, the article reports, "has crafted a budget that will virtually mainline huge doses of Government spending into the economy over the next few months."

Because of the interest of my colleagues and the American people in this most important subject of big spending and election buying, I place the article in the Record.

The article follows:

NIXON'S SURGE OF ELECTION-YEAR SPENDING

"The budget is a superb deflator of rhetoric because it calls to account the open-ended promises heard so often in an election year."

That rather righteous statement in Richard Nixon's 1972 budget message may well be correct—as far as it goes. But as the President is well aware, the great gray mass of numbers and charts that is being sent to Congress this week has a rhetoric of its own that is difficult indeed to deflate. Plagued by a painful recession and a limping recovery during the first three years of his Administration, Nixon is determined to get the U.S. economy into the best possible shape by November or earlier. To do so, he has crafted a budget that will virtually mainline huge doses of Government spending into the economy over the next few months.

Until the current fiscal year ends on July 1, Nixon plans to pump about \$1 billion a month more than originally planned into spending programs designed to put money into the pockets of millions of currently unhappy voters. Farmers will get increased crop subsidies; federal workers will receive the maximum pay increases possible under Phase II guidelines; there will be some new jobs for unemployed scientists and engineers. Such openhanded spending marks Nixon's conversion from unsuccessful policies of conservatism and gradualism to the activist, pump-priming Keynesian economic theory, which holds that big Government spending is one of the fastest ways to stimulate the economy. Said a top Nixon adviser: "The President looks on this as an investment in getting the economy moving."

ROCKETING DEBT

The budgetary stimulus comes at a time when various branches of Government are going all out to push the economy forward. Congress recently did its part by approving Nixon's program of tax reductions, including a 7% tax credit for capital investments and increases in personal income tax exemptions. In the past few weeks, the Federal Reserve Board has been aggressively pouring money into the banking system and pulling down interest rates. Ironically, Nixon's budget may force interest rates up because enormous federal borrowing will be needed to finance a shockingly high deficit.

The deficit will hit \$38.8 billion in fiscal 1972, by far the largest short-fall since World War II. While federal spending will reach a record \$236.6 billion, revenues will total only \$197.8 billion. By the time Nixon begins campaigning for re-election this summer, the overall federal debt will have skyrocketed by some \$70 billion (to \$456 billion) during his term of office.

Nixon originally estimated this year's deficit at \$11.6 billion; as recently as last September he said that it could be held at \$28 billion. Its sharp rise will reflect the infusions of federal funds that Nixon has decided since then are necessary before July, plus the fact that the Government has revised steadily downward its estimates of the 1971 gross national product, thus cutting the amount of expected tax receipts. The preliminary G.N.P. total: \$1,047 billion, or fully \$18 billion less than the Administration's celebrated prediction a year ago of \$1,065 billion.*

The huge deficit spending will be an embarrassment to Nixon when he campaigns before conservative constituents, and Democrats are already forming plans to make the most of it. Speaking to a Chamber of Commerce meeting in Washington last week, Treasury Secretary John Connally offered an early answer to the expected attack. "No one likes a deficit of \$35 or \$40 billion," he said, but some 5,000,000 Americans are unemployed. The "political world," he argued, dictated the huge deficit, and he told his businessmen's audience: "You should be applauding it." At least one top Nixon adviser was somewhat less sanguine. "My God," he said, "what's going to happen the next time I go out to address the Orange County Women's Republican Club?"

The tactic of Nixon and Budget Chief George Shultz is to pull into fiscal 1972 spending that was scheduled for fiscal 1973, reports TIME Correspondent Lawrence Malkin. Then they plan to adhere to a much tighter budget in fiscal '73. That will mean a severe fiscal squeeze in federal programs beginning next July and undoubtedly worsening after the election. Even so, Nixon projects the deficit for fiscal 1973 at a high \$25.5 billion. The continued deficit is largely unavoidable because tax cuts since World War II have gnawed away at the Government's revenues, while built-in increases in veterans' benefits, social security and other welfare payments have forced expenses up. These contending forces are rapidly plunging the nation into a fiscal crisis. The U.S. is running short of money.

