

EXTENSIONS OF REMARKS

RECONFIRMATION OF FEDERAL JUDGES

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, March 14, 1972

Mr. BYRD of Virginia. Mr. President, the Richmond Times-Dispatch of February 24 contains a thoughtful editorial on the proposal to subject Federal judges to periodic reconfirmation by the Senate.

It is my view that in a democracy no official should have a lifetime appointment. That is the reason why I am sponsoring an amendment to the Constitution which would require the reconfirmation, every 8 years, of Federal judges who now serve for life and are accountable to no one.

The editorial makes this excellent point:

A federal judge is not an angel. He is a flawed human being, as frail as any president, congressman, governor or state legislator—all of whom are held responsible for their acts.

I ask unanimous consent that the editorial, entitled "The Byrd Amendment," be printed in the Extensions of Remarks.

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

THE BYRD AMENDMENT

Obscured by more than two dozen anti-busing proposals, a measure that could provide the nation some relief from federal judicial oppression lingers virtually unnoticed in Congress. It is a proposed constitutional amendment that would require Senate reconfirmation of federal judges every eight years.

Essentially, the purpose of the suggested amendment, which is sponsored by Virginia Sen. Harry F. Byrd Jr., is to increase the accountability of federal judges, who are now answerable to no one. Members of the U.S. Supreme Court and all other federal judges serve for life, provided they behave themselves. No matter how wild, erratic or irresponsible they may be in interpreting the Constitution and the nation's laws, they may not be deposed.

Such unbridled power makes tyrants of some judges who do not hesitate to superimpose their own personal views upon the Constitution. Secure in the knowledge that no political force in the nation can touch them, some federal judges have shown no compunction about substituting their personal passions for objective reasoning in issuing opinions profoundly affecting the nation.

There is sound justification, of course, for strongly insulating the judiciary against popular political pressures. Judges whose actions are subject to ratification by the voters and whose careers are at the mercy of public opinion are likely to be even less objective than judges who are subject to no control at all. But Sen. Byrd's plan is a reasonable compromise. It involves a principle that is embodied in Virginia's new constitution, which requires the General Assembly to elect State Supreme Court justices every 12 years and judges of all other courts of record every eight years. Under such a plan, a judge is not under constant pressure to bow to the whims of the public, but neither is he free,

to paraphrase Sen. Byrd, to cast restraint to the winds.

Under existing constitutional procedures, no man or woman can mount a federal bench without the Senate's approval. Recent confirmation hearings have demonstrated the Senate's ability and eagerness to dissect a judicial nominee's background and to evaluate his philosophy in determining his qualifications for the bench. Twice it has refused to confirm Supreme Court nominations submitted by President Nixon.

If it is considered wise to seek the Senate's approval of initial judicial nominations, what could be wrong with requiring periodic Senate reconfirmation of judges? To say that a federal judge who passes a Senate test once is entitled to serve forever is tantamount to saying that the performance of a federal judge can never deteriorate, which is nonsense. A federal judge is not an angel. He is a flawed human being, as frail as any president, congressman, governor or state legislator—all of whom are held responsible for their acts.

Should the Byrd amendment win approval, it is unlikely that the Senate would refuse to reconfirm a judge simply because his opinions were not universally or even widely applauded for even constitutionally sound decisions are often unpopular. But it is possible that the Senate might occasionally muster the courage to oust a judge who consistently flouted the Constitution. Against such judicial autocrats the nation urgently needs protection.

VICKI ROGERS: A SPECIAL MESSAGE

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mrs. GRASSO. Mr. Speaker, just recently I received a wonderful letter from a young constituent whose message was both special and touching.

Nine-year-old Vicki Rogers of Enfield wrote to me expressing her concern for the preservation of the Lincoln Memorial. Her thoughtfulness reflects the dismay of many of us at the deterioration of our precious landmarks.

DEAR CONGRESS: Please save the Lincoln Memorial! Yes, save Lincoln Memorial. Abraham Lincoln is my favorite President. I am even writing about Abraham Lincoln because I love him so much. Yes, I'm writing a book about him. He was the greatest President that ever lived.

A letter like Vicki's is always a pleasure to receive. Her warmth and her deep appreciation for our Nation's heritage is matched by her determination and sense of action.

Vicki Rogers, you see, not only wrote a letter. She also enclosed a generous portion of her allowance with the direction:

Use the 30 cents for a contribution for repairing the Monument. Thank you!

I was especially moved by Vicki's donation to help speed the rehabilitation of the memorial to a great American. Certainly, President Lincoln would have

been delighted with Vicki's gesture, as well as with her sense of duty and responsibility.

For Vicki, obviously, actions speak louder than words—and in that vein, this is what we have done. First, a letter has been sent to Interior Secretary Rogers C. B. Morton, asking him for any information regarding the present condition of the Lincoln Memorial and what steps are being taken to insure its preservation.

The work of restoration of the Lincoln Memorial is being advanced by the National Capital Park Service without the need for public solicitation. However, Vicki's contribution is being sent to the U.S. Capitol Historical Society, of which I am proud to be a member. The money will be used in the society's efforts to fulfill President Lincoln's dream that our Nation's history be preserved for present and future generations.

It is a pleasure and privilege for me to represent in the Congress such public-minded constituents as Vicki Rogers. She is a tribute to the memory of her hero, President Lincoln; and, to be sure, Vicki will be kept fully informed of progress in the preservation of the Memorial whose spirit and strength have made such a lasting impression on this young girl.

PLIGHT OF THE SOVIET JEWS

HON. JOHN. V. TUNNEY

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Tuesday, March 14, 1972

Mr. TUNNEY. Mr. President, four constituents of mine initiated and participated in a telephone conversation with Mr. Lev Lerner, a Jewish citizen of the Soviet Union. The tape recording of that conversation dramatizes the human and emotional perspective of the tragedy of the Soviet Jews.

Although a transcript falls far short of hearing the actual voices, I commend to Senators the record of the telephone conversation between Mr. Lerner and his four California callers. It illuminates some of the most important aspects of the plight of the Soviet Jews—and does so in a touching and direct way.

I ask unanimous consent that the transcript be printed in the RECORD.

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

TELEPHONE CONVERSATION, FEBRUARY 6, 1972

Between: Lev Lerner, Leningrad, U.S.S.R.; S. J. Lotwin, Los Angeles, Calif.; G. Elan, Los Angeles, Calif.; W. Ziegel, Los Angeles, Calif.; R. Ziegel, Los Angeles, Calif.

re: Soviet Jewish Immigration to Israel

S. L. Hello; is this Lev Lerner?

L. L. Yes.

S. L. Lev, my name is Stuart Lotwin in Los Angeles, California. We wanted to call you to see how you are. We wanted to let you know that Yanina is fine. She's in California, just well, very good. Could you let everyone know?

L. L. Yes, of course.  
 S. L. Oh, good. O.K., we're here with a number of people who are very concerned about you and Genrich Mirkin and several other people in Leningrad. We wanted to know first if you had any news you wanted to transmit here.  
 L. L. Yes—we have no good news.  
 S. L. No news?  
 L. L. Yes. We still have no visas and no permission for going to Israel.  
 S. L. No visa and no permission?  
 L. L. Yes, and my work and the work of my wife—there was a meeting and because of my desire to go to Israel we were named the traitor and enemy of the people. Do you understand?  
 S. L. Yes—keep talking. We're getting it all down.  
 L. L. Yes, and at my work it was decided to dismiss me from the work. Understand?  
 S. L. Yes, yes—keep talking.  
 L. L. Yes, and I can say the situation is now worsening.  
 S. L. Worsening?  
 L. L. Yes, because we don't know when we shall get the permission and the visa. Do you understand?  
 S. L. Yes, keep talking; we understand.  
 L. L. And I can say the situation with the work of my wife is the same.  
 S. L. I see. What kind of work did you do?  
 L. L. What?  
 S. L. What kind of work?  
 L. L. I am a mechanical engineer.  
 S. L. Mechanical engineer.  
 L. L. Yes, because of the motive of refusal for us, yes, I was just dismissed from my work, and with a great difficulties I found the new work, and now after three months and after the meeting I shall be dismissed. Do you understand?  
 S. L. Yes, I do. You are dismissed now?  
 L. L. Yes, okay. The meeting was three days ago, and it was the decision of this meeting.  
 S. L. I see. What is your address—the number, the street you live on and the number?  
 L. L. Pr ENGELSA 28, kv. 23, Leningrad 194156, R.S.F.S.R., U.S.S.R.  
 S. L. What can we do for you? We have a temple in Los Angeles of many people that want to do and to help you and everyone else in Leningrad who needs it. What can we do to help you immediately.  
 L. L. Yes, we ask only about once—Don't forget us!  
 S. L. We certainly will not forget you. By no means.  
 L. L. Yes, help us if you can, because your confidence is a big help for us too. Do you understand?  
 S. L. No, could you repeat that again. The transmission is bad.  
 L. L. We want you—don't forget us.  
 S. L. No, we won't forget you.  
 L. L. Yes, and we want your help for us too.  
 S. L. Yes, shall we—is there anything we can send you?  
 L. L. Send, yes, send the letters, the cards, etc.  
 S. L. Letters and so on . . . we will do that, and right here we will write to our government as well as to—  
 L. L. Thank you very much.  
 S. L. Is there anything you need in terms of packages, clothing or food?  
 L. L. No, no, we don't need the food.  
 S. L. You have enough food?  
 L. L. Yes.  
 S. L. Okay, clothing for children or . . .  
 L. L. If you can, send.  
 S. L. Pardon me.  
 L. L. If you can, send.  
 S. L. Oh, okay, fine, we will. I understand now. I wasn't hearing you well.  
 L. L. If you will send, send to us, ship only by registered.  
 S. L. Oh, all right, Lev, can you write to us?  
 L. L. Yes, please.

S. L. Let me give you my address. It is: 10345 West Pico Boulevard, Los Angeles, California, U.S.A.  
 L. L. Thank you.  
 S. L. How many children?  
 L. L. I have one children—a girl.  
 S. L. A girl—how old?  
 L. L. Yes, 10 years.  
 S. L. Ten years, oh, wonderful. A bunch of us are here and there's about six children running around the house now from the different people that are here. We have a daughter—a girl—the same age too.  
 L. L. Yes.  
 S. L. And so does this other gentleman who is listening. So what we will do is write to you, and if you would write to us we are going to do everything we can here in the U.S. to help you. We certainly are going to try very, very hard.  
 L. L. Thank you very, very much.  
 S. L. I have a few more questions people want to know. Would you hold on just a second?  
 L. L. Yes.  
 S. L. Do you know if the funds, the money you need for the visas—do you have the money or do you know what's required to get these?  
 L. L. Ah, I don't know.  
 S. L. Okay, We will look into it here and find out and communicate to you in the letters and through the telephone calls.  
 L. L. Yes.  
 S. L. Okay. Can you make telephone calls to the U.S.?  
 L. L. From my flat?  
 S. L. Yes.  
 L. L. It is very hard.  
 S. L. Shall I give you my telephone number?  
 L. L. Give me.  
 S. L. My number is 213-398-3604. If you can, call me and I will pay for the call here.  
 L. L. Yes, if it will be possible.  
 S. L. Yes, if it is possible. Listen, there are many activities in the United States to help everyone go to Israel. There's been marches and demonstrations, letters to our government, letters to the United Nations, petitions—all sort of activities.  
 L. L. Thank you very much.  
 S. L. If you can tell us in a letter or phone call just what goods are needed and clothing, records or anything—you let us know and we will be able to get many people that will contribute to get these things to you. We will do everything we can within our power to help you get out of Russia and into Israel as quickly as possible. We will do everything we can.  
 L. L. Thank you for your confidence.  
 S. L. It will be a pleasure.  
 L. L. Yes, thank you.  
 S. L. Good, there are others who want to give you their personal greetings.  
 G. E. Hello, shalom (peace to you).  
 L. L. Shalom, shalom.  
 G. E. I just want to say we are with you and want to help you get to Israel.  
 L. L. Thank you.  
 G. E. Just a moment.  
 L. L. Thank you.  
 W. Z. Lev, we want you to know that many people are concerned, and that we will do our best to help you to get out. We want you to be strong and not give up your hope to be able to get out. There are many people here who want to help you.  
 R. Z. Yes, thank you.  
 W. Z. So, goodbye and shalom (peace to you).  
 R. Z. Shalom, and please give our regards to everybody. Please.  
 L. L. I shall give.  
 R. Z. Goodbye to you. L'hitraot (see you soon).  
 W. Z. L'hitraot (see you soon) b'Jerushalaim (Jerusalem).

R. Z. L'hitraot (see you soon) b'Jerushalaim (in Jerusalem).  
 L. L. L'hitraot.  
 S. L. Lev, we will be getting off now. May we see you and your family and your friends in Jerusalem soon.  
 L. L. Yes, yes, bashana hazot (in this year).  
 W. Z. Bashana haba'a (in the coming year).  
 L. L. Lo (no)—Bashana Hazot (in this year).  
 W. Z. Bashana hazot (in this year), nachon (true)?  
 L. L. Nachon (true), ken (yes)!  
 S. L. Beautiful, beautiful.

CONFERENCE OF THE AGING,  
 MADISON, IND.

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. HAMILTON. Mr. Speaker, I include the text of my speech to the Conference of the Aging given in Madison, Ind., Saturday, March 11, 1972:

THE CHARACTERISTICS OF THE ELDERLY

About 20 million Americans are 65 or older. They represent 10 percent of the nation's population. They are the fastest growing minority group in the nation. One quarter of them live below the poverty level, and yet, at the same time, they spend 60 billion dollars a year. They cast more ballots than any other minority group and, although they make up only 10 percent of the population, they accounted for 17 percent of the votes in 1970.

Reaching the age of 70 or 80 is becoming the norm these days, rather than the exception. Older Americans are better educated, healthier, more politically aware than ever before. They are developing some real political wallop with strong lobbying groups.

Despite their numbers, and their political importance, the problems of the elderly in the United States have largely escaped our notice.

Time magazine has said that there is a distinct discrimination against the old and it is called "ageism", or in its simplest form, "not wanting to have all those old people around." In the modern United States small family units are part of the life style, and, unlike primitive families, the elderly, are strangely isolated, shunted aside. The golden years become years of neglect, isolation, boredom, and despair.

But this shunting aside of the elderly, ignoring their problems, and discriminating against them is beginning to change. There are many indications of the change:

The two White House conferences on the aging.

The State and District follow up conference, like this one.

The legislation moving through the Congress.

The attention being given to the concerns of the elderly by the news media, private groups, and government.

But let me get directly to the point. I want to talk about the three major concerns of the elderly, at least as I understand them, and make specific suggestions on how to deal with them. Let me hasten to add that the elderly have other important concerns, too, but these three: income, health, and housing—seem to predominate.

THEIR PROBLEMS AND WHAT TO DO ABOUT THEM

1. Income: Central to all the concerns of the elderly is income. There is no substitute for income if people are to be free to exercise choices in their style of living, and if they are to lead decent and dignified lives.

One of every 4 older Americans (about 5 million people) fall below the poverty line, and the number is accelerating. If their incomes could be raised, many of their other problems, like housing, transportation and isolation, would be solved.

Their fixed incomes are devoured by spiraling property taxes (80 percent of them live in their own households) and other forms of inflation. More than 2 million of them live on that social security check, and nothing else.

As many of you know, I make the rounds of the Post Offices in the 9th District to meet constituents. I am constantly amazed at the number of elderly who live only on that social security check each month.

Inflation and taxes hit them especially hard. They often live on fixed incomes, pensions, social security benefits and the cost of many items, like medical services, which affect the elderly to a much greater degree than younger persons, have risen at a faster rate than other items. Taxes and especially property taxes keep going up, even as their income keeps coming down.

They are often locked out of employment opportunity and job discrimination is a fact of their lives. Although 40 percent of the long term unemployed in the country are over 45 years of age, only 10 percent of Federal retraining programs are devoted to men of that age, and only 4 percent are designed for those 55 and over. Older Americans are out of work and those who are working are earning from half to three-quarters less than younger workers.

Thousands of them have lost pensions which they thought they had earned.

It is difficult for the elderly to get bank loans, home mortgages, or automobile insurance.

We should do several things to deal with this most serious problem of older Americans:

1. The basic floor of income for older Americans should be established through the Social Security system and this floor should be at a level above the poverty level.

2. Social security benefits should be increased by 20% in 1972. The present legislation passed by the House, and pending in the Senate provides for a 5 percent increase, effective June 1972. Widows should receive benefits up to the level their deceased husbands would have received. (The ceiling is now 82.5 percent of the husband's benefits).

3. Recipients should be allowed to earn more money from wages without losing their benefits. The exempt amount of earnings should be increased to not less than \$3000 a year. The proposal now before the Senate, and already passed by the House increases the earnings limitation from \$1680 to \$2000.

4. Pension plans need special attention. According to one informed estimate, only 10 percent of the people who work under pension plans actually receive any benefits. Older people are often locked out of jobs because it is too expensive to let them join a pension plan.

5. Broader coverage of private pension plans should be encouraged with minimum standards enacted to insure receipt of benefits by workers and their survivors. We should also require fiduciary responsibility, minimum funding requirements and protection through reinsurance and other measures of the promised benefits.

6. Programs to provide jobs for the elderly should receive special attention. I am always impressed by the number of the elderly who want to be working and contributing.

A few small scale programs to provide jobs for the elderly have been successful. Operation Green Thumb hires retired farmers for landscaping and gardening. Green Thumb has done a marvelous job in Indiana. The International Executive Service Corps ar-

anged for retired executives to lend management skills to developing countries. Foster grandparents pay 4,000 low income grandparents to care for 8,000 under privileged youngsters. Many serve today in VISTA and the Peace Corps and have been enormously successful. One Peace Corps volunteer, 71 years of age, told me the people of the under-developed countries rank age very highly and when he met that kind of appreciative attitude, he outdid himself. I simply find it no longer socially acceptable or economically necessary that 5 million older Americans live in poverty.

2. Health—The other big worry for Americans is health: Health problems are compounded for older Americans. While they have about half the income of younger workers, they pay twice as much for health care. They are twice as likely to have chronic ailments requiring prolonged and expensive care.

Nursing homes which symbolize the neglect of older Americans have come under special criticism in recent months for unsanitary conditions, poor food, fire hazards, mis-appropriation of funds and conditions which degrade human dignity.

About 1 million of the elderly live in nursing homes. Some are nice, but most are not, and in many of them the food and care is atrocious. My colleague in the Congress, David Prior from Arkansas, recently visited twelve nursing homes in Washington. He said he found only two where he would be willing to put his mother, but that, even with his salary, he could not afford them.

The Federal government should not continue to pay vast sums to nursing homes which fall far short of meeting minimum standards of decency. Present federal regulations should be strictly enforced, and, if the standards are not met, then federal funds should be cut off.

Several steps should be taken to meet the health needs of older Americans:

1. We should eliminate the monthly premium for supplementary medical insurance in Medicare.

2. We should provide the complete range of health care services for the elderly under Medicare. Medicare should cover prescription drugs. That very matter is pending before the U.S. Senate now. I have joined with 114 other House Members to urge the Senate to approve it.

The care of eyes, ears, teeth and feet, eyeglass, hearing aids, dentures, should be covered by Medicare. The deductibles and co-payments should be eliminated.

3. Special attention should be given to research of the health problems of older Americans.

4. We must move vigorously to assure an adequate supply of health manpower and essential facilities for all Americans, not just older Americans.

An elderly man said to me the other day at one of my visits to the Post Offices, "We can send a man to the moon, a President to Peking, but we can't send an old man to a doctor."

5. More attention must be directed to the nutrition problems of the elderly. An estimated one third to one half of their health problems are related to nutrition. Recently the Congress approved legislation to establish a nutritional program for the elderly. This legislation will provide low cost nutritional meals served daily at social settings.

This bill is in the final stages of passage.

6. In addition, the elderly will benefit—and so will all Americans—from a stepped up program of medical research and treatment of heart, cancer, and stroke.

Behind all these specific proposals is a feeling that comprehensive health care for older people is a basic right, and a quality of life that is consistent with the invaluable contributions to this nation.

3. Housing: Another problem of older Americans that I hear much about is housing.

Approximately 6 million older Americans live in unsatisfactory housing. At least 120,000 federally assisted units are needed each year to overcome the present deficit in housing, but we are producing only about 37,000 each year, over the last 10 years.

Many of the 70 percent of the elderly who own their own home face swiftly rising property taxes and other costs on very limited retirement incomes and many of them lose their homes.

Quite candidly, this matter of housing is among the most difficult problems of the elderly. Several of our communities in Southern Indiana are making genuine efforts to deal with it, but I do not know of a single community in Southern Indiana which has adequate housing for the elderly.

I have introduced legislation aimed at easing the property tax burden of older Americans by providing a federal income tax credit to offset exploding state and local property taxes.

But more is needed than a tax credit, if we are to provide a safe and decent living environment for the elderly. We need a variety of living arrangements for the elderly, including:

New and rehabilitated housing, in large and small concentrations.

Independent living areas with recreational and activity programs within easy access.

Housing produced by public, private and non-profit agencies.

Congregate housing with food and personal service.

Facilities with medical and homemaker services.

Long term care facilities for the chronically ill.

Only one program has produced substantial number of decent homes at rates older persons can afford. Section 202 of the Housing Act, provides direct loans at nominal interest rates to non-profit sponsors of housing for the elderly. It requires special features relating to span, design, construction that are advantages to the elderly.

I am especially distressed that the Administration is phasing out this program.

At this point let me digress just a moment to mention the particular concern we should have for the rural elderly.

In doing so, I don't want to detract from the problems of the urban elderly.

A third of the nation's elderly live in the deteriorating center of our big cities. Anyone who has walked the streets of our big cities has seen the penniless widows plodding to their dingy single room hotels, frightened to death of alcoholics and dope addicts. One such woman told me that she gets so fearful and disgusted with her neighborhood that she is sleeping her life away. For these people the weekly trip to the grocery store becomes a perilous adventure.

About 40 percent of the elderly live in rural America.

They have even less than the urban elderly. One half of them are classified as poor.

Their health is not as good and they need more health care, and it is harder to get.

They have special and unique problems, which should be recognized and dealt with as part of our general concern for the elderly:

Transportation must be provided for them so that health, education, social and employment services are available to them.

Employment programs, like Green Thumb, need to be expanded.

Property taxes need to be reduced.

Home repair programs made available.

#### ATTITUDE TOWARD THE ELDERLY

Obviously, there are many things that we need to think about with regard to older Americans. I've only talked about three of the most important: Income, health, and

housing. I have not talked about employment, training opportunities, education, transportation, research and a variety of other matters.

But income, health and housing are the most fundamental—except for one other concern, and it is the most fundamental of all. And that is the attitude toward the elderly that still lingers in this country.

Above anything else, it seems to me, we need to get away from the callous notion that older Americans are nice, have done their part and should now be put on a shelf or sent to Florida or stashed away in an old age home. We must reject the idea that retirement is a status and view it instead as a gradual process, prepared for over a period of time. We must acknowledge, appreciate and use the important contributions the elderly can and do make.

Only with a fundamental reshaping of our attitudes toward the elderly will we really make the progress we want and the elderly deserve.

I want to see:

Our priorities reshaped to place human needs at the center of our concerns.

Young and old participating in the decision making process of this nation, serving on boards and commissions, and provided with the opportunity to be effective voices.

All people living and dying in dignity and avoiding pain and poverty.

Communities reaching out to provide decent, safe and hospitable environments for all people, entitling people to enrich the quality of their lives.

It is time to close. I think of so many images of the elderly from recent years.

The elderly couple who go to the restaurant and eat one meal between them—because they can't afford two.

The lady who could not afford 80 cents bus fare to go across town to visit her husband in a nursing home.

And another one who, after a lifetime of perfect church attendance, had no regular transportation to the Sunday morning service.

The couple who fear their home, which they own, has become too expensive for them because of spiraling property taxes.

The man who pays half his social security benefit for drugs each month.

These are the things I want to avoid. These things, when they come to my attention, make me say, "We can do better than that in America." I know we can, because I have seen:

Couples who have "retired" happily, satisfyingly.

Older people engaged with life. Not long ago I found a man in his eighties working on his vocabulary (I wish I could get my children to do it half so diligently).

People conserving and enjoying, not acquiring and exploiting.

People showing a concern for others, rather than a desire to control others.

And people who have the remarkable gift of being able to accept each day as a gift.

#### PRIORITY LEGISLATIVE GOALS OF THE VETERANS OF FOREIGN WARS

### HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Tuesday, March 14, 1972

Mr. THURMOND. Mr. President, on Monday, February 6, 1972, the Veterans of Foreign Wars presented their legislative program to the Senate Veterans' Affairs Committee. Mr. Joseph L. Vicités,

the commander in chief; Mr. Cooper Holt, director of the Washington office of VFW; and Mr. Francis Stover, legislative director, presided for the VFW with Mr. Vicités addressing the committee.

While other countries have suffered the devastation of war, the United States has never had to fight an invader on its home soil. Our wars were fought in foreign lands. Accordingly, the members of the VFW are the very soldiers who defended our country so well overseas.

The VFW has prepared a pamphlet setting out their priority goals for this year. These goals are extremely important ones which deserve serious consideration by Congress.

Mr. President, I ask unanimous consent that the pamphlet entitled "VFW Priority Goals" be printed in the Extensions of Remarks of the CONGRESSIONAL RECORD at the conclusion of my remarks.

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

#### VFW PRIORITY GOALS—LEGISLATIVE AND SECURITY FOR 1972

##### PREAMBLE LEGISLATIVE PROGRAM

Living veterans in America now total more than 28 million. Veterans, together with their families, comprise almost 100 million or about half of our population. Since the founding of our Republic, grateful Congresses have approved a most comprehensive program of veterans rights and benefits in recognition of the extra sacrifice in the national interest by wartime veterans. U.S. veterans programs are unmatched by any other nation in the world.

Nevertheless, the 1970s will be the crucial decade for the preservation and continuation of veterans programs. There are ominous signs on the horizon which lead to the inescapable conclusion that veterans programs are in mortal danger. Commander-in-Chief Joseph L. Vicités stated it this way in his acceptance speech when he assumed the office of Commander-in-Chief at the National Convention in Dallas, Texas, August 13-20, 1971 when he proclaimed:

"Veterans benefits will be our battle cry. Unless we put up a more productive effort to preserve and liberalize these benefits, the office of Management and Budget, together with the individuals and groups who have long opposed us, will eventually eliminate them."

There are other developments which make this year different from previous years. The Veterans of Foreign Wars has always adhered to the position that all veterans would be treated alike with respect to entitlement to veterans assistance and benefits. However, it is impossible to ignore that there are many older veterans in our society, especially the 1.5 million World War I veterans, whose average age is 76. At the other end of the ladder are the more than five million young or Vietnam veterans, many of whom are in their early 20s. While these veterans have shared common experiences and made an extra contribution in behalf of the nation by their service in the Armed Forces, their ages make their needs quite different and distinct. The Vietnam veteran is just starting out in life. He needs a certain kind of assistance, which is of little significance in helping the World War I veteran.

All World War I veterans have retired. They are most concerned with a generous and realistic pension which will provide adequate food, clothing, and shelter. That is why the Veterans of Foreign Wars, while continuing its best efforts for all veterans and their families, will be placing special emphasis on legislation which will help the

younger veteran to be quickly and successfully rehabilitated back into civilian life and the older veteran to enjoy a dignified and well-earned retirement.

VA hospital and medical care will continue to be a V.F.W. Priority Goal. National Cemeteries in every state to provide veterans with an opportunity to be buried in a National Cemetery reasonably close to his home is also of great concern to V.F.W. members.

Inflation has taken its toll on the more than six million veterans and their families who subsist in whole or in part on VA compensation or pension checks. These programs must keep up with spiraling inflation. Jobless veterans, both the older veteran who is out of work because of adjustments in the aerospace, defense, and similar industries and the younger Vietnam veteran who has no employment skills, are both of priority concern to the Veterans of Foreign Wars. We must find ways to have Federal assistance reach these veterans at the local level to provide them with jobs and job training which they so desperately need.

These and many other problems are expressed in hundreds of mandates approved by the delegates to our Dallas National Convention.

The following program is a representative list of the key problems and intense concerns which the Veterans of Foreign Wars believes are of critical importance and, hopefully, will be favorably resolved during this coming year by their approval by the Congress of the United States.

#### TO INSURE BEST HOSPITAL AND MEDICAL CARE

A. No reduction in average daily patient load in VA hospitals.

B. Eliminate pauper's oath requirement for admission to a VA hospital.

C. Immediate full resumption of long-range construction and modernization program to keep VA hospitals second to none.

D. Drug treatment and medical and employment rehabilitation by VA for all drug dependent veterans.

#### TO PREVENT VA HOSPITALS FROM BECOMING SECOND RATE OR BEING CLOSED

A. Oppose any merging of VA hospitals or facilities in proposed National Health Insurance Plan.

B. Operate Congressionally authorized 125,000 hospital beds.

C. Repeal existing law which requires the Veterans Administration to gain prior approval of the Office of Management and Budget before proceedings with any VA hospital or construction project.

D. Support legislation to provide that the establishment of new VA hospitals and medical facilities or substantial renovation, alteration or modernization of VA medical facilities may proceed when approved by House Committee on Veterans Affairs.

#### FOR DIGNITY AND SECURITY OF WORLD WAR I AND OLDER VETERANS

A. Minimum pension payment of at least \$125 a month for a veteran alone and \$150 a month for a married World War I veteran.

B. Both hospital and outpatient medical care for all medical needs of veterans 70 or older.

C. Presumption that older veterans are service connected for entitlement to drugs and medicines by VA.

D. Greatly expanded hometown nursing care for older veterans to prevent separation from their families and loved ones.

#### REVISION OF PENSION AND COMPENSATION PROGRAMS

A. Increased pension rates and income limitations to assure no veteran suffers loss of VA pension because of Social Security and equivalent increases in retirement income.

B. Cost of living increases for the millions of veterans and their families who receive disability compensation, pension and dependency and indemnity compensation payments from the Veterans Administration.

C. Dependency and indemnity compensation payments to widows of veterans who were 100% service connected disabled at the time of their death.

D. Continue the statutory award for veterans suffering from arrested tuberculosis.

E. Disregard income of wife in determining VA pension entitlement and adequate pensions for widows of veterans.

EXPANDED GI EDUCATION AND TRAINING BILL

A. Increased GI Bill assistance to include the cost of books, tuition and fees.

B. More funds for stepping up on-the-job training for the hundreds of thousands of unemployed veterans who do not want to go to college or desire institutional training.

C. Cost of living increase in GI Bill training rates.

D. Advance educational payment and increase entitlement to 48 months.

E. Restore educational benefits to World War II and Korean veterans who have not heretofore used full entitlement.

MORE MEANINGFUL ASSISTANCE FOR RETURNING VIETNAM VETERANS

A. Expanded contact and outreach program to insure that every Vietnam veteran knows of his veterans rights and benefits.

B. Complete support of a crash program to provide jobs for the hundreds of thousands of unemployed veterans.

C. More job training programs with extra emphasis on veterans with no civilian employment skills or experience.

D. Establish low cost life insurance program for Vietnam veterans similar to NSLI program for World War II and Korean veterans.

JOBS AND JOB SECURITY

A. Total support of President Nixon's Jobs for Veterans program and related programs which carry out the President's six-point program to obtain employment for veterans.

B. Urging the Department of Labor to provide preference for veterans in all employment programs, especially veterans without employment skills or job experience.

C. Adequate staff and funds for Veterans Employment Service of the Department of Labor.

NATIONAL CEMETERIES AND BURIAL ALLOWANCES

A. Transfer jurisdiction of national cemeteries to the Veterans Administration.

B. Increase veterans burial allowance to at least \$750.

C. Oppose annual recommendation of Office of Management and Budget to eliminate veterans burial allowance where veterans are also entitled to lump sum Social Security death benefits.

FOR IMPROVED PROGRAMS FOR MILITARY RETIREES AND THEIR FAMILIES

A. Eliminate present requirement that a military retiree must forfeit VA compensation payment to which he may be entitled if his military retired pay is a greater amount.

B. Support legislation to provide equitable survivor benefits for the military retiree who dies after he has retired from military service.

VETERANS PREFERENCE FOR VETERANS EMPLOYED BY ALL GOVERNMENT AGENCIES AND U.S. POSTAL SERVICE

A. Preserve and continue Veterans Preference for all veterans employed by the Federal Government.

B. Call upon the U.S. Postal Service to provide Veterans Preference to all veterans in the Postal Service, as provided in the Postal Reform Act of 1970.

RESTORE VETERANS DAY TO NOVEMBER 11  
The V.F.W. Priority—National Security and Foreign Affairs Program, for 1972.  
PREAMBLE—NATIONAL SECURITY AND FOREIGN AFFAIRS PROGRAM

The United States has always abided by an ethic which extends beyond the immediate, which has in its essence of being a purpose larger than our national comfort and safety. We must now and always strive, in cooperation with other nations, to defend this traditional ethic; attempting to establish an enduring structure of world peace. We must not allow the horrors that we have suffered in Vietnam to deter us from our dedication to international interaction and harmony. A lasting peace can only be achieved through a meaningful dialogue of all peoples.

We must view the Vietnam era of involvement as a valuable experience in our nation's maturation process, and discourage any efforts to isolate the philosophies and strength of the American way of life. We must encourage any efforts to deliberate the nature of peace and to seek out methods of insuring peace today and in the future. We must condemn as intolerable any views which are detrimental to the high standards set by American traditions, or to the efforts of individuals and countries to seek and insure worldwide peace.

The President of the United States speaks as the voice of our nation. U.S. Senators and Representatives, by word and deed, should support this fundamental concept of American democracy and not allow political opportunism to overshadow their inalienable right of dissent. There is very little value which can be attached to the vilifying comments of dissident officials. If what they truly desire is national unity and a responsible approach to ending international conflicts, they must realize that vituperative and derisive remarks about our President and our national policies do not offer the prompt and intelligent solutions we so desperately seek to these problems which are tearing our country apart. Protest is an essential aspect of democracy, but now is the time for more reasonable voices to be heard. A positive and more reasonable approach to solving our problems of disagreement cannot be found through emotionalism. Under these circumstances, those espousing a historical perspective are handicapped by a lack of media appeal. True solutions to our problems can only be found through national, as well as international, dialogue, through logic and through a constant reminder of our American heritage. We must speak as one nation once again, not because we are willing or able to ignore our weaknesses, but because we have a national realization of our great potential!

Is compassion natural in this world where the struggles of superior powers have become the predominate factors? Those who portray themselves as concerned and compassionate must understand that deeds necessarily confirm the intensity of words. Deeds must necessarily provide the American POWs now suffering in the prisons of Southeast Asia with a solace they so desperately need. Without the true compassion of deeds, those men will remain faceless in the annals of humanity. We cannot allow them to be lost in a sea of anonymity.

The Veterans of Foreign Wars of the United States believe in the principles and ethics which have made our nation great. We believe that a national adherence to these principles and ethics can bind the wounds which pain us now, and we pledge our support to them.

The question every American should ask himself is "Do I believe there is a real and dangerous threat to our National Security by a Communist Conspiracy?"

The Veterans of Foreign Wars, having answered that question by an unequivocal and resounding "Yes," herein sets forth our recommendations and goals to meet, repel and remove that threat.

NATIONAL SECURITY

The Veterans of Foreign Wars advocate peace through national strength by—

1. Requesting immediate strengthening of the Army, Navy, Civil Defense, Marines, National Guard, and Reserve Forces to insure the most effective, well-balanced fighting force in the world.

2. Requesting immediate appropriations and authorization for the development and construction of modern and effective bombers, fighters, missiles and of naval vessels, particularly aircraft carriers and submarines, with adequate support vessels to insure a first-class, effective fighting Air and Navy Force.

3. Immediate enlargement of an adequate and effective Merchant Marine.

4. Supporting and urging the appropriation of adequate funds for the research and development program for the continued improvement of weapons, missiles, and defense systems for all branches of the service.

5. Using every affirmative means of informing the public of the importance of a first-rate, adequate military posture and urging their support of same as the most effective maintenance of peace.

6. Military forces are to be committed only upon determination of a clear definition of military and political objectives to be secured; and once determined, all necessary military forces and equipment shall be available and utilized to insure a quick and certain victory.