A summary of additions to the budget in fiscal '72 and plans for fiscal '73:

WELFARE

In the current fiscal year, state governments will get about \$1 billion in federal welfare funds that had not been expected until July 1, mostly for Aid to Dependent children. With many state treasuries down to alltime lows, these funds are certain to

* The reduced G.N.P. estimate for 1971 automatically trims the total that it is expected to reach this year. The Administration's new prediction: \$1,145 billion, a gain of \$98 billion.

be spent with haste. For fiscal 1973, the Department of Health, Education, and Welfare will displace the Pentagon as the largest Government spender. Much of its \$7 billion increase will go for Social Security rises.

DEFENSE

For the rest of this fiscal year, Pentagon spending will be considerably speeded up, with much of the increase going for materiel planned for later delivery. Next year, though Viet Nam spending will continue to decline, much of the long-awaited "peace dividend" will remain firmly in the hands of the Pentagon. Its budget will show a \$900 million increase (to \$75.9 billion) in fiscal 1973. To prepare for the all-volunteer army that Nixon has promised by mid-1973, some of the dividend will be used to raise the pay of armed-forces careerists.

AGRICULTURE

Farm price supports in the current year will leap \$1.8 billion over original estimates to a total of \$4.4 billion, then will decline slightly in 1973 as acreage is taken out of production. Retail food prices will remain high, and farmers' incomes will also rise, helping calm the farm belt revolt that threatens to deny Nixon some of his traditional support.

TECHNOLOGY

In his State of the Union message Nixon proudly described a new program in which the Government will cooperate with private industry in developing a series of ultrahigh-technology projects to "improve our everyday lives." These include new mass transit systems and fire-fighting techniques employing helicopters. Unfortunately, Nixon had more new ideas than new funds: the Government will spend only a modest \$700 million on new civilian research programs in 1973, with another \$800 million going to military research.

The President is rightly determined that his budget provide generous fuel supplies for an economy that finally seems to be producing more heat. There is more growth and less inflation than in a long time. The fourth-quarter G.N.P. in 1971 rose at the exceptionally brisk annual rate of 6.1%. Herbert Stein, chairman of the Council of Economic Advisers, strongly urged the President to keep a heavy foot on the gas pedal for the next six months, and the deficit be damned. Nixon clearly agreed.

The trouble is that the President is just as determined to ease up drastically after that period, producing what economists call a "stop-go"—or in this case, go-stop—fiscal program. In a fragile economy like the present one, every jolt caused by new stops or starts is an added risk. Nixon might have been better advised, election year or not, to even out new expenditures and spread them over a longer period. Indeed he may yet be forced to do just that. The sheer red tape of federal bookkeeping, check writing and the like may make it virtually impossible to push spending as high and as fast as Nixon wants. In that case Candidate Nixon would claim that he was able to "hold down" the final deficit for this expensive year.

HOME FRONT PRIORITY

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 1972

Mr. GROSS. Mr. Speaker, a recent editorial in the Waterloo, Iowa, Daily Courier is brief and to the point. It needs no elaboration and I heartily endorse it. I insert it in the RECORD at this point:

GIVE THE HOME FRONT PRIORITY

If various members of Congress had their way, Uncle Sam would be poking his nose into every trouble spot of the world.

Sen. James L. Buckley and Sen. Edward Brooke have urged a Senate resolution calling for an end to the violence in Ireland, and offering U.S. help in mediating the dispute.

And, Sen. Edward Kennedy has also urged U.S. intervention in the riot-scarred country.

Somehow, a U.S. resolution seems an ineffective medication for the deep wounds in Ireland. The differences there have their roots in the 17th century, and won't be solved by sentiments from overseas.

It would be foolhardy to intervene in the Irish troubles unless they pose a clear and immediate threat to U.S. security.

We'd like to see Congress show more adeptness at handling problems at home before playing sob-sister to the rest of the world.