FOREIGN AFFAIRS

1. Call upon the President of the United States to demand immediately of Hanoi an adherence to the principles of the Geneva Convention and to support all efforts throughout the world to attain humanitarian treatment for all prisoners of war; and that we will not withdraw our forces from Southeast Asia until a satisfactory resolution of the POW issue is resolved.

2. Encourage any discussion which would lead to eventual partnership of nations in the Pacific Basin and a self-determined structure of peace and equitable stability throughout Southeast Asia; support action deemed necessary to attain an honorable peace and hasten the return of American fighting men.

3. Support continuation of NATO with adequate military forces and urge European Nations to contribute to the common defense of Europe commensurate with their individual and collective security interests.

4. Urge the Government of the United States to honor its 1954 treaty commitment to defend the Republic of China on Taiwan from attack; we urge continued United States support of the Republic of China on Taiwan sovereignty and territorial integrity; and oppose the representation of the People's Republic of China in the United Nations unless there is some reversal in their present policies.

5. Urge and support an initiative of the Government and people of the United States in developing a program of hemispheric reconciliation, taking into consideration the common heritage of cultural, ethnic, and religious values of the Western Hemisphere.

6. Urge that the United States use its good offices to effectuate a negotiated peace in the Middle East and to that end, we support all efforts of the United States to provide an effective counterbalance to the Soviet influence in the Middle East and any and all efforts of parties who have the will and true desire to arrive at a lasting and equitable peace in the Middle East.

## MILITARY MANPOWER AND PERSONNEL

1. Support any efforts to revitalize the strength, spirit, and integrity of our military.
2. Advocate continued treatment and rehabilitation of servicemen identified as drug users by the Department of Defense and the Veterans' Administration.
3. Advocate extending the system of selective service to assure the military forces of our nation sufficient strength in the active services and in the reserves.
4. Encourage and support the participation of all qualified colleges and universities in ROTC programs.
5. Eliminate the technical difficulties of proving the offense of desertion from the armed forces, and oppose amnesty to military deserters.
6. Urge a vigorous effort to have benefits and privileges restored to retired military personnel equivalent to those of active duty military personnel.
7. Oppose removal of religious training and character guidance programs traditionally incorporated in the training and development of military leaders and insist on retention of Armed Forces Chaplaincy.

## ABORTION AND ALTERNATIVES

## HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. HOGAN. Mr. Speaker, abortion foes have long realized that simply opposing abortion is not enough—other courses of action must be proposed to solve the problems which abortion is supposed to solve.

A discussion of valid alternatives to abortion is presented in the last of six articles written by Mary Kay Williams for the N.C. News Service, and I insert that article into the RECORD:

## VI. ABORTION AND ALTERNATIVES (700)

(By Mary Kay Williams)

It is not enough to be against abortion. One must be for the things that will help to alleviate the reasons for abortion in the first place.

What must be kept in mind is that a woman seeking an abortion is acting to meet a crisis in her life. She deserves intensive consideration, acceptance, and professional attention.

Most abortions in this country are performed for "mental health reasons." Yet a previous article in this series showed that the unborn child has never been demonstrated to be the direct cause of any emotional disorder. Furthermore, where a mental condition was present before pregnancy, the pregnancy did not aggravate the condition.

What becomes clear, then, is that abortion for mental health reasons grossly ignores the very real underlying problems of the distressed pregnant woman.

Many of her problems may be financial—medical expenses; costs of an additional child in the family; supporting a child out of wedlock; specialized care for a handicapped child; need for a bigger house; the simpler but nevertheless urgent need for maternity clothes, baby supplies, special diets; the future considerations by working mothers of day-care provisions.

It is cheaper to have an abortion than to meet these needs—cheaper for both the pregnant mother and the public paypayer. But to meet these financial needs is to present a far more humanitarian solution to the problem.

One step is to support legislation and increased public and private support for:

1. Family allowance plan
2. Birth insurance
3. Acceptable means of family planning
4. Better housing
5. Families with disabled children
6. Poverty programs
7. Social supportive services

Supporting increased federal and municipal funding is one approach. It is important and serves not only the distressed pregnant woman, but the general populace as well.

A second approach is more personal, and supports the mother-to-be on an individual, a specialized basis. This approach is found in programs called Birthright, Alternatives to Abortion, New Life, and Life-Line. These programs are now operating in 60 cities across the country. There are that many more in the process of organization which hope to open later in the year.

The services of these programs may include: counseling; medical care; referrals to private homes, maternity homes, and adoption agencies; employment and financial assistance; programs for continuing high school and college; parenthood preparation classes; baby layettes and maternity wardrobes; professional counseling by psychologists or clergy. But in all cases, the premium is on unconditional friendship and compassion, with an awareness that human relationships are precious and all human life is sacred.

A special feature of these programs is their voluntariness. The effort has been spearheaded across the country generally by women who are themselves wives and mothers. They are not paid for their work. They are giving their best gifts—time and self.

The area of education offers many ways to achieve a greater acceptance and respect for the unborn child, a greater appreciation of parenthood, and an honest pro-child society.

Young children, as well as adults, need to be aware of the marvelous development of the fetus, and the recent discoveries concerning fetal life by the modern sciences of fetology, embryology, genetics, and biology. Logically, these discoveries should make the fetus more protectable than ever before. They should make the fetus far more than a "glob of tissues" in the minds of many.

One of the recommendations of the 1970 White House Conference on Children was the need to provide practical experiences within the school curriculum for adolescents to work with younger children. Their reasoning was: "American schools give only minimal attention to the one sphere of activity which almost all their graduates will share as adults—parenthood."

This recommendation was picked up by the Office of Child Development, which recently announced the initiating of a "parenting" course for adolescents which includes actual care of young Head Starters and children in day-care centers. Teen-age boys will be working with younger boys who have no father present in the home.

Experience with children and understanding the psychological changes in the body during pregnancy are two parts of parenthood education. But another part is often neglected—the psychological attitudes of the woman during pregnancy and at birth.

She must be helped to realize that it is normal to have feelings of anxiety, stress, and depression at some points during the pregnancy—and that these are not signs of pregnancy rejection or approaching mental illness. She must be helped to understand postpartum (after birth) feelings as well.

The husband is not excluded in this education of the psychological attitudes during pregnancy and at birth. For how he views the pregnancy and children is critical to the mother's acceptance.

There are alternatives to abortion—they are creative, positive, and equally responsive to the rights of women and the rights of unborn children. And in these times, it is encouraging that these alternatives are surfacing at last.

## RED CROSS IN DELAWARE

## HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Tuesday, March 14, 1972

Mr. BOGGS. Mr. President, this is Red Cross month in the United States, and I take this opportunity to draw attention to the marvelous work being done by the Delaware Chapter of the American National Red Cross.

Mr. Harry B. Bissell, Jr., is the chairman of the Delaware Chapter. I congratulate him and his many colleagues on the fine service they provide to Delawareans in distress. From offices in Wilmington, Dover, and Georgetown, Del., the Red Cross stands ready and anxious to serve those in need of help or instruction.

Serving the Nation's Armed Forces and veterans is one of the most important jobs undertaken by the Red Cross. During the past year a total of 1,553 servicemen, their families and veterans were assisted. The Delaware Chapter handled a total of 5,791 cases which included counseling and financial assistance of \$11,013.24.

The Delaware Chapter's service to military families provides 23-hour service every day of the year with the help of loyal volunteers. A total of 1,284 emergency messages were delivered. Ninety-nine families sent free "Voices from Home" messages, sponsored by the Red Cross, to all parts of the world.

During the year, the Red Cross provided relief for 535 adults and children in 113 disaster situations, mostly fires, in which families were unable to meet their human needs. The Red Cross gave outright grants for food, clothing, shelter, household essentials, and medical and nursing care amounting to \$34,167, doubling the previous year's total.

Working as a team and deeply concerned with helping people, 3,268 Delaware Red Cross volunteers reached out to meet human needs in the community during the past year.

A total of 8,331 Delawareans were awarded certificates in 1,538 free Red Cross swimming and life saving courses. Free water safety courses were held for school, industry, and labor groups; community and neighborhood associations and disadvantaged persons. More than 1,500 were enrolled in learn-to-swim courses. Two hundred and seven persons were awarded certificates for completing 34 courses in boating, conducted by 20 volunteer instructors. A total of 3,434 Delawareans were awarded certificates for completing first aid training in 191 courses. Emergency treatment for persons suffering from drug abuse is now part of first aid courses.

Nursing programs certified 802 adults and students in 51 free courses in home nursing, mother and baby care, disaster

nursing, and mother's aide. These were conducted in schools, for neighborhood and civic groups and at the Wilmington Medical Center. A total of 135 registered nurses and eight licensed practical nurses were enrolled for disaster duty and community service. Volunteer nurses served in the Red Cross first aid stations at 40 public events.

During the past year, adult and youth volunteers served in 37 hospitals and institutions throughout the State.

Seventy-three motor service volunteers in the Wilmington area and Kent County made 3,969 trips to hospitals and clinics, transporting patients on errands of mercy.

A total of 964 young people in 44 schools and four colleges participated in a wide range of humanitarian projects. A total of 716 teenagers served during the summer as volunteers in hospitals and institutions.

Mr. President, this is a record of rare accomplishment. I commend the Red Cross on its good work and congratulate each of the thousands of people who have contributed to it.

#### THE CRISIS IN NORTHERN IRELAND

### HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. DRINAN. Mr. Speaker, I have today made the following statement to the Committee on Foreign Affairs, Subcommittee on Europe, with respect to legislation which I and many of our colleagues have sponsored regarding the crisis in Northern Ireland:

#### THE CRISIS IN NORTHERN IRELAND

Mr. Chairman and Members of the Subcommittee: Thank you for providing me this opportunity to testify on behalf of the resolutions before you which seek to express our concern about the tragic situation in Northern Ireland. I am the sponsor of one of these resolutions, H. Res. 803, which is identical to Representative Hugh Carey's H. Res. 653.

I commend this Subcommittee for holding these hearings. Your involvement is itself an important step in demonstrating to the world that the United States of America will not ignore the deprivation of the civil and political rights of any minority anywhere in the world when those rights are systematically threatened. We all realize that we should not and cannot physically intervene in the internal affairs of another country; we have tried to do so before, with dismal results. Nevertheless, our common morality compels us to exercise such powers of persuasion as we possess whenever minority rights are jeopardized.

If we can agree on one thing, it is that the problem of Northern Ireland defies simple solution—a truism in light of the 600 to 700 years this conflict has existed. If the United States truly wishes to exert its influence in restoring peace to the Six Counties, then it must realize from the outset that its task is not to assess blame or point fingers or take sides. Rather, its task is conciliatory. We are dealing with two of America's oldest and staunchest allies with whom we have the closest cultural ties. Only in an atmosphere of conciliation and mutual friendship can the United States play a significant role in

reducing the potential for violence in Northern Ireland.

In the past several years, more than 200 lives have been lost in Northern Ireland and millions of dollars of property damage has been done. What, we may ask, are the basic sources of friction in Northern Ireland great enough to cause such massive destruction of life and property? In my judgment, there are three sources, one immediate and two longer-range. The immediate source of conflict is the Stormont government's internment policy, first instituted in August, 1971. Internment is, in Representative Carey's well-chosen words, "a classic act of international illegality." Few things are as abhorrent to the Anglo-American legal system than the notion of imprisoning people without the prospect of trial or detaining them merely because they might commit a crime. And in Northern Ireland internment takes a particularly vicious form based on the Special Powers Act of 1922 in force in Northern Ireland and nowhere else in the United Kingdom, an Act which the Prime Minister of South Africa openly admires because it is stronger than his own racist version.

Conditions at the three internment camps in Northern Ireland are unspeakably bad. The prisoners—over 90 percent of them Catholic—are regularly beaten, intimidated and humiliated. As Amnesty International, a world investigating organization with headquarters in London, concluded in its judicious report on the internment camps:

"These men generally were not severely brutalized (if a comparative standard can be employed to measure such dehumanizing activity) but they were subjected to calculated cruelties, imposed on them solely for the entertainment of their captors. The beatings and verbal abuse in these areas were clearly of such an unsophisticated type that it cannot be supposed that they were employed to ease the future extortion of information from the detainees. Rather, it served as a summary punishment for being suspect."

Nothing in the past few months has exacerbated the tension or been responsible for bloodshed more directly than the internment policy. Any American effort to reduce tensions in Northern Ireland must begin with a deliberate denunciation of this violent policy.

The second source of friction in Northern Ireland is the blatant economic and residential discrimination perpetrated by the Protestant majority against the Catholic minority. Nothing is more indicative of this discrimination than the astonishing case of the government-owned Harlan and Wolfe Shipyard in Belfast, the largest government-operated business in the whole of Northern Ireland. Of its 9,000 employees, 8,700 are Protestant.

As journalist Brian Moore wrote upon his return to Belfast last year, "there is something old and rotten still alive here: there are not enough jobs to go around, and religious issues help to mask the truth, which is, in large part, that this Ulster is the backward fief of a Conservative oligarchy, a group which makes up only 9 percent of the population yet owns 92 percent of the land." Whether religious persecution originally caused economic discrimination or *vice versa* is for our purposes unimportant; what matters is recognizing that Catholics in Northern Ireland must face economic discrimination of a type which is brutal and pervasive. Such discrimination must be terminated if peace is to be restored.

The third source of friction in Northern Ireland is the total political dominance of the majority over the minority. Gerrymandered election districts prevent Catholics from achieving local political control even in areas where they are a majority. The 52 members of the Lower Chamber at Stormont

are also elected from distorted districts, depriving the Catholic population of the representation to which their numbers entitle them. Compounding this inequity, the Upper Chamber is appointed by the Lower, which only serves to reinforce the injustice of the electoral system.

Proposals for peace in Northern Ireland, therefore, must include among their provisions the abolition of the Stormont government and either direct rule from the British Parliament at Westminster or massive reform of existing constitutional and political arrangements. No government which dedicates itself to the suppression of the Catholic minority, as the Stormont government has, deserves to remain in power in Northern Ireland.

Our efforts at peacemaking, however, must not be limited only to encouraging reform in the foregoing areas. We must also urge immediate implementation of the reforms in housing, employment, law enforcement and voting rights which the government of the United Kingdom has promised for four years. Had those reforms been effected in 1968 when they were originally proposed and passed by Westminster, a great deal of needless bloodshed would have been avoided.

We must urge the withdrawal of British troops from Northern Ireland, to be gradually replaced by local peacekeeping forces or United Nations forces. As the events of "Bloody Sunday" recently made clear, the presence of British troops in Catholic ghettos only serves to focus resentment. After our experience here in America, one can legitimately wonder whether military forces will ever be able to deal successfully with civilian unrest. They certainly have not in Northern Ireland, where their presence is directly responsible for much of the loss of lives.

A very strong case can be made for United Nations intervention. The U.N. has involved itself several times in the internal affairs of nations, the most obvious cases being its investigation of apartheid in South Africa and its action during the Cyprus crisis in 1964.

The intervention in Cyprus, in fact, suggests many parallels with Northern Ireland. Critics of U.N. involvement in Northern Ireland have stated that the Security Council does not have power to intervene unless a crisis poses a definite threat to international peace—which, they argue, the fighting in Northern Ireland does not. But the preamble of the Security Council's resolution in 1964 refers to the situation in Cyprus as "likely to threaten international peace and security," without alluding to any imminent threat.

Other critics have argued that under Article 2(7) of the United Nations Charter, the U.N. may not properly concern itself with "matters which are essentially within the domestic jurisdiction of any state." Again, the parallel with Cyprus is striking, because in 1964 it was Britain itself which requested U.N. intervention, arguing that—

"Article 56 of the Charter makes it clear that no country can say that the human rights of its citizens are an exclusively domestic matter. A country that denies its citizens the basic human rights is by virtue of Article 56 in breach of an international obligation."

The U.N. could play a positive peace-keeping role in Northern Ireland just as it did in Cyprus, and its reasons for intervening are every bit as good now as they were eight years ago.

And finally, we as Americans must urge the eventual unification of Ireland. The partition of 1920, now more than 50 years old, was designed as a temporary measure. Historically, geographically and economically, Ireland is one nation, and peace ultimately depends upon its being made one nation again. Here, perhaps, is where America can most directly help, by extending any diplomatic aid necessary to bring the interested parties to the con-

ference table and by serving as an impartial mediator as the details of reunification are negotiated.

House Resolution 803 and the other resolutions which resemble it express the United States Government's deep concern over the present situation in Northern Ireland. These resolutions do not urge American intervention, nor do they embroil the United States in the internal affairs of another nation. They express our moral concern over the violence and bloodshed in Northern Ireland. As Subcommittee Chairman Rosenthal so eloquently said in his opening remarks:

"The burden of finding solutions to these problems rests primarily on the countries involved. Yet no man of conscience can rest easy with that assertion. And no country can subsist any longer behind the fiction that the nation-state system allows or demands that injustices can continue simply because they occur wholly within national borders."

I am particularly disturbed by the Administration's attitude expressed by Assistant Secretary of State Martin Hillenbrand that "we should (not) make declarations which in effect substitute our judgment for that of other democratic countries as to whether they do or do not face conditions of civil conflict which cannot be controlled by ordinary judicial processes." I submit that we should indeed make such declarations and that we are morally committed to do so when blatant civil injustices are being committed on such a scale as this.

William Butler Yeats once wrote of men under crisis that "The best lack all conviction, while the worst/Are full of passionate intensity." Mr. Chairman, we are dealing with one of the oldest, most persistent struggles in the western world, and we delude ourselves if we think the solution is easy or apparent. However, we must strike a balance between doing too much and doing nothing. We must express our outrage and do everything within our power to help; but we must retain the dispassion which we as outsiders can contribute to a possible solution.

#### GREEK PARTICIPATION IN THE AMERICAN REVOLUTION

### HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES  
Tuesday, March 14, 1972

Mr. BYRD of Virginia. Mr. President, the splendid and able sheriff of the city of Richmond, Va. is president of the National Sheriff's Association. The February-March issue of the *The National Sheriff* contains a most interesting article written by Mr. Young, dealing with the bicentennial celebration and the part played in the Revolution by those of Greek ancestry.

We have a splendid Greek-American community in Virginia. They are numbered among our finest citizens.

I ask unanimous consent that Sheriff Young's article be printed in the *Extensions of Remarks*.

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

#### PRESIDENT YOUNG SAYS...

As the bi-centennial celebration of the American Revolution approaches, our thoughts turn to the past as we prepare for the future. And fitting this is, because, as is carved on the Archives Building of the United States in Washington, D.C., "What Is Past Is Prologue."

When we consider our nation's heritage of individual liberties and freedom, we would do well to think of the patriots who left us this priceless heritage and to consider the origin of the ideas and ideals embodied in our governmental structure. The very words, e.g., Republic, democracy, citizen, politics, philosophy, etc., have their origin in antiquity.

As we trace these words, these concepts, back to their source, we inevitably must find our steps taking us to the birthplace of logical thought, the city-states of Hellenic. It was there that philosophy was born. It was there that man became concerned with causes and effects, with the abstract ideals of justice, with the practical concept of equitable government, with human dignity, with the relationship of man and God, with man and the state, etc.

Our Founding Fathers were devoted students of Tellenic thought and were thoroughly familiar with such philosophers and political scientists as Plato, Aristotle, and Protagoras. They read avidly the works of such historians as Thucydides and Herodotus. They knew the writings of Homer and Plutarch. They sought to emulate the oratory of Demosthenes and the statesmanship of Pericles. In short, the ideas and ideals upon which America was founded came largely from Hellenistic culture as did the words which describe them.

Interestingly, too, documents recently unearthed disclose that a contingent of warriors from Zante, Greece, sailed to the New World during the American Revolution to help Americans in our War of Independence. Among the noblemen abroad was one Major Michael Vourtzi: who served in the Continental Army as an aide of General Lafayette.

A direct lineal descendant of Major Vourtzi, His Most Eminent Highness, Brigadier General Pericles Count Voultsos Vourtzi, now makes his home in New York, and is continuing the fight for individual freedom, an ordered and lawful government, and the brotherhood of man under the fatherhood of God. Dr. Voultsos is Prince Grand Master of the Sovereign Greek Order of St. Dennis of Zante, one of the most ancient, if not the most ancient chivalric group in world history.

As loyal Americans and as defenders of our government of laws, we, as professional law enforcement administrators and practitioners, cannot help but be interested in this order of Knighthood. Although at first glance it may appear anachronistic in Twentieth Century America, it most definitely is not. United States Presidents Hoover, Roosevelt, Truman, Eisenhower, Kennedy, and Nixon, as well as Vice-President Agnew, have been decorated with the Order and are included in the roster of famous Americans wearing this historic decoration, along with many Senators, Congressmen, Governors, Generals, and Admirals.

The origin of the Order holds great interest to anyone concerned with the progress of civilized thought. The beginnings of the Order are ascribed to adventurous Zakynthian knights who joined Jason and his Argonauts in 1207 B.C., under the leadership of Laertes, the first grand master, in his quest for the golden fleece.

According to Homer, their descendants aided Ulysses in the Trojan War, with men and twelve ships. Strabo, Titus Libius, Apollodorus, and Polyvius write of the founding of Saguntum in Spain by their warriors, after the destruction of Troy by Hannibal in 218 B.C. Herodotus speaks of the high esteem that the Knights of Zante enjoyed at the Court of Darius. Thucydides extols them for their participation in the Peloponnesian War as allies of Athens. Xenophon records their feats under Phalinius, then grand master of the knightly order.

The Order continued to fight for freedom

and human dignity through the centuries. The Knights of Zante fought in the First Crusade under Favius Segur. This was but one example of the continuing warfare waged by the Knights of Zante throughout the centuries. There is virtually no battle which took place during the centuries in which the Knights of Zante did not take an important and decisive role.

After the fall of Rhodes, the Vourtzi family, a Patrician Byzantine family, which had often contested the throne of the Empire itself, settled in Zante in the Sixteenth Century. The Knights proclaimed as their only purpose the benevolent teachings of St. Dionysios (Dennis): love of fellowman, battling want, alleviating misery, and mitigating need. The order's ancient motto, "Faith—Courage," epitomizes its dedication to these principles.

Dr. Voultsos, present Prince Grand Master of the Order, although a descendant of one of the oldest and noblest families of Zante, is an American citizen and has devoted his life to those principles which we all hold dear.

As Americans, as lawmen, as seekers after truth and lovers of liberty, as fighters for justice, we must pay homage to Dr. Voultsos, the Sovereign Greek Order of Saint Dennis of Zante, and their many contributions to the welfare of our nation, our nation's existence, and to our profession as participants in American criminal justice.

Let each of us remember that our nation could not have succeeded, if it were not for help from such dedicated humanitarians as Lafayette, Kosciuszko, and von Steuben. To that list of names should be added that of Vourtzi.

Democracy derives from the Greek words *demos*, the people, and *kratos*, authority. May all authority in America continue to come from the people! May this condition exist so long as one person believes in human dignity and the United States of America!

#### A LETTER FROM A CONCERNED PARENT

### HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES  
Tuesday, March 14, 1972

Mr. HALL. Mr. Speaker, last week I received a letter from Mr. Fred W. Frye, who resides in Lockwood, Mo. It was in fact, an open letter to the Members of the Congress.

Mr. Frye is a veteran of World War II, and the father of a badly wounded Vietnam veteran. He has set down his thoughts on the question of granting amnesty to those Americans who left this Nation rather than serve in its Armed Forces during the Vietnam conflict.

I offer his letter for the enlightenment of all:

#### A CONCERNED PARENT

An open letter to all Members of the U.S. Senate and House of Representatives:

I am indeed ashamed and not a little angry when I think that I probably helped elect some of you to your present seat in government, when I read and hear that some of you propose "amnesty" for the more than 70 thousand "deserters" and "draft dodgers" of the Vietnam War. Am I and the rest of the people of our great nation to believe that some of you are advocating the "breaking" of our national laws and that those who do are the smart and sophisticated, while the hundreds of thousands who "served" are fools.



I, and thousands like me are not arguing whether the Vietnam War is *right* or *wrong*. I venture to say that 90 percent of our young men who served, *did not* believe in the Vietnam War, but when their country called them they honored their obligation to their country *right* or *wrong*. They did not make the decision to fight in Vietnam, *you did*. Are you going to make an *unforgivable* mockery of the 55,000 who died and the hundreds of thousands who were wounded and of our War Prisoners for doing something you demanded according to law they accept, by allowing the deserters and draft dodgers to go free? Am I to believe that some of you are so eager to be re-elected or to preserve your office that you cast aside *all responsibility* and say to me "It is unfortunate, but this is the way The Ball of Life Bounces."

Some of you have referred to these 70,000 as "the war's other victims." If they were really "conscientious objectors" they could have served their country honorably without "bearing arms." They were able in previous conflicts, why not now. They made the choice to run away and desert their country, why do some of you seem to think we need them so badly now! Is it because you have a political axe to grind?

Some of you are saying "they have already paid a high price in exile or hiding." I admonish you, who has paid the highest price, *they* or the 55,000 who died and their loved ones who ask why? *They* or the many thousands more who were wounded so badly that they must spend the rest of their lives as "vegetables" and their loved ones who must suffer the long years ahead hoping for a miracle. Who do you really think Mr. Congressman has suffered the most "Hell?"

I can not really believe that the majority of you are so *irresponsible* that you would let this atrocious injustice happen. But if you do, heaven help you, because if this nation of ours ever has to call our young men to bear arms again on foreign soil against a common enemy—not one will respond.

FRED W. FRYE.

A veteran of World War II and father of a badly wounded Vietnam veteran.

MICKEY NAIL'S BOOKLET GUIDES  
BARGAIN HUNTERS

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mrs. GRASSO. Mr. Speaker, Mickey Nail, a homemaker from the town of Brookfield in Connecticut's Sixth Congressional District, has made life a little easier during this time of the shrinking food dollar. Benjamin Franklin, as "poor Richard", espoused virtues of hard work and thrift—virtues Mrs. Nail knows fully well. For the past 6 months, she has worked hard to publish a guide of our area's wholesale merchandisers for thrift-minded patrons. The initiative, diligence, indeed the important contribution Mrs. Nail has made to her community, are to be highly commended. For the interest of my colleagues, I insert in the RECORD an article from the Brookfield Journal which further explains this worthy endeavor:

MICKEY NAIL'S BOOKLET GUIDES BARGAIN  
HUNTERS

(By Jean Beers)

Chances are if you ever wished you knew all the factory outlets and discount stores in reasonable driving distance from Brookfield,

you discarded the wish as impossible of attainment. After all, how could you ever find them out?

One homemaker—a newcomer to Brookfield from Yakima, Washington—decided she would find out, and she did. But it wasn't easy.

Mrs. Douglas Nail, soon after moving to Cherokee Drive, Brookfield Center, with her husband and their two small children 18 months ago, began to notice and hear about certain stores where high quality items were available at reduced prices. On the west coast, where the family had lived in several different locations for a period of twelve years, she had not seen such outlets. Feeling there must be more of these places around the state and in nearby New York and New Jersey, and that some must be better than others, she determined to find out.

So Mickey, as she is called, set herself the task of not only locating such sources but of making a record of her findings. She has published a neat, 32-page booklet, called "Factory Outlet Almanac" for Connecticut which can be purchased for \$1.50. It is available by mail for 25 cents extra for handling charge.

The booklet contains no advertising. Comments under the listings are the opinions of Mrs. Nail alone. Sub-titled "A handy guide to outlet shopping", it is just that.

Mrs. Nail promises there will be follow-up newsletters every four months (subscription \$1 a year). Correspondence should be addressed to Factory Outlet Almanac, R.R. 1, Cherokee Drive, Brookfield Center, Conn. 06805.

In order to accomplish this seeming miracle, Mickey traveled the state and nearby areas for six months, visiting over a hundred places, and gathering information. Her booklet lists over 90 locations.

A page of practical shopping tips and things to watch out for is included as well as a cross index of locations and types of merchandise.

Mickey graduated from high school in Wilmington, Del. The nickname is derived from her maiden name of Susan McLain. After one year at Northwestern University, Evanston, Ill., she was married to Douglas Nail.

Her husband is advertising manager of Ciba-Geiger in White Plains, N.Y. The couple's children are Gretchen, 8, and Brian, 4. Mr. and Mrs. Nail are tennis enthusiasts and have played at the Candlewood Racquet Club since coming to Brookfield.

THE 60TH ANNIVERSARY OF THE  
GIRL SCOUTS OF THE UNITED  
STATES OF AMERICA

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. FISH. Mr. Speaker, this week we celebrate the 60th year of the Girl Scouts of America. This outstanding organization which has provided a forum for the social, moral, and intellectual growth of millions of girls, currently serves a total membership of over 3.9 million. Recently, I was proud to join with 78 of my colleagues in the Congress, as a cosponsor of a resolution commemorating this anniversary. The resolution unanimously passed the House on March 6, 1972. I insert in the RECORD at this point the text of an editorial that recently appeared in the Millbrook Roundtable, N.Y., which

pays recognition to the unique and valuable contributions made by the Girl Scouts to our Nation:

AS WE SEE IT—80TH ANNIVERSARY

Girl Scout Week, to be commemorated March 12-18, marks the 60th Anniversary of Girl Scouts of the U.S.A.

The purpose of the Girl Scouts' organization remains unchanged from the day it was founded by Juliette Gordon Low in 1912: it seeks to inspire girls with the highest ideals of character, conduct, patriotism and service so that they may become happy and resourceful citizens.

Membership is open to all girls from 7 through 17 years of age who accept the Girl Scout Promise and Laws. The total membership is now nearly four million. This includes 3,250,000 girls and 670,000 adults. Since 1912 there have been almost 32 million members (25 million girls and 7 million adults) in the Girl Scout organization. The adult members serve as leaders, program consultants or as members of boards of directors, finance committees, camp committees, troop committees or in other positions of voluntary leadership.

This newspaper wishes to remind the public that here is a group of nearly four million citizens embodying the highest qualities of character and idealism. They represent the homemakers and community leaders that will have much to do with shaping tomorrow's America.

The girls in our area have taken on many commendable fund-raising projects, including trying to raise enough Betty Crocker Coupons to buy an EKG for the county. And between March 10 and 19, the Girl Scouts of the area will once again be selling cookies to raise money for their troop's activities.

We congratulate the Girl Scouts on their 60th birthday and commend them for the fine job they have done for the nation's youth.

CHICAGO CITY COUNCIL URGES  
CONGRESS TO ENACT EFFECTIVE  
HANDGUN CONTROL

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. MIKVA. Mr. Speaker, the toll continues to rise in terms of people wounded and killed as a result of the easy availability of handguns in America. As the number of Americans who arm themselves to protect against other armed Americans continues to grow, Congress fiddles like a modern day Nero.

Fortunately, there are some signs of sanity in the offing. The message is finally getting through to the elected representatives of the people, that in a congested urban society such as ours the handgun is a dangerous toy. The cost in lives and misery is too great to permit us to cater to the hobbies and fetishes of a few pistol enthusiasts.

Recently, the Chicago City Council adopted a resolution memorializing Congress to prohibit the manufacture, sale, and ownership of handguns, except for military or law enforcement purposes, or in connection with licensed sport clubs.

The time is approaching when legislators will translate their vocal concern about reducing the incidence and the cost of crime in the streets into action which will have a real impact on crime—through strict handgun control.

I urge my colleagues to heed the call of the Chicago City Council, as voiced in the following resolution:

**RESOLUTION MEMORIALIZING CONGRESS TO OUT-LAW HANDGUNS AND LONG GUNS BY ENACTING S. 2815**

Be it resolved by the City Council of the City of Chicago:

The City of Chicago urgently memorializes the Congress of the United States to meet a national emergency by enacting S. 2815, which prohibits the ownership and manufacture of hand guns by all persons (except the Armed Forces, law enforcement officials, and, as authorized by the Secretary of the Treasury, licensed importers, licensed manufacturers, dealers, antique collectors, and pistol clubs).

Be it further resolved by the City Council of the City of Chicago:

The City of Chicago urgently memorializes the Congress of the United States to draft legislation or amend S. 2815 to establish strict requirements for the use and ownership of long guns, as well as hand guns.

**THE DESTINY OF MANKIND LIES IN THE SEA**

**HON. HASTINGS KEITH**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. KEITH. Mr. Speaker, on Wednesday, March 8, the Boston Herald Traveler devoted an eight-page special section to the oceans. This excellent work made clear man's dependency upon the oceans, his abuse of the oceans, and what man must do to correct that abuse if man, himself, is to survive.

As a Member of Congress, long publicly concerned with this growing problem, I congratulate the Herald Traveler for the distinct public service reflected in this report. And I cannot say enough for the man directly responsible for it, James Mahony, the Herald Traveler staff writer under whose byline this special section appeared.

A veteran Boston newspaperman, Mr. Mahony, over the years, has researched and written about 75 Herald Traveler special sections. They have ranged from the American Revolution to modern-day pollution. All of them have been incisive and informative. But none has served a greater public need to know than this outstanding work on the oceans which, today, are in more serious trouble than the average man can begin to understand.

Because this work deserves the widest possible circulation and readership—certainly within the Congress—I shall, beginning today, enter it in the RECORD, section by section, for the next several days.

I commend this to the attention, study, and consideration of all of my colleagues. For, as Mr. Mahony makes clear in his opening line: "The destiny of mankind lies in the sea."

The first article follows:

**OCEAN FILLED WITH VAST RESOURCES—SEA KEY TO OUR DESTINY, BUT WE ARE SPOILING IT**

(By James Mahony)

The destiny of mankind lies in the sea. Life came from the sea, is sustained by

the sea and can be improved by the sea—unless we ruin it with pollution first.

It hardly seems possible that the oceans, which cover 70 per cent of the earth's surface, could be destroyed by man, but it is happening.

Oceanographers can't take samples of water anywhere without finding traces of oil. DDT has been found in seals and penguins in the Antarctic, and bacteria associated only with human waste were found in bottom samples taken from the deep Hudson Canyon 110 miles off the Atlantic Coast.

The ocean is filled with vast resources, with tremendous potential for a better life on earth, but it also is getting filled with man's waste.

All pollution, whether of air, land or fresh water ends eventually in the sea. And the sea apparently can't absorb or handle it all.

Any idea that the ocean is too vast to be damaged came to an end in March of 1967 when the Tanker Torrey Canyon cracked up on a reef off England and spilled 36 million gallons of crude oil into the water.

It took \$5 million to clean up the mess and, as yet, no one has been able to assess the loss in sea and shore life.

Thousands upon thousands of birds, unable to fly because of oil-fouled feathers, died along the shores of England and France.

The slick spread over 100 square miles of ocean, polluting shellfish and threatening disaster to sea-borne plant and animal life.

Though only the catastrophic oil spills get the headlines, the pollution is going on every day. And it is not just oil. It is sewage from cities, pesticides washed from farms, chemicals from industrial plants—all carrying their lethal qualities to the ocean.

Man's waste can change environmental conditions, interfere with the chain of life and deprive the world of resources that could be of untold value.

Shellfish, for instance, can not cleanse themselves of oil once they are contaminated. They not only are polluted, but they spread the pollution to any creature that eats them.

The mercury pollution reported in tuna or other large fish comes from ingesting smaller creatures who have swallowed and concentrated the contaminants—and they eventually get back to man.

It is only recently that man has begun to realize that the earth's life support system is delicately balanced, that "everything is connected to everything else," that he is part of the system, not master of it.

He has been able to upset the balance of nature and now must learn to live in harmony with it before the damage he has done returns to haunt him.

To that end the United States government has scores of agencies working under the Marine Resources and Engineering Development Act to advance and coordinate the sciences and technology of the oceans.

There also are at least 1,000 private U.S. companies engaged in oceanography as well as numerous educational institutions.

One of the best known of these is the Woods Hole Oceanographic Institution at Woods Hole, Mass., which first opened in 1931 dedicated to the "wise use of the oceans for all mankind."

This includes, besides the fight against pollution, a major effort to use the seas more efficiently as a source of food, the mining of metals, the saving of beaches from erosion, the study of the seas' effects on weather, the production of fresh water from salt, and the study of the earth's history from layers of sediment.

It is possibly in the area of food that the oceans hold the most hope for the future of the world's ever-expanding population. For seawater is the most common substance on earth and also the most life nourishing.

It is a liquid soil and liquid atmosphere at the same time, filled with animal and plant life that could feed all the world's starving millions.

But a deeper understanding of the seas is required to reap and regulate the harvest. Over-fishing and pollution must be overcome in some areas, better methods of catching fish must be developed, and ways found to use the prime source of ocean life, the plankton.

In all these fields, the rewards await those who work with nature, not corrupt it.

Lobsters, for instance, were so heavily fished that they came close to extinction before strict conservation measures were applied. Yet at one time they were so common that early settlers could pick them up on the beaches after a storm to use for fertilizer.

Now trawlers go 75 to 150 miles out on the Continental Shelf to meet the demand, which may yet require the establishment of lobster colonies. This is in addition to the traditional method of fishing for lobster via traps, a method which yields fewer lobsters than ever before.

There are ideas for fish colonies or "farms", too, as heavy fishing has cut deeply into the schools on the banks off North America and in the North Sea.

The problem is not that there aren't enough fish in the ocean. The problem is more economic. Fishermen seek the fastest, cheapest way to catch fish and new developments like echo-sounders have helped find the best places.

As techniques improve, the size of the catch should increase, with less overfishing because the vessels can spread out and tap new waters.

Improvement in technique also will open up the mining of mineral resources in the ocean, with oil the major goal along most coasts.

Under International Law, the United States and other coastal nations have "sovereign rights for the purpose of exploring the Continental Shelf and exploiting its natural resources. The Geneva Convention on the Continental Shelf thus gave the U.S. mineral rights in 930,000 square miles of underwater land, an area larger than that acquired by the Louisiana Purchase.

The shelf consists of the relatively shallow margins of the ocean, averaging about 42 miles, which slope fairly gently to an average depth of 430 feet. The shelf ends where the bottom drops off precipitously to the deep-sea floor.

There is off-shore drilling off the Pacific Coast and in the Gulf of Mexico, but the federal government has held up leasing any Atlantic site pending a "complete public disclosure and evaluation of scientific, environmental, economic and technological data."

Rogers C. B. Morton, secretary of the interior, notified Atlantic Coast governors in January that scientific and technical information available to the department "suggests that certain target areas . . . merit our attention for future exploratory drilling in search of new reserves.

"These areas are well offshore but nevertheless are in moderate depths of water that are within the capability of modern technology."

If these are developed and begin producing, they will place a source of oil within 200 miles of some of the nation's largest cities.

Such a development could reduce prices in the northeast as well as add to the nation's resources, but under new regulations such work must be done "in keeping with maximum environmental protection."

After thousands of years, man is beginning to think of nature and his surroundings before he acts.

He is learning that "everything is connected to everything else."

PROFILES OF YOUTH

**HON. WILLIAM H. NATCHER**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. NATCHER. Mr. Speaker, on June 11, 27 years ago the National Future Homemakers of America was founded to help people improve their personal, family, and community living. "Profiles of Youth," the theme of this year's National Future Homemakers Week, March 19 through 25, reflects the confidence and trust placed in the ability of FHA members to fulfill America's destiny. The eight sides of the official emblem of the FHA represent the goals for which its members strive: international goodwill; democracy in home and community life; satisfaction of homemaking; improved home and family life; creative leadership; group recreation; home economics careers and occupations; forming the philosophic base for the national, State, and chapter programs of work.

Over one-half million boys and girls from the United States, Puerto Rico, the Virgin Islands, and American schools overseas actively participate in the many worthwhile programs of the FHA. Any student who has taken or is currently taking a course in home economics may volunteer for membership in either of the two types of chapters. He may join an FHA chapter if he is interested in consumer education, homemaking, or family life education courses. If he is planning a career in home economics or a related field, he may join a HERO—Home Economics Related Occupation—FHA chapter he may take home economics related occupation courses. As an FHA member, one is given the opportunity to develop individual and group initiative in planning and executing activities related to the combined roles of homemaker and wage earner.

The family is the hub of American life around which all other activity revolves. It is in the family where our future leaders receive their initial education and develop values which will remain with them for the rest of their lives. Their parents must be capable, mature adults, for it is their obligation to help shape the lives of their children and give them the guidance they need so that they may grow up to become responsible adults able to assume the duties of their parents. Through education and counseling, the boys and girls learn what is expected of them as parents and are prepared for the new roles they will assume; they are also taught that raising a family is a full-time job shared by both parents.

FHA instruction is not limited to cooking, sewing, and raising a family. It also includes consumer education and courses for those who are planning a career in a field related to home economics. Decisionmaking ability is emphasized and individual and group activities are geared to teach leadership, build character, encourage community participation, develop understanding, patience, and tolerance, and help prepare the members so that they may better cope with the demands of the adult world.

The environment is of vital interest to people everywhere. The FHA members share this concern for the future of our world and have initiated many programs to preserve and beautify their surroundings and to help curb pollution. Members participate in glass reclamation drives and volunteer to separate paper and cans at local recycling centers. These industrious young people pick up trash along the highways, repaint old buildings, and encourage nonmembers to take part in an all-out effort to reduce pollution.

Overpopulation is another pressing problem which is an ever-present threat to the maintenance of our current standard of life. At its present rate of growth, the world's population will double in 35 years. FHA is trying to make people aware of our grave population problem and the need for family planning. Since successful population control must be a collective effort, the projects will be designed to involve entire communities in family planning education and population awareness programs.

Mr. Speaker, I am very happy to see the continued rise in FHA's membership in the Second Congressional District and the increased variety in the number of home economics courses that are offered in that area. The State FHA Association of Kentucky was the first to affiliate with the national organization when it was established in 1945. I also am very proud to be an honorary member of this wonderful organization and I wish the Future Homemakers of America continued success and distinction as one of our Nation's finer youth organizations.

HARRY DREAMS OF EDUCATION

**HON. EARLE CABELL**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. CABELL. Mr. Speaker, there are many instances of ways in which the CONGRESSIONAL RECORD is of assistance both to Members of Congress, members of their staff, other agencies of Government, congressional constituents, and to the general public. However, in a recent issue of the Dallas Morning News, the discovery by Miss Marilyn Schwartz of a specific way in which the RECORD has proved worthwhile to a young Mexican American is worthy of recognition here.

Young Harry Trujillo has both ambition and determination and deserves to be recognized for his efforts to fulfill his destiny. I have asked that Miss Schwartz' inspiring story of how one young man is working to achieve his dream of a productive life be reprinted in the pages of the RECORD so that young Mr. Trujillo and his friends can read for themselves how such self-reliance is appreciated in government.

The story follows:

HARRY DREAMS OF EDUCATION

(By Marilyn Schwartz)

Harry Trujillo wants an education. In his pursuit, he has spent his summers working as a laborer in the fields of Cali-

fornia and his lunch hours reading the Congressional Record.

But although Harry has had a dream of medical school since he was 10 years old, he's had an even bigger dream for his family.

Harry, 20, is one of 12 children of Eusevio and Esperanza Trujillo.

Eusevio Trujillo never had much money, but he had a pride in his heritage and his family that he taught his children was important above all else.

Harry's belief in this has never wavered. When he was offered a \$2,000-a-year college scholarship, his father said he needed Harry to work and help take care of the other children.

Harry didn't hesitate. He gave up the scholarship.

"There are people who might say we are bad because there are so many kids in the family," said Harry. "But my father has always taken care of us and we are proud of that. He's told us that in Dallas we could be mayor if we wanted to. 'So we are not going on welfare,' he tells us. 'Suppose you are mayor one day and the people want to know why you were on welfare?' He says we are not helpless, we can take care of ourselves. And we always have."

Right now, Harry is a copy boy in The Dallas News newsroom. He aroused the interest of a cynical reporter not long ago by borrowing Congressional Records and poring over them during his lunch break.

"It helps me with my English," he explained shyly. "It also gives me a chance to know all about America. I'm very proud of my country, you know? And, since I am not in school now, it helps me keep up with my education."

Harry had earlier worked at WFAA-Television, where Jim Pratt, programming and promotion manager, observed his intense desire for an education.

"He would bring law books to read at lunch time," said Pratt. "I think somebody gave him one or two. He told us it was very difficult to get a doctor or a lawyer to come out to his neighborhood in West Dallas. He wanted to be a doctor one day. But until that came about, he wanted to find out all he could about law."

Harry was born in Dallas, but his family moved to Laredo when he was in the fifth grade because his father lost the small grocery business he owned and jobs were scarce here.

They returned to Dallas when Harry was a junior in high school and he entered Sunset. It was the first school he had ever attended where most of the students spoke English.

"I was so proud to be in that school. You don't know what it meant to me. I was even put in an advanced biology class and we studied at the Museum of Natural History. There was what I was studying right before my eyes. I had never imagined anything like it. It was wonderful."

But he said it was also at Sunset where he began to feel different.

"We spoke Spanish in our house and we grew up eating beans and tortillas. I love beans and tortillas and thought everything else did too. No one had ever led us to believe we were anything but Americans. But in that very American school, I was beginning to feel that not everyone thought that way."

Harry managed to make some good friends at Sunset his first year, although he was terribly shy.

His new friends thought a lot of Harry, too. They nominated him for student body president. "I wanted to win so badly, I prayed each night that I would," Harry recalled.

In his campaign speeches, Harry was honest with the students.

"I told them I came from the labor fields, but I also told them how I felt about being at Sunset. I said I thought I could do a lot

as president that would be for everybody. Not just for the Mexican-Americans, but everybody. I told them we were all one and should work together."

Harry won the election. But with it, he inherited a lot of problems.

"There were some people who just weren't ready for that kind of honor to go to one of my people. They kept asking how a Mexican managed to get something like that. Most of the things I kept to myself, but I felt them in my heart."

He says his worst moment was at homecoming.

"They told me it was traditional for the president of the student body to crown the home-coming queen and to kiss her on the cheek. But they said I could not do that and I should understand why."

Meanwhile, the family money situation was worsening. Harry, as president of the student body, helped choose graduation invitations—but he had no money to buy any of his own.

After graduation, Harry went to work at Channel 8 (WFAA-TV), and had hopes of getting a scholarship for college through a program set up for minority employees by the station.

But because of family financial problems, he gave up that possibility and went to California with the rest of the family to work in the fields.

"My father said that he needed me. If college was important to me, he said he would find a way to send me someday," Harry said.

The summer after Harry gave up his scholarship, his father told him he could leave California early and go back to Laredo and try to enroll in Laredo Junior College.

The \$500 state education loan that he applied for didn't come through right away and Harry was in trouble. He tried to quit, although his grades were excellent. The dean stepped in and arranged for another loan.

"That's when my father came to Laredo from California. The rest of the family was already there. He said we had only \$14 left and we would have to do something or there would be no food. It was exam time, but I quit school without even taking them. I was too upset, I could not have done well. I went to Dallas with my father to find work. There were no jobs in Laredo."

He never once, however, thought of giving up future plans for college although the draft was adding even more problems.

"I am supposed to be drafted any minute. My draft lottery number is 18. I could volunteer, but that would be for four years and I don't have four years."

"But I will be very proud to serve. I just need to start now. If I could get the service out of the way sooner, I could start trying to get back to school."

Harry says he will not give up his idea of medical school. He plans to get there no matter how long it takes.

"It may be 20 years, but I'm used to waiting and I'm used to working. I don't mind that. That is the American way. And no matter what has happened, I am still very proud to be able to do things the American way."

#### HOW JOBS GET "EXPORTED"

### HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. FRENZEL. Mr. Speaker, the Minneapolis Star, on Monday, March 13, carried an interesting editorial concerning

its analysis of the reasons for some of the loss of jobs within this country.

The Star's analysis calls attention to the fact that curbs on imports can never prevent the export of some jobs which are lost, because negotiated wage agreements increase the price of our goods and services disproportionately. No law can prevent us from pricing ourselves out of many markets.

The Star's editorial follows:

#### HOW JOBS GET "EXPORTED"

Labor unions have allied themselves with several industries in seeking legislation to curb imports in the belief this would prevent the "export" of jobs. They ought to pay some attention to Helen Delich Bentley, chairman of the Federal Maritime Commission, who has another reason why jobs are being exported.

Commenting on effects of the latest East Coast dock strike, Mrs. Bentley noted that the walkout will result in a permanent loss of up to 20 percent of shipping traffic diverted to Canada. Why? Because, she explained, union contracts have forced costs of container handling at the Port of New York to \$143 per longshoreman gang hour. In Montreal, the cost is about a third of that—\$49 per gang hour.

No law Congress could pass would force shippers to use one port when they can get their cargoes handled far cheaper at another. And the blame for this "export" of jobs must be put on the American dock workers, who are pricing themselves out of the market.

#### AMNESTY

### HON. PAGE BELCHER

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. BELCHER. Mr. Speaker, I would like to take this opportunity to introduce this copy of a letter to the editor of the St. Louis Globe Democrat which I have received from a good friend of mine, Mr. L. P. Edwards. I think this letter puts the question of amnesty in the proper perspective.

CLAYTON, Mo.,  
February 28, 1972.

To The Editor  
The St. Louis Globe Democrat,  
St. Louis, Mo.

DEAR SIR: I was shocked and dismayed at the rantings of some of the News Media and some of the candidates for the Office of President of the United States, and some of the members of Congress and other people in high places in the Government in Washington, D.C., when a certain person in Government admonished everyone not to say or do anything to give aid and comfort to the enemy.

They did this under the flimsy excuse that the people are entitled to know—wholly ignoring the fact that our boys in the front lines in Vietnam are duly entitled to first consideration and loyalty of every red-blooded United States citizen.

Their quick response is further evidence of their guilt. They must know that everything that is said or done by them is known in Hanoi before it appears in the United States.

Does any one suspect they have an ulterior motive? Oh, No, they would not stoop so low as that—or would they?

Many of these dissenters are in high places in our Government. When this silly war started, why didn't they stop it then? No, they waited until the first sincere effort was made to bring it to an honorable conclusion. They did everything they could to delay every effort being made to end the War honorably.

I was a prisoner in a former war that never should have been, similar to this one in that respect. I spent some time in an enemy hospital and I was interviewed by many prominent people, both civil and military. None of them had any illusions about being able to win a military victory, but every time any news arrived favoring their side, they had a big celebration and I remember hearing very often, "If we can hold out long enough, our friends in Washington will win the war for us."

If it wasn't so serious a matter it would be comical to watch the antics of the persons mentioned above, trying to divorce themselves from any connection with the beginning of this very unpopular and useless war. Yet many of them were in positions of authority when we became embroiled in it.

In the repetitious mouthings made in portraying the faults of this war, they called it immoral, illegal, and many other things, but failed to mention that they did not arrive at these decisions until the present administration tried to do something about it. Now, they are throwing every obstacle they can think of in the way of efforts to arrive at an honorable settlement for fear that the opposition will gain some political advantage.

I do not think we should seriously criticize our youth, as they are immature and inexperienced and more susceptible to the actions of our politicians. "Politician" has in the past been an honorable word, but is fast becoming a word to denote individuals who only aspire to be elected to an office or to retain an elected position. Neither age nor education is a valid criterion of maturity. Some people are more mature at sixteen years than others at thirty, and some never arrive.

Very truly yours,

L. P. EDWARDS.

#### MY RESPONSIBILITY TO FREEDOM BY GROVER LEE SHEFFIELD

### HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. EDWARDS of Alabama. Mr. Speaker, a young man from Mobile, Ala., Grover Lee Sheffield, recently distinguished himself by winning the Alabama Veterans of Foreign Wars Voice of Democracy contest. Grover represented the State of Alabama in the national competition in Washington, D.C., and it was my privilege at that time to meet and talk with this outstanding young citizen. The 1972 contest theme was "My Responsibility to Freedom" and since Grover Sheffield expressed himself so well on a subject of importance to all Americans, I would like to bring his thoughts to the attention of my colleagues. The speech follows:

#### MY RESPONSIBILITY TO FREEDOM

My first responsibility to freedom is to keep it free. Through the ages, Man has tried to become a part of perfection, or make his nature more beautiful. This is admirable, for it shows that Man recognizes his faults, and wants to rectify them.

But before we praise Man, let's take a close look at the means he uses to attain his beauty.

A man, seeing a bird in flight, longs to soar with it, and beat his wings skyward in an effort to feel the ecstasy of flying, the beauty of perfection. For the same reason, when Man sees freedom, he recognizes it as beautiful, and tries to become part of it, in an attempt to be more perfect. But how does Man attempt to attain perfection? He traps the bird in a cage and takes it home with him. Once he has freedom in a cage, he sees himself as a more perfect individual.

This attitude can be compared to that of a child who sees a bright flower in the morning grass. Recognizing its beauty he plucks it and takes it home. The child's sorrow when the flower dies is understandable. No one likes to see beauty die. But the same thing happens when Man attempts to cage freedom. It shrivels and dies, twisted by the desires, and shaped by the greed of Man.

I cannot let those who cage freedom use it as an excuse for something else. I can never accept a dead flower as a shield for ulterior motives. People who would cage freedom do not deserve it, for they kill its beauty by using it selfishly.

My second responsibility is to keep freedom safe and alive. Once again, freedom can be likened to a bird. Man, seeing that freedom cannot be caged or tied down, and still remain alive, may become jealous and try to shoot the bird, feeling that it shouldn't be allowed to exist if he is unable to reach it.

Man's striving for freedom are natural, but to shoot the bird down because of his own shortcomings is not right. If he loves the bird, it will light on him, and—though still undeniably free—will be present when it is needed.

Basically, I have attempted to point out two things: (1) that Man can hurt freedom with his lack of understanding, and he dimly realizes this, but (2) he still wants to be absolutely free.

With these ideas in mind, government has been created. Its prime objective, in theory, is to prevent one man's freedom from overlapping another man's. This, in theory, is good. But there is a drawback. Because Man is Man, he is imperfect. Therefore, any government set up by Man to protect freedom is also imperfect. But while conceding this point, the choice is between imperfect government and no government. Man has chosen government, and so, has created laws. These, obviously enough, prohibit him from the very freedom he has struggled for; but they also protect the public good, and it is this point which forces Man to set up standards and boundaries, and ironically, create perverted laws. They are for the public good, but people who exploit freedom are also protected by them.

Obviously, there is a need for a judge. The people of America have set the laws as judge. If a person transgresses a law, he becomes punishable. However, if Americans are wise, they will realize that laws should not control the circumstances, but the circumstances control the law. Many acts may be committed which can help and harm freedom at the same time. Final judgment must depend upon motive and the circumstances surrounding the act.

I have presented two extremes on the use of freedom. One is to restrict freedom with the laws of the people. The other is to let absolute freedom be an inheritance of each person.

I cannot say which way is best. Both have good and bad inherent in them. I must choose a middle road, for right and wrong must depend upon circumstance.

And with that thought, I present my last responsibility: to keep freedom within reach of those who would not harm it, and make it

unattainable for those who would. Can this objective actually be realized? As an American, I must try to see that it is.

**EMERGENCY INTERIM NUCLEAR REACTOR OPERATING LICENSING LEGISLATION**

**HON. CRAIG HOSMER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. HOSMER. Mr. Speaker, last Thursday two bills were introduced and referred to the Joint Committee on Atomic Energy having to do with establishing authority for the issuance of temporary interim nuclear reactor operating licenses in power shortage and related emergency circumstances. They would amend the Atomic Energy Act to do so. The provisions of these two bills are shown in the accompanying table comparing H.R. 13731 and H.R. 13732.

Yesterday the gentleman from Michigan (Mr. DINGELL) introduced H.R. 13752 which was referred to the Committee on Merchant Marine and Fisheries. His bill takes a different and apparently more restricted approach to interim licensing by amending the National Environmental Policy Act as distinguished from the Atomic Energy Act. It would appear to apply to conventional as well as nuclear plants. His explanation and the text of the Dingell bill appears at pages H1998-H1999 of the March 13 CONGRESSIONAL RECORD.

There appears below the text of a communication I issued today to the House Republican Conference as chairman of its Task Force on Nuclear Affairs discussing the two bills before the Joint Committee on Atomic Energy:

MARCH 14, 1972.

From: Representative CRAIG HOSMER, of California, chairman, House GOP Task Force on Nuclear Affairs.

To: House GOP Conference.

Subject: Emergency interim nuclear reactor operating license legislation.

Blackouts, brownouts and similar power emergencies threaten various regions of the nation this summer and next winter during peak load periods.

The threat will substantially dissipate if six large nuclear generating stations ready to go on-the-line this summer and four more ready next winter can be licensed to operate by the AEC.

However these licenses are being blocked by recent decisions in the Calvert Cliffs, Quad Cities and other court cases holding that no license may be issued by the AEC until the settlement of all contested issues in an AEC licensing proceeding.

The 10 plants are being contested on environmental and health and safety grounds. The AEC's findings up to now are that the public will be adequately protected. The contests cannot be speeded up because procedures to settle them are lengthy and litigious. Unless something is done these power sources will be effectively enjoined from operation for as long as the attorneys for the contesting parties wish to interpose technical, procedural or legal issues.

The environmental, health and safety and other benefits to individuals and society flowing from such delay may be vastly exceeded by the detriments consequent upon

the unavailability of power. Additionally, the delays may impose a heavy price to rate-payers in terms of unconscionable increases in power costs.

For these reasons the White House is recommending passage of legislation to allow temporary interim licensing of these reactors pending (and without prejudice to) settlement of the contests when it can be shown that (a) health and safety will reasonably be protected and (b) no permanent impairment of the environment will result.

The Administration bill was introduced last Thursday and due to its urgency hearings before the Joint Committee on Atomic Energy have been scheduled for next Thursday (3/16). Another bill with similar objectives but which adds authority under similar findings to issue an interim license to obviate undue economic burdens on rate-payers also was introduced and will be heard.

These bills contain other provisions which are not covered in this brief memo. Neither attempts to deal with the ancillary problem arising from an injunction against the Corps of Engineers under the Refuse Act of 1899 preventing it from issuing certain discharge permits for cooling water for conventional and nuclear plants.

Your support is recommended for the principle of interim emergency licensing under the stated safeguards.

The two Joint Committee bills should not be considered as competing and contradictory. Rather, the JCAE hearings next Thursday should lead to their satisfactory amalgamation. However, the merchant marine and fisheries bill, which would amend a different law in somewhat different ways is a truly contrasting approach and involves, to an extent, a question of committee jurisdictions.

Whatever these differences are, I hope and trust they can be resolved quickly for the reason that the summer power crunch is certain unless some legislation is enacted within as short a period as the next 3 or 4 weeks.

This is because even the interim licensing procedure will take some time. Then, after a license is issued it takes 2 months or more to bring a new nuclear reactor up to power, assuming that no hitches at all develop. In the normal course of things some delays are expected simply because the plant is large and complicated. Thus some extra time certainly ought to be allowed if the objectives of the legislation to get adequate power on-the-line this summer are to be met.

There is simply no time left at all for hemming and hawing with this legislation. The Congress is going to have to pass it or accept the responsibility for some very miserable power shortages.

And, let no Member misunderstand the issue involved here.

We are facing the certainty of major power shortages during the next hot summer and during the next cold winter.

To avoid them, we are going to have to override the views of those who believe that any temporization at all with environmental protection is unacceptable.

Either way, doing so or not doing so, we are going to make some or the other of our constituents sore.

So plan on biting one bullet or the

other when you make your decision on this issue.

It appeals to me that the Nation's

editorial writers ought to be taking positions on this issue in their columns very quickly. Finger pointing after the

fact of blackouts or brownouts will not help a soul.

The comparison referred to follows:

TABLE SHOWING COMPARISONS OF AEC BILL (H.R. 13731) AND MR. HOSMER'S BILL (H.R. 13732)

AEC BILL (H.R. 13731)

MR. HOSMER'S BILL (H.R. 13732)

**A. Section 192 Interim Licensing.**  
 1. *Scope:* It would apply only to proceedings in which an application for an operating license was filed on or before September 9, 1971.  
 2. *Power level which could be authorized:* Twenty percent of full power by an Atomic Safety and Licensing Board. Commission could authorize power in excess of that amount.  
 3. *Term of Interim License:* No statutory limitation is imposed on term of an interim license. No new interim license or extension of one could be issued after June 30, 1973.  
 4. *Prerequisites for use:* None, except that application for operating license must have been filed on or before September 9, 1971.

**5. Determinations Required:**  
 a. The provisions of Section 185 of the Act relating to compliance with term of the construction permit etc. have been met.  
 b. There exists an emergency situation or other situation requiring the licensing in the public interest.  
 c. Either that issuance of the license will not have a significant impact on the environment; or, that  
 d. The Commission has balanced the environmental impact and benefits, the redressability of the impact and benefits, and the effect of delay in the issuance of the license on the public interest.

**6. Procedures:**  
 a. The Administrative Procedure Act would not apply.  
 b. A hearing would be required if showing of substantial change from the construction permit situation is made.  
 c. Interim licensing procedures would be as prescribed by a Commission regulation and could be limited to such things as affidavits.  
 d. A decision must recite reasons justifying issuance or non-issuance.  
 e. Terms and conditions must be included in the license.  
**7. Judicial Review:** Presumably same as under existing law although this is not clear.  
 B. Define commencement of construction.  
 C. Prohibit commencement of construction unless otherwise authorized by the Commission at the operating license stage.  
 D. Change hearing requirements on antitrust matters.  
 E. Change Section 189a to provide for legislative type hearings only at the operating license stage when a substantial backfitting question is raised.  
 F. Change Section 222 so that violation of commencement of construction prohibition will not subject applicant to criminal penalties.

**A. Section 192 Temporary Operating License.**  
 1. *Scope:* Could be used at any time when there is an unresolved opposition to an operating license.  
 2. *Power level which could be authorized:* No specific limit. Determination of power level would be based on showings made in the interim licensing proceedings.  
 3. *Term of Interim License:* No specific term specified. However, a temporary license will be vacated if the applicant fails to prosecute the full term license with due diligence.  
 4. *Prerequisites for use:*  
 a. Report of Advisory Committee on Reactor Safeguards must be filed. Staff safety evaluation must be available.  
 b. Staff's final environmental statement must be on hand, except that for petitions filed before January 1, 1973, a draft statement will be adequate.  
**5. Determinations Required:**  
 a. Substantial construction of facility will be in accordance with the construction permit.  
 b. Operation will provide protection for the health and safety of public and protection of the environment commensurate with that generally provided in similar plants now operating.  
 c. Interim operation is needed either to meet emergency power requirements or to prevent substantial increases of costs to meeting such requirements or in the costs of the facility.

**6. Procedures:**  
 a. A designated Commissioner would consider the petition.  
 b. The Administrative Procedure Act would not apply. Summary procedures such as affidavits and oral hearing would apply. The designated Commissioner would make the decision which becomes effective upon issuance unless the Commission provides for final action to be made by it.  
 Note: Procedures would be similar to those pertaining to temporary injunction procedures in a Court.  
**7. Judicial Review:** Same as under present law except that substantial evidence tests would be eliminated.  
 B. None.  
 C. None.  
 D. None.  
 E. None.  
 F. None.

COL. LUKE C. QUINN

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. CONTE. Mr. Speaker, the death of retired Air Force Col. Luke C. Quinn, Jr., removed from our midst one of the most tireless and effective workers for better health care which this Nation has ever produced.

It is sad irony that he was struck down by cancer, the disease he fought so hard to conquer specifically by rallying support for the conquest of cancer bill this body approved last year.

As a member of the Health, Education, and Welfare Subcommittee of the Appropriations Committee, I had occasion to work with Colonel Quinn on this legislation and other health proposals which this Nation so badly needs.

He brought to his job valuable experience in the workings of the Government in general and great expertise in the operations of Capitol Hill in particular. But these attributes alone do not account for the success he scored. It was the rightness of his cause and the dedication he brought to it that caused him to be so widely respected.

He was more fortunate than many people in this world, for he leaves behind him a glittering record of achievement and a legacy of concern for his fellow man. Because of his work, life will be better for many of his countrymen in the years and decades ahead.

Mr. Speaker, I know that every Member of this body joins me in mourning the death of this good man. At this time I want to include in the RECORD the following article on Colonel Quinn from the March 13, 1972, edition of the Washington Star.

COLONEL QUINN, 64, DIES; CANCER BILL LOBBYIST

(By Richard Slusser)

Retired Air Force Col. Luke C. Quinn, Jr., 64, a Capitol Hill lobbyist whose work aided in the passage of the Conquest of Cancer bill last year, died of cancer Saturday at the National Institutes of Health Clinical Center. He lived at 2700 Virginia Ave. NW.

Col. Quinn, for 20 years a spokesman for the American Cancer Society and other professional and scientific groups interested in expanding medical research, was unable to attend the White House ceremony when President Richard M. Nixon signed the cancer bill in December.

However, Nixon wrote Col. Quinn early this year and enclosed a pen "as a memento of this significant step in our national commitment for the conquest of this disease."

Working quietly but effectively in his usual behind-the-scenes manner, Col. Quinn en-

couraged the administration and Sen. Edward M. Kennedy, D-Mass., to join forces last year in support of the then-controversial Conquest of Cancer bill.

LAUDED BY KENNEDY

Informed of Col. Quinn's death, Kennedy said, "This historic Center Act passed last year in Congress will be a permanent memorial to Luke Quinn. Because of his tireless efforts, we enacted the most important milestone so far in our national effort to conquer cancer. The disease claimed his life but, because he lived, millions will be saved."

Col. Quinn was born in New York City. He moved here as an Air Force liaison officer on Capitol Hill after World War II service as an intelligence officer with the 450th Bomb Group in Italy. He retired from the Air Force in 1952.

Col. Quinn also worked for the establishment of the National Eye Institute and the Fogarty International Center at NIH. He was a leader in starting the John E. Fogarty Foundation in Providence, R.I., which is dedicated to the late Congressman who was among the first to urge Col. Quinn to enter health legislation work.

Before passage of the Cancer Act, Col. Quinn won congressional and administration support for a \$10 million NIH special task force on genetic diseases.

EXPLAINED APPROACH

Col. Quinn carefully kept his name out of the news during the 20 years he spoke for health interests. At the height of the battle over last year's cancer legislation, doctors told Col. Quinn he had cancer. He then al-

lowed himself to be interviewed for several professional publications for doctors and researchers.

He told one reporter after the Nixon-Kennedy compromise on the cancer bill that one reason he had a sympathetic audience among politicians was that he promised only what he could deliver, never wretched on a promise and kept his opponents as well as his supporters fully informed on his position.

He leaves a sister, Mrs. Dorothy Judge of Caldwell, N.J.

Mass will be said at 10 a.m. tomorrow at Holy Trinity Catholic Church, 36th and O Streets NW. Burial will be in Arlington Cemetery. The family request that expressions of sympathy be in the form of contributions to the John E. Fogarty Foundation, 33 Weybossett St., Providence, R.I.

ENERGY CRISIS AND GOVERNMENT CONTROLS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. CRANE, Mr. Speaker, often Government regulations tend to be counterproductive, and appear to be devised not to meet the needs of the public but, instead, to fulfill the desires of the very Government employees who do the regulating and administering.

This point is made very persuasively by Prof. James Q. Wilson of Harvard University. Writing in the Public Interest, Professor Wilson notes that:

By now we should have learned that the existence of a federal power stimulates demand for its use, and thus what begins as an ultimate weapon for extreme cases becomes a ready weapon for everyday cases.

Recently, the U.S. Court of Appeals in Washington, D.C., held that a television station which shows a commercial for high-powered automobile or leaded gasoline can be compelled to show programs, free of charge, about the dangers of air pollution.

Professor Wilson points out that:

It is obvious that pollution is a problem and that cars contribute to it; but the implication of this decision is that showing anything about a controversial public issue creates an obligation to show something on the other side—free if necessary, and even if the other side has already expressed its views on other stations or in other media. If the purpose of this decision was to insure vigorous public debate, its effect, if it stands, is likely to be the opposite. Vigorous debate arises from boldness, while the decision is likely to inspire timidity.

American business suffers from control and regulation, and today suffers from a freeze on the prices it may charge. No industry is more subjected to control, and no industry is more vital to the well-being of our economy than that of electric power.

While prices are rigidly controlled, the additional costs imposed by regulation are not. In 1971, for example, Commonwealth Edison Co. was forced to spend nearly \$38 million for higher-priced low sulfur fuel in order to reduce sulfur emissions in the Chicago area. The ultimate annual cost of this action appears likely to approach \$100 million.

In testimony before the U.S. Price Commission, Gordon R. Corey, chairman

of the finance committee of the Commonwealth Edison Co. declared that:

The U.S. faces a shortage of electric power which could severely curtail future improvements in industrial productivity, impede environmental clean-up and retard urban renewal.

He notes that:

In our modern society, electric power is almost as vital as air and water. Lack of it is darkening homes and offices in England and throwing millions out of work. Yet we seem determined to make it impossible for the electric power business to meet its responsibilities. Never has the industry been faced with so many different requirements and obstacles.

Discussing the new role of the President's Price Commission, Mr. Corey declared that:

We are already the most regulated industry in the nation. One more layer of price regulation might well do us in.

The current regulations may, in the long run, impede the ability of the electric power industry to provide us with the means through which the lives of all Americans can be improved. Our power needs are increasing dramatically, and money must be invested today to provide for these power needs of the future. If, through regulation, we make it impossible for such reinvestment to occur, it will be the society at large which pays in the long run.

I wish to share Mr. Corey's statement with my colleagues, and insert it into the RECORD at this time:

STATEMENT TO THE U.S. PRICE COMMISSION (By Gordon R. Corey)

The U.S. faces a shortage of electric power which could severely curtail future improvements in industrial productivity, impede environmental clean-up and retard urban renewal.

In our modern society, electric power is almost as vital as air and water. Lack of it is darkening homes and offices in England and throwing millions out of work.

Yet we seem determined to make it impossible for the electric power business to meet its responsibilities. Never has the industry been faced with so many different requirements and obstacles. For example:

(1) We at Commonwealth spent about \$38 million extra in 1971 for higher-priced low sulfur fuel—virtually creating a new coal industry in Montana and Wyoming—in order to reduce our sulfur emissions in the Chicago area by two-thirds. But the switch to low-sulfur fuels has only begun, the ultimate annual cost of which appears likely to approach \$100 million. This is typical of much of the rest of the electric power industry.

(2) We at Commonwealth have spent \$100 million in recent years to modify our plants to meet environmental requirements. Yet another \$400 million must be spent during the next five years to minimize cooling water discharge temperatures for new stations, to contain or restrict emissions to the atmosphere, and to comply with environmental demands in other ways. This too is typical of our industry as a whole.

(3) Nuclear Units country-wide are being held up by interminable court and regulatory proceedings. At Commonwealth the nuclear delays have already cost us over \$150 million. Right now, they are running about \$1 million per week, every week, with no end in sight.

(4) The recent uncertainties about utility price controls have depressed the prices of utility stocks—at exactly the time when we must sell such stocks and other securities to

raise more money than we have ever had to raise before.

All of these obstacles add up to higher costs. Even if inflation were stopped dead in its tracks, today, the cost of providing electric service would continue to rise, because new facilities at present price levels cost far more than old ones, new environmental requirements continue to add greatly to our operating expenses and capital needs, and the cost of the new money to finance these needs is far higher than the cost of the money the industry raised in prior years.

PLANT CONSTRUCTION COSTS HAVE DOUBLED

Across the country, power plant construction costs are double what they were five or six years ago. The increase is largely a result of construction labor cost inflation already experienced. Few of the new environmental costs are reflected yet in this increase.

For example, in 1966 and 1967 we completed two new coal-fired generating units at Kincaid station at a cost per kilowatt of only \$117. By contrast, we are now completing Powerton 5, a comparable coal-fired generating unit at a cost of \$218 a kilowatt. Three years from now, in 1975, we expect to complete coal-fired Powerton 6 at a cost of about \$270 per kilowatt, estimated on the basis of present day cost levels—assuming zero inflation. Obviously, the real cost of Powerton 6 will be much higher.

The rest of the electric power industry has had similar experiences—with coal, oil and nuclear plants.

Moreover, in view of the long lead times now approximating seven or eight years for construction of a large power station, very few of the power plants in service today reflect these current high construction cost levels, and rate levels accordingly are based on the lower costs of an earlier day.