ANOTHER OF THE COMPTROLLER OF THE CURRENCY'S RULING ON BANK-RELATED ACTIVITIES OVERRULED BY FEDERAL COURT

HON. WRIGHT PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 1972

Mr. PATMAN. Mr. Speaker, last Tuesday, February 22, the United States District Court for the District of Massachusetts ruled that the Comptroller of the Currency, the supervisor of all national banks, had illegally issued a regulation permitting national banks to operate in the general travel agency business. This ruling by the Comptroller of the Currency was originally made in 1963 and has been challenged in the courts for many years. The case had reached the U.S. Supreme Court twice. Unfortunately, that challenge will probably have to continue because of the likely appeal of this decision by the Comptroller and/or the commercial banking industry. Thus we see another example of the Comptroller of the Currency's highly questionable rulings, affecting the livelihood of thousands of small businessmen, having to be fought for years in the courts at great expense in order for these businessmen to protect themselves against the unwarranted and unfair competition of large banking institutions.

This is simply a repeat of the performance of the Comptroller's office in erroneously permitting national banks to operate insurance agencies in towns of over 5,000. It also follows the reversal of the Comptroller of the Currency by the Federal courts in several cases involving data processing, branch banking, bank mergers and other issues.

It is indeed unfortunate that our Federal banking agencies, particularly the Comptroller, have so much difficulty in interpreting the clear intent of Congress, that is, to keep the business of banking as separated as possible from nonbanking businesses, and to maintain and expand a competition within our banking system.

Many interested people, both inside and outside the Congress of the United States, have a growing concern that the

Federal Reserve Board, in its interpretation of the Bank Holding Company Act Amendments of 1970, may be repeating the same mistakes that the Comptroller of the Currency has made in the last several years. The intent of Congress in passing the 1970 amendments to the Bank Holding Company Act was very similar to that in passing the incidental powers section of the National Banking Act, that is, to allow banking institutions to perform only such nonbanking activities which are incidental or closely related to banking.

It would indeed be unfortunate, if, as a result of Federal Reserve Board rulings interpreting the Bank Holding Company Act, the thousands of small businessmen in such activities as the insurance agency business, the armored car and courier business, the real estate management business, the data processing business, the travel agency business, and perhaps many others, would be required to go through long and expensive litigation in the courts in order to obtain a satisfactory interpretation of the 1970 Bank Holding Company Act amendments. As it has in the Comptroller's case, the necessity for going through this process would reflect adversely on the ability of the Federal Reserve Board to apply its expertise properly in interpreting the intent of Congress. This would also inevitably lead to a new round of legislative action on this most important problem.

I insert in the RECORD at this point the judgment and opinion of Judge Andrew A. Caffrey of the Federal District Court in Boston last week in the travel agency case—Arnold Tours, Inc. et al. against William B. Camp, Comptroller of the Currency, and South National Bank.

[United States District Court, District of Massachusetts; Civil Action No. 67-372-C]

ARNOLD TOURS INC., ET AL. PLAINTIFFS V. WILLIAM B. CAMP, COMPTROLLER OF THE CURRENCY, AND SOUTH SHORE NATIONAL BANK, DEFENDANTS

JUDGMENT—FEBRUARY 22, 1972

In accordance with Opinion filed this date, it is ordered and declared:

1. Regulation 12 GQ.F.R. 7.1 is invalid to the extent that it is construed by the Comptroller of the Currency as authorizing a national bank to operate a full-scale travel agency.

2. It is illegal for a national bank to operate a full-scale travel agency because 12 U.S.C. 24(Seventh) merely authorizes a national bank to exercise "such incidental powers as shall be necessary to carry on the business of banking," and this court rules that conducting a travel agency is not necessary to carrying on the business of banking.

3. Within six months after this judgment becomes final, the defendant South Shore National Bank shall divest itself of the Travel Department.