ENORMOUS MONEY NEEDS

The electric power industry needs more money—investment money—than any other industry. Nearly \$4 of plant investment is needed for every dollar of annual revenue. This is 50% more than the telephone and railroad industries require, double what the gas industry needs, five times the steel industry's and over 15 times the automobile industry's plant investment per revenue dollar (Table I). When a steel or automobile company decides to spend \$10 million for an electric furnace, their decision can trigger a \$20 million investment for us.

This means that recent construction cost increases have boosted the electric power industry's need for new money almost out of sight—\$8.9 billion in 1971 alone—20% of total U.S. Corporate new money needs.

For Commonwealth Edison, the change has been shocking. In the early 1960's, we could pay for our construction program with funds collected from our customers, day-by-day. We didn't borrow a dime. A few years later, in 1966 (just five years ago), our new money requirements were \$129 million. Last year, 1971, we had to raise over \$450 million of new money (table III). And during the next five years, 1972 through 1976, we will have to raise nearly \$2 billion of new money as well as to refund over half a billion dollars of securities which will mature during that period—nearly \$2½ billion in all, which must come from investors who still have faith in the future of the electric power business.

THERE IS NO SUCH THING AS A FREE LUNCH

Someone has to pay for the new demands being made on our industry. In the end, it must be the customers—unless the government takes over and puts the burden directly on the taxpayers.

The electric industry's enormous capital needs are the largest of any industry—and they are immediate. We are required to pay for the plant additions needed to power our customers' businesses and service their new homes—to recycle wastes, treat sewage, convert dirty steel-making processes to clean

electric furnaces, clean-up neighborhood foundries and meet the basic and steadily growing residential, commercial and industrial needs of our society.

The predicted electric loads upon which our own construction program at Commonwealth Edison Company is based are carefully determined. I am personally responsible for the forecasting techniques which we at Commonwealth have been refining over the last ten years. My latest review, just last week, showed our predictions based on the latest formula to be extremely close to actual experience. (Correlating annual peak loads of the past twenty years against the estimates derived from our present forecasting formula produces a correlation coefficient better than .98.)

We are building to meet these predictions—or trying to. We are planning far in advance. Generating units which will not be in service until 1980 are already on order.

But we must raise the money to pay for this enormous far-sighted building program. And impediments to financing now will inevitably affect the power supply for the next decade—and beyond!

As the Illinois Commerce Commission stated in its December 10, 1971 Commonwealth Edison rate order—

"The economic, political and social pressures and demands that have been placed upon the electric power industry to provide increased electric service and to meet new standards of environmental control have created problems that are unique to the industry as opposed to other public utility industries. . . . The electric power industry is being required to expend huge sums of money for capital improvements within a short period of time. As a result thereof they are compelled to raise large sums of money by going into the money market to secure the funds through debt or capital financing. Thus, in addition to the sums they are required to raise for capital improvements, they must defray the substantial carrying charges thereon. Under these circumstances . . . even by the use of our traditional rate-making formulas, the rate base of public utilities is subject to constant and rapid change. This might justify their filing continuing requests for rate relief to assure an adequate rate of return on their utility investment, and projects a possibility of the initiation of major rate cases by an electric utility every year."

#### ELECTRIC UTILITY CREDIT IS DETERIORATING

The industry's ability to raise capital is being impeded by its sharply declining credit status. Before tax interest coverages (the number of times we "earn" our interest charges, before deducting income taxes), which largely determine a company's credit rating, have been declining for the entire electric power industry. Commonwealth's before-tax coverage (computed under generally accepted procedures) dropped from 8.2 in 1966 to 3.1 in 1971. And under the terms of our bond indenture, we could not have issued additional first mortgage bonds if our before-tax coverage so computed had been below 2.9. (The indenture requirement is a minimum before-tax coverage of 2.5, but the computation prescribed excludes credits from interest capitalized which are included in more conventional computations.)

Commonwealth's interest coverage history is typical of the electric industry as a whole. As a result, electric utility credit ratings have been declining throughout the nation. Table II shows that 12 of the nation's leading electric power companies have had their ratings reduced in the last two years and additional rating reductions are likely.

#### METHODS OF RATEMAKING

For the last 50 years, it has been popular to criticize conventional utility rate setting

processes. They are said to be either too complex, or biased or ineffective. In some cases, they are said to encourage over-expansion of plant and services; in others not to encourage enough expansion.

The complexities of the conventional rate-making procedures have time and again tempted critics to suggest that they should be simplified. But in spite of studies, writing, cogitating and arguing about the matter, no simplistic method of satisfactorily determining electric rates or other utility rates has been developed.

This is no accident. The matter of devising appropriate rates of charge for a highly capital-intensive industry is indeed complex.

Recently it has been suggested that the Price Commission might indicate that rates established by local regulatory agencies should not put companies in a better position earnings-wise than they were in some pre-freeze period. However, such a solution, has serious infirmities.

First, it assumes that actual earnings in some prior period would be sufficient to attract the capital which the industry requires in today's tighter money markets. This assumption might lead to particularly serious results in individual cases. A Particular company with low base period earnings might be denied an increase which its regulatory agency had determined was essential to meet the needs of its service area.

Second, in the period immediately prior to the price freeze—1969 through 1971—utility earnings had already suffered from the squeeze between permitted rates and rising money and other costs. Utility regulation traditionally tests rate increase proposals against a test year ending prior to the time the proposals are made. In a period of rapidly rising prices, the test year is always too early and relief, therefore, too late to compensate for actual experience. In the period immediately prior to the price freeze, this "regulatory lag" had already seriously delayed rate increases required to establish satisfactory earnings levels. Incidentally, the lag could be greatly lengthened by further reviews by the Price Commission.

Third, the decline of utility interest coverage may well have made prior earnings experience a totally inadequate guide to current utility needs.

At Commonwealth Edison, for example, we still have outstanding over \$450 million of debt securities bearing an interest rate of 3% or less. But our enormous new money financing is costing between 7 and 8%. The swift onset of higher interest rates has caused our overall interest costs to rise sharply—and our interest coverages to drop swiftly. Since 1967 our before-tax coverages have declined as follows:

1967	7.0
1968	6.0
1969	4.6
1970	3.5
1971	3.1

(Full details of our rising construction expenditures, increasing new money needs and declining coverages for the last ten years are set forth in Table III.)

Were our rate of earnings on common equity to be restored to its 1969 level, our interest coverage would still only be about 3½—far below the 7.0 we earned in 1967, or even the 6.0 and 4.6 we earned in succeeding years. Our credit standing would be clouded and our ability to raise the enormous amounts of capital required for the future would be impaired.

In my opinion, any mechanistic standards for setting electric utility rates will ignore years of sophisticated study and analysis, freeze into the existing rate structures the effects of crippling regulatory lags, slow the industry's efforts to respond to environmen-

tal demands, and run the risk of producing undesirable side effects that none of us can foresee today.

In my opinion, the only effective test of the reasonableness of a proposed set of electricity prices—in the light of our national goals and needs—would be to determine that such prices do not exceed the minimum levels essential to attract capital needed to expand our services and meet the environmental and other requirements established for the industry. This is just what the existing regulatory agencies do.

#### CONCLUSION

(1) The Price Commission should not take steps which will jeopardize the nation's electric power supply.

(2) Simplistic utility rate making standards applied centrally—from Washington—will cause chaos in the electric utility security markets and slow down our entire economy. (The mere announcement of the current rate freeze, for example, coming during the offering period of our \$190 million stock and warrant offering, caused the value of stockholders' subscription rights to drop from about 25¢ to 12½¢ within two days—an indication of the sensitivity of the capital markets to the Price Commission's actions.)

(3) The problem of fixing prices in an extremely high capital-intensive industry like the electric power industry—which will require over \$10 billion of new investment money in 1972, vastly more than any other business in the United States—requires sophisticated regulatory proceedings, examinations and analyses. No mechanistic set of rules can be established which will satisfactorily measure the propriety of individual electric rate increases. Judgment—human judgment—is still required. And the price record of the electric utility industry over the last decade makes clear that the regulatory agencies have exercised such judgment responsibly, and that price increases already granted have certainly not been excessive. In fact, most of such increases have been too little and too late to prevent the steady deterioration of utility credit.

(4) Only a price setting mechanism as sophisticated and complex as that provided by the existing regulatory agencies can provide satisfactory assurance that the electric utilities will be soundly financed to meet their enormous responsibilities. But it would clearly be difficult to create such a regulatory mechanism in any reasonable length of time, to do so would be completely inconsistent with the President's announced intentions with respect to the staffing and financing of the Price Commission, and the already lengthy regulatory lags would be lengthened still more by such double regulation. We are already the most regulated industry in the nation. One more layer of price regulation might well do us in.

(5) In sum let us remember that the nation's prospective productivity increases, upon which we pin our hopes of controlling future inflation, are based in large part on newly automated industrial and commercial processes which rely upon the continued availability of adequate supplies of additional electric power. *There can be no such thing as zero electric power growth*—because zero electric growth means zero progress on pollution and zero progress on productivity.

As Secretary Connally said at the White House Conference on February 8:

"Never has growth been more important. You can never feed the poor or ease the lives of the wage-earning families, ameliorate the problems of race or solve the problems of pollution, without real growth."

"We can choose to turn away from growth. Other societies have. They lack heating and plumbing. They lack child care and educa-



tion. They are static; pleasant for a few, perhaps, but choked and miserable for the most of their people."

And an adequate supply of electricity is basic to the growth of our nation.

TABLE I.—Plant investment per dollar of annual revenue<sup>1</sup>

The figures shown below illustrate that the average depreciated plant investment per dollar of annual revenue for the electric power business is higher than that for any other major industry.

"Regulated" businesses	
Electric utilities	\$3.66
Telephones	2.50
Railroads	2.34
Gas utilities (pipeline & distribution companies)	1.84
Trucking companies	.63
Air lines	.31
"Non-regulated" businesses	
Aluminum	.94
Oils	.79
Steel	.74
Coal mining	.50
Automobiles	.23
Electric equipment manufacturing	.20
Office equipment	.14

<sup>1</sup> Based upon latest available data, generally relating depreciated plant investment at December 31, 1970 to revenues from sales for the year 1970.

TABLE II.—REDUCTIONS IN ELECTRIC UTILITY CREDIT RATINGS

[As shown below, the ratings of 12 large electric utility company debt issues have been reduced during the past 2 years]

Company	Rating reduced		Rating agency
	From	To	
Central Hudson Gas & Electric	AA	A	Standard & Poor's.
Iowa Electric Light & Power	AA	A	Do.
Carolina Power & Light	Aa	A	Moody's.
Consumer Power	AA	A	Standard & Poor's.
Kansas City Power & Light	AAA	AA	Do.
Florida Power & Light	Aaa	Aa	Moody's.
Philadelphia Electric	AA	A	Standard & Poor's.
New England Power	Aaa	AA	Moody's.
Ohio Power	AA	A	Do.
Ohio Edison	Aa	A	Moody's.
Potomac Electric Power	AAA	AA	Standard & Poor's.
Duke Power	Aa	A	Moody's.

TABLE III.—COMMONWEALTH EDISON CO.'S LAST 10 YEARS

Year	[In millions]		Percent new money	Before-tax interest cover-ages
	Construction expenditures <sup>1</sup>	New money <sup>2</sup>		
1962	\$123	\$4	3	7.1
1963	106	4	4	7.4
1964	137	5	4	7.8
1965	153	5	3	8.1
1966	200	129	65	8.2
1967	249	122	49	7.0
1968	352	204	58	6.0
1969	433	266	61	4.6
1970	498	364	73	3.5
1971	650	458	70	3.1

<sup>1</sup> Includes nuclear fuel, primarily initial core loadings.  
<sup>2</sup> Includes minor amounts of refinancing moneys, primarily for sinking fund requirements.  
<sup>3</sup> Primarily employ stock sales.

MY RESPONSIBILITY TO FREEDOM—MARGARET ANN MORAN

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. WYMAN. Mr. Speaker, I would like to share with readers of the RECORD a thought-provoking essay on the responsibilities of freedom by Margaret Ann Moran, of Manchester, N.H. Margaret, a senior at Manchester's Trinity High School, is the New Hampshire State winner of the Veterans of Foreign Wars "Voice of Democracy" contest.

In "My Responsibility to Freedom," Margaret reminds us the privileges of freedom impose obligations which, unfortunately, are all too often overlooked. The right to speak our mind freely is not merely the right to speak out at will; coupled with this basic right is the obligation to listen to differing points of view, and to understand and accept honest differences of opinion.

I believe all of us, at one time or another, tend to overlook our responsibilities to freedom and would benefit from reflection on Margaret's excellent essay.

The essay follows:

MY RESPONSIBILITY TO FREEDOM

(By Margaret Ann Moran)

At a time when much emphasis is placed on freedom it is quite a paradox that little is heard about the responsibility which accompanies this freedom. Although it is for everyone, freedom is individualistic. It is this unique expression of man's inner self which is protected by the general freedoms of religion, speech, and the press. And while individual ideas are protected by general freedoms, the responsibility which accompanies this freedom is again individual. It is up to each one of us to guard our freedom.

The most important responsibility I have to freedom is to see that it is granted to all. Abraham Lincoln once said, "Those who deny freedom to others deserve it not for themselves and under a just God cannot long retain it." This means seeing that both sides of an issue are printed in the local paper. This quotation also states our responsibility of allowing people to express themselves. Anyone who is not abusing the privilege of free speech has the right to be heard. Anyone who heckles, ridicules, or shouts down a speaker is not only not accepting his responsibilities to freedom but endangering our privilege as well.

It is my responsibility not only to see that each person is allowed to express himself but also to listen to what he is saying. We often hear but less frequently listen. This responsibility awaits me now, in everyday situations. In many American homes, there is an abuse of the freedom of speech. Many times supper table discussions end in turmoil with parents scolding. "You don't know what you're talking about," or children saying "forget it you don't understand." Neither group is listening to the other. Both groups are falling to accept their responsibility. The home is our basic unit of society. If we do not accept our responsibilities there, what will we do as we branch out into society?

And what of when I am the presenter of ideas, whether it be a written or an oral expression? These ideas will affect people. I have a responsibility to them as well as to myself to always speak the truth, not to slant statements or insinuate. The written

or spoken word has a great influence on people. At times it has been the difference between war and peace. Each time I express myself whether it be in a class discussion or on a senate floor I take upon myself a great responsibility.

One of my favorite American philosophers, Mark Twain, once wrote "It were not best that we should all think alike, it is difference of opinion that makes horse races." Our freedom allows for this difference of opinion and we obtain much more than horse races from it. We need only keep an open mind and remember that our freedoms are a privilege. If we realize that the Smith's synagogue offers them as much as the Joneses' cathedral we have achieved much. We must learn to seek out the good in each person's ideas, in the many differences of opinion. Let's be aware of these differences and not switch television channels or turn off the radio because we disagree. It's a responsibility we have to ourselves. But let's also be aware of abuses to freedom when they occur. Vibrant oratory with half formed ideas can sometimes sweep crowds off their feet. Newspaper articles are sometimes slanted. I owe it to myself to honestly evaluate and question each idea, speech, and situation that I am exposed to. My decision which I am free to make is important. For when we have been exposed to all of these expressions and opinions, we then have freedom of choice, freedom to decide what is right for us. Throughout our heritage there have been great men who have accepted their responsibility to freedom. Perhaps no man was greater or less known than Edmund G. Ross. It was this senator's vote which saved President Andrew Johnson from impeachment. Ross believed what was being done to Johnson was wrong. He exercised his freedom of choice and stood firm on his decision. It was an unpopular decision and actually finished Ross' political career. Now, he's seldom even remembered, but when the situation arose Edmund Ross accepted his responsibility to freedom. For every Edmund Ross there are a million more unknowns. Their decisions are individual and private. But with each decision was an acceptance of responsibility. Each decision protected our freedom. Let's be counted among the Edmund Ross's of our heritage.

"VAT"—THE LEAST BAD TAX?

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. ROBISON of New York. Mr. Speaker, notwithstanding the growing social and economic needs of our constituents, it is apparent that existing revenue sources cannot continue to support present levels of Federal spending. At the same time, the rumblings grow louder among taxpayers, who—so they tell me in their letters—are paying more and getting less.

Whether it be to seek additional funding for priority Federal programs, or simply to come a little closer to balancing the budget, Congress is being pushed to study the available alternatives to, or revisions of, our present tax system. And the trend of recent State supreme court decisions relating to local school financing is adding to the fiscal necessity that we come to an early conclusion.

Some sources suggest that the value-added tax, or VAT, is an attractive—

and, perhaps, the least painless—solution to our emerging revenue problems. The VAT is easy enough to explain, in comfortable contrast to the instructions on our income tax forms, yet its implications are not so clearly discernible. One good outline of some of the ramifications of the VAT was recently presented by Dan Throop Smith, professor emeritus at Harvard University, in a New York Times article. I insert Professor Smith's article for my interested colleagues:

[From the New York Times, Feb. 28, 1972]

"VAT"—THE MOST NEUTRAL TAX

(By Dan Throop Smith)

STANFORD, CALIF.—No tax is a good tax in an absolute sense. The case for a value-added tax is simply that it is the least bad tax available, especially if we need substantial additional revenue.

The value-added tax, or VAT, is now generally used in Europe. Though it sounds complicated, it is really quite simple in concept and administration. A VAT is a general tax on sales of all commodities and commercial services. It is imposed at each stage of production from raw material to retail sales. Credits are given at each stage for taxes already paid on business purchases to prevent a compounding of taxes in the process of production.

Though the name "value-added" implies a process of addition in computing the tax base, practically the VAT for each business is calculated by deducting the taxes paid on its purchases from the tax due on its sales.

A VAT is the most neutral of all taxes. It is neutral as between labor-intensive and capital-intensive forms of production, and between vertically integrated companies and those active at only one level. It is neutral in its impact on the choice between debt-financing and equity-financing in business. It is neutral as between all types of consumer goods and services, except insofar as some are specifically exempted. And it is neutral as between efficient and inefficient producers.

A VAT has most frequently been discussed in this country as a partial substitute for the corporation income tax. Since most people now recognize that the corporation income tax is another element of business cost leading to higher prices, the partial substitution of a VAT would make sense internationally because a VAT can be rebated on exports and imposed on imports. Domestically, it would avoid the many distortions in corporate investment decisions, capital structures, pricing policies and competitive positions which arise from the corporation income tax.

But the question now is whether to adopt a VAT to finance further Federal aid to education, thereby giving some relief from property taxation. We might, as a first step, improve the property tax in various ways. But if we are to have more Federal outlays, what other taxes might produce the desired revenue? An increase in the corporation income tax rate to 65 or 70 per cent would yield the desired revenue of approximately \$15 billion, on the assumption that the economy could operate under such a tax. But no one seriously proposes such a destructive level of corporate taxation.

As regards the individual income tax, there seems little likelihood politically of reversing the trend to higher exemptions and reductions in the lower bracket rates to raise more revenue from lower and middle incomes. These are the only income levels where higher taxes could produce significant amounts of revenue.

We are left with some form of broad-based general taxation as the only available revenue source.

The VAT seems the most feasible tax from the standpoint of political acceptability. It is also the least likely tax to repress and distort economic activity. To the extent that it is desired to modify the burden of the tax on different income levels, credits can be given to low-income taxpayers, as is done under several state sales taxes.

In the present controversy regarding VAT, most people are confronted with trade-offs in reaching a balanced position. Many who favor additional Federal expenditures, oppose VAT because they are also devoted to income taxation for purposes of redistribution of income.

But many of us who favor VAT as the least bad tax also believe that new and more expensive government programs are not necessarily the best approach to urgent social problems. Just as increasing personal income does not always lead to greater happiness, larger government expenditures may not improve the general well-being. In fact more government spending may be personally and nationally destructive by reducing individual self-reliance and self-respect.

If a VAT leads to excessive government spending which would not otherwise occur, the great revenue potential of VAT may be the best argument against it.

AMBASSADOR KIBINGE SPEAKS TO WASHINGTON WORKSHOPS HIGH SCHOOL STUDENT SEMINAR

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. McDADE. Mr. Speaker, recently, His Excellency Leonard O. Kibinge, Ambassador of Kenya, delivered a stirring address to the Washington Workshops Congressional Seminar at Mount Vernon College. The Ambassador's remarks were entitled—"Youth—A Constituency for Humanity."

Ambassador Kibinge made some splendid observations in his address regarding youth throughout the world, and their role in working toward peace and the brotherhood of all peoples. The Ambassador's remarks were all the more timely since he was addressing a group of American high school student leaders from across this great country.

The Washington Workshops Congressional Seminar is one of the splendid study programs of America, annually bringing many hundreds of our finest teenagers to Washington to learn firsthand about the strengths and goals of our democracy. I have often met with many of the young participants in this program, a number of whom have come from the towns and cities throughout Pennsylvania.

In light of Ambassador Kibinge's excellent address to these young Americans, I felt my colleagues would enjoy seeing these remarks, and I thus append the Ambassador's splendid speech at this time:

YOUTH—A CONSTITUENCY FOR HUMANITY

In my stay and travels in the U.S.A. I have often been surprised by the sometimes strongly held misconceptions about Africa by a large number of people especially the older generation. If anywhere else, this is where I have experienced a serious genera-

tion gap! I have met people who cannot distinguish between Zambia and Gambia; others who think that Kenya is in West Africa and that Johannesburg is within a few minutes' walk from Nairobi. In some remote parts of the United States, the general impression of Africa is vividly coloured with superstition, bare-footed natives dancing around the snows of Mt. Killimanjaro, witchcraft, Mumbo Jumbos, and malaria-ridden steaming humid jungles. Considering that over sixty thousand Americans visit Kenya every year these misconceptions might sound amusing, but they are a serious matter that underlines the need for developing an enlightened constituency for Africa and indeed for Kenya. The Africa of Hollywood producers with Tarzan-type adventures, and of sensational writers such as Robert Ruark in his books "Uhuru" and "Something of Value" is not my Africa. It is not the Africa that we are going to visit in the course of this evening.

You, the youth of America are best fitted and rightly motivated to bridge the aforesaid generation gap. You are interested, widely read and living in a challenging era of international co-operation and understanding. A period during which modern jet travel has made each and everyone of us in the world, neighbours. Neighbours that you must live with, respect, though you may not agree with their philosophy or way of life—but neighbours who are all staunch members of that all inclusive club of the family of man. That is what we are. That is what the people of the Republic of Kenya believe and practice.

I have no doubt that you are not among those who despair in the face of challenge and shout "stop the world I want to get off." You are members of the world community and being young, the hope of a better tomorrow.

In the last decade Africa, a continent of tremendous size, in which China, U.S.A., India, could all fit with room to spare, a continent of great natural resources, contrast and diversity, has burst into the world scene and in the community of nations.

The affairs of Africa have become part and parcel of world affairs. In this day and age, as communications continue to make the world smaller, as the economies of the world get more interlocked, as political, social and intellectual forces and philosophies seem to rapidly spread from continent to continent and country to country, it is important that we understand and know each other. Too many catastrophes have occurred in the world because of decisions based on misconceptions, convenient assumptions and stereo-type thinking.

But the connection between Americans and Africans and between all the people of the world, should not be confined to communications systems and to economic, political, social and intellectual affairs. These are important, but the first and foremost link between people should be universal respect for human freedom, equality, and all the fundamental human rights as enshrined in the 1948 United Nations Universal Declaration of Human Rights. Only then can the other links become meaningful, good and wholesome.

Without respect for the value of human life economic, political, social and intellectual forces become so strong that in their interest, human life becomes a tool to be manipulated, used and easily disposed of. The American youth, the African youth, the youth of the whole world have a responsibility to join hands and make respect for human life the determining factor in the affairs of this world.

In order for the youth of America and the youth of Africa to cooperate on a human level rather than on the basis of economic and political philosophies and needs; it is necessary that we really understand the life

conditions, the expectations, the problems and the frustrations of each other. It is impossible to cover all aspects of the youth of Africa here. Indeed, it might not be a useful exercise. Rather, it would be much more rewarding if you experienced the lives of our youths and there are many ways of doing that. Travel and service abroad, stretching your hand to your next door neighbor—right here in Washington or in your respective cities.

You could also participate in various exchange programs already in existence or you could institute new ones. We have several thousand African students in this country who would be very interesting to talk with. Of course, you could always come and visit the Embassy of the Republic of Kenya at 2249 'R' Street N.W. We want and welcome you to visit us.

And if you visit us in Kenya, in addition to experiencing and enjoying Kenya's rich and beautiful natural heritage—the vast and varied wildlife, ocean and lakes, birds and tropical flowers and fauna, the mountains and rivers, the Great Rift Valley, the extensive and unspoiled white-sand beaches; scenic beauty in spring climate the year round; we urge you to experience our most important heritage—our human heritage. Experience the people's rich culture, their problems and aspirations, their hopes and their frustrations, their successes and failures. See them, talk to them and to their bright eyed children. Thus your visit should not be an end by itself but it should serve as yet another link in people to people diplomacy. Diplomacy for what, one may ask— for international understanding and co-operation.

Most of Africa's population is young. For example, a full 50% of Kenya's 11 million population is made up of youngsters 1-15 years of age. What our young people believe, expect, what they think, learn and assimilate; the value of life that they acquire will shape the future of Africa, and decide the relations between the U.S.A. and the respective nations of Africa. (At present there are 41 independent nations in Africa some with ancient civilizations and others with brand new flags and national anthems).

The importance of our young people is not only because of their large number but also because it is our youths who will guide Africa from traditional societies to modern societies with relevant modern technology and skills. Our youth will blend the old and the new and bring up a dynamic and positive African presence and personality in the international scene. Research and write our history, music, drama and poetry. They are, and will continue to acquire a wider view of the world, adapt new values to our ancient traditions. Study and assess world political, economic and social systems. Write and amend the laws which govern us and the constitutions that guide us. Our young people will decide and implement the paths which our human and economic development will follow in this transitional period. There is no doubt that the youth of Africa will benefit a great deal by observing the achievements and avoiding the mistakes which other countries have undergone. In this respect meaningful cooperation based on human needs and understanding, between the youth of Africa and the youth of America could only be mutually beneficial.

In addition, our young people are faced with the enormous human problems which have afflicted Africa for decades; namely, poverty, lack of education and diseases. To deal with these problems, our young people will need education, skills, and specialization and make these relevant to Africa. This is another area where cooperation between the youth of America and the youth of Africa can be meaningful. You have the skills, the institutions, the research facilities and

the resources that we need but which we do not have. Sometimes you may take your society's achievements for granted but for us in Africa what you take for granted, e.g. clean drinking water, primary education, food, are in our Five Year Development blueprints! You may question whether the quest for modern technology is a good thing, but in our view we have crossed the Rubicon. We cannot turn the clock back. It however, lies within us to learn from you. To avoid your mistakes for example with regard to the environment, and to adopt your skills for the betterment of all the people of our respective developing nations, the world over.

It is obvious that the programme and the priorities of youth from developing countries are not necessarily identical with those of youth from developed countries. While the young people of developed countries are trying to make themselves felt by the system which, to them, is insulated—against their views, needs, problems, hopes and aspirations—a system whose decisions affect youth in a direct and lasting manner, youth has sometimes resorted to violence, drug taking and a loss of faith in the values of the system. What is the alternative and what is man and his purpose in life? These are basic but age long philosophical and real questions which I am not qualified to answer. We must therefore travel together in the search for the answers. On the other hand, in developing countries such as Kenya, the problems of youth are those of national involvement, direct and meaningful commitment to nation building. However, with the introduction of cash economy, urbanisation, education, unemployment, the old tribal values and way of life are on the decline—parental discipline is outwardly slackening but remains inwardly intact and rich. We too shall be technologically developed—your problems and hopes are indicative of what we may fall into on the road to similar development.

Hence the need for joining hands in our quest for a better world—better in human values, rights and responsibilities. Responsibilities to ourselves and to our common society of man.

On your part, you can learn a lot from Africa especially in the rural areas. The first thing which comes to mind is the closeness of members of a family; the relationship between children and parents. It is interesting that in Africa, where unlike this country, parents lack education and a wider knowledge of the world which their children have; we do not have what is stigmatized as "the generation gap". The lack of a "generation gap" in Africa has to be attributed to the mutual respect between parents and children. The parents realize that there are things which they do not know or have not experienced but which their children know, have experienced and are necessary tools in today's world. The children recognize the sacrifices which their parents have made to bring them up no matter how lowly, and in providing warm human relationship, food, security and sometimes education for them.

In addition, age and with it, native wisdom, are respected in Africa by both the old and young. People are not ashamed of getting old and neither does society abandon the old people by putting them in institutions or in retirement in warm reservations. Grandparents are the sweetest of playmates and dominate the most cherished childhood memories. In traditional Africa, everybody had a function and a place in society irrespective of age. Life though narrow, rigid and coherent it was a full life for all ages—from birth to death. The whole relationship was heavily governed by the basic value for person-to-person and clan-to-clan relationships. This basic approach to life still guides our personal and public lives.

Africa is proud of another aspect of what is known as "the extended family". In the

olden days of yore, if a person was building a house, harvesting crops or needed some land cultivated he would not only call upon his family for assistance but also upon all the members of his community. If a member of the community did not have land, he could always grow his crops or graze his cattle on somebody else's land. Nobody felt alone; his needs were the needs of his community. Everybody was a member of an "extended family" and the extended family was an integral part of the entire nation—namely the tribe. This concept of the "extended family" has been carried into modern times. Although the communal functions are changing with the introduction of cash economy, urbanisation, education and modernity in general terms, the concept and the philosophy have remained unchanged.

In Kenya for instance, the above concept has developed into a dynamic force for human and economic development. Recognizing the critical need for developing the country as a whole, especially the rural areas where over 90% of our people live, different communities in Kenya are building their own schools, clinics, hospitals, teacher training centres, technical institutes, roads, bridges, bringing water to their villages and so on.

Typically, a community gets together and conceives a needed project. The community members then raise the needed funds by contributing whatever each can afford in money, labour and agricultural produce e.g. chicken, eggs, livestock such as sheep, corn—whatever one has. Such items are then auctioned in the same community. Appeals for material and financial assistance for Harambee Projects are widely made in Kenya and abroad. Within a short time, there is a new school, a new hospital, water etc.

This phenomenon of community self-help and co-operation "Harambee" meaning "let us pull together", was conceived by the Father of the nation H. E. The President, Mzee Jomo Kenyatta. "Harambee" has caught on in Kenya like wild fire. The people are ahead of the government and their elected representatives in conceiving projects and implementing them. This is the type of human cooperation we must focus attention on this evening. The spirit of "Harambee" could be meaningfully extended to promote, in a new dimension relations between the United States and the Republic of Kenya, the youth of Africa and the youth of America. This is what we could term people to people cooperation and communication.

Are you as young but enlightened citizens of the U.S.A. prepared to channel your lively minds and energies to the pursuit of a realistic ideal of "Youth—A Constituency For Humanity?" That is the clarion call for Mzee Jomo Kenyatta. A call that is enshrined in our living and all embracing national motto: "Harambee!"

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

FARMINGTON SCHOLAR WALPOLE  
AUTHORITY

**HON. ELLA T. GRASSO**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mrs. GRASSO. Mr. Speaker, George Santayana aptly cautioned us that those who do not study history are doomed to repeat it. Those of us who live in the Sixth District of Connecticut are proud of our own renowned historian, Wilmarth Sheldon Lewis of Farmington. His life of scholarship, dedication, and authorship is a testimony to the highest aspirations of our Nation.

For the interest of my colleagues I am inserting an article from the Hartford Times regarding the achievements and generosity of this distinguished historian.

The article follows:

FARMINGTON SCHOLAR WALPOLE AUTHORITY  
(By Florence Berkman)

FARMINGTON.—Wilmarth Lewis, who has bequeathed his house and collection of 18th century rare books, prints and manuscripts to Yale University, to be known as Yale-in-Farmington, is a world authority on Horace Walpole.

The distinguished 76-year-old author, editor, collector and connoisseur has bequeathed his home on Main St., and a rare collection of books, prints and manuscripts of the 18th century to Yale, his alma mater, to be an institution for the advancement of letters and historical research. It will be patterned after Princeton's Institute of Advanced Study (of which Lewis is a trustee) which invites eminent scholars to use its resources.

"I want to provide a place where senior professors can work a term or two away from the restrictions of academic life," Lewis said in an interview at his Farmington house. It will be similar in that respect to Harvard's Dumbarton Oaks in Washington, D.C.

Lewis, who is world renowned as the editor of the Yale Edition of Horace Walpole's Correspondence, has since his graduation in 1918, collected more than 1,000 works by the 18th century British writer and chronicler which forms the core of his library that is larger than all other Walpole collections put together.

Although Walpole (1717-97) was a well-known writer in his day he is best remembered as the finest letter-writer in our language.

Asked why he concentrated on Horace Walpole, Lewis said, "Forty years ago I was struck by his wit, vividness and modernity. He was like ourselves. His letters and memoirs, unknown in the 18th century, can be read today as entertainment and enjoyed as works of art even if one knows little about the people and events that appear in them."

The Farmington scholar said they may also be treated as a major source for the study of the 18th century. The letters were written to inform and divert his correspondents, but Walpole also had a wider audience in mind—posterity. "Nothing," Walpole wrote, "gives so much an idea of an age as genuine letters; nay, history waits for its last seal from them."

Walpole's letter-writing began when he was 18 and lasted until his death at 80. He wrote on the subjects that interested him most—politics, the great world, literature and the arts. On the latter subject his "Anecdotes of Painting in England" in five volumes is a major work.

Lewis noted that Horace Walpole, as the

son of Sir Robert Walpole, England's first prime minister, and the relation, friend or acquaintance of the leading figures of the day—was a qualified historian of his age.

Walpole was also a great generator of new styles. His popular mystery, "The Castle of Otranto" (1764), was the first Gothic novel. His house, Strawberry Hill, established the Gothic trend in architecture and he designed a lamp, now in Farmington, which became the forerunner of the Tiffany Lamp. He was a master of the bon mot.

Walpole's writings so intrigued Wilmarth Lewis that he made a life work of collecting them. With his late wife, Annie Burr Auchincloss Lewis, he traveled throughout England, Europe and as far away as Australia, in search of Walpollana.

In 1933, sponsored by Yale, the Farmington scholar began to edit the new edition of Walpole's letters because he thought earlier editions were incomplete.

Thirty-four volumes have appeared and Lewis's goal is to complete the 50th volume by his 80th birthday, Nov. 14, 1975. These volumes are in important libraries in every state in the nation, except three; and in libraries in Europe, Africa and in the remotest corners of the world.

Walpole's incisive mind dug into the prevailing opinions of the time which he loved to debunk and the subjects ranged from the great political questions of the day to the best way to keep bees. It is a widely held opinion that scholars of the 18th century have to read Walpole.

In 1953 Lewis started his own collection of 18th century caricatures. It is now the biggest in the country and, in the world, second only to the British Museum.

The major artist in the collection is William Hogarth (1697-1764), painter and satirist. Essentially a moralist and reformer he became, through his caricatures, a social critic on a high level. They attacked the foppish and idle aristocracy, the false cultural standards and most particularly, the degradation of the lower classes. His caricatures of Gin Lane, the prostitutes and pimps of London are most telling about the times. Walpole called Hogarth "that great and original genius who caught the manners and follies of an age."

"Indeed Walpole and Hogarth complement each other in my collection," Lewis said, which also includes the works of Rowlandson and Gilray, in the same vein.

Of the caricatures Lewis said, "They loom larger and larger as our work progresses. I think of them as a second subcontinent in the 18th century."

In addition to the Lewis Walpole Library and the Print Room, Yale-in-Farmington will have an extraordinary card index system, devised by the late Mrs. Lewis. There are upwards of one million cards on the books, prints and manuscripts, to help scholars find with ease any information they are seeking, from the name of an important figure to the style in curtains at a given time.

It is the hope of Wilmarth Lewis that Yale-in-Farmington will add a new dimension to the cultural and educational life of the town which already has the Porter School, Hillstead Museum and the new University of Connecticut Medical and Dental school. And that Greater Hartford will be further enriched by the world-wide reputation it will achieve among 18th century British scholars.

Known to his friends as "Lefty" Lewis, the Farmington scholar was born in Alameda, Calif. in 1895. He first saw Farmington in 1914 on a visit to his Yale roommate, the late Dunham Barney. He moved there in 1922 and bought a house in 1926.

Already his reputation among scholars, students and collectors has gone far beyond

the confines of the United States. He lectures on Walpole all over the world, recently at Cambridge University and he is returning to Australia to lecture this summer.

Yale-in-Farmington will have a versatility which one finds in its distinguished donor. Lewis was a member of the Yale Corporation of 26 years, becoming its Senior Fellow. Among his other trusteeships are Winterthur Museum in Delaware, the Heritage Foundation and the National Portraits Commission, Washington, D.C. He has received numerous honorary degrees.

His autobiography "One Man's Education" has a charm of style and a candor that makes it a classic in its field. His recent book, "See For Yourself", reveals Lewis as a discerning art critic.

Wilmarth Lewis walks with a bit of a scholarly stoop. His brown eyes light up with good humor when he recounts an anecdote about a favorite historical character. But they flash with impatience and deep feeling when scholarship is in question.

He is indeed the universal man who has illumined the cultural life of British civilization two centuries ago—a period in which America broke its political ties with England. But American scholars never ceased to pay homage to the quality of its arts and letters.

George B. Cooper, of Trinity College, who is working on a projected book on the 18th century at the Lewis Walpole Library, said, "A student of the 18th century cannot work in his field without studying the Walpole collection there." And the prints, long neglected by experts, may become the most important and most widely consulted part of the Walpole Library because they open up fresh insights into the 18th century.

BY ANY OTHER NAME

**HON. WILLIAM J. SCHERLE**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. SCHERLE. Mr. Speaker, a herd of fiscal white elephants is trampling the American taxpayers. Feeding ground for these expensive boondoggles is Washington, D.C., which garners money from all over the country to build palaces of sport and culture. With a \$40 billion deficit, many Americans wonder what sort of fiscal insanity allows a stagehand at the John F. Kennedy Center for the Performing Arts to rake off compensation at an annual rate of \$75,000 to supervise the raising and lowering of the curtain or to push scenery around. The Robert F. Kennedy Stadium each year goes further into debt, and even its hapless baseball team has deserted it.

The latest proposal, which need only be authorized by the House and Senate Public Works Committees, would obligate the Federal Treasury for \$90 million—and, make no mistake, it will cost more—for a sports arena and convention center. Presumably trying for a change of luck, they are not naming it after a Kennedy, but plan to dedicate it to Dwight D. Eisenhower. Considering that the last real balanced budgets this country enjoyed back to back occurred in the Eisenhower era, it is bitterly ironic that this next invasion of the public purse should be made in his name.

"REVERSE RACISM": LEANING  
OVER BACKWARD

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. McCLOREY. Mr. Speaker, it has been my observation that most, if not all, Members of this body favor equality of opportunity in jobs, housing, and education. While different approaches are offered, there appears to be no basis for concluding that any conscious effort is being advanced to deprive any minority or ethnic group of opportunities in employment. Indeed, minority or ethnic characteristics may provide an advantage in many types of employment today.

Mr. Speaker, in our efforts to achieve equality of opportunity, I am confident that we do not want to downgrade merit or achievement. Many people, however, are now urging that we establish ethnic quotas as a paramount goal in hiring. They evidently believe that fairness and equality would be achieved by the employment of a fixed percentage of persons of ethnic or minority group status consistent with the ratio of such groups in the overall population of the Nation or area.

If hiring by quota were adopted, it would destroy the principle of merit employment and would consequently impair the efforts which have been made to achieve genuine equality and would have the effect of decreasing our productivity as a Nation. The desire for quota hiring represents a misplaced intention of good will, which should more properly be directed toward improving our training and education of minority group citizens and making greater efforts to attract them to jobs for which they are qualified.

Mr. Speaker, a most knowledgeable study by sociology Prof. Nathan Glazer of the Harvard Graduate School of Education produced a convincing article on this subject which appeared in the Sunday, March 12, 1972, issue of the New York Times, entitled "Leaning Over Backward or Reverse Racism." The article follows:

"REVERSE RACISM": LEANING OVER BACKWARD

Most Americans today accept without question the necessity to prevent discrimination against job applicants on grounds of sex, race and national origin. But the increasing trend toward favoring applicants because of their minority backgrounds is rapidly becoming the focal point of a spreading national controversy.

Last week the issue surfaced on several fronts.

A survey conducted by the New York City administration to determine the sex, race and ethnic origin of city employees was attacked by labor leaders who claimed it undermined the merit system.

A suit by the N.A.A.C.P. Legal Defense and Educational Fund charged that the written examination used to select and promote policemen in New York City discriminated against black and Spanish-speaking applicants and was therefore unconstitutional. A similar charge was recently sustained by a Federal judge in Boston.

A special city-sponsored examination for selecting aides for the Police and Fire Departments and for housing patrols was struck

down as unconstitutional by a State Supreme Court justice. The applicants were limited to residents of predominantly black and Puerto Rican neighborhoods.

The State Civil Service Department made black or Spanish "ethnic identification" a prerequisite for applicants for 19 positions as state prison counselors.

The "affirmative action" program supervised by the United States Department of Health, Education and Welfare already requires that universities provide detailed breakdowns of their employees by race, sex and national origin; moreover, the schools must produce a "plan" that will increase the numbers of those groups under-represented on campus. Other Government agencies do the same thing for other employers, under an Executive Order that requires that all Government contractors be nondiscriminatory and have "affirmative action" plans. Inevitably, such moves raise fears among those now holding jobs who are members of well-represented groups.

These developments involve almost every employer in the country of any size, public or private; hundreds of Federal, state and city agencies, and thousands of employees. They represent the crossing of the line between the simple enforcement of nondiscriminatory behavior against applicants and employees on grounds of sex, race and national origin—and "affirmative action," the effort to increase their numbers through various pressures, including withholding of Government contracts. The question is: Do they also breach the line between affirmative action and quotas? Do they mean that jobs will be granted—and refused—based upon a requirement that organizations must have a certain proportion of blacks, for example, regardless of the qualifications of non-black applicants? Quotas are publicly almost universally opposed, and public agencies deny they impose them. But many observers have their doubts.

The argument for affirmative action is clear. There are few Negroes, Puerto Ricans, women, Spanish-speaking in the better jobs, even though their numbers in these jobs have increased in recent years. If these groups are to increase their incomes, improve family stability, achieve political power, as all sides agree, their representation in these jobs must increase.

Moreover, for the sake of the society, itself, this development must continue. America's claims to justice and equality will be hollow, its stability threatened, a major human resource wasted, unless it does.

But there are many who fear the apparent trend toward quotas and reserve discrimination. Some of their arguments are of a practical sort. How are the favored "minority" groups to be defined? The Boston court, for example, wondered whether the Spanish-surnamed would include a graduate of Madrid University. Do the blacks to be favored, for example, include the Harvard graduate as well as the ghetto dropout?

Moreover, in favoring those minority group members who do less well on Civil Service tests—assuming that we are speaking of tests truly designed to detect useful talents rather than to discriminate against these minorities—do we not penalize the applicants who work harder to pass tests or to be competent in their jobs? Groups that have known severe discrimination—Jews, Chinese, Japanese, among others—have done well in various areas of employment. Because one is a member of these achieving groups, should he or she as an individual be penalized?

Then there are questions of efficiency. If employees who have the best records for promotion surmise that such matters no longer count, will this not contribute to the decay of public services? We are less concerned about efficiency in some jobs than in others. But even a shift to less efficient employees at lower levels of government will at

least raise costs, at a time when the costs of municipal government are crushing.

Finally, the nation is trying to overcome the stigma of minority group membership. But can it be overcome if such membership is deemed a permanent disability, requiring a lower level of job achievement?

There is general agreement that discriminatory behavior in employment and promotion should have no place in the practices of public and private employers—and further, that those groups who are poorly represented should be over-represented in training and educational programs. But there is also considerable public uneasiness that affirmative action may be leading to something else: reverse discrimination and quotas.

SUPPORTS LEGISLATION TO RE-  
STORE NAME OF CAPE CANAVERAL

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. BURKE of Florida. Mr. Speaker, the following are remarks which I submitted to the Senate Committee on Interior and Insular Affairs in support of legislation to restore the name of Cape Canaveral to the area of the State of Florida known as Cape Kennedy:

STATEMENT BY CONGRESSMAN J. HERBERT  
BURKE

Mr. Chairman, I appreciate the opportunity to present my views on S. J. Res. 193, a joint resolution seeking to restore the name of Cape Canaveral to the area in the State of Florida presently known as Cape Kennedy, since I am the sponsor of identical legislation in the House, H. J. Res. 878.

Unfortunately, this matter has become a political football. The years go by, and a gesture done in anguish and grief over the untimely loss of a President, remains with us despite the strong support for restoration of the more historical designation.

Cape Canaveral is thought to have been discovered by Ponce de Leon when he was exploring Florida for Spain. The name itself first appeared on a map in 1530. Few names in this hemisphere boast such historical identity. People all over the world have known this spot named on a 1530 chart by Veconte de Maggiolo. When Father Alonso de Escobedo came to Florida in 1587, he found that the name "Cabo Carnival" was already in widespread use.

The Spanish word "canaveral" means canebrake or a place overgrown with reeds or canes which is an excellent description of the Florida landmark which has been of navigational and geographic importance for 400 years.

We are all aware of the late President Kennedy's love for the Space Program and certainly agree that the designation of the Space Center as the Kennedy Space Center is an appropriate way to honor him. However, President Kennedy was a man who loved history, and sought to preserve and emphasize the history of our nation. It would be fitting, then, if we had the two—side by side in Florida.

The Board of Geographic Names of the Department of the Interior redesignating Cape Canaveral in Florida as "Cape Kennedy" was emotionally contrived and not fair to Florida's history. The President's Executive Order No. 11129, dated November 20, 1963, however, which designated the facilities of the National Aeronautics and Space Administration and the Department of Defense located on Cape Canaveral as the John F. Kennedy Space

Center, on the other hand was most fitting and proper.

I am sure most of the people of Florida are in complete accord with the action taken by President Johnson in designating the NASA and DOD facilities on Cape Canaveral the John F. Kennedy Space Center. However, the Florida Legislature in 1969 passed a unanimous resolution favoring the restoration of the historic name of Cape Canaveral. They feel this way because they view the Kennedy Space Center as part of the history of Cape Canaveral, not as the founding act that produced the community.

The name Cape Canaveral is one of the oldest known and most continuously used place names on the American Atlantic Coast. The discovery of this landmark is accredited, as I previously stated, to Ponce de Leon, and its name is recorded on many of the earliest known Spanish and French maps and charts before even Cape Cod, Cape Hatteras, and Jamestown bore their proud names. It was in use on maps and charts of world navigators from the days of the discovery and exploration of Florida until 1963, well over 400 years.

For almost nine years now there has been debate on which designation is more appropriate, a 400 year old name, or an honorary designation for a martyred President. The tenacity of the people of Florida in working all these years for restoration of the original names states more eloquently than any single person can the case for redesignating Cape Kennedy, Florida as Cape Canaveral, Florida.

#### ADVANCE PAYMENTS TO FARMERS PARTICIPATING IN FEED GRAIN AND WHEAT PROGRAMS

### HON. BOB BERGLAND

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. BERGLAND. Mr. Speaker, on Wednesday, March 8, I introduced a bill, H.R. 13679, which would require the Secretary of Agriculture to make advance payments to farmers participating in the wheat and feed grain programs. I was joined in this effort by Congressmen OBEY, LINK, ABOUREZK, SMITH of Iowa, MELCHER, ANDREWS, ROUSH, THONE, BEVILL, HAMILTON, McCORMACK, DENHOLM, FRASER, EVANS of Colorado, ASPIN, ROY, McMILLAN, JONES of North Carolina, and FOLEY. I welcome this expression of support on the part of my colleagues. Senator MONDALE introduced this bill in the Senate on Monday, March 6.

I cannot express strongly enough the urgency of this measure. Since harvest began in 1971, wheat and feed grain producers have been facing the lowest prices paid for their commodities since the great depression. In spite of the slight increases at terminal markets, corn and wheat will hardly bring more than a break-even price at most country points.

This year we must work vigorously to reinstate the concept of advance payments in the feed grain program. It was a mistake for the administration to eliminate the advance payments in 1970. The program had worked well for 7 years. Advance payments were directly responsible for encouraging several farmers to sign up and divert acreage from production. Under the program, farmers who elect to

participate in the program receive an advance on their diversion payments after signup in the spring. The balance is then paid in midsummer. There can be no doubt that this provides an added inducement to participation in the program.

Halting of the advance payment program did not reduce costs to the Government. It simply shifted the funding to another fiscal year. In the process, it placed a reoccurring burden upon farmers. Without advance payments, farmers must borrow money in order to finance crop planting and operating costs.

This year, advance payments would make the increased set-aside payments and additional program options more beneficial to farmers. Secretary Butz has announced that he is prepared to spend about \$2 billion on the set-aside program for 1972. Advance payments of half that amount before planting time would be a tremendous boost to rural America. There can be no doubt that most of these funds would be spent almost immediately in the rural community by the farmers who receive them. I can think of no faster way to give much needed vitality to the rural economy and to increase employment in small communities.

There are no practical grounds for disagreement with the concept of advance payments. These payments can be implemented within the framework of the set-aside approach. Payment immediately after signup would not incur any additional costs to the Government. It would be a good investment in rural development and would strengthen the farm program.

In view of the drastic low prices which feed grain producers have had to face with their 1971 crop, there is a severe need for this type of additional income before planting.

#### EXECUTIVE BRANCH ACTIONS, INTENTIONAL OR NOT, ARE ENDANGERING THE FUTURE OF AMERICA'S COUNTRYSIDE

### HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. ALEXANDER. Mr. Speaker, the February 23 edition of the CONGRESSIONAL RECORD, carries on page 5258 a speech I made in which I discussed three elements basic to the nucleus of a small town with a future. These are the general store, the doctor, and the post office. In that speech, I expressed concern over the adverse effect actions by officials of the executive branch have had on small medical clinics located in a number of small towns in northeast Arkansas.

Today I would like to continue my examination of the threat to the future survival and progress of the Nation's small towns, by discussing some actions of the U.S. Postal Service. Those of my colleagues whose hometowns are small or who have small towns in their districts are no doubt aware of the importance the local post office has for a town.

Post offices can easily and accurately be described as beacons. The town-name postmarks appearing on letters, cards, and packages dispatched through these post offices carry a message to the recipient. These postmarks bear witness that Salem, Ark., is a real place. It has an identity. It is a place where people are born, live, learn, play, and eventually die. It is a community with a personality.

To threaten the existence of a town's general store, its post office or its doctor is to threaten the town's continued existence. Some actions taken within the executive branch appear to be aimed in that direction.

One of these is a trend developing in the U.S. Postal Service. It is labeled a money-saving device. And, it seems to be knowingly designed to restrict persons in the exercise of their right to have their mail postmarked from their hometowns. At this point, I am told only the larger post offices are affected. But, with the executive branch's apparent belief that bigness in postal operations is the proper objective, can the smaller post offices afford to feel secure.

Under the new practice, unless uses of the first class offices make extra efforts to put nonlocal mail in a specially marked collection box, or in the incorrect box, mail from these post offices bear the undistinguished postmark reading "U.S. Postal Service."

Now, the postal service officials tell my office that the change was made in response to the demands of big-city mailers. These users, the postal officials say, could care less about postmarks. They just demand quick delivery service. That information was provided my office on the day that I had learned that it took 5 days for a first-class package mailed from Washington to reach south Texas.

That was also the day a staff member told me that it had required 1 week for a first class, certified package to travel from Washington to Mississippi. Another package, mailed from the same post office on the same day, at the same hour, to the same Mississippi address, had taken 2 weeks to make the trip.

It was also the same day that the young woman on my staff who is responsible for the initial handling of incoming mail, remarked that it regularly takes 2 days for airmail letters to move from some towns in the First Congressional District of Arkansas to Washington. And, it was just 3 days before I learned that a piece of mail coming from another office in Washington to my office had been in route 6 days. It still has not arrived.

Another bit of information provided by the U.S. Postal Service officials about this new postmark practice is that small towns, with third and fourth class post offices—such as the one which was assigned to Moorefield, Ark.—do not generate enough mail for theirs to be handled in this way.

The official was correct. Moorefield only had to worry about keeping its post office. The Postal Service closed it on January 8, 1972. Their reason was stated thus:

When determining necessary adjustments at smaller offices, such as Moorefield where a postmaster vacancy exists, the primary con-

cern is service . . . adequate postal services can be provided by rural route at a reduced cost.

Under the U.S. Postal Service regulations, I am told there is no appeal from such a decision, regardless of the effect it has on the total community's future. The Postal Service closed 134 fourth class post offices across the Nation between July 1, 1971, and early February 1972.

Now I understand that in this election year there has been a moratorium—scheduled to end on July 1, 1972—ordered against closing fourth class post offices. This can be of little comfort to those towns which have already suffered this blow to their identity—or to those which may expect the same fate in the future.

On one hand we have the President making a public commitment to the revitalization of the Nation's small towns and communities. On the other we have actions like those being generated within the U.S. Postal Service.

Mr. Speaker, I would urge my colleagues in the Congress to carefully consider the implications of what I have said here today. It seems appropriate for those of us concerned with the future of small town and small county, U.S.A., to look carefully at the proposals and actions of the executive branch. Indications are that the right hand may not be aware of what the left hand is doing and saying.

We in Congress have enacted programs full of promise of a helping hand for all segments of the Nation. Yet, when these programs are established in the executive branch the nonmetropolitan areas of the Nation rarely get the share of the assistance which their population or needs would justify.

Executive branch actions, intentional or not, are endangering the future development of America's countryside. The congressional interest in revitalizing these areas is amply displayed in the 135 bills and resolutions directed to this which were introduced last session.

The task before us is enactment of legislation which gives the executive branch clear instructions as to our commitment to nonmetropolitan areas.

MY RESPONSIBILITY TO FREEDOM

HON. GARRY BROWN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. BROWN of Michigan. Mr. Speaker, during the recent meeting of the Veterans of Foreign Wars here in Washington, I had the distinct pleasure of meeting with Mr. Craig Sloan, this year's winner of the Department of Michigan Voice of Democracy Essay Competition and a student at Portage Northern High School in the Third Congressional District which I am privileged to represent. He is the son of Mr. and Mrs. James Thomas Sloan, Jr., of Portage.

Mr. Sloan is a remarkable young man. In 1971, he was the Michigan department's runner-up in the essay competition. He also won first place in the Mich-

igan High School Forensic Association Sweepstakes last year and fourth place in the State in the Optimists 1970 oratorical contest.

His winning essay, "My Responsibility to Freedom" sets a high standard of responsible citizenship.

Noting that a child can piece together a puzzle, he questions whether a child—once he has pieced together a puzzle of a great painting by Rembrandt or Van Gogh—can understand the symbolism of the painting. He goes on to suggest that it is not enough that citizens in a democracy have the knowledge to fit together "the individual pieces and relationships of an issue" but that they also must seek "the perspective, the insight, [and] the wisdom to understand the issue."

In a time of controversy, in a time when the public is sharply divided on many issues confronting the Nation, it is all the more important that we realize that we must seek not just facts—particularly those that merely support our own point of view—but that we must seek an understanding of the issues, including an understanding of why others may at times vigorously and sincerely oppose those views we most strongly hold.

Mr. Speaker, I recommend Mr. Sloan's essay to all my colleagues in the House. In order that it may be available to each, I ask permission to have the essay reprinted in the CONGRESSIONAL RECORD at the conclusion of these remarks.

Thank you.

The essay follows:

MY RESPONSIBILITY TO FREEDOM

(By Craig Sloan)

Freedom is hard to win and even harder to keep because the latter entails responsibility. But what of the man who does not have the imagination to grasp this concept, who cannot visualize the two-way road between the retention of his freedom and his responsibilities to freedom? Can such a man be free?

The question I pose is not as philosophic or rhetorical as it may first appear. It is one that vitally concerns me and many others. In one short year I will be able to vote. I, and hundreds of thousands of other new 18 year old voters, will be going to the polls in '72 to decide this nation's future. I find that both awesome and wonderful. So, I'm asking myself: What responsibilities do I owe freedom? How am I going to keep freedom alive and meaningful in me and in others?

As I first approached this question, it looked as if it could be easily answered. After all, the government gave me the freedom to vote, speak, and think as I pleased, so my responsibilities seemed to be that I must attend the polls regularly and express myself. Yet, I feel there is something greater you and I owe to freedom. We owe a responsibility of wisdom to that force we call freedom.

This responsibility of wisdom resembles a puzzle. Now, any child could fit together the pieces of a puzzle. But imagine if it were a puzzle of a great painting, a Rembrandt or a Van Gogh. Once having pieced the puzzle together, could the child understand its symbolism? Could he appreciate the talent, time, and imagination that went into its creation? True, like the child, we may have the knowledge to fit together the individual pieces and relationships of an issue, but do we have the perspective, the insight, or the wisdom to understand the issue?

We must have this wisdom, or we negate the entire concept of personal freedom.

We scrap mankind's belief in his fellowman by enslaving ourselves to prescribed ideology.

How easy it is to vote the party line. How less traumatic to agree with the national committee. How much more soothing to unquestionably believe the official story. More and more we allow ourselves to become thoughtless and thankless of our freedoms.

We need the wisdom to decide the issues and the wisdom to work with others toward solutions. To allow a few to dictate to us their beliefs makes a mockery of all the powers and provisions that make us free. Together, we must try to fulfill our responsibility of wisdom, if we truly wish to be free, for as Platus said "No man is wise enough by himself".

Never before has freedom so badly needed a responsibility of wisdom among its believers. We live in an age of racial hate that demands the courage and the understanding of us all. We watch a war blot our nation's spirit and hear nothing except rhetoric. We touch the wonders of the moon and the universe while millions of our people go to bed hungry every night.

Some people believe that dealing with these problems only creates disillusionment. Yet, as we walk down the road between our freedoms and our responsibilities, let us remember the path is not always an easy one. At times if our moral courage and wisdom stumbles in disillusionment, we should look to the words of George Santayana, "Wisdom comes by disillusionment".

When I go to the polls next year to vote, I, and I hope you, shall keep in mind the necessity for all of us to deal with the demands and issues freedom places upon us. That's what freedom is all about: the wisdom of the people deciding the course of a nation.

ROBERT MORGAN DAY IN SANTA CLARA, CALIF.

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. EDWARDS of California. Mr. Speaker, March 17 is Robert Morgan Day in Santa Clara, Calif.

Senator Alfred Alquist has introduced a resolution in the California State Senate commemorating this day and honoring this distinguished citizen for his many contributions not only in the world of art but in the legal profession, the raising of Morgan horses, and a whirlwind of community activities.

Robert Morgan, an old and dear friend of mine for many years, is being honored at a luncheon being held at the Triton Museum, which he founded, by the Heritage section of the Santa Clara Citizens Advisory Committee.

Bob Morgan is a successful lawyer whose office, located in San Jose, Calif., is the only private building to have murals painted on its walls. One of the murals depict four phases of Lincoln's career. Bob is fond of telling you what a fine lawyer Mr. Lincoln was. One of the other panels on the building is a reproduction of Norman Rockwell's Four Freedoms, reproduced by permission of the Saturday Evening Post.

Bob Morgan is known for the quality of his endeavors and for the sincerity of his interest in the community. Bob is a past president of the Santa Clara County Bar Association and has been

honored by a fellowship to the Academy of International Trial Lawyers.

He has found time not only for excellence in his chosen profession, the law, but for the raising of Morgan horses on his ranch near Gilroy, Calif., as well as a multitude of civic interests.

His interest in art reaches back into his childhood. He served on the Fine Arts Commission in San Jose and was interested in developing a relationship between the community and museums. With some of his friends, he purchased an old building in San Jose some years ago, remodeled it and started the Triton Museum of Art. The museum has moved a few times since its beginning, and is now located on 7 acres in three pavilions in the city of Santa Clara.

I am pleased to join in this tribute to Bob Morgan, a unique man, who has given so much in so many ways to the communities in which he works and lives and who has made the Triton Museum a pivot for culture in the Santa Clara Valley.

#### THE PRESIDENT'S ENVIRONMENTAL MESSAGE

**HON. ELLA T. GRASSO**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mrs. GRASSO. Mr. Speaker, it was disappointing to note that the President's environmental message, recently sent to Congress, contains no proposal to protect the Nation's wetlands from development.

An article that appeared in the Washington Star on February 9, 1972, describes events leading to the deletion from the message of a Presidential directive which forbids the U.S. Army Corps of Engineers to "issue permits for filling and dredging wetlands, or coastal areas, unless developers could show cause why they could not build elsewhere."

I am registering my concern about this matter in letters to Russell E. Train, Chairman of the President's Council on Environmental Quality, William D. Ruckelshaus, Director of the Environmental Protection Agency, and the Secretary of Commerce, Peter G. Peterson.

For the interest of my colleagues, the article is included below:

#### WHITE HOUSE SPIKES PLAN ON WETLANDS

(By Roberta Hornig)

The White House, shooting down its environmental advisers and siding with the Commerce Department, knocked out of President Nixon's environmental message a proposal to protect the nation's wetlands from development.

Until Friday night, the message, which was sent to Capitol Hill yesterday, included a presidential directive forbidding the U.S. Army Corps of Engineers from issuing permits for filling and dredging wetlands, or coastal areas, unless developers could show cause why they could not build elsewhere.

The directive would have required developers to prove that waterfront use was "essential."

Administration sources say the White House suddenly switched signals and the directive was ordered "out" of the environmental message.

A White House spokesman said that the Commerce Department was "adamantly opposed" to the dropped proposal, and that the proposal was not considered a "presidential initiative."

The change of mind came after a memo from the Commerce Department's general counsel, William T. Letson, to the director of the Office of Management and Budget, George P. Shultz, sources said.

Ironically, the plan was proposed by the Corps of Engineers, generally considered a villain by ecologists.

It was worked out with Nixon's Council on Environmental Quality, headed by Russell E. Train.

Sources said the Commerce memo opposed the directive on grounds that it would be unconstitutional. Commerce's argument, they said, in effect is that Congress has never authorized regulations on the issuance of dredging permits.

But, they added, environmentalists within the administration believe the reasons the directive was knocked out were "outside the legal ones given."

#### UNFAIR TO BUSINESS

The sources said Commerce argued that the burden imposed by any such directive "would be too hard for developers to bear," that it would be "unfair to business who might need wetlands for development" and that the administration environmentalists "don't know the consequences on business."

One source called Commerce's position ironic since the department, besides representing business as one of its constituents, also is charged with fish production. Fishing has been declining as a business in the United States, the source said, because of the loss of wetlands, which are fish breeding grounds.

In 1969—the last year for which data is available—the United States lost 35,000 acres of biologically productive wetlands, the source said. Half of this went to "interests not essential to either the public interest or essential waterfront use," including housing and airports, he said.

The Council on Environmental Quality wanted the directive on grounds that "it would have established the principle that wetlands are biologically productive and environmentally valuable."

Although the directive was dropped, the presidential message yesterday did include another provision on wetlands, which the source described as much more limited in nature.

Nixon told Congress he was proposing legislation "to limit applicability of certain federal tax benefits when development occurs in coastal wetlands." He said his proposal was to give "... new economic disincentives to further discourage unnecessary wetlands development."

#### CONGRESSIONAL REFORM—THE FIRST YEAR

**HON. ROBERT N. GIAIMO**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. GIAIMO. Mr. Speaker, there have been disturbing rumors this year that some of the reforms accomplished through the Legislative Reorganization Act of 1970 will be quietly attacked and undone.

Those who would promote such an attack may believe that the public would not care or respond, and that even the press may be unaware of the enormous

influence the provisions of this act have had on the operations of the Congress.

Such people are underestimating the wisdom of both the press and the public, however. The American public intuitively understands that the outcome of the game—of congressional action—is as much dependent on the rules as it is on the individual players. They may not know each and every detail of this landmark piece of legislation, but they understand that there is more light in the dark corners of Congress than ever before and that their individual representatives to the Congress are more responsive and more effective than ever before.

The press, as always, plays a vital role in fostering this understanding, and the press has recently called attention to both the accomplishments of the Legislative Reorganization Act and the consequences of actions that would demean that act. Recently, for example, the Hartford, Conn., Courant reviewed the first full year's operation of the reform act and gave it good marks both for what it has done and what it might do.

I call particular attention to the last paragraph in that newspaper's editorial, especially to the phrase which reads:

But especially in the House, leaders must now be more conscious than before of gaining majority acceptance for their actions.

The editorial goes on to say that:

This bill is a symbol to the leadership that it cannot run over the rest of the membership the way it used to.

Mr. Speaker, neither the press nor the public will be happy if attempts are made this year to gut the Legislative Reorganization Act. Neither the press nor such groups as Common Cause will be fooled by backdoor approaches to such action. I salute the Hartford Courant for its editorial concerning the accomplishments of congressional reform and the press in general for its role in stimulating that reform.

The article follows:

#### CONGRESSIONAL REFORM—THE FIRST YEAR

For many years, Congressional reform was one of those things like the weather. There was a lot of talk about it, but no action. When the Legislative Reorganization Act was finally put through in 1970, it was the first reform measure since 1946.

Congress has now worked for a year under its provisions, and the results, if not earth-shaking, are reported on Capitol Hill to be generally good.

The act required committees in both chambers to provide that all record votes be made public, and that roll-call votes on final approval of a bill be printed in the written report. It encouraged open hearings and business meetings. It required prompt filing of committee reports once a committee has acted, and allows committee members to file minority or additional views in a reasonable time. It also allowed the minority party committee members to call their own witnesses at hearings, permitted broadcasting of hearings, and required committees to issue biennial reports reviewing their activities regarding legislation within their jurisdictions.

In short, the Legislative Reorganization Act aimed at opening up the operations of Congress to more public scrutiny, democratizing the system to protect minority rights, and streamlining legislative processes.

Though some of the specific provisions of the act will take more time to bear fruit, there is general feeling in Congress that it



is working for the good even in the short time it has been operative. Some members of Congress point out that just the existence of the bill acts as a sort of curb on the leadership of both parties and in both chambers, making those in power realize they cannot exercise that power capriciously.

Looking outside the Congress, others see the Reorganization Act as reassuring to the public. As one Congressman put it, "There is so much cynicism about hardening of the arteries in public institutions, just the accomplishment of reform has been a refreshing thing."

And of course that cynicism, or at least skepticism, on the part of the public, has been widespread. It has been remarked that the House of Representatives, according to conventional wisdom, is usually thought of as being run by a score of powerful committee chairmen who long ago wrote the rules and now wield them to their own advantage. And the Senate, the same wisdom held, is a gentlemen's club where insiders wheel and deal behind the disguise of unanimous consent.

All observers agree that the Reorganization Act does not preclude wheeling and dealing by powerful committee chairmen and high-ranking party members in their accustomed fashion. But especially in the House, leaders must now be more conscious than before of gaining majority acceptance for their actions. In a way, the bill is a symbol to the leadership that it can not run over the rest of the membership the way it used to. It is helpful that both Congress and the public know this. It encourages hope that the Reorganization Act will go on to achieve the even more specific goals it sets itself.

**THE LOUD MINORITY SPEAKS OUT FOR DIRECT ELECTION OF THE PRESIDENT**

**HON. ABNER J. MIKVA**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. MIKVA. Mr. Speaker, as we are all aware, this is an election year. All the seats in this distinguished body are up for election, as well as the Presidency and the Vice Presidency.

The people will have a direct voice in electing the Members of this House, and the Members of the other body as well. But they will not be able to directly elect their President.

Four years ago, the electoral college system threw a scare into the hearts of many concerned Americans who feared that a third party candidate would prevent either Senator HUMPHREY or President Nixon from gaining a majority of the electoral votes, precipitating a replay of the compromise of 1876.

That danger continues to haunt our electoral process, and will until we revise the electoral college system. For that reason, I have proposed an amendment to the Constitution providing for the direct election of the President by the voters.

The people ought to elect the President directly so that the candidate with the most votes necessarily becomes the President. Originally the electoral college was devised by the Founding Fathers because they feared that the American public was incapable of wisely choos-

ing a President. Their mistrust is a historical anachronism, repugnant to 20th century notions of democratic government.

I would like to insert in the RECORD the text of a petition signed by over 200 of my constituents and sent to me by an outstanding group of concerned young citizens known as the Loud Minority. Their activity in support of direct election is a fine example of the justice of changing the electoral system to permit full participation in presidential elections.

The text of the petition follows:

"THE TIME IS NOW"

LOUD MINORITY,

Skokie, Ill.

Hon. Congressman ABNER J. MIKVA,  
Everett McKinley Dirksen Office Building,  
Chicago, Ill.

CONGRESSMAN MIKVA: We, your petitioners, citizens of the United States of America, respectfully request, that you, acting on the suggestions of the Loud Minority, once again propose an amendment, to the Constitution of the United States of America, asking for complete electoral reform, and the direct election, of the President and Vice President, of the United States of America.

**NIXON'S VISION OF THE FUTURE**

**HON. F. BRADFORD MORSE**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. MORSE. Mr. Speaker, this morning's newspapers carried headline stories about the talks that have begun in Paris between representatives of the People's Republic of China and the United States. These initial exchanges, described as warm and cordial, are the first tangible results of the President's visit to China, and they represent a positive and encouraging sign.

It is my firm conviction that the President's recent trip to the People's Republic of China represents one of the most significant diplomatic exchanges in the past 20 years, and I believe that positive repercussions of that visit will continue to be felt around the globe for many years to come. The United States has now moved closer to establishing normalized and official relations with the world's most populous nation. In doing so, we have acknowledged a reality that for more than 20 years had been officially ignored—the existence of what is now a nuclear nation of more than 750 million people.

This adjustment in the diplomatic posture of the United States is neither sudden nor ill-considered. It has been carefully and thoughtfully prepared by the administration and by the Congress for a number of years. From the early days of his administration, for example, President Nixon has worked to develop a more realistic and open U.S. policy toward Peking. Through a series of unilateral, step-by-step measures ranging from the relaxation of certain travel and trade restrictions in 1969, to a comprehensive lifting, in the spring of 1971, of trade embargoes that had been in effect

for more than 20 years, and a shift in policy of the question of China's representation in the United Nations, Mr. Nixon has succeeded in laying the groundwork for a relaxation of tensions between the United States and the People's Republic.

The President's visit to Peking was a logical and entirely consistent and laudatory step in the process of opening up contacts with Peking and encouraging China to join the family of nations. I welcome these moves as a reflection of the genuine national interest of the United States, as well as in the overall interest of global security.

Mr. Speaker, on February 24, 1972, the Malden Evening News, the Medford Daily Mercury, and the Melrose Evening News all carried a fine editorial on just these matters by Robert H. Goldman. The article, entitled "Nixon's Vision of the Future," discussed the positive implication and likely ramifications of the President's China visit. I commend to my colleagues this very incisive and thoughtful editorial by Mr. Goldman:

**NIXON'S VISION OF THE FUTURE**

(By Robert H. Goldman)

It may have seemed like a Hollywood scenario; it may have seemed quite unreal—but it was reality. Richard Nixon, that well known anti-communist, that long-time foe of Red China, had come to Peking, to the capital of Red China, (now called by our government by its true name of "The Peoples Republic of China"). He had broken bread (all 40 delicious courses at the state banquet, indeed) with Premier Chou En-Lai, and he had spent an hour with Chairman Mao.

The decision of our President to visit China has evoked a curious combination of protests. Many American Conservatives, particularly Republicans in his own party, have strongly protested. Some liberals have suggested the trip is "politically motivated", and the third group to protest is—the Russians, who feel an American-Chinese entente aimed at them. A strange unity of protest against the trip, indeed.

But whatever the protests, whatever the President's motivations, however unreal the visit may still seem, it is probably the most important international political move of the last 20 years. And it can be decisive for the peace of the world.

For a China of 800,000,000 people, armed as it is with nuclear weapons, to remain isolated further behind a "bamboo curtain" would have made the future of mankind grim, indeed. To renew communication with China—not so much to reach agreements with China, but merely to be able to talk to and communicate freely and frankly with the Chinese communists—are necessities of life in the nuclear age.

And this is the measure of the greatness of Richard Nixon. In spite of his strong and fervent anti-communist background, he is, above all, a realist. And he is one of the great "politicians" of all time. This is not to his discredit. A man has to be a great politician to lead this complex America of ours in this difficult and dangerous world; and a man has to be a great politician to come back from the political graveyard of 1962, after his defeat for Governor of California, to become, six years later, in 1968, President of the United States.