4. The South Shore National Bank is permanently enjoined thereafter from engaging in the travel agency business.

[United States District Court, District of Massachusetts; Civil Action No. 67-372-C]

ARNOLD TOURS, INC., ET AL., V. WILLIAM B. CAMP, COMPTROLLER OF THE CURRENCY, AND SOUTH SHORE NATIONAL BANK

OPINION—FEBRUARY 22, 1972

The plaintiffs in this case are forty-two independent travel agencies doing business in various locations in the Commonwealth of

Massachusetts. They ask herein for declaratory and injunctive relief against the Comptroller of the Currency and against the South Shore National Bank. Plaintiffs seek from this court a decision that a ruling by the Comptroller providing that, incidental to their banking services national banks may provide travel services for their customers, violates the powers granted to the Comptroller by the National Bank Act, 12 U.S.C. 24(Seventh). Plaintiffs allege that the Comptroller exceeded his statutory authority when he issued regulations authorizing national banks to provide travel agency services, and plaintiffs further allege that as a result they have lost substantial business and profits and stand to lose even greater business in the future. For the reasons stated hereinafter, I agree.

This rapidly aging matter has already been subjected to the attention of this court at numerous hearings, has twice been argued and decided by the United States Court of Appeals for this Circuit, and has twice been the subject matter of rulings of the Supreme Court of the United States on the basis of petitions for writs of certiorari which were granted in both instances. See 286 F. Supp. 770, aff'd. 408 F.2d 1147 (1 Cir. 1969), vacated and remanded 397 U.S. 315. See, also, 428 F.2d 359 (1 Cir. 1970), reversed and remanded 400 U.S. 45.

The matter is now before this court on cross-motions for summary judgment, which have been extensively briefed by the parties. The narrow issue is, as stated by the Comptroller in a supplementary memorandum in support of his motion for summary judgment:

"whether the Comptroller can reasonably interpret 12 U.S.C. 24(Seventh) to authorize the operation of a travel agency by a national bank as incident to its banking business."

To properly understand the issue, it should be noted that the statute, the proper construction of which is the key to the outcome hereof, states as follows:

"A national banking association shall have the power to exercise by its board of directors . . . all such incidental powers as shall be necessary to carry on the business of banking."

In deciding whether the operation of a travel agency business comes within the quoted language from 12 U.S.C. 24, attention should next be focused on what, specifically, operating a travel agency entails on the part of the South Shore National Bank. The extent and nature of this activity qua travel agency has been described in detail in the Affidavit of Charles F. Heartfield, who served as vice-president in charge of the Travel Department of the South Shore National Bank from about November 1, 1966 to 1970. In pertinent part, the affidavit of Mr. Heartfield describes the travel agency business as follows:

"A travel department is a functioning complete travel service bureau within the confines and control of the bank. It is a department store of travel, staffed by knowledgeable people, trained in the techniques of selling every mode of transportation—air, rail, steamship, U-drive car. It is a staff acquainted with thousands of hotels and resorts, proficient in the intricacies of foreign customs and regulations, health requirements and languages, accustomed with tipping customs, foreign exchange, conversant with foreign representatives and hotel managers, in the history and geography of our own great United States, as well as the rest of the shrinking world, constantly aware of changing tariffs and schedules, well acquainted with over 60 airlines throughout the world, 40 domestic and international railroads, and numerous motorcoach lines, steamship companies, etc. They must be up-

to-date in passport, visa and sailing permit information.

"They must be specially trained and experienced in the preparation and planning of itineraries. They must be ready to acquaint the traveler with climate conditions, wardrobe and packing suggestions. They must have unlimited knowledge of foreign car purchases, U-drive-it regulations and costs. They must be ready with shopping suggestions and must be able to advise on travel accident and baggage insurance.

"They must be able to arrange transfers and sightseeing, and must be aware of the proper assessments, head taxes, port taxes and transportation taxes. They must be knowledgeable in what to see and what to do, theatre tickets, ballet, opera, horse shows, yachting events, and, at their finger tips, a good travel staff has hundreds of tours, ranging from a weekend in New York to an African safari. A good travel agent's experience and interest lends the proper emphasis to his client's desires. He can put himself in the place of his customer. He must discover the traveler's budget and give him the most for his money—and here the bank's Pay Later Plan will be invaluable.

"The well-trained agent is able to decide whether his client should go by air or sea, or a combination of both, which cruise will please his client the most, which hotel will satisfy his client's taste, whether a motorcoach or a chauffeur-driven sightseeing trip will be the answer to his client's wishes. There are escorted and independent tours. Each has its own advantages. There are basic trips, charters, all-expense trips, and special flights. The agent's knowledge must encompass information on bike rentals in Bermuda to villa rentals on the Riviera to a houseboat in Kashmir. To sum it up, a good travel department is a personalized department store of travel."

To say that conduct of a business of the nature and type described by Mr. Heartfield is a *sine qua non* to the successful operation of a national bank is a self-refuting proposition, especially in view of the fact that on the defendants' own claim only 122 national banks out of the many hundreds if not thousands in existence were providing travel agency services in 1967.

I find that defendants' argument that because the bank may engage in selling letters of credit, travelers' checks and foreign currency, or make travel loans, it therefore should also be allowed to engage in the travel business, is a complete *non sequitur*. Selling travelers' checks or foreign currency, issuing letters of credit or making loans, are all financial transactions as they involve money or substitutes therefor, and all are obviously within the normal traditional range of monetary activities of a national bank. The difference between these activities and conducting a travel agency is just as great as the difference between these activities and running a mill, which was proscribed many years ago in *Cockrell v. Abelles*, 86 Fed. 505 (8 Cir. 1898). Nor do the defendants gain any support from the fact that national banks rent out safe-deposit boxes, since this type of activity is specifically recognized as a permissible activity by 12 U.S.C. 24 (Seventh), which, to the extent that it allows banks to conduct safe-deposit business, restricts their investing in the capital stock of corporations organized under any state law to conduct a safe-deposit business in an amount in excess of 15 per cent of the capital stock of such corporations.

The Comptroller and the bank contend that great deference should be given by this court to what they characterize as an unbroken line of administrative rulings over a period of thirty years supporting the contention that banks may engage in the travel

business. A review of the documentation before me indicates that in 1936 the Deputy Comptroller wrote a letter in response to a complaint that national banks were engaging in the travel business, in which letter the Deputy Comptroller took the position that a bank could act as a collection agent as long as its sole duty was to deliver travel tickets and place the amount collected therefor to the credit of its customers, but the same letter expressly prohibited the bank from purchasing travel tickets with the bank's own funds and reselling them.

In 1949, the Comptroller indicated, through Rule 67, that banks could not engage in the regular travel agency business in the same manner as a private travel agency, but further stated that if a bank did not hold itself out to the public as an operational travel agency it would be permitted to merely assist its customers in acquiring accommodations, as a gratuitous public relations service tending to foster good will.

In 1959, the Comptroller promulgated a ruling, which appeared in 12 C.F.R. 7.1, which in pertinent part stated:

" . . . It appears clear that national banks, may as an incidental power, provide travel services for their customers, as they have been doing for many years, and that they may have the reasonable rights and benefits that flow therefrom."

This ruling, being keyed to past practices and rulings by the language "as they have been doing for many years," amounted to no more than a restatement of the narrow permission contained in the 1936 and 1949 rulings of the Comptroller. Accordingly, it is not accurate to say that the 1936 ruling, found in paragraphs 7475 and 7476 of the Comptroller's Manual for National Banks, issued as a supplement to 12 C.F.R. 7.1, is a continuation of an unbroken series of consistent administrative rulings, but, on the contrary, to the extent that these paragraphs grant a national bank *carte blanche* to take over the complete operation of a travel agency, as described in the above-quoted affidavit of Mr. Heartfield, they represent a radical departure from the past administrative rulings and, consequently, they have a correspondingly weakened precedential value.

Attention should be focused on a semantic difficulty which runs through the briefs filed herein, namely, that the phrase "travel services" can mean different things at different times and to different people, and the fact that in 1865 a national bank offered "travel services," the exact nature and extent of which are nowhere spelled out, does not establish any precedent for a bank now conducting a full-blown travel agency, there being obvious differences between the conduct of a complete travel agency with all its ramifications and the performing of "travel services," which could mean no more than issuing a letter of credit from time to time or selling travelers' checks from time to time. By the same token it would seem to be grasping at straws for the Comptroller to urge affirmance because the National Bank Act of 1864 had among its purposes "facilitating travel." Travel can be facilitated in a number of ways without ever engaging in a full-blown travel agency operation.