Chairman Mao and Premier Chou, too, came back from their own political graveyards, from disastrous defeats to hang on in Yenan in 1936, and 1937, and then 12 years later, to rule this vast land of China.

The President correctly stated at the first state banquet in Peking that "no principle" that we have will be yielded to the Chinese—

nor, he added, do we expect them to change theirs. But in the nuclear age nations with different principles must learn to live on this earth together—to have "co-existing"—or to perish all together, in the ruins of Man's Civilization.

When Pope Paul VI proclaimed, almost in anguish, in his visit to the United Nations during his trip to America, "No more war—war never again!", he was truly the voice of the common man and woman everywhere in this age of the super-weapons.

And Richard Nixon, that first night in Peking spoke not only for America, but for all mankind when he said that we who are mid-dead, must rise above the hatreds and passions of a different era, to realize that we must leave to our children, to the youth of today, all over the world, a planet where people of vastly different social and economic systems and philosophies can live—live—together.

The alternative is not "victory" for "democracy" or "victory" for "communism", but a common death for the adherents of both philosophies—and the rest of mankind, too.

Who would ever picture Richard Nixon as a great idealist? Are his motivations "pure"? It matters not. Personally, I believe that he has a genuine vision of a better and safer world. But whatever his motivations, he has done the right thing, at the right time, in the right way.

He has given mankind another, and a genuine, chance to avoid a final catastrophe. And history, I predict, will praise him for it, as should we all!

#### ARVILLE SCHALBEN RETIRES FROM MILWAUKEE JOURNAL

### HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. REUSS. Mr. Speaker, Associate Editor Arville Schaleben, a mainstay of the Milwaukee Journal's operation, retired last month after 43 years with the newspaper.

I extend my best wishes to Mr. Schaleben as he continues his service to journalism through other channels, and insert at this point an editorial from the Milwaukee Journal of February 29:

#### HAPPY RETIREMENT, ARV

Another of Wisconsin's ablest journalists, nationally known for many years, has been lost to the active profession by retirement from The Milwaukee Journal. Happily in the case of Arville Schaleben, he will continue to serve the cause of journalism as educator, mentor and authority on its principles and ideals.

Schaleben made a name as a probing and perceptive reporter in the first six of his 43 years with The Journal, and never lost the instinct or the zest all the rest of the time in news executive positions, where he rose to be associate editor. He long continued to be a world traveler and keen observer for Journal readers, literally from pole to pole, doing his own photography into the bargain.

Schaleben's special interests and productive labors in his news executive role have been highly useful in two fields: advancement of journalism as a career, and watchdogging the legal status of the press as a public service institution constitutionally protected. In the former he has worked to instill in journalism students a sense of the importance and values of newspaper work. In the latter, teamed with editors across the state and nation, he has helped lead the good fight, both for press freedom when menaced

from outside and for press integrity and responsibility when endangered from within.

Young people getting their feet wet in The Journal newsroom will miss Schaleben's frequent tours of the room for friendly, understanding talks with them, encouraging them in their work, sympathizing with their problems. But he is in demand as a lecturer on college campuses and will be launching a new career as teacher and author, still striving to uplift even higher a profession that he is proud of—one that also is proud of him.

#### TOLL INCREASE ON DELAWARE RIVER BRIDGES

### HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. EILBERG. Mr. Speaker, on February 16 of this year, the Delaware River Port Authority voted that the tolls on the Benjamin Franklin and Walt Whitman Bridges be increased, effective April 1, 1972.

These structures are vital to the commercial well-being and public convenience of the Delaware River Valley as a whole, and the city of Philadelphia in particular. It is especially regrettable that the decision to raise the toll fee, which will have a direct impact on the lives and businesses of so many people, was reached with undue haste and without the benefit of public hearings to determine the justification of the authority's action.

The council of the city of Philadelphia has recently called upon the Honorable John Volpe, Secretary of Transportation, to suspend the effective date of the proposed increase so that public hearings on the matter might be held.

The resolution of the council of the city of Philadelphia follows:

#### RESOLUTION No. 18

Resolution urging the Honorable John Volpe, Secretary of Transportation of the United States, to suspend and delay the effective date of the proposed increase in the tolls on the Benjamin Franklin Bridge and the Walt Whitman Bridge.

Whereas, The Delaware River Port Authority on February 16th, 1972, voted that the tolls on the Benjamin Franklin Bridge and the Walt Whitman Bridge be increased, effective April 1st, 1972; and

Whereas, The haste with which these proposed increases were adopted did not afford the opportunity to ascertain and verify the need for the proposed increases, if any, nor permit interested and affected parties to be heard; and

Whereas, It is vital to the citizens of the City of Philadelphia, and to others who are compelled to use the Bridges in their daily businesses, to keep the costs down to a reasonable minimum; therefore

Resolved, By the Council of the City of Philadelphia, To urge the Honorable John Volpe, Secretary of Transportation of the United States, to suspend and delay the effective date of the proposed increases, for the purpose of holding public hearings, in order that the Delaware River Port Authority be required to justify and substantiate the alleged need for the increases.

Resolved, That certified copies of this Resolution be sent to the Honorable John Volpe, Secretary of Transportation of the United States, and to the Members of Congress from the Delaware Valley area.

#### THE RANSBURG ELECTRO-COATING CORP., OF INDIANAPOLIS, GIVEN PRESIDENTIAL "E STAR" AWARD

### HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. BRAY. Mr. Speaker, the first Indiana-based firm given the "E Star" award by the Nixon administration for superior export achievement is Ransburg Electro-Coating Corp., of Indianapolis.

Increasing this country's export rate is probably the most critical and crucial problem our economy faces today. It is, quite literally, a question of export or die, as far as our economy goes.

Ransburg Corp. has shown it can be done. I am pleased to insert further details on the award, and the firm:

#### "E Star" Award

In recognition of continued superior export achievement, United States President Richard M. Nixon has designated Ransburg Electro-Coating Corp. winner of the coveted Presidential "E Star" Award. John E. Maxwell, Vice President of Sales, accepted the award issued by the U.S. Department of Commerce. Ransburg Electro-Coating Corp. is the first Indiana based firm to be recognized with an "E Star" Award by the Nixon Administration.

The "E Star" Award was presented at the 35th Mid-America World Trade Conference held March 2, in Chicago. The award was presented by Harold Scott, Assistant Secretary of Commerce.

Ransburg, founded only in 1948, received the President's "E" Award in 1968 for its outstanding contribution to the Export Expansion Program of the U.S. Since receiving that award in 1968, Ransburg has continued to show phenomenal growth in the development of its Export Program.

Key ingredients in Ransburg's successful approach to overseas markets have been the firm's care in selecting a network of foreign distributors throughout the world; its willingness to modify its equipment to meet foreign safety standards; its progressive approach to training of employees, distributors, and customers; and its strong emphasis on providing good aftersales service.

John E. Maxwell, Vice President of Sales for Ransburg, cites the following points which have made Ransburg a superior performer in foreign marketing activities. "Our foreign distributors have been carefully selected through on-the-spot investigation during personal visits. Also, securing advice from our ultimate equipment users has been a valuable tool in selecting the best distributors available. After selection, the new distributors either send a man for training to Indianapolis, or we send a training specialist to their country to train them in the techniques of proper selling, installation, and servicing of our equipment. Good service is the most important tool for our future sales. We are very demanding toward our distributors for good service."

Maxwell continued, "During the last few years a multitude of small competitors have come into the business in many countries. We have met their lower prices with better service, training of our customers, and quality equipment. We have purposely employed multi-lingual personnel. Among our employees we have a capability in twelve languages."

Maxwell also cited that Ransburg insists on using Nationals of the country where they have established companies. In Europe and the Far East Ransburg has only two American employees in residence.

The first awards under the program were

presented on March 28, 1962, in a White House ceremony.

In evaluating an applicant's tangible success in export markets, the Award Committee is guided by the following criteria: A substantial increase in volume of exports on a sustained basis; successful introduction of a new product into U.S. Export Trade; development of a market abroad for an existing product not previously exported; breakthrough in a market where competitive conditions are extremely difficult; and opening of a new trade area previously closed to U.S. companies.

The more recent "E Star" is a part of President Nixon's program to step up U.S. exports. It is designed to stimulate U.S. businessmen to boost their profits through additional overseas selling, thus improving the Nation's balance of trade and balance of payments.

To receive consideration for the "E Star," a company must have demonstrated initiatives in exporting during the past three years, not overlapping the period recognized by the "E" Award. The level of performance for "E Star" Awards must exceed prior achievements in exports or export service. Ransburg is the first company in Indiana to be presented with the Presidential "E Star" Award.

Ransburg Electro-Coating Corp. has also taken advantage of the fact that technology is a two-way street by using the knowledge in special needs of its overseas contacts as a source of input for its own research and development efforts. The result of these efforts has led to the development of better equipment and contributed to the improvement of Ransburg's competitive position both at home and abroad.

**WHAT IS ELECTROSTATIC PAINTING?**

Electrostatic painting is based on the fundamental law that unlike electrical charges attract each other. The atomized coating particle is negatively charged, while the grounded article to be coated is positive. Thus, the electrostatic force actually turns overspray in midair and wraps it around on the sides and back of the article. The savings in finishing material, labor and maintenance are substantial, when compared to conventional finishing methods.

**AN INTRODUCTION TO RANSBURG**

Ransburg Electro-Coating Corp. is engaged in developing, manufacturing and marketing electrostatic coating equipment and processes, and is the originator of the electrostatic painting industry.

It all began in the 1930's, when Harold Ransburg conceived the idea of using an electrostatic field to make finishing operations more efficient. While working in his father's factory, The Harper J. Ransburg Co., he conducted experiments so satisfactorily that the Electro-Coating Division of Harper J. Ransburg was formed in 1941 to continue research, laboratory testing and sales promotion.

One of the first important applications was the removal of excess coating materials from shell casings during World War II. This application for materials coated by dipping was followed by the Ransburg No. 1 Electro-Spray Process, which achieved efficiency by directing the spray of conventional air guns into an electrostatic field.

In 1948, a separate corporation, Ransburg Electro-Coating Corp., was formed. Three years later, the company announced another revolutionary step, the Ransburg No. 2 Electro-Spray Process. This process utilizes electrostatic force to pull coating materials from the edge of an atomizer, so that charged particles are guided onto the work with practically no overspray waste. This system is now available with disks, bells, blades and a hand gun.

More recently, Ransburg has developed two other hand guns, which adapt the electrostatic principle to air and airless spray. These are the Ransburg Electro-Air (R-E-A®) and Ransburg Electro-Hydraulic (R-E-H®) Guns. Automatic R-E-A and R-E-H units

also have been designed by Ransburg and marketed successfully.

Newest in the Ransburg electrostatic line is the DriPainter gun, which sprays powders, rather than liquid coatings, with characteristic Ransburg savings. Automatic pipe coat-ers and rubber coat-ers also have been developed from this principle.

Ransburg has pioneered extensively in the development of an electro-coating system, known as the Ransplater®. Ransburg also has developed materials trade-marked Ransprep®, which make it possible to finish wood, plastic and other non-conductors with electrostatic efficiency.

Ransburg customers comprise a cross-section of world industry.

**SPACE SHUTTLE**

**HON. OLIN E. TEAGUE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. TEAGUE of Texas. Mr. Speaker, on February 24, 1972, I received a resolution from Mr. Andrew J. Biemiller, director, Department of Legislation, American Federation of Labor and Congress of Industrial Organizations. This resolution speaks of the importance of our national space program—Apollo, Skylab, and our next major program in space—the space shuttle. The resolution passed February 18, 1972, by the AFL-CIO Executive Council fully supports and encourages proceeding with the space shuttle. I believe this resolution reflects not only the views of organized labor but that of the general public and I commend these thoughtful comments to the reading of my colleagues and the general public:

**STATEMENT BY THE AFL-CIO EXECUTIVE COUNCIL ON SPACE SHUTTLE**

The United States space program is reaching another milestone. At the peak of the Apollo project, the space program employed 400,000 Americans—about half of whom have since been laid off. This year will see the end of Apollo.

In Apollo, American science, engineering and craftsmanship made possible the fulfillment of one of man's oldest dreams—to walk on the moon. In so doing, we unlocked vast new technologies, strengthened our national security and reinforced America's world position.

Next year, the Skylab project will put nine astronauts into orbit to live and work for periods of from four to eight weeks, learning more about our world and the space around it.

The next logical step for the United States space program is the development of a space shuttle which will provide economical transportation from earth to space and back. It will make space as accessible as the airplane has made the other continents. The shuttle will assist us in exploration, in science and technology and, if necessary, in defense and provide 50,000 jobs in the United States. Without the shuttle we cannot develop our scientific and technological investments that already have given us space communications, weather satellites and geodetic programs.

The benefits of next generation space applications in such fields as the management of our natural resources, monitoring of pollution, weather modification and climate control, television distribution, earthquake prediction, and public health and safety will not be fully realized unless we can reduce

costs, raise efficiency and acquire a flexibility of action not yet possible. That is what the space shuttle is for. Without it, we will lose many valuable programs.

International relations today involve space. We can no more ignore space than we can ignore the oceans or the continents. We would not have the free world without ships, without aircraft or without land mobility. We cannot envision a secure, technologically advanced western world without technologies that allow us the freedom of space as well.

For these reasons, we urge Congress to vote funds for the development of a space shuttle.

**SEVENTEEN PERCENT OF LARGE TRUCKS UNSAFE**

**HON. FRED SCHWENGEL**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. SCHWENGEL. Mr. Speaker, recently the Bureau of Motor Carrier Safety released results of a report on the safety of large trucks operating on our interstate highways. The report shows that 17 percent of the more than 2 million larger trucks are unsafe.

The study was conducted at the request of the American Trucking Association. It was a "rigidly scientific sampler," selecting trucks at random and not concentrating only on defective vehicles. The 17 percent unsafe trucks did not include those with burned-out bulbs or other less serious defects, but included only those trucks with more serious defects such as brake and tire deficiencies.

The study also showed that "gypsies," trucks exempt from Federal regulations, have serious defects in 20 percent of their units.

Mr. Kenneth Pierson, Deputy Director of the Bureau, noted that the implications of the study are very serious.

This study is but one more argument against the use of larger, wider, and heavier trucks on our Interstate System. The Department of Transportation, National Highway Traffic Safety Administration, and the National Traffic Safety Bureau, have all noted that unanswered safety questions demand inaction on any such increase in dimensions at the present time. This study indicates that already we are faced with substantial serious defects in the existing trucks on our Nation's highways. To allow larger trucks at this time, until all the safety questions are adequately answered, would be unwise.

Many articles have appeared throughout the country noting the Bureau's report and its implications. I would like to share with you one of these by Mr. William Steif, of Scripps-Howard, which appeared in the Sunday, March 5, edition of the Pittsburgh Press:

**SEVENTEEN PERCENT OF ALL TRUCKS UNSAFE IN U.S. SPOT CHECK**

(By William Steif)

WASHINGTON.—The federal agency that checks the safety of the nation's more than two million interstate trucks has found through scientific sampling that nearly 17 percent are unsafe.

A new report of the Transportation Department's Bureau of Motor Carrier Safety revealed the extent of truck deficiencies today.

The sampling was done by all 103 of the bureau's inspectors over a seven-day period at 156 weighing stations across the country, said Kenneth Pierson, the bureau's deputy director.

The check was made because the American Trucking Associations, representing the industry, was displeased with the bureau's normal inspection process.

Ordinarily, the bureau inspects about 40,000 commercial vehicles yearly, picking out those that appear to be least well-maintained, Pierson said. Of these, 24 per cent have been found to have serious defects, ruling them off the road immediately.

The trucking industry's representatives told the bureau this method was unfair because it failed to take into account the hundreds of thousands of obviously well-maintained vehicles, and provides foes of increased truck sizes and weights with ammunition to attack the industry.

The bureau acceded to the trucker's argument and set up a rigidly scientific sample, selecting trucks at random.

A total of 2,321 trucks were checked and their defects were divided into two categories: "Less serious," such as burned-out light bulbs; "more serious," such as brake and tire deficiencies.

The inspectors found 384 trucks in the "more serious" category alone, just over 16.5 per cent of the total.

"We were surprised the proportion came out that high," Pierson said. "The industry expected a much lower figure."

Pierson said the "more serious" categories was broken down among three major classes of trucks.

The trucks of franchised or authorized carriers—larger companies licensed by the Interstate Commerce Commission to haul over certain routes—had an average of 16.6 per cent serious defects. More than two-thirds of the trucks inspected were operated by authorized carriers.

Serious defects among private carriers—companies which do their own hauling in their own fleets—amounted to 15.1 per cent.

Serious defects among "gypsies"—trucks exempt from federal regulation—amounted to 19.8 per cent.

Pierson said failure of the authorized carriers to do "significantly better" than private or gypsy carriers disappointed the bigger firms.

"The implications of the study are very serious," he said. "Obviously, we need more surveillance."

#### HORTON PRAISES THE ROCHESTER COMMITTEE FOR SCIENTIFIC INFORMATION

### HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. HORTON. Mr. Speaker, we are constantly reminded these days that involvement is the key to successfully solving most of the problems facing mankind. Genuine commitment and personal devotion on the part of even a few concerned people seem to work miracles in making life just a little bit better for us all.

The growing concern about the quality of our environment has produced an enormous amount of rhetoric and promises by many individual citizens and public officials. All too seldom is meaningful action taken and personal time sacrificed to make a positive contribution to this battle against man's own ingenuity. Every so often we find a group of dedicated and public-spirited citizens.

In my congressional district in western New York there is a group of committed people who for many years have used their expertise to improve the lot of mankind. Collectively, they are known as the Rochester Committee for Scientific Information. High in the measure of devotion to the common cause of making the world a better place, this group has left an ever-increasing mark of improvement on every problem it has confronted.

It is estimated that there are about 400 members of the Rochester Committee for Scientific Information. They are people in every walk of life who support the organization in one way or another, with enthusiasm, financial support, encouragement, and concern for common goals.

Often their works go unnoticed by all, but their colleagues and their individual efforts are hidden in an apparent maze of community action. Their reward is knowing something has been done, and they were able to do it.

Recently the Rochester Democrat and Chronicle paid high tribute to the committee in a lead editorial. Desmond Stone, the editor of the editorial page, pointed up some of the highlights of the activities of the committee.

There are many in the committee who deserve our special recognition. Among these are the current president, Dr. Robert E. Lee, the vice president, Dr. George G. Berg. Others are Thomas A. Fink, an attorney and one of the leading laymen of the group, Dr. Kenneth Harbison, Dr. Herman S. Forest, Graham Cox, Mrs. Byrna Wier, and Dr. Olga Berg.

I would like to share with my colleagues in the Congress the editorial which was headed "Salute These Environmental Paul Reveres." It is a well-deserved tribute to the Rochester Committee for Scientific Information, and I would like to add my praise along with it.

The editorial follows:

#### SALUTE THESE ENVIRONMENTAL PAUL REVERES

The critics who would change society merely by hollering from the rooftops might take a leaf—nay, a dozen leaves—from the book of the Rochester Committee for Scientific Information, that small but effective band of people-persuaders.

For the R.C.S.I. members don't wring their hands about problems. They wring their consciences and their competences and get down to work to prove their point with hard-driven facts.

We're moved to cite this example of public service by the current publication of a master list of the titles of bulletins published by the committee—no fewer than 130 bulletins since 1964.

They tell in capsule form the whole story of the rising tide of environmental concern. Here are some titles at random:

Report on Water Pollution, October, 1964.  
Float Tests and Grease Ball Deposits on Lake Ontario Beaches, May 1966.

Dissolved Oxygen Levels in Irondequoit Bay, September 1969.

Amount of Cyclamate in Diet Foods, September 1969.

Recycling Day in New York, March 1971.  
Measurement of Ambient Air Quality in Monroe County, August 1971.

R.C.S.I. must take a large share of the credit for alerting the public to the way in which our nests have become fouled over the years. It has done so both by calm scientific fact and by using language that the layman can understand.

One of its most recent bulletins by Neal

G. Dunkleberg, deals with the problem of algae in Silver Lake. After noting that the ideal solution to the problem of residential liquid waste flow into the lake would be the installation of sewer lines around the lake, it goes on:

"The advent of sewer lines may be hastened by an early algal bloom in the next few years. Because these blooms tend to deposit along the heavily populated eastern shore, the economic consequences of falling property values, decreased tax revenue, and failure of tourist-dependent businesses may be felt more quickly in this situation than in some others. In the meantime, we remind residents of the lake area to use low phosphate laundry products to minimize lake water fertilization, and while the laundry is in the machine, consider how the community could provide for tough, working control of lake pollution . . ."

That puts it on the line in plain, thoroughly understandable terms. Like latter-day Paul Reveres, the R.C.S.I. members have been sounding the alarm in most effective fashion. We owe them more than we suppose.

#### EIGHTH ANNUAL QUESTIONNAIRE

### HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. HELSTOSKI. Mr. Speaker, for each of the 8 years during which I have served in Congress, I have sent out districtwide questionnaires seeking my constituents' views on the major domestic and foreign policy issues of the day. As the citizens of New Jersey's Ninth District prepare their responses to the 16 questions I have posed, I include the full text of this eighth annual questionnaire in the RECORD for the edification of my colleagues:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, D.C., February 1972.

DEAR FRIENDS: As your Representative in Congress, it is my responsibility to take your views to Washington, whatever your political persuasion. I am anxious to know your opinions on several major national issues, and I am again sending you my annual questionnaire—the eighth since entering Congress in 1965.

Although some of these subject are complex and are difficult to condense into simple questions, your impressions will be helpful to me in forming my judgments and exercising my responsibility to you. If you would like to comment in greater detail on any of the questions, I would welcome a separate letter from you. A summary of the responses I receive will be published in the Congressional Record to inform my colleagues of prevalent feelings in the Ninth District, and a copy of the complete tabulation will be sent to you.

Remember that my staff and I are always ready to assist you in any problems or inquiries you may have regarding the Federal Government. If I can be of further service, please contact me at my Washington or New Jersey District Office.

With all best wishes, I am  
Sincerely,

HENRY HELSTOSKI,  
Member of Congress.

#### THE 1972 LEGISLATIVE QUESTIONNAIRE

1. From the information now available to the general public, do you feel that President Nixon's recent conferences in China were in the best interests of the United States?
2. Legislation is pending in Congress to: 1) Halt all American bombing in Indochina im-

mediately, and 2) Require withdrawal of all U.S. troops by June 30 contingent on an agreement by the North Vietnamese to release all Prisoners of War at that time. Would you favor this bill?

3. A bill has been introduced in Congress to grant amnesty to draft resisters, provided they agreed to perform two years of public service work in hospitals, VISTA, etc. Would you favor this bill?

4. Has the President's Wage/Price Freeze been fairly administered with respect to all sectors of the economy, i.e. wage-earners, businesses, tenants, banks, etc.?

5. Do you feel that our present laws and practices discriminate unfairly against women, particularly in employment?

6. Do you think a federal law should be enacted to provide financial compensation for innocent victims of violent crime?

7. Would you favor creation of a national commission, composed of business and labor leaders, as well as Members of Congress, to develop a system to avoid prolonged strikes?

8. Should Congress establish a system of selecting presidential candidates through a national primary rather than through the present convention method?

9. To finance a form of revenue sharing aimed at reducing property taxes, the Administration may propose a Value Added Tax, which is, in effect, a form of national sales tax levied at the manufacturing level with the costs passed on to the consumer. Do you approve such a plan?

10. Because of present economic conditions, it has been proposed that the United States significantly modify its trade policy dating back to the 1930's by relying on automatic quotas rather than tariffs to restrain foreign imports. Do you favor such a proposal?

11. Pending in Congress is legislation to provide long-term federal financing for the Corporation of Public Broadcasting. Do you favor the development of such a public television network?

12. Bills to establish a national health care insurance program are presently being considered in Congress, with costs to be met from Social Security and general tax revenues. Do you favor such legislation?

13. Slow progress is being made in cleaning up the Nation's waterways, in large part because of a lack of funds for research and development. Do you believe that we should adopt a crash program, estimated at costing between \$15 and \$20 billion over five years, to correct long-standing pollution and contamination?

14. As a means of providing mothers with an opportunity to be self-supporting, do you favor the proposal that the federal government fund day-care and child development programs for pre-school and school-age children?

15. Do you favor continuation of the draft after its proposed expiration date of June 1973?

16. A "Disneyland" type development, along with sports stadium and a racetrack, has been proposed for the Hackensack Meadowlands? Do you favor such a development?

AMERICA'S MUTE CONSCIENCE

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1972

Mr. FRASER. Mr. Speaker, January 4, 1972, the Minneapolis Tribune published an essay by Morris B. Abram, former United States representative to the United Nations Commission on Human Rights. Mr. Abram's article was

headlined "America's Mute Conscience" and it recently came to my attention for the first time.

Mr. Abram's thesis that the voice of the United States is no longer "heard, loud and clear, in the name of humanity and against tyranny" squares with my observations. A remarkable feature of the present administration is its insensitivity to the fate of the oppressed people of the world. Whether it be the lonely plaints of the disfranchised members of the Greek Parliament, the black Africans in Rhodesia who see their birthright being sold out by the developed white world or the slaughtered thousands in Bangladesh, this administration appears indifferent.

As Mr. Abram points out:

In the United Nations particularly, we must resist the temptation to tailor our attitudes toward human rights in other nations to conform with foreign policy toward those nations. For as we exempt our allies and satellites and limit criticism to our foes, as we now do, we can hardly object when others follow our bad example.

Mr. Speaker, the American people have a fundamental instinct to be decent. This Nation's leaders must draw upon this instinct in our conduct of foreign affairs—not ignore it.

The Abram article follows:

[From the Minneapolis Tribune, Jan. 4, 1972]

AMERICA'S MUTE CONSCIENCE

(By Morris B. Abram)

NEW YORK.—The outrages perpetrated in South Asia should be seen in the perspective of other horrors of this century and the failure of a succession of American presidents even to raise an official voice in protest.

As the 18th century was one of enlightenment and the 19th one of industrial formation, the 20th may all too appropriately be characterized as the century of massacre.

Beginning with the pogroms in Russia and the genocide of the Armenians, the century has witnessed the killings and deportations of World War I, the Stalin ravages of the Kulaks, the Japanese pillage of China and the unparalleled massacres by Hitler.

Post-World War II history has been but little better. The British retirement from India was the occasion for slaughter. The Indonesian revolution in the 1960s was accompanied by at least a half-million deaths inflicted by the most unspeakable means.

Less than three years ago, the Ibos were decimated by sword, gun and noose. Now, again, the Indian subcontinent is wracked with death, and American policy has succeeded in alienating all sides. Nor can we find solace in a position which, however lonely, is at least moral.

There was a time when America's voice was heard, loud and clear, in the name of humanity and against tyranny. In 1851, an American man-of-war rescued Kossuth, a Hungarian freedom fighter, and the American people gave him a tumultuous reception when he visited this country.

But the voice of our conscience has now too long been mute. Not once did we express our horror and disgust at the slaughter in Indonesia in any world forum. Nor have we raised a peep against the barbarities of our junta allies in Greece.

Quite the contrary; when a subcommission of the United Nations Commission on Human Rights asked in 1968 merely for a study of "some particularly glaring examples of . . . consistent patterns of violation of human rights" in Greece and Haiti, I, as the then U.S. representative to the commission,

was required to withdraw even a mild resolution to look into the matter because of heavy pressure from our NATO ally.

America pays lip service to the principles of human rights set forth in the Charter and in innumerable United Nations declarations and covenants. But like others, we have grown accustomed to reining in our impulses where a narrow self-interest seems to dictate another course.

The executive has grown so callous that it was left for the House of Representatives, first through its Foreign Affairs Committee and then by House vote, to take the lead in proposing to deny military aid to the despotic governments of Pakistan and Greece.

While the President has authorized emergency relief for the Bengali victims, this frugal Care package will not stop the terror or make clear our moral position on the matter.

No state can lead in the development of human rights until it puts principle above expediency and is willing to have the standard applied to its own conduct. It is time that the United States makes international human rights a priority of foreign-policy consideration; that we announce that we shall call all shots as we see them against friend and foe alike.

Such a policy could not mean that we scrap alliances. An honest adherence to the spirit of our democratic heritage mandates an uncompromising respect for freedom and human life. When our friends commit gross violations of human rights, we must do the unusual of condemning and marshaling world opinion against these acts. And we should invite every other state to do the same when we are at fault.

In the United Nations particularly, we must resist the temptation to tailor our attitudes toward human rights in other nations to conform with foreign policy toward those nations. For as we exempt our allies and satellites and limit criticism to our foes, as we now do, we can hardly object when others follow our bad example.

What I propose would be new in recent history, but will help refurbish a badly tarnished American image. It might even make more practical sense than the current mispractice of realpolitik.

ETHICAL DIMENSIONS OF POPULATION CONTROL

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. ZABLOCKI. Mr. Speaker, for a number of years I have been deeply concerned about the operations of family planning and population control programs conducted by the United States in foreign countries.

Of particular concern to me has been the dearth of information and understanding of the ethical considerations involved in promoting family planning/population control to the people of the world through programs of the Agency for International Development—AID.

Recently I expressed my concern in a letter to Dr. John A. Hannah, Administrator of AID, asking for information about relevant ethical research now being supported by his agency and urging greater attention to the ethical dimensions of world population problems.

In his reply Dr. Hannah indicated his agreement that more research in this

area is needed and that his agency has identified as a "key action area" more research on the ethical-moral aspects of the population problem and alternative solutions.

Not long after this exchange of letters, the respected Science magazine contained an article by Daniel Callahan on "Ethics and Population Limitation" which raised in a thoughtful and succinct way many of the ethical dilemmas involved in population control which have concerned me for some time.

It is my hope that AID officials with responsibilities in the population field will read Mr. Callahan's article and be inspired to devote even more attention to the ethical dimensions of the population issue.

Further, it is my belief that this article deserves the considered attention of every Member of Congress who is concerned about the problem of population growth. For that reason I am inserting it in the RECORD at this point, together with the texts of the letters exchanged between Dr. Hannah and myself on the need for more ethical research into population control.

The items follow:

JANUARY 19, 1972.

HON. JOHN A. HANNAH,  
Office of the Administrator, Agency for International Development, Washington, D.C.

DEAR DR. HANNAH: As you know, I have long been deeply interested in the policies and programs of the Agency for International Development in the area of family planning and population control. For that reason, I was particularly interested recently in receiving a booklet entitled, "Mankind's Great Need: Population Research," published by the Population Committee. This document contains a number of appeals for greatly expanded federal funding for basic research in reproduction, contraception, training and organization in the population area, and social science research related to population control.

I was struck by the fact that nowhere in the booklet was there a call for research on ethical dimensions of population control. This area, it seems to me, is very important and deserves the fullest consideration in establishing our family planning policies and programs abroad. As you are well aware, a substantial proportion of the world's population has ethical and moral objections to various methods of population control. Yet, to my knowledge, no one has adequately explored this dimension and its implications for our family planning programs.

Beyond that, I have become increasingly concerned about an element of coercion and authoritarianism which has marked the statements of some population control groups, such as those who advocate zero population growth. This issue adds an ethical dimension which deserves serious consideration.

As a result of my concern about ethical issues in family planning programs, I am writing to inquire what research AID now conducts or has conducted in this area. If you have no such research programs, I am writing to urge that they be initiated at the earliest possible date.

With best wishes, I am

Sincerely yours,

CLEMENT J. ZABLOCKI,  
Chairman, Subcommittee on National Security Policy and Scientific Developments.

AGENCY FOR INTERNATIONAL DEVELOPMENT,

Washington, D.C., February 2, 1972.

HON. CLEMENT J. ZABLOCKI,  
Chairman, Subcommittee on National Security Policy and Scientific Development, Committee on Foreign Affairs, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your letter of January 19, 1972, about research into the ethical dimensions of population—family planning. We are in agreement that there should be adequate research into the ethical aspects of population planning and that there are important ethical concerns which need be addressed.

A number of A.I.D. grants and contracts have provided support for studies of political, legal, ethical, social and religious factors inherent in the determination of population policies and in their implementation.

A grant to the Population Council encourages and supports studies in the ethical field, among others. The Council prepared and published *Muslim Attitudes Toward Family Planning*, a useful study we distributed to our population officers (a copy is enclosed). The Population Council also employed Dr. Daniel Callahan as philosopher in residence in 1970 to study the ethical aspects of population problems.

A former contract, "Rationale for Population Policies," with the National Academy of Sciences, supported some studies concerned with the ethical base of population planning which have been published in the study, *Rapid Population Growth*, also enclosed. This study noted in its treatment of policy implications (page 81) that the most fundamental questions concerning fertility control policies are ethical: "Will the policy enhance the freedom of human beings as individuals, and will it advance justice for all human beings as members of society?" A new contract with the National Academy of Science, now under development, will pursue these questions in a series of Policy Seminars to be held around the world in preparation for World Population Year, 1974.

Through another contract, "Law and Population," with the Fletcher School of Law and Diplomacy, Tufts University, A.I.D. has undertaken to obtain a better understanding of the evolution of law and legal thought as they relate to population-family planning. Family Planning Attitudes and Practices," with Harvard University has considered the ethical aspects of family planning service acceptance.

A.I.D. grants to the Population Centers of the Universities of North Carolina, Michigan and John Hopkins have supported research and studies in the field of ethics, e.g., Dr. Arnold Nash, Professor, Department of Religion at UNC, has conducted a number of studies on human values and ethical aspects of population policies. UNC has also prepared and published studies on the relationship of Buddhism, Hinduism, Christianity and Islam to the whole question of population and family planning. Dr. Thomas Poffenberger has undertaken studies in India on "Social Psychology of Fertility Behavior" which explores the value and attitude systems of Indian villagers with regard to family limitation.

Under our contract, "Expansion of Harvard University Center for Population Studies", Harvard is offering the following courses relating to ethics and population: "Ethical Aspects of Population Policy" in the Divinity School; "Cultural and Religious Factors in the Population Problem" in the School of Public Health and the Divinity School; "Medical Ethics" in the Arts and Sciences and other schools; and "Decisive Cases in Ethical Theory" in the Divinity School. Harvard also offers research seminars in "Topics

in Population Ethics" and "Topics in Population Policy".

A.I.D. has devoted particular attention to the subject of medical ethics in population-family planning. It supported an Association of American Medical Colleges' Institute on Medical Education and Family Planning in Washington in 1969, which treated the ethical aspects of medical participation in family planning in some detail, and whose findings were given wide distribution.

Ethical considerations have always been paramount in our deliberations as we plan our assistance efforts. To assure sensitivity to the ethics of participating countries, we have taken steps of attain maximum, feasible participation of their personnel in the development of population activities. We have provided assistance only where the programs are completely voluntary.

In spite of the activity described above, we believe there is a need for a more in-depth, systematic analysis of the moral, ethical and philosophical implications of the multi-dimensional area we call "population planning," and a more complete involvement of scholars representing the world's great religions and ethical belief systems. Currently, A.I.D. Population Program strategy has identified as a key action area more research on "the ethical-moral aspects of the population problem and the alternative solutions."

Your views are always welcome, and the suggestions in your January 19, 1972 letter will receive every consideration.

Sincerely yours,

JOHN A. HANNAH.

[From Science magazine, Feb. 4, 1972]

ETHICS AND POPULATION LIMITATION  
(By Daniel Callahan)

(NOTE.—The author is director of the Institute of Society, Ethics and the Life Sciences, Hastings-on-Hudson, New York.)

Throughout its history, the human species has been preoccupied with the conquest of nature and the control of death. Human beings have struggled to survive, as individuals, families, tribes, communities, and nations. Procreation has been an essential part of survival. Food could not have been grown, families sustained, individuals supported, or industry developed without an unceasing supply of new human beings. The result was the assigning of a high value to fertility. It was thought good to have children: good for the children themselves, for the parents, for the society, and for the species. While it may always have been granted that extenuating circumstances could create temporary contraindications to childbearing, the premise on which the value was based endured intact. There remained a presumptive right of individual procreation, a right thought to sustain the high value ascribed to the outcome; more human beings.