Let there be any ambiguity as to this court's position as to the scope of review in light of the two rulings of the Supreme Court cited above, I rule that plaintiffs do have standing to bring this action in light of the *per curiam* opinion of the Supreme Court, reported at 400 U.S. 45 (1970), and I likewise rule that the scope of review by this court is not merely to determine whether or not the ruling of the Comptroller had a "rational" basis, but, on the contrary, the scope of review is to determine whether or not the regulations issued by the Comp-

troller are authorized by 12 U.S.C. 24 (Seventh). In so ruling I have in mind the observation of the Supreme Court in *Barlow v. Collins*, 397 U.S. 159 (1969), at 166:

"[S]ince the only or principal dispute relates to the meaning of the statutory term, the controversy must ultimately be resolved, not on the basis of matters within the special competence of the Secretary, but by judicial application of canons of statutory construction."

Accordingly, I rule that the full scale operation of a travel agency by a national bank is not an incidental power necessary to carry on the business of banking. As a corollary of this ruling, I further rule that the Comptroller exceeded his authority by ruling, purportedly under the authority of 12 U.S.C. 24 (Seventh), that a national bank may engage in the operation of a complete travel agency.

Finally, I rule that there is presently outstanding no genuine issue of material fact. Accordingly, the plaintiffs' motion for summary judgment is allowed and defendants' motions for summary judgment are denied.

An order will be entered declaring (1) that the Comptroller's regulation, 12 C.F.R. 7.1, is invalid as in excess of his powers, and (2) that the South Shore National Bank shall divest itself of its Travel Department within six months from the date of the filing of this order and the said bank is permanently enjoined thereafter from engaging in the travel agency business.

CORPORATE TALENT BENEFITS PUBLIC SCHOOLS

HON. FLOYD V. HICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 1972

Mr. HICKS of Washington. Mr. Speaker, an experiment now underway in my district indicates ways in which a large corporation can extend its management resources out into the community for the mutual benefit of both the corporation and community institutions. The Boeing Corp. is, as many of you know, the largest single non-Federal employer in the Pacific Northwest. Also, as you know, it has been hit hard by a recession that is more devastating for the aircraft industry and the Pacific Northwest region than for almost any other industry or section of this Nation. In telling the story of Boeing's relationship with the South Kitsap School District, the Tacoma News Tribune indicates ways in which this sort of beneficial relationship can be extended and maintained. Boeing is both keeping highly talented individuals working in the Northwest on a project of possible public benefit, but giving them a diversity of experience that may be valuable to the corporation. The school district in turn is gaining access not only to a manager, but to the corporate hardware that backs up his performance. I urge my colleagues to consider the possibilities that the following article suggests:

SCHOOL DISTRICT SIGNS CONTRACT WITH
BOEING

(By Bruce Johnson)

PORT ORCHARD.—The South Kitsap School District here has propelled itself into the na-

tional education spotlight by signing a unique contract with the Boeing Co.

Under terms of the \$13,292 contract signed Monday night by the school board, the aerospace firm is supplying one of its top specialists to serve as school district business manager and agrees to furnish consulting services from its bank of business talent.

Starting this week as the district's business manager for a five-month trial period is Jack Frost, a Boeing management specialist who for years served as a consultant to many American corporations, including McDonnell Aircraft, Sperry Products and Royal McBee.

"So far as I know, this is the first contract of its type," Frost told The News Tribune. "I am not aware of any corporation entering into a contract to share its business management expertise with a public school district in the manner we're doing here. This is of national interest."

Particularly now when public resistance to increasing property taxes is making it more difficult for local school systems to raise money for basic operations it's vital that school districts prove to the voters that they are getting their money's worth, said the 60-year-old Boeing official.