That the premise may now have to be changed, the value shifted, can only seem confounding. As Erik Erikson has emphasized, it is a risky venture to play with the "fire of creation," especially when the playing has implications for almost every aspect of individual and collective life (1). The reasons for doing so would have to be grave. Yet excessive population growth presents such reasons—it poses critical dangers to the future of the species, the ecosystem, individual liberty and welfare, and the structure of social life. These hazards are serious enough to warrant a reexamination and, ultimately, a revision of the traditional value of unrestricted procreation and increase in population.

The main question is the way in which the revision is to proceed. If the old premise—the unlimited right of and need for procreation—is to be rejected or amended,

what alternative premises are available? By what morally legitimate social and political processes, and in light of what values, are the possible alternatives to be evaluated and action taken? These are ethical questions, bearing on what is taken to constitute the good life, the range and source of human rights and obligations, the requirements of human justice and welfare. If the ethical problems of population limitation could be reduced to one overriding issue, matters would be simplified. They cannot. Procreation is so fundamental a human activity, so wide-ranging in its personal and social impact, that controlling it poses a wide range of ethical issues. My aim here is primarily to see what some of the different ethical issues are, to determine how an approach to them might be structured, and to propose some solutions.

With a subject so ill-defined as "ethics and population limitation," very little by way of common agreement can be taken for granted. One needs to start at the "beginning," with some basic assertions.

#### FACTS AND VALUES

There would be no concern about population limitation if there did not exist evidence that excessive population growth jeopardizes present and future welfare. Yet the way the evidence is evaluated will be the result of the values and interests brought to bear on the data. Every definition of the "population problem" or of "excessive population growth" will be value-laden, expressive of the ethical orientations of those who do the defining. While everyone might agree that widespread starvation and malnutrition are bad, not everyone will agree that crowding, widespread urbanization, and a loss of primitive forest areas are equally bad. Human beings differ in their assessments of relative good and evil. To say that excessive population growth is bad is to imply that some other state of population growth would be good or better—for example, an "optimum level of population." But as the demographic discussion of an optimum has made clear, so many variables come into play that it may be possible to do no more than specify a direction: "the desirability of a lower rate [italics added] of growth" (2).

If the ways in which the population problem is defined will reflect value orientations, these same definitions will have direct implications for the ways in which the ethical issues are posed. An apocalyptic reading of the demographic data and projections can, not surprisingly, lead to coercive proposals. Desperate problems are seen to require desperate and otherwise distasteful solutions (3). Moreover, how the problem is defined, and how the different values perceived to be at stake are weighted, will have direct implications for the priority given to population problems in relation to other social problems. People might well agree that population growth is a serious issue, but they might (and often do) say that other issues are comparatively more serious (4). If low priority is given to population problems, this is likely to affect the perception of the ethical issues at stake.

#### WHY ETHICAL QUESTIONS ARISE

Excessive population growth raises ethical questions because it threatens existing or desired human values and ideas of what is good. In addition, all or some of the possible solutions to the problem have the potential for creating difficult ethical dilemmas. The decision to act or not to act in the face of the threats is an ethical decision. It is a way of affirming where the human good lies and the kinds of obligations individuals and societies have toward themselves and others. A choice in favor of action will, however, mean the weighing of different options, and most of the available options present ethical dilemmas.

In making ethical choices, decisions will

need to be made on (i) the human good and values that need to be served or promoted—the ends; (ii) the range of methods and actions and coherent with those ends—the means; and (iii) the procedure and rationale to be used in trying to decide both upon ends and means and upon their relation to each other in specific situations—the ethical criteria for decision-making. A failure to determine the ends, both ultimate and proximate, can make it difficult or impossible to choose the appropriate means. A failure to determine the range of possible means can make it difficult to serve the ends. A failure to specify or articulate the ethical criteria for decision-making can lead to capricious or self-serving choices, as well as to the placing of obstacles in the way of a rational resolution of ethical conflicts.

In the case of ethics and the population problem, both the possibilities and the limitations of ethics become apparent. In the face of a variety of proposals to solve the population problem, some of them highly coercive, a sensitivity to the ethical issues and some greater rigor in dealing with them is imperative. The most fundamental matters of human life and welfare are at stake. Yet because of the complexity of the problem, including its variability from one nation or geographical region to the next, few hard and fast rules can be laid down about what to do in a given place at a given time.

Still, since some choices must be made (and not to choose is to make a choice as well), the practical ethical task will be that of deciding upon the available options. While I will focus on some of the proposed options for reducing birthrates, they are not the only ones possible. Ralph Potter has discussed some others (5).

"It has generally been assumed that policy must be primarily, if not exclusively, concerned with bringing about a decline in the rate of population increase through a reduction in the birthrate. But there are other choices. It is generally considered desirable but impossible to increase resources at a sufficient pace and through an adequate duration to preserve the present level of living for all within an expanding population. It is generally considered possible but undesirable to omit the requirement that all persons have access to that which is necessary for a good life. There is still the option of redefining what is to be considered necessary for a good life or of forgoing some things necessary for a good life in order to obtain an equitable distribution in a society that preserves the autonomy of parents to determine the size of their families."

A useful way of posing the issue practically is to envision the ethical options ranked on a preferential scale, from the most desirable to the least desirable. For working purposes, I will adopt as my own the formulation of Kenneth E. Boulding: "A moral, or ethical, proposition is a statement about a rank order of preferences among alternatives, which is intended to apply to more than one person" (6). Ethics enters at that point when the preferences are postulated to have a value that transcends individual tastes or inclinations. Implicitly or explicitly, a decision among alternatives becomes an ethical one when it is claimed that one or another alternative *ought* to be chosen—not just by me, but by others as well. This is where ethics differs from tastes or personal likings, which, by definition, imply nonobligatory preferences that are applicable to no more than one person (even if the tastes are shared).

#### GENERAL ETHICAL ISSUES

I will assume at the outset that there is a problem of excessive population growth, a problem serious for the world as a whole (with a 2 percent annual growth rate), grave for many developing nations (where the growth rate approaches 3 percent per annum), and possibly harmful for the developed nations as well (with an average 1

percent growth rate). The threats posed by excessive population growth are numerous: economic, environmental, agricultural, political, and sociopsychological. There is considerable agreement that something must be done to meet these threats. For the purpose of ethical analysis, the first question to be asked is, "In trying to meet these threats, what human ends are we seeking to serve?" Two kinds of human ends can be distinguished—proximate and ultimate.

Among the important proximate ends being sought in attempts to reduce birthrates in the developing countries are a raising of literacy rates, a reduction in dependency ratios, the elimination of starvation and malnutrition, more rapid economic development, and an improvement in health and welfare services; among these ends in the developed countries are a maintenance or improvement of the quality of life, the protection of nonrenewable resources, and the control of environmental pollution. For most purposes, it will be sufficient to cite goals of this sort. But for ethical purposes, it is critical to consider not just proximate, but ultimate ends as well. For it is legitimate to ask of the specified proximate ends what ultimate human ends they are meant to serve. Why is it important to raise literacy rates? Why is it necessary to protect nonrenewable resources? Why ought the elimination of starvation and malnutrition to be sought? For the most part, these are questions that need not be asked or that require no elaborate answers. The ethical importance of such questions is that they force us to confront the goals of human life. Unless these goals are confronted at some point, ethics cannot start or finish.

Philosophically, solving the population problem can be viewed as determining at the outset what final values should be pursued. The reason, presumably, that a reduction in illiteracy rates is sought is that it is thought valuable for human beings to possess the means of achieving knowledge. The elimination of starvation and malnutrition is sought because of the self-evident fact that human beings must eat to survive. The preservation of nonrenewable resources is necessary in order that human life may continue through future generations. There is little argument about the validity of these propositions, because they all presuppose some important human values: knowledge, life, and survival of the species, for instance. Historically, philosophers have attempted to specify what, in the sense of "the good," human beings essentially seek. What do they, in the end, finally value? The historical list of values is long: life, pleasure, happiness, knowledge, freedom, justice, and self-expression, among others.

This is not the place to enter into a discussion of all of these values and the philosophical history of attempts to specify and rank them. Suffice it to say that three values have had a predominant role, at least in the West: freedom, justice, and security-survival. Many of the major ethical dilemmas posed by the need for population limitation can be reduced to ranking and interpreting these three values. Freedom is prized because it is a condition for self-determination and the achievement of knowledge. Justice, particularly distributive justice, is prized because it entails equality of treatment and opportunity and an equitable access to those resources and opportunities necessary for human development. Security-survival is prized because it constitutes a fundamental ground for all human activities.

Excessive population growth poses ethical dilemmas because it forces us to weigh and rank these values in trying to find solutions. How much procreative freedom, if any, should be given up in order to insure the security-survival of a nation or a community? How much security-survival can be risked in order to promote distributive jus-

tice? How much procreative freedom can be tolerated if it jeopardizes distributive justice?

Ethical dilemmas might be minimized if there were a fixed agreement on the way the three values ought to be ranked. One could say that freedom is so supreme a value that both justice and security-survival should be sacrificed to maintain it. But there are inherent difficulties in taking such a position. It is easily possible to imagine situations in which a failure to give due weight to the other values could result in an undermining of the possibility of freedom itself. If people cannot survive at the physical level, it becomes impossible for them to exercise freedom of choice, procreative or otherwise. If the freedom of some is unjustly achieved at the expense of the freedom of others, then the overall benefits of freedom are not maximized. If security-survival were given the place of supremacy, situations could arise in which this value was used to justify the suppression of freedom or the perpetuation of social injustice. In that case, those suppressed might well ask, "Why live if one cannot have freedom and justice?"

For all of these reasons it is difficult and perhaps unwise to specify a fixed and abstract rank order of preference among the three values. In some circumstances, each can enter a valid claim against the others. In the end, at the level of abstractions, one is forced to say that all three values are critical; none can permanently be set aside.

#### THE PRIMACY OF FREEDOM

In the area of family planning and population limitation, a number of national and international declarations have given primacy to individual freedom. The Declaration of the 1968 United Nations International Conference on Human Rights is representative (7, 8): "... couples have a basic human right to decide freely and responsibly on the number and spacing of their children and a right to adequate education and information in this respect." While this primacy of individual freedom has been challenged (9), it retains its position, serving as the ethical and political foundation of both domestic and foreign family planning and population policies. Accordingly, it will be argued here that (1) the burden of proof for proposals to limit freedom of choice (whether on the grounds of justice or security-survival) rests with those who make the proposals, but that (2) this burden can, under specified conditions, be discharged if it can be shown that a limitation of freedom of choice in the name of justice or security-survival would tend to maximize human welfare and human values. This is only to say that, while the present international rank order of preference gives individual freedom primacy, it is possible to imagine circumstances that would require a revision of the ranking.

One way of approaching the normative issues of ranking preferences in population limitation programs and proposals is by locating the key ethical actors, those who can be said to have obligations. Three groups of actors can be identified: individuals (persons, couples, families), the officers and agents of voluntary (private-external) organizations, and the government officials responsible for population and family planning programs. I will limit my discussion here to individuals and governments. What are the ethical obligations of each of the actors? What is the right or correct course of conduct for them? I will approach these questions by first trying to define some general rights and obligations for each set of actors and then by offering some suggested resolutions of a number of specific issues.

I begin with individuals (persons, couples, families) because, in the ranking of values, individual freedom of choice has been accorded primacy by some international forums—and it is individuals who procreate.

What are the rights and obligations of individuals with regard to procreation?

Individuals have the right voluntarily to control their own fertility in accordance with their personal preferences and convictions (7, p. 15). This right logically extends to a choice of methods to achieve the desired control and the right to the fullest possible knowledge of available methods and their consequences (medical, social, economic, and demographic, among others).

Individuals are obligated to care for the needs and respect the rights of their existing children (intellectual, emotional, and physical); in their decision to have a child (or another child), they must determine if they will be able to care for the needs and respect the rights of the child-to-be. Since individuals are obliged to respect the rights of others, they are obliged to act in such a way that these rights are not jeopardized. In determining family size, this means that they must exercise their own freedom of choice in such a way that they do not curtail the freedom of others. They are obliged, in short, to respect the requirements of the common good in their exercise of free choice (10). The source of these obligations is the rights of others.

The role of governments in promoting the welfare of their citizens has long been recognized. It is only fairly recently, however, that governments have taken a leading role in an anti-natalist control of fertility (11). This has come about by the establishment, in a number of countries, of national family planning programs and national population policies. While many countries still do not have such policies, few international objections have been raised against the right of nations to develop them. So far, most government population policies have rested upon and been justified in terms of an extension of freedom of choice. Increasingly, though, it is being recognized that, since demographic trends can significantly affect national welfare, it is within the right of nations to adopt policies designed to reduce birthrates and slow population growth.

A preliminary question must, therefore, be asked. Is there any special reason to presume or suspect that governmental intervention in the area of individual procreation and national fertility patterns raises problems which, in kind, are significantly different from other kinds of interventions? To put the question another way, can the ethical-political problems that arise in this area be handled by historical and traditional principles of political ethics, or must an entirely new ethic be devised?

I can see no special reason to think that the formation of interventionist, antinatalist, national population policies poses any unique theoretical difficulties. To be sure, the perceived need to reduce population growth is historically new; there exists no developed political or ethical tradition dealing with this specific problem. Yet the principle of governmental intervention in procreation-related behavior has a long historical precedent: in earlier, pronatalist population policies, in the legal regulation of marriage, and in laws designed to regulate sexual behavior. It seems a safe generalization to say that governments have felt (and generally have been given) as much right to intervene in this area as in any other where individual and collective welfare appears to be at stake. That new forms of intervention may seem to be called for or may be proposed (that is, in an anti- rather than pronatalist direction) does not mean that a new ethical or political principle is at issue. At least, no such principle is immediately evident.

Yet, if it is possible to agree that no new principles are involved, it is still possible to argue that a further extension of an old principle—the right of government intervention into procreation-related behavior—would be wrong. Indeed, it is a historical

irony that, after a long international struggle to establish individuals' freedom of choice in controlling their own fertility that freedom should immediately be challenged in the name of the population crisis. Irony or not, there is no cause to be surprised by such a course of events. The history of human liberty is studded with instances in which, for a variety of reasons, it has been possible to say that liberty is a vital human good and yet that, for the sake of other goods, restriction of liberty seems required. A classical argument for the need of a government is that a formal and public apparatus is necessary to regulate the exercise of individual liberty for the sake of the common good.

In any case, the premise of my discussion will be that governments have as much right to intervene in procreation-related behavior as in other areas of behavior affecting the general welfare. This right extends to the control of fertility in general and to the control of individual fertility in particular. The critical issue is the way in which this right is to be exercised—its conditions and limits—and that issue can only be approached by first noting some general issues bearing on the restriction of individual freedom of choice by governments.

Governments have the right to take those steps necessary to insure the preservation and promotion of the common good—the protection and advancement of the right to life, liberty, and property. The maintenance of an orderly and just political and legal system, the maintenance of internal and external security, and an equitable distribution of goods and resources are also encompassed within its rights. Its obligations are to act in the interests of the people, to observe human rights, to respect national values and traditions, and to guarantee justice and equality. Since excessive population growth can touch upon all of these elements of national life, responses to population problems will encompass both the rights and the obligations of governments. However, governmental acts should represent collective national decisions and be subject to a number of stipulations.

I now recapitulate the points made so far and summarize some propositions, which I then use to suggest solutions to some specific ethical issues.

(1) General moral rules: (i) individuals have the right to freedom of procreative choice, and they have the obligation to respect the freedom of others and the requirements of the common good; (ii) governments have the right to take those steps necessary to secure a maximization of freedom, justice, and security-survival, and they have the obligation to act in such a way that freedom and justice are protected and security-survival enhanced.

(2) Criteria for ethical decision-making: (i) one (individual, government, organization) is obliged to act in such a way that the fundamental values of freedom, justice, and security-survival are respected; (ii) in cases of conflict, one is obliged to act in such a way that any limitation of one or more of the three fundamental values—a making of exceptions to the rules concerning these values—continues to respect the values and can be justified by the promise of increasing the balance of good over evil.

(3) Rank order of preference: (i) those choices of action that ought to be preferred are those that accord primacy to freedom of choice; (ii) if conditions appear to require a limitation of freedom, this should be done in such a way that the direct and indirect harmful consequences are minimized and the chosen means of limitation are just—the less the harm, the higher the ranking.

#### SOME SPECIFIC ETHICAL ISSUES

Since it has already been contended that individual freedom of choice has primacy,



the ethical issues to be specified here will concentrate on those posed for governments. This focus will, in any event, serve to test the limits of individual freedom.

Faced with an excessive population growth, a variety of courses are open to governments. They can do nothing at all. They can institute, develop, or expand voluntary family planning programs. They can attempt to implement proposals that go "beyond family planning" (12).

Would it be right for governments to go beyond family planning if excessive population growth could be shown to be a grave problem? This question conceals a great range of issues. Who would decide if governments have this right? Of all the possible ways of going beyond family planning, which could be most easily justified and which would be the hardest to justify? To what extent would the problem have to be shown to be grave? As a general proposition, it is possible ethically to say that governments would have the right to go beyond family planning. The obligation of governments to protect fundamental values could require that they set aside the primacy of individual freedom in order to protect justice and security-survival. But everything would depend on the way they proposed to do so.

Would it be right for governments to establish involuntary fertility controls? These might include (if technically feasible) the use of a mass "fertility control agent," the licensing of the right to have children, compulsory temporary or permanent sterilization, or compulsory abortion (12). Proposals of this kind have been put forth primarily as "last resort" methods, often in the context that human survival may be at stake. "Compulsory control of family size is an unpalatable idea to many," the Ehrlichs have written, "but the alternatives may be much more horrifying . . . human survival seems certain to require population control programs. . . ." (3, p. 256). Their own suggestion is manifestly coercive: "If . . . relatively uncoercive laws should fail to bring the birthrate under control, laws could be written that would make the bearing of a third child illegal and that would require an abortion to terminate all such pregnancies" (3, p. 274).

That last suggestion requires examination. Let us assume for the moment that the scientific case has been made that survival itself is at stake and that the administrative and enforcement problems admit of a solution. Even so, some basic ethical issues would remain. "No one," the United Nations has declared, "shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment" (13, Article 5). It is hard to see how compulsory abortion, requiring governmental invasion of a woman's body, could fail to qualify as inhuman or degrading punishment. Moreover, it is difficult to see how this kind of suggestion can be said to respect in any way the values of freedom and justice. It removes free choice altogether, and in its provision for an abortion of the third child makes no room for distributive justice at all; its burden would probably fall upon the poorest and least educated. It makes security-survival the prime value, but to such an extent and in such a way that the other values are ignored altogether. But could not one say, when survival itself is at stake, that this method would increase the balance of good over evil? The case would not be easy to make (i) because survival is not the only human value at stake; (ii) because the social consequences of such a law could be highly destructive (for example, the inevitably massive fear and anxiety about third pregnancies that would result from such a law); and (iii) because it would be almost impossible to show that this is the *only* method that would or could work to achieve the desired reduction in birthrates.

Would it be right for governments to develop "positive" incentive programs, designed to provide people with money or goods in return for a regulation of their fertility? These programs might include financial rewards for sterilization, for the use of contraceptives, or periods of nonpregnancy or nonbirth, and for family planning bonds or "responsibility prizes" (12, p. 2). In principle, incentive schemes are noncoercive; that is, people are not forced to take advantage of the incentive. Instead, the point of an incentive is to give them a choice they did not previously have.

Yet there are a number of ethical questions about incentive plans. To whom would they appeal most? Presumably, their greatest appeal would be to the poor, those who want or need the money or goods offered by an incentive program; they would hold little appeal for the affluent, who already have these things. Yet if the poor desperately need the money or goods offered by the incentive plan, it is questionable whether, in any real sense, they have a free choice. Their material needs may make the incentive seem coercive to them. Thus, if it is only or mainly the poor who would find the inducements of an incentive plan attractive, a question of distributive justice is raised. Because of their needs, the poor have less choice than the rich about accepting or rejecting the incentive; this could be seen as a form of exploitation of poverty. In sum, one can ask whether incentive schemes are or could be covertly coercive, and whether they are or could be unjust (14). If so, then while they may serve the need for security-survival, they may do so at the expense of freedom and justice.

At least three responses seem possible. First, if the need for security-survival is desperate, incentive schemes might well appear to be the lesser evil, compared with more overtly coercive alternatives. Second, the possible objections to incentive schemes could be reduced if, in addition to reducing births, they provided other benefits as well. For instance, a "family planning bond" program would provide the additional benefit of old-age security (15). Any one of the programs might be defended on the grounds that those who take advantage of it actually want to control births in any case (if this can be shown). Third, much could depend upon the size of the incentive benefits. At present, most incentive programs offer comparatively small rewards; one may doubt that they offer great dilemmas for individuals or put them in psychological straits. The objection to such programs on the grounds of coercion would become most pertinent if it can be shown that the recipients of an incentive benefit believe they have no real choice in the matter (because of their desperate poverty or the size of the benefit); so far, this does not appear to have been the case (16).

While ethical objections have been leveled at incentive programs because of some experienced corrupt practices in their implementation, this seems to raise less serious theoretical issues. Every program run by governments is subject to corruption; but there are usually ways of minimizing it (by laws and review procedures, for instance). Corruption, I would suggest, becomes a serious theoretical issue only when and if it can be shown that a governmental program is inherently likely to create a serious, inescapable, and socially damaging system of corruption. This does not appear to be the case with those incentive programs so far employed or proposed.

Would it be right for governments to institute "negative" incentive programs? These could take the form of a withdrawal of child or family allowances after a given number of children, a withdrawal of maternity benefits after a given number, or a reversal of tax benefits, to favor those with small families (12, p. 2). A number of objections to

such programs have been raised. They are directly coercive in that they deprive people of free choice about how many children they will have by imposing a penalty on excess procreation; thus they do not attach primary importance to freedom of choice. They can also violate the demands of justice, especially in those cases where the burden of the penalties would fall upon those children who would lose benefits available to their siblings. And the penalties would probably be more onerous to the poor than to the rich, further increasing the injustice. Finally, from quite a different perspective, the social consequences of such programs could be most undesirable. They could, for instance, worsen the health and welfare of those mothers, families, and children who would lose needed social and welfare benefits. Moreover, such programs could be patently unjust in those places where effective contraceptives do not exist (most places at present). In such cases, people would be penalized for having children whom they could not prevent with the available birth control methods.

It is possible to imagine ways of reducing the force of these objections. If the penalties were quite mild, more symbolic than actual [as Garrett Hardin has proposed (17)], the objection from the viewpoint of free choice would be less; the same would apply to the objection from the viewpoint of justice. Moreover, if the penalty system were devised in such a way that the welfare of children and families would not be harmed, the dangerous social consequences would be mitigated. Much would depend, in short, upon the actual provisions of the penalty plan and the extent to which it could minimize injustice and harmful social consequences. Nonetheless, penalty schemes raise serious ethical problems. It seems that they would be justifiable only if it could be shown that security-survival was at stake and that, in their application, they would give due respect to freedom and justice. Finally, it would have to be shown that, despite their disadvantages, they promised to increase the balance of good over evil—which would include a calculation of the harm done to freedom and justice and a weighing of other, possibly harmful, social consequences.

An additional problem should be noted. Any penalty or benefit scheme would require some method of governmental surveillance and enforcement. Penalty plans, in particular, would invite evasion—for example, hiding the birth of children to avoid the sanctions of the scheme. This likelihood would be enhanced among those who objected to the plan on moral or other grounds, or who believed that the extra children were necessary for their own welfare. One does not have to be an ideological opponent of "big government" to imagine the difficulties of trying to ferret out violators or the lengths to which some couples might go to conceal pregnancies and births. Major invasions of privacy, implemented by a system of undercover agents, informants, and the like, would probably be required to make the scheme work. To be sure, there are precedents for activities of this kind (as in the enforcement of income tax laws), but the introduction of further governmental interventions of this kind would raise serious ethical problems, creating additional strains on the relationship between the government and the people. The ethical cost of an effective penalty system would have to be a key consideration in the development of any penalty program.

Would it be right for governments to introduce antinatalist shifts in social and economic institutions? Among such shifts might be a raising of marriage ages, manipulation of the family structure away from nuclear families, and bonuses for delayed marriage (12, pp. 2-3). The premise of these proposals is that fertility patterns are influenced by the context in which choices are made and that some contexts (for example, higher

female employment) are anti-rather than pro-natalist. Thus, instead of intervening directly into the choices women make, these proposals would alter the environment of choice; freedom of individual choice would remain. The attractiveness of these proposals lies in their noninterference with choice; they do not seem to involve coercion. But they are not without their ethical problems, at least in some circumstances. A too-heavy weighting of the environment of choice in an antinatalist direction would be tantamount to an interference with freedom of choice—even if, technically, a woman could make a free choice. In some situations, a manipulation of the institution of marriage (for example, raising the marriage age) could be unjust, especially if there exist no other social options for women.

The most serious problems, however, lie in the potential social consequences of changes in basic social institutions. What would be the long-term consequences of a radical manipulation of family structure for male-female relationships, for the welfare of children, for the family? One might say that the consequences would be good or bad, but the important point is that they would have to be weighed. Should some of them appear bad, they would then have to be justified as entailing a lesser evil than the continuation of high birthrates. If some of the changes promised to be all but irreversible once introduced, the justification would have to be all the greater. However, if the introduction of shifts in social institutions had some advantages in addition to antinatalism—for instance, greater freedom for women, a value in its own right—these could be taken as offsetting some other, possibly harmful, consequences.

Would it be right for the government of a developed nation to make the establishment of a population control program in a developing nation a condition for extending food aid (18, 19)? This would be extremely difficult to justify on ethical grounds. At the very least, it would constitute an interference in a nation's right to self-determination (20). Even more serious, it would be a direct exploitation of one nation's poverty in the interests of another nation's concept of what is good for it; and that would be unjust. Finally, I would argue that, on the basis of Article 3 of the "Universal Declaration of Human Rights" (21), a failure to provide needed food aid would be a fundamental violation of the right to life (when that aid could, without great cost to the benefactor nation, be given). The argument that such aid, without an attendant population control program, would only make the problem worse in the long run, is defective. Those already alive, and in need of food, have a right to security-survival. To willfully allow them to die, or to deprive them of the necessities of life, in the name of saving even more lives at a later date cannot be justified in the name of a greater preponderance of good over evil. There could be no guarantee that those future lives would be saved, and there would be such a violation of the rights of the living (including the right to life) that fundamental human values would be sacrificed.

Would it be right for a government to institute programs that go beyond family planning—particularly in a coercive direction—for the sake of future generations? This is a particularly difficult question, in great part because the rights of unborn generations have never been philosophically, legally, or ethically analyzed in any great depth (22). On the one hand, it is evident that the actions of one generation can have profound effects on the options available to future generations. And just as those living owe much of their own welfare to those who preceded them (beginning with their parents), so, too, the living would seem to have obligations to the unborn. On the other hand, though, the living themselves do have

rights—not just potential, but actual. To set aside these rights, necessary for the dignity of the living, in favor of those not yet living would, I think, be to act arbitrarily.

A general solution might, however, be suggested. While the rights of the living should take precedence over the rights of unborn generations, the living have an obligation to refrain from actions that would endanger future generations' enjoyment of the same rights that the living now enjoy. This means, for instance, that the present generation should not exhaust nonrenewable resources, irrevocably pollute the environment, or procreate to such an extent that future generations will be left with an unmanageably large number of people. All of these obligations imply a restriction of freedom. However, since the present generation does have the right to make use of natural resources and to procreate, it must be demonstrated (not just asserted) that the conduct of the present generation poses a direct threat to the rights of future generations. In a word, the present generation cannot be deprived of rights on the basis of vague speculations about the future or uncertain projections into the future.

Do governments have the right unilaterally to introduce programs that go beyond family planning? It is doubtful that they do. Article 21 of the "Universal Declaration of Human Rights" (13) asserts that "Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. . . . The will of the people shall be the basis of the authority of government." There is no evident reason that matters pertaining to fertility control should be exempt from the requirements of this right. By implication, not only measures that go beyond family planning, but family planning programs as well require the sanctions of the will of the people and the participation of the people in important decisions.

#### A RANKING OF PREFERENCES

The preceding list of specific issues by no means exhausts the range of possible ethical issues pertaining to governmental action; it is meant only to be illustrative of some of the major issues. Moreover, the suggested solutions are only illustrative. The complexities of specific situations could well lead to modifications of them. That is why ethical analysis can rarely ever say exactly what ought to be done in  $x$  place at  $y$  time by  $z$  people. It can suggest general guidelines only.

I want now to propose some general ethical guidelines for governmental action, ranking from the most preferable to the least preferable.

1) Given the primacy accorded freedom of choice, governments have an obligation to do everything within their power to protect, enhance, and implement freedom of choice in family planning. This means the establishment, as the first order of business, of effective voluntary family planning programs.

2) If it turns out that voluntary programs are not effective in reducing excessive population growth, then governments have the right, as the next step, to introduce programs that go beyond family planning. However, in order to justify the introduction of such programs, it must be shown that voluntary methods have been adequately and fairly tried, and have nonetheless failed and promise to continue to fail. It is highly doubtful that, at present, such programs have "failed"; they have not been tried in any massive and systematic way (23).

3) In choosing among possible programs that go beyond family planning governments must first try those which, comparatively, most respect freedom of choice (that is, are least coercive). For instance, they should try "positive" incentive programs and manipulation of social structures before resorting to "negative" incentive programs and involuntary fertility controls.

4) Further, if circumstances force a government to choose programs that are quasi or wholly coercive, they can justify such programs if, and only if, a number of prior conditions have been met: (i) if, in light of the primacy of free choice, a government has discharged the burden of proof necessary to justify a limitation of free choice—and the burden of proof is on the government (this burden may be discharged by a demonstration that continued unrestricted liberty poses a direct threat to distributive justice or security-survival); and (ii) if, in light of the right of citizens to take part in the government of their country, the proposed limitations on freedom promise, in the long run, to increase the options of free choice, decisions to limit freedom are collective decisions, the limitations on freedom are legally regulated and the burden falls upon all equally, and the chosen means of limitation respect human dignity, which will here be defined as respecting those rights specified in the United Nations' "Universal Declaration of Human Rights" (13). The end—even security-survival—does not justify the means when the means violate human dignity and logically contradict the end.

As a general rule, the more coercive the proposed plan, the more stringent should be the conditions necessary to justify and regulate the coercion. In addition, one must take account of the possible social consequences of different programs, consequences over and above their impact on freedom, justice, and security-survival. Thus, if it appears that some degree of coercion is required, that policy or program should be chosen which (i) entails the least amount of coercion, (ii) limits the coercion to the fewest possible cases, (iii) is most problem-specific, (iv) allows the most room for dissent of conscience, (v) limits the coercion to the narrowest possible range of human rights, (vi) threatens human dignity least, (vii) establishes the fewest precedents for other forms of coercion, and (viii) is most quickly reversible if conditions change.

While it is true to say that social, cultural, and political life requires, and has always required, some degree of limitation of individual liberty—and thus some coercion—that precedent does not, in itself, automatically justify the introduction of new limitations (24). "Every proposal for a new limitation must be justified in its own terms—the specific form of the proposed limitation must be specifically justified. It must be proved that it represents the least possible coercion, that it minimizes injustice to the greatest extent possible, that it gives the greatest promise of enhancing security-survival, and that it has the fewest possible harmful consequences (both short- and long-term).

#### FREEDOM AND RISK-TAKING

The approach I have taken to the ethics of population limitation has been cautious. I have accepted the primacy of freedom of choice as is given not only because of its primacy in United Nations and other declarations, but also because it is a primary human value. I have suggested that the burden of proof must lie with those proposals, policies, or programs that would place the primacy elsewhere. At the same time, I have laid down numerous conditions necessary to discharge the burden of proof. Indeed, these conditions are so numerous, and the process of ethical justification so difficult, that the possibility of undertaking decisive action may seem to have been excluded. This is a reasonable concern, particularly if time is short. Is it reasonable to give the ethical advantage to freedom of choice (25)? Does this not mean that a great chance is being taken? Is it not unethical to take risks of that sort, and all the more so since others, rather than ourselves, will have to bear the burden if the risk-taking turns out disastrously? In par-

ticular, would it not be irresponsible for governments to take risks of this magnitude?

Three kinds of responses to these questions are possible. First, as mentioned, it can and has been argued that freedom of choice has not been adequately tested. The absence of a safe, effective, and inexpensive contraceptive has been one hindrance, particularly in developing countries; it is reasonable to expect that such a contraceptive will eventually be developed. The weakness of existing family planning programs (and population policies dependent upon them) has, in great part, been the result of inadequate financing, poor administration, and scanty research and survey data. These are correctable deficiencies, assuming that nations give population limitation a high priority. If they do not give population limitation a high priority, it is unlikely that more drastic population policies could be successfully introduced or implemented. Very little effort has been expended anywhere in the world to educate people and persuade them to change their procreation habits. Until a full-scale effort has been made, there are few good grounds for asserting that voluntary limitation will be ineffective.

Second, while the question of scientific-medical-technological readiness, political viability, administrative feasibility, economic capability, and assumed effectiveness of proposals that would go beyond family planning is not directly ethical in nature, it has important ethical implications. If all of these categories seem to militate against the practical possibility of instituting very strong, immediate, or effective coercive measures, then it could become irresponsible to press for or support measures. This would especially be the case if attention were diverted away from what could be done, for example, an intensification of family planning programs.

Third, primacy has been given to freedom of choice for ethical reasons. Whether this freedom will work as a means of population limitation is a separate question. A strong indication that freedom of choice will be ineffective does not establish grounds for rejecting it. Only if it can be shown that the failure of this freedom to reduce population growth threatens other important human values, thus establishing a genuine conflict of values, would the way be open to remove it from the place of primacy. This is only another way of asserting that freedom of choice is a right, grounded in a commitment to human dignity. The concept of a "right" becomes meaningless if rights are wholly subject to tests of economic, social, or demographic utility, to be given or withheld depending upon their effectiveness in serving social goals.

In this sense, to predicate human rights at all is to take a risk. It is to assert that the respect to be accorded human beings ought not to be dependent upon majority opinion, cost-benefit analysis, social utility, governmental magnanimity, or popular opinion. While it is obviously necessary to adjudicate conflicts among rights, and often to limit one right in order to do justice to another, the pertinent calculus is that of rights, not of utility. A claim can be entered against the primacy of one right only in the name of one or more other important rights. The proper route to a limitation of rights is not directly from social facts (demographic, economic, and so on) to rights, as if these facts were enough in themselves to prove the case against a right. The proper route is from showing that the social facts threaten rights, and in what way, to showing that a limitation of one right may be necessary to safeguard or enhance other rights. To give primacy to the right of free choice is to take a risk. The justification for the risk is the high value assigned to the right, a value that transcends simply utilitarian considerations.

REFERENCES AND NOTES

1. E. H. Erikson, *Insight and Responsibility* (Norton, New York, 1964), p. 132.
2. B. Berelson, in *Is There an Optimum Level of Population?*, S. F. Singer, Ed. (McGraw-Hill, New York, 1971), p. 305.
3. See, for instance, P. R. Ehrlich and A. H. Ehrlich, *Population, Resources, Environment Issues in Human Ecology* (Freeman, San Francisco, 1970), pp. 321-324.
4. A 1967 Gallup Poll, for example, revealed that, while 54 percent of those surveyed felt that the rate of American population growth posed a serious problem, crime, racial discrimination, and poverty were thought to be comparatively more serious social problems. J. F. Kanther, *Stud. Fam. Plann.* No. 30 (May 1968), p. 6.
5. R. B. Potter, Jr., in *Freedom, Coercion and the Life Sciences*, L. Kass and D. Callahan, Eds., in press.
6. K. E. Boulding, *Amer. Econ. Rev.* 59, 1 (March 1969).
7. *Final Act of the International Conference on Human Rights* (United Nations, New York, 1968), p. 15.
8. "Declaration on Population: The World Leaders Statement," *Stud. Fam. Plann.* No. 26 (January 1968), p. 1.
9. For instance, not only has Garrett Hardin, in response to "The World Leaders' Statement" (8), denied the right of the family to choose family size, he has also said that "If we love the truth we must only deny the validity of the Universal Declaration of Human Rights, even though it is promoted by the United Nations" [*Science* 162, 1246 (1968)]. How literally is one to take this statement? The declaration, after all, affirms such rights as life, liberty, dignity, equality, education, privacy, and freedom of thought. Are none of these rights valid? Or, if those rights are to remain valid, why is only the freedom to control family size to be removed from the list?
10. See A. S. Parkes, in *Biology and Ethics*, F. J. Ebling, Ed. (Academic Press, New York, 1969), pp. 109-116.
11. In general, "antinatalist" means "attitudes or policies directed toward a reduction of births," and "prenatalist" means "attitudes or policies directed toward an increase in births."
12. See B. Berelson, *Stud. Fam. Plann.* No. 38 (February 1969), p. 1.
13. "Universal Declaration of Human Rights," in *Human Rights: A Compilation of International Instruments of the United Nations* (United Nations, New York, 1967).
14. See E. Pohlman and K. G. Rao, *Licentiate* 17, 236, (1967).
15. See, for instance, R. G. Ridker, *Stud. Fam. Plann.* No. 43 (June 1969), p. 11.
16. The payments made in six different family planning programs are listed in *Incentive Payments in Family Planning Programmes* (International Planned Parenthood Federation, London, 1969), pp. 8-9.
17. G. Hardin, *Fam. Plann. Perspect.* 2, 26 (June 1970).
18. See, for example, W. H. Davis, *New Republic* (20 June 1970), p. 19.
19. P. R. Ehrlich, *The Population Bomb* (Ballantine Books, New York, 1968), pp. 158-173.
20. See the "International Covenant on Economic, Social and Cultural Rights," Article 1, section 1, paragraph 1, in *Human Rights: A Compilation of International Instruments of the United Nations* (United Nations, New York, 1967), p. 4: "All people have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."
21. "Everyone has the right to life, liberty and the security of person" (13).
22. One of the few recent discussions on the obligation to future generations is in M. P.

Golding [*UCLA Law Review* 15, 457 (February 1968)].

23. See D. Nortman, in *Reports on Population/Family Planning* (Population Council, New York, December 1969), pp. 1-48. Judith Blake is pessimistic about the possibilities of family planning programs [*J. Chronic Dis.* 18, 1181 (1965)]. See also J. Blake [*Science* 164, 522 (1969)] and the reply of O. Harkavy, F. S. Jaffe, S. M. Wishik [*ibid.* 165, 367 (1969)].  
 24. See E. Pohlman, *Eugen. Quart.* 13, 122, (June 1966): "The spectre of 'experts' monkeying around with such private matters as family size desires frightens many people as being to 'Big Brotherish.' But those involved in eugenics, or psychotherapy, or child psychology, or almost any aspect of family planning are constantly open to the charge of interfering in private lives, so that the charge would not be new. . . . Of course, many injustices have been done with the rationale of being 'for their own good.' But the population avalanche may be used to justify—perhaps rationalize—contemplation of large-scale attempts to manipulate family size desires, even rather stealthily." This mode of reasoning may explain how some people will think and act, but it does not constitute anything approaching an ethical justification.

25. P. R. Ehrlich (19, pp. 197-198) argues that the taking of strong steps now to curb population growth is the wiser and safer gamble than doing nothing or too little. This seems to me a reasonable enough position, up to a point. That point would come when the proposed steps would seriously endanger human dignity; an ethic of survival, at the cost of other basic human values, is not worth the cost.

26. This article is an abridgment of an "Occasional Paper" [*Ethics and Population Limitation* (Population Council, New York, 1971)] and was written while the author was a staff associate at the Population Council in 1969-70. I would particularly like to thank Bernard Berelson for his suggestions and criticisms.

DISABLED AMERICAN VETERANS PRESENT 1972 LEGISLATIVE OBJECTIVES

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. TEAGUE of Texas. Mr. Speaker, the national commander of the Disabled American Veterans appeared before the House Committee on Veterans' Affairs this morning. For the information of all Members of the House, I include my introductory remarks of the distinguished commander and the statement which he presented outlining the 1972 legislative program of the DAV:

REMARKS BY HONORABLE OLIN E. TEAGUE ON INTRODUCING DAV NATIONAL COMMANDER EDWARD T. CONROY

Members of the committee and ladies and gentlemen: I have the honor today to introduce National Commander Edward T. Conroy of the Disabled American Veterans.

Commander Conroy rendered distinguished service to his country as a citizen soldier. Having graduated from Xavier Military Academy in New York, he was commissioned as a second lieutenant and volunteered for active duty in Korea, serving with the 25th Infantry Division. He received a battlefield promotion to first lieutenant while leading his platoon and directing the defense of "Heartbreak Ridge". He received almost fatal gunshot

wounds during this action but still continued to direct the attack until a white phosphorous grenade landed near him resulting in severe burns over his entire body. For this outstanding action, General Mark Clark personally presented Commander Conroy with the Silver Star and the Purple Heart.

After undergoing extensive surgery, including amputation of his left arm, Commander Conroy, who had hoped to study medicine, changed his vocation to law, receiving his master of laws degree in 1957. He is a member of the bar in the District of Columbia and Maryland, and has been admitted to practice before the United States Supreme Court.

He has served in both the House and Senate of the Maryland Legislature and has been floor manager for all veterans' legislation. He presently serves as State senator from the first legislative district in Prince Georges County.

Commander, it is an honor to welcome you here today.

#### STATEMENT OF EDWARD T. CONROY

Mr. Chairman and members of the committee: This is, indeed, a very high honor and privilege to come before you and present the 1972 Legislative Program of the Disabled American Veterans.

I am particularly pleased to share this very special occasion with a deeply dedicated group of DAV Department and National Officers who have journeyed here from all sections of the Nation to take part in our Mid-Winter Conference. These meetings, which occur annually, achieve two objectives—they allow for a series of discussions on matters of urgent concern to the DAV membership and, at the same time, serve to assure a continuity of interest in the fundamental purpose for which our Organization was created. That purpose, in part, urges all of us to do what is necessary "to advance the interest and work for the betterment of all wounded, injured and otherwise disabled war veterans." This objective—rightly and justifiably—includes consideration of the veteran's obligation to his family. Accordingly, the concerns of the disabled veteran's dependents and survivors must also be considered in any meaningful and rewarding assistance programs.

The primary mission of our Organization is carried out principally through our National Service Officers who are stationed in offices of the Veterans Administration throughout the country. These 168 full time national employees—63 of whom are Vietnam veterans—assist veterans with their claims for compensation, pension, hospitalization, medical treatment, educational and vocational training, and sundry other benefits which have been provided by this Committee and the Congress. These services are extended with no charge to the veteran.

Let me assure you, Mr. Chairman, of the profound sense of pride I feel for the DAV service program and the prominence it has attained through the dedicated efforts of our National Service Officers.

The DAV participates actively in other programs which, although not too widely known, nevertheless, serve a very useful and humanitarian purpose.

Our scholarship program provides four years of college to needy children of service-connected disabled veterans. At present, we have approximately 47 students involved in the program.

Another on-going and growing program initiated by our Organization is the DAV Scouting for the Handicapped. The Disabled American Veterans is the only veteran organization that has committed itself to a formal partnership with the Boy Scouts of America to help carry the load of scouting for the handicapped. The DAV's participation in this highly successful program reflects, in

our view, a genuine desire to recognize the dignity of disabled youngsters, and to deliver the service which they need and which, indeed, they deserve and enjoy.

Our Employment Assistance Program involves itself deeply in the employment problems of disabled war veterans. Our National Interim Employment Committee is currently developing an expanded program of employment services to disabled veterans of the Vietnam era. We have recently sent questionnaires to these young veterans to determine the utilization and effectiveness of the Public Employment Service. Our survey indicates that approximately 50 percent of those responding are not registered with that Agency. We have, therefore, instituted a pilot program which, at present, involves the States of Illinois, Connecticut and Arkansas. We have enlisted the cooperation of Veterans Employment Representatives and other officials to provide special counseling and placement assistance for those disabled veterans whose returned questionnaires indicate a need for such assistance.

We plan to expand this phase of our program to other states, and to establish contact with employers so as to improve their hiring practices with respect to disabled veterans. Hopefully, our efforts—in conjunction with employment service personnel—will result in substantially greater training and employment opportunities for thousands of disabled war veterans.

Before proceeding to the substance of our Legislative Program, Mr. Chairman, I want to take a moment to command and to thank you and the Committee members for the legislative achievements of the 1st Session of the 92nd Congress. They represent the latest addition to an already well-established record of affirmative Committee actions on behalf of the nation's disabled war veterans, their dependents and survivors.

The increases in pension payments, the increases in dependency and indemnity compensation, the improvements in the home loan and medical programs are welcomed and appreciated by all members of the DAV and its Auxiliary.

We have great hope for what this distinguished Committee will accomplish this year. Indeed, we of the Disabled American Veterans, have been heartened by the overall atmosphere of hope and concern that has preceded this hearing. The proposed VA budget is at an all-time high and its medical budget is also the highest ever. Surely, this is encouraging.

On this note, Mr. Chairman, I would like now to turn directly to the heart of our testimony.

As you know, Mr. Chairman, DAV Legislative Programs spring from resolutions approved by our National Conventions and our National Executive Committee. On the basis of National Convention resolutions adopted last August, we believe our Organization has fashioned a Legislative Program that is sound and reasonable—a kind of program that blends what we think is important, positive and feasible. It is recognized, of course, that time does not permit a full discussion of all facets of our program. However, it is my hope that when your Committee holds later hearings, you will allow us to appear and discuss in detail some of the matters I shall touch upon only briefly here today.

#### DISABILITY COMPENSATION

Mr. Chairman, this Committee and the Congress throughout the years have given steadfast recognition to the concept that disabilities incurred as a result of service in our Armed Forces entitled the sufferer to very special recognition and gratitude from the nation. It has been accepted that compensation payments should be adequate to meet the particular needs of the service-connected disabled—and to meet those needs by providing payments based on the ingredients of compassion and understanding.

The basic rates of compensation payable in wartime cases currently range from \$25 for a 10 percent disability to \$450 per month for total disability.

It is the feeling of the DAV that there should be a substantial, and immediate, increase in these monthly payments. We feel that the increase must be so substantial as to take into account not only the loss in purchasing value since the last increase in July, 1970, but also an estimate of the additional loss which will occur between the present and the next review of the Disability Compensation Program.

Of the more than 2 million veterans on the VA compensation rolls, there are approximately 123,000 whose income is limited solely to monthly compensation payments.

Compared with average earnings, the present monthly rate for the totally disabled war veteran is grossly inadequate. Available statistical data show that the 1971 average earnings for production workers in private manufacturing industries was \$7,809.36, while the compensation for the severely disabled unemployed war veteran is \$5,400.00 per year. We do not believe that this veteran should be left behind in the "earnings" race.

Other data show that the median annual income of male veterans in the civilian population for calendar year 1970 was \$8,660. Wages in both the public and private sectors have been increased approximately 12 percent since July 1970. In this same period, non-service-connected disability payments have been raised on two occasions for a total of 16 percent.

It is our hope that serious study and thoughtful consideration of the facts set forth above will lead your Committee to give the highest priority to recommendations for well-deserved increases in the basic rates of service-connected disability compensation.

There are other compensation matters of high importance to the DAV which will draw our attention during the course of the year. We are particularly interested in legislation providing for dependency allowances for veterans whose disabilities are rated less than 50 percent, and a clothing allowance for veterans who, because of service-connected disability, wear prosthetic appliances which tear or wear out their clothing.

We think there is a very justifiable case for increases in the dependency allowances to restore their purchasing value; and a specially urgent case for increases to those veterans who receive the \$47 monthly award for anatomical loss or loss of use of body organs. These special awards were last increased in 1952. The DAV has sponsored legislation to increase the \$47 on numerous occasions with no headway. It is now more than 20 years after the last increase and the proposal is still prominently in our program.

During this entire period, the Veterans Administration has persistently opposed legislation to provide an increase in these awards on the pretext that it is conducting a study to "validate" the Disability Rating Schedule. We are told that recommendations based on the study may be available on April 1, 1972. However, we would point out that while the so-called validation may change some of the disability "percentage evaluations," it can have no effect on the supplemental statutory rate which the Congress authorized in consideration of factors "other than the economic loss" suffered by the veteran.

In its action, the Congress recognized that there was no way to adequately compensate a veteran who has lost a limb or an eye, or a veteran who has suffered irreparable psychological damage in the service of his country. Accordingly, the Congress rightfully sought to repay these disabled American veterans for the pain and suffering, the loss of physical and mental integrity, which these disabilities by their very nature often bring.

As mentioned earlier, Mr. Chairman, we would welcome the opportunity to discuss

these and other items relating to the disability compensation program at future Committee hearings.

#### EDUCATION AND TRAINING

Mr. Chairman, we think it is generally accepted by the American people that those who serve in our Armed Forces bear a disproportionate burden of citizenship. While they are off serving their country, others of their age are preparing for occupational or professional careers. We think it only fair that the ex-serviceman be given the opportunity to secure educational and training advantages lost during his period of active military duty.

This opportunity was enhanced when your Committee on February 29th favorably reported H.R. 12828. This legislation, which has since passed the House, contains a wide variety of features, some of which would satisfy resolutions adopted by our most recent National Convention. Among other things, it provides a well-deserved increase in the monthly subsistence allowances paid to severely disabled veterans receiving training under the VA vocational rehabilitation program. Another provision would increase the monthly rates of educational assistance payable to veterans, and to wives, widows and children of service-connected totally disabled and deceased veterans under the War Orphans' and Widows' Educational Assistance Act.

#### NATIONAL CEMETERIES

In previous appearances before this Committee, the DAV outlined its position with respect to the National Cemetery System as it is currently operated. We have consistently urged—as we do now—that the operational jurisdiction and control of the system be transferred from the Department of the Army to the Administrator of Veterans' Affairs. Legislation to bring this about is presently under consideration in the Congress.

If enacted, the legislation would, in our opinion, eliminate the confusing and uncertain conditions currently associated with the cemetery program, and would result in the establishment of a unified and orderly system.

The officers and resources of our national Organization are ready and on call to assist in helping resolve this urgent problem.

#### VA MEDICAL PROGRAM

Another item of real significance to the DAV relates to the program of hospital and medical care for disabled war veterans.

We believe that the well-being of the disabled veteran and the debt his nation owes him commands aggressive action to make certain he receives a high standard of medical service as a matter of right. In this regard, Mr. Chairman, I want to reiterate here our grateful thanks to you and the Committee members for initiating and following through with the action that led to House passage of legislation in the 92nd Congress to improve the delivery of health services to eligible war veterans.

We are particularly pleased with one of the many excellent features of the Veterans Medical Care Act of 1971. It would provide hospital and medical care to the wife or child of a totally and permanently disabled service-connected veteran and to the widow or child of a veteran who has died as a result of service-connected disability.

As I mentioned earlier, Mr. Chairman, the DAV is encouraged by the fact that the VA medical budget for 1973 is the highest ever. Among other things, it calls for an increase of 11,000 new medical employees; for an increase in the number of veterans to be cared for both on an in-patient and out-patient basis; for construction; for prosthetic research and for VA nursing care units.

Despite these promising improvements, there is a growing concern among DAV members about a trend strongly underway to assimilate the VA medical system into a National Health Care Plan under the juris-

dition of HEW or some other social service agency.

The DAV recognizes that the problem of health care for the general population is swelling rapidly and that legislation is needed to deal realistically with all aspects of the health care issue. However, the DAV is unalterably opposed to any scheme which has as its object the absorption of the VA medical and hospital program into a sweeping national health insurance system. Conversely, we firmly advocate that the VA hospital program, as presently constituted, not only be preserved intact but also be expanded and improved for the benefit of America's war disabled.

Mr. Chairman, I have attempted here today to bring to notice some of the highlights of our objectives for the year 1972. As expressed earlier, we think our program is a reasonable one, is feasible and supportable, and represents what we believe to be needed improvements in veterans' programs.

Before concluding my statement, Mr. Chairman, I want to say a brief word about the draft "amnesty" issue, which as you know, is evoking rancorous, bitter debate across the country.

This burning question must, in our opinion, be evaluated with the utmost honesty and frankness. Reports indicate that there are about 70,000 draft dodgers and deserters residing in Canada and Sweden. A large number have said they were obligated by conscience to take flight. We rather think they were motivated more by the basic instinct of self-preservation. In any event, the really astounding aspect of this whole matter is the present attitude of some of the defectors. At a recent press conference in Toronto, a representative group demanded "totally non-punitive restoration" of their civil rights if and when they return to the United States. They rejected without reservation any alternative service as a condition for amnesty.

We do not think these people will win favor with any veteran groups. It is our considered opinion that amnesty should not now be granted, that the merits of the individual case should be decided separately, and only after the conflict has ended and all who served their nation honorably have returned home.

Mr. Chairman, may I again express our grateful appreciation for giving us the opportunity to appear before you. I cannot think of any better note on which to bring my statement to a close than to call attention to and publicly thank the dedicated and conscientious members of the Committee staff. The officials of our Organization receive the Staff's splendid cooperation not only when hearings are in progress but all through the year; and for this we are deeply grateful.

#### EXTENSIONS—RECORD OR CAPITOL—THE LAZY WAY

### HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. RONCALIO. Mr. Speaker, I have often noticed that saying what you have to say in the Extensions of the RECORD is perhaps the laziest way that we Congressmen can speak either to each other or to our constituencies and the Nation. In this instance, however, I cannot avoid the temptations to make use of the Extensions. For what I have to say deals with the proposed extension of our U.S. Capitol Building: Another extension and expression of mental laziness.

Witness the facts that have gone to produce this momentarily bad decision.

Three years ago, we were told that the Capitol was going to fall down about our ears. Therefore, a \$250,000 study was commissioned. The final report stated, succinctly, that Chicken Little had been wrong; the sky was not falling; and it would take only some \$15 million to effect proper restoration.

What was the response of the so-called Commission on the Extension of the Capitol to this report? Well it recommended a \$45 to \$60 million extension on the grounds that restoration would exceed the \$15 million limit and perhaps might even rise to the incredible expense of \$16 or \$17 million. Just imagine going in to persuade your local banker that he could save \$17 million by spending \$60 million. You would get thrown out on your ear.

#### PARKINSON'S LAW

Well, my friends and colleagues, it makes very good sense, very good lazy sense, if you are a connoisseur of Parkinson's Law. This law simply states that it is the chief function of every organizational structure to fight for as much turf and as many employees with useless paperwork as it can possibly get, whether this be to the detriment of the people who support it—and for whom it presumably functions—or not.

This is certainly a tendency of all bureaucracies and we, in Congress, who are elected to speak up for the fiscal and environmental welfare of the people, are lazy, indeed, if we accede to it. Therefore, the topic of this Capitol extension will be a measure either of our active responsibility or of our utter laziness toward the welfare of the people both of this town and country. In 1961, a colleague of ours from Wisconsin (Mr. REUSS) conducted an investigation into the deterioration of our Nation's Capital and recommended action. He condemned "the unnecessary concentration of Federal facilities in the Washington metropolitan area" in terms of the economic dislocations and health problems which it was then causing and is now augmenting past the limits of reason. It was to be a policy that "no additional facilities will be established in the Washington metropolitan area if their functions can be carried on with equal or greater efficiency elsewhere."

Since that time, the opposite of this clarion good sense has been the policy of our Government. As I have remarked in these pages before, Washington, long overloaded with Federal construction, is now beginning to resemble an elephant stampede of waste and disruption. We are talking about building a convention center-sports arena complex which will replace our local Chinese community, for instance, at the same time that RFK Stadium and the Coliseum are losing money hand over fist.

Mr. Speaker, rape is never inadvertent, but sometimes it can appear so. If this House continues to ignore the plight both of the people of Washington, D.C., and of other areas of this country which need Federal construction, such an appearance may well become indicative, for many, of an intent. Since Mr. REUSS' effort a decade ago, many things have happened in the neighborhood of the Capitol—many things to fulfill the warnings of that time.

The Rayburn Building was completed, not only late and at a much greater cost than first anticipated, but in an architectural style of Mussolini's finest hour. Parking lots have been built behind Longworth and Rayburn with parks and mountains that have the clean, well-guarded look of a fortress.

The Library of Congress, that citadel of aloof highmindedness, has made perhaps the greatest land grab of us all. The Plaza Hotel has been taken over as a senatorial annex. Construction is now contemplated of a new senatorial parking facility. And now the Capitol itself, with its projected extension, erupts into the picture, promising an elongated season of drill presses and marble chalk dust.

#### CAPITOL HILL GONE MAD

Mr. Speaker, what are we trying to do here? Do we want the Hill to become a miniature garrison state, safe even from human habitation? Do we want to extend it 10 blocks in four directions and ultimately erect a wall around it, equating the people's assembly with the city of God? In a larger sense, do we want Washington to become some sort of terrible replica of Dante's Inferno—with rings extending outward into the suburbs where one lives at a distance from the hub according to one's GS rating—ultimately a thin band of GS-18's around the beltway who know nothing and care nothing about the fire, the slum, the ghetto in their midst?

I believe this House would do well to contemplate and rethink what we are doing in our Nation's Capital by allowing project after project of useless Federal construction in Washington. I believe we should also redirect our thinking to the efficacy of putting Federal buildings in the low-population States where they might do some good, not some harm. I believe that we might start such a reappraisal of priorities and aims by killing the fattest calf of the projected Capitol extension outright.

#### HOW IT IS DONE

It would obviously behoove my case if I would point out how Members of Congress might avoid being "lazy." I will try. The Extension Commission's vote directs the Capitol Architect, Mr. George M. White, to proceed with plans calling for such extension, expected to add about 285 conference and office rooms to our Capitol, at an estimated cost of \$60 million to the taxpayers. May I say that this is the usual procedure. The GSA was directed, in an instance earlier alluded to, to prepare plans for a proposed convention center-sports arena complex in Mount Vernon Square. Once such plans are set, it is very hard, in any instance, effectively to oppose them. But we must.

The procedure leaves opposing Members of Congress with only one option: They can fight appropriations requests for actual construction. But these appropriations will not be made until the plans are drawn. The cards are therefore stacked in favor of the proposers of such plans, but their odds for success are not 100 percent if enough of us stand up to be counted against them. If enough opposition is heard and felt at the outset, enthusiasm for further construction will dwindle and so will the plans.

## THE WISDOM AND CONSTITUTIONALITY OF HABITUAL OFFENDER LAWS

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mrs. ABZUG. Mr. Speaker, our system of correction and criminal law has been facing increasingly acute difficulties in recent years. The increase in drug use has resulted in a corresponding increase in crime; judicial decisions, while affording long-ignored constitutional rights to defendants, have further complicated the criminal process. Our prisons are shameful jungles which rehabilitate no one and which, along with the inexcusable disabilities visited upon convicts who have served their debt to society, do little more than insure that their "alumni" will become recidivists.

It is becoming increasingly apparent that one of the basic aspects of our correctional philosophy—the incarceration of offenders in fortress-like prisons for extended periods of time—is a most counterproductive strategy.

One device commonly used to increase the period for which a convict will be incarcerated is the "habitual offender" law. Under such statutes, third or subsequent offenders are not only sentenced to time in prison for the crimes for which they are convicted, but also to additional time because they have had prior convictions.

Daniel Katkin, an outstanding young professor at the State University of New York at Buffalo, has recently published an article considering both the philosophical and constitutional aspects of habitual offender laws. It is an extremely thoughtful and erudite study, and I am pleased to include it in the RECORD at this point:

#### HABITUAL OFFENDER LAWS: A RECONSIDERATION

(By Daniel Katkin \*)

##### I. HISTORY AND PURPOSE

Recidivism is a comparatively new social problem. Prior to the movement for penal reform in England (1750-1833) even the most trifling offenses were punishable either by hanging or by imprisonment which was considered to be only a slightly more protracted death.<sup>1</sup> Thus, while there were unquestionably habitual criminals, there were few whose careers were not ended by a first conviction.

By the end of the nineteenth century this unexpected consequence of reform—the presence of the habitual criminal—was clearly recognized and attention was focused on the resultant issues of social protection and deterrence.<sup>2</sup> The concept of preventive detention for repeated offenders was initially suggested in the Gladstone Committee Report of 1895,<sup>3</sup> which is generally regarded as a landmark in the history of progressive penology.<sup>4</sup> While the Committee urged the acceptance of rehabilitation as a goal of the penal system,<sup>5</sup> it was skeptical about the capacity for reformation of recidivist offenders:

"There is evidently a large class of habitual criminals—who live by robbery and thieving and petty larceny—who run the risk of comparatively short sentences with comparative indifference. They make money rapidly by crime, they enjoy life after their fashion, and then, on detection and conviction, serve their time quietly, with the full determina-

tion to revert to crime when they come out. We are inclined to believe that the bulk of habitual criminals at large are composed of men of this class. When an offender has been convicted a fourth time or more he or she is pretty sure to take to crime as a profession and sooner or later to return to prison. We are, therefore, of the opinion that further corrective measures are desirable for these persons. When under sentence they complicate prison management—when at large they are responsible for the commission of the greater part of the undetected crime; they are a nuisance to the community. To punish them for the particular offense is almost useless; the real offense is the willful persistence in the deliberately acquired habit of crime."<sup>6</sup>

This analysis led to the suggestion that a system of extended sentences for repeated offenders be created. Loss of liberty was envisioned primarily as a deterrent; but it was recognized that should it fail to serve that purpose, it would still protect society by isolating the offender for lengthy periods.<sup>7</sup> The Gladstone Committee did not intend for the sentence to be excessively punitive. Indeed the report suggested that habitual criminals "not be treated with the severity of first-class hard labour or penal servitude,"<sup>8</sup> which was generally not only hard, but also dull, useless, uninteresting and monotonous,<sup>9</sup> but rather that they be kept "under less onerous conditions."<sup>10</sup>

The Committee's recommendations for the treatment of habitual offenders were operationalized in The Prevention of Crime Act of 1908,<sup>11</sup> which authorized courts to sentence offenders to periods of preventive detention. Such a sentence could be given only if, after conviction, the offender admitted or was found by the jury to have had at least three prior convictions since the age of 16, or had been found to be a habitual offender on the occasion of an earlier conviction and been sentenced then to preventive detention. The sentence was to be not less than five nor more than ten years, and was to be consecutive rather than concurrent with the term awarded for the substantive offense. This "dual track" system of sentencing was criticized by opposition members on the ground that society ought not to inflict two pains on a prisoner. The government, however, refused to yield, and consecutive sentences remained the law in England until passage of the Criminal Justice Act of 1948.<sup>12</sup>

Even during the years when Gladstone was helping to fashion the law of England, alternatives to preventive detention were being considered. The least harsh of the proposals called for supervision of habitual criminals while allowing them to remain out of prison. The offender would be obliged to discuss his activities at least once a month at a meeting with his supervisor; in addition he would have to report all changes of address. Failure to comply with these rules would result in reimprisonment.<sup>13</sup> There was concern on the part of some civil libertarians that the power of supervision not be vested in the police; however, Discharged Prisoners' Aid Societies, or "private patrons of judicious character" were seen as acceptable.<sup>14</sup>

Supervision was not proposed as an alternative to all imprisonment, but rather as a form of after-care to be used in conjunction with a system of very gradual cumulations of imprisonment. Each successive conviction would carry with it a term of imprisonment a bit longer than the one before. Faced with the prospect of such steady escalation the prospective recidivist, the argument had it, would very likely drop out of crime before a third or fourth offense. The accretion, even though gradual, would provide those who continued to fifth or sixth convictions with rather extensive terms of imprisonment.<sup>15</sup> This threat, combined with the assistance of supervision, would both protect society and facilitate rehabilitation.

Perhaps the greatest flaw in the scheme is that it sought to make sentencing a func-

\*Footnotes at end of article.

tion solely of the frequency of offense, without regard to the character of each individual act. A third conviction would automatically carry a stiffer sentence than a second without regard to the specific nature of the crimes involved.<sup>16</sup> Punishment would be made to "fit" neither the crime nor the individual needs of the offender.<sup>17</sup>

This plan has never been operationalized in its pure form. The closest that some American jurisdictions have come is the enactment of statutes which require that the longest permissible term of imprisonment for a particular offense be given to recidivists guilty of that offense.<sup>18</sup> Some jurisdictions allow for a term of imprisonment which is a multiple of the maximum which could be given to a first offender.<sup>19</sup> Neither approach can fairly be characterized as involving the gradual accretion of terms of imprisonment. While probation and parole systems are now nearly universal, effective programs of after-care for offenders leaving prison after serving a full term are still very uncommon.<sup>20</sup>

The other, and substantially harsher alternative that was considered as early as the 1890's involved life imprisonment for recidivists.<sup>21</sup> It has received wide-spread acceptance and has been enacted into law in many jurisdictions.<sup>22</sup>

Proponents of such plans do not generally justify them on the basis of the social utility of punitiveness despite the fact that other types of harsh punishment have frequently been rationalized by the argument that society has a right, if not an obligation, to respond to "awful" acts with "awful" denunciations.<sup>23</sup> Deterrence and social protection are the usual justifications for life sentences. Almost a century ago Professor Francis Wayland, a Yale penologist, argued that life terms in penal institutions were necessary to safeguard communities against the anti-social acts of "incorrigibles."

"If it be argued that police supervision, after release, would avert the danger, I answer that it is far more easy, wise and safe, to exercise it within prison walls. The authorities of a hospital might, with just as much show of reason, release a smallpox patient in the most contagious period of that dreaded disease, and then provide that while the dangerous symptoms continued he should remain under supervision. I believe that there is but one cure for this great and growing evil, and that is to be found in the imprisonment for life of the criminal once pronounced incorrigible."<sup>24</sup>

More recently Norval Morris has commented that: "[p]roviding society has expended its best efforts to protect itself from an habitual criminal and had used all the practical means within its power to make him live a life that society was prepared to tolerate, it would be rational to destroy him. It would certainly be rational to keep him from again entering society."<sup>25</sup>

Debate over the wisdom and humanity of such "rationality" was most intense during the 1920's. New York State enacted the Baume's Law<sup>26</sup> which required that judges sentence offenders with three prior convictions to life terms of imprisonment. A look at the legislative history of that act indicates that its purposes were to deter potential recidivists by making the risks too great, and also to isolate from the society upon which they preyed those offenders who would not be deterred.<sup>27</sup>

Laws designed to serve those purposes exist in virtually all jurisdictions. In twenty-three states life terms of imprisonment are either mandated or permitted.<sup>28</sup> Of the remaining states, nine have statutes which impose mandatory minimum sentences ranging in severity from not less than 20 years in Alaska and Louisiana to not less than five

years in Idaho.<sup>29</sup> In all other states extended terms are permitted but not mandated.<sup>30</sup> In addition, the United States Code has recently been amended to permit extended terms of imprisonment ranging up to 25 years for offenders convicted of a third felony.<sup>31</sup>

#### II. THESIS

It is the thesis of this paper that these statutes, characterized by indefensible harshness,<sup>32</sup> serve neither to deter potential recidivists nor to protect the public by isolating offenders who are truly dangerous. Despite a judicial history which suggests the contrary, this writer believes that the new federal legislation as well as many existing state statutes may be found to violate the cruel and unusual punishment provision of the United States Constitution.<sup>33</sup> Even if that is not the case, as a matter of public policy, Congress would have done well to have defeated the section of the recently passed Organized Crime Act which deals with dangerous offenders, and state legislatures would do well to revise or abolish much of the similar existing legislation.

#### III. AN EVALUATION OF THE LAW IN OPERATION

The first point to be made is that habitual offender laws are wholly unnecessary to deter serious offenses. This would seem to be true almost as a matter of definition. Courts sentencing truly dangerous felons, such as murderers, rapists or armed robbers can impose lengthy terms of imprisonment (in some cases even the death penalty) without regard to the existence of habitual offender laws or the issue of habitual criminality. Surely the fear of being sentenced to an extended term of imprisonment cannot be said to be effective in deterring the commission of crimes for which lengthy terms could be imposed even on first offenders. It must be recognized that at best these harsh habitual offender sentences may have some effect in helping to deter only those comparatively petty offenses which are not deemed to deserve, in and of themselves, long terms of confinement.

The corollary of this argument is that habitual offender laws serve to isolate from society only comparatively petty offenders, from whom society is hardly in urgent need of protection. An excellent study which tends to prove that this is indeed the case has been done by Donald West of the Institute of Criminology at the University of Cambridge.<sup>34</sup> Dr. West interviewed, administered psychological tests to, and reviewed the records of a group of fifty recidivists serving terms as preventive detainees in English prisons.<sup>35</sup> Offenses of violence by members of this group were exceedingly rare. There were none at all among the charges at the latest conviction.<sup>36</sup> The group consisted almost entirely "of persistent thieves, a small minority of whom occasionally committed violent or sexual crimes as well."<sup>37</sup> Most of the prisoners studied by West "seemed woefully lacking in ability to fulfill ordinary social expectations in any sphere of life."<sup>38</sup>

Perhaps most significant, West found that only four of the fifty men could be characterized as non-deviant.<sup>39</sup> Twenty-nine were diagnosed as passive-inadequates,<sup>40</sup> that is, men who suffer a generalized inability, a failure to cope with ordinary frustrations . . . [and who] tend to collapse into passive resistance and querulous dependency. Inadequates tend to be typically reckless people, grossly lacking in drive and initiative. They are always complaining and demanding help from authorities, without exerting any effort themselves. They tend to form one-sided, parasitic relationships with whoever will put up with them. They never seem able to fend for themselves. Their spinelessness and sloth suggest that they have found social demands too much for them, and have

contracted out of the system altogether, so that they no longer bother to try to do the things expected of a normal citizen.<sup>41</sup>

The remaining seventeen men were diagnosed as active aggressives.<sup>42</sup> Unlike the inadequate, who has never even begun to learn to perform social roles effectively, the active-deviant may often seem to be very highly socially skilled. However, it is as if he "were playing an imitative role rather than living up to real adult responsibilities."<sup>43</sup>

West's findings suggest that persistent offenders are neither violent, nor efficiently organized professional criminals. The majority of the men studied were shiftless, work-shy characters for whom petty stealing represented the line of least resistance.<sup>44</sup>

Other observers have noticed much the same pattern described by West. M. L. Lynch, a member of the National Parole Board of Canada, has commented that:

"As a general rule, persons serving an indeterminate sentence as habitual criminals are not dangerous. A great many of them are drug addicts, others are persons who have persistently committed minor 'nuisance' type offenses such as burglary, and shoplifting. There are far more sneak thieves than armed robbers in the group."<sup>45</sup>

" . . . [M]ost of them are unfortunate inadequate people, who have never had a chance in life and who are either drug addicts or men with a serious drinking problems."<sup>46</sup>

Many American observers have reached the same conclusions. H. G. Moeller, Assistant Director of the Federal Bureau of Prisons, maintains that:

"[w]ithout question, the largest group of chronic offenders with whom we are acquainted are dependent, socially inadequate men and women who have come to accept prison [rather than crime] as a way of life. . . . In any representative group of such offenders we find a high percentage of chronic alcoholics, a variety of physical and intellectual handicaps and limitations, gross lack of work skill and experience, serious inadequacies in capacities to relate to other human beings, and a wide variety of other socially disabling characteristics."<sup>47</sup>

#### IV. AN ARGUMENT FOR CHANGE DERIVED FROM CONSIDERATIONS OF PUBLIC POLICY

The observations of Dr. West and others indicate that habitual offender laws are undesirable as a matter of public policy for the reason that they serve to isolate from society only a group of unfortunate inadequates. Neither rigorous study nor casual observation provide any evidence for the proposition that violent, or organized, or professional thieves, who may truly be said to represent a serious danger to the social order, are in any way affected by the operation of these laws.<sup>48</sup>

This argument, that habitual offender laws do not represent sound public policy, is strengthened by an examination of the interaction between the statutes and the practice of plea-bargaining. On the face of it, it would appear that the threat of extended sentences greatly enhances the bargaining power of the prosecutor. However, it may be that in operation the amassment of too much power in the prosecutors' hands actually limits effective functioning. The cases in which organized and professional criminals are involved are frequently so complex in nature that prosecutors get better deals by bargaining for guilty pleas than by proceeding to trial.<sup>49</sup> From the viewpoint of the defendant, however, no deal is likely to be acceptable unless it guarantees exemption from the possibility of an extended sentence. Thus, in cases where a conviction might make an offender eligible for sentencing as a recidivist, the state may have to agree to prosecute for a misdemeanor