"This willingness on the part of the South Kitsap board and superintendent to be the first ones to try this type of a contract is something that Kitsap County taxpayers should be very glad to see happen," said Frost.

"One of the risks a school district under this arrangement runs is that people would say we have been brought in because things were not being properly done before," said Frost. "But this isn't the case. They have been doing things properly before but they recognized the need for further improvements for the benefit of the taxpaying public."

"This is remarkable that a school district would open itself up like this," said Frost.

"We have to give very significant credit to the foresight and open-mindedness of the school board and the superintendent in being willing to try this experiment," he said.

Frost emphasized that his role as business manager and Boeing's role as a management consultant only apply to business operation functions not directly related to the educational process.

"Boeing is not in any way trying to modify the educational program," he said. "We're only taking over the support activities that are needed to help those who do provide educational services."

Transportation, buildings and grounds, accounting and payroll, food services and public relations are a few of the things that will receive special attention during the five-month program, said Frost.

The new business manager said he is immediately starting a study of busing schedules and he said computers at Boeing will be programmed to reveal various alternatives that can make busing more efficient and still maintain the present level of service to the students. The same approach will be taken to management of buildings and grounds, he said.

Although Boeing basically has been in the business of building airplanes and related hardware, Frost believes the firm nevertheless is a logical choice in helping school districts manage their business operations.

"We have buildings and grounds all over the country and the 747 plant in Everett is the biggest building of its kind in the country," said Frost. "We should know something about managing buildings and grounds."

"We're not saying we're smarter," he said. "But we do have larger and longer experience."

Frost believes this type of contract arrangement eventually will be shown to be more beneficial to school systems than the usual short-term consulting services employed to produce improvements.

"What we're doing is different from normal consulting," he said. "I'm sitting here in the business manager's chair so I have a stake in it working. I want it to work well and be of value to the school district."

"I just don't consult and leave," he said. "I've been a consultant for 25 years and I know that in many instances there are snags after the consultant leaves."

It's likely that this trial program will lead to an ongoing contract with Boeing the following school year, providing significant improvements can be made prior to June 30, said Frost.

"It's more likely than not this will happen," he said. "If it didn't happen, I wouldn't say we succeeded. But I'm confident several significant improvements will be made. I haven't the slightest interest in doing something romantic that doesn't work."

"Boeing isn't going to get rich on this contract, however," said Frost. "But if we succeed at this, Boeing will have opportunities in many other districts. There's a good market in this."

South Kitsap was the first school district which received a formal, written proposal from Boeing, said Frost. It's likely several more districts will be approached within the next several months, he said.

TRIBUTE TO HON. TOM BEVILL

HON. ROBERT E. JONES

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 1972

Mr. JONES of Alabama. Mr. Speaker, all Alabamians are justifiably proud of the selection of our colleague, Tom BEVILL, of Alabama's Seventh Congressional District, to the House Appropriations Committee. Congressman BEVILL succeeds the late George Andrews, the dean of the Alabama delegation, on this powerful committee.

The day of his election, the newspaper in Congressman BEVILL's hometown, the Jasper Daily Mountain Eagle, paid tribute to him on the editorial page. I would like to submit this editorial as a tribute to Tom BEVILL for the work he has done for Alabama's Seventh District, our State and our Nation.

The editorial follows:

BEVILL

Jasper's 7th District Congressman Tom Bevill received yesterday, a reward for the excellent job which has consistently performed in the U.S. House of Representatives.

He was named to the most important, one of the most powerful committees in the Congress—The House Appropriations Committee. Succeeding the late George Andrews, it puts Tom in a very influential position.

Bevill is held in high regard in Capitol Building, and his appointment to this key position—one of the money members—is an example how well he serves.

He is a dedicated lawmaker. But more than that he is dedicated to his homefolks. He's never lost touch.

On every congressional break, every opportunity, he rushes back to the homefolks, seeks out their ideas and their problems.

He's done a magnificent job in Washington, rubbing elbow with the president, the ambassadors, the princes, etc.

But he still remains the old boy from Townley.

Congratulations Tom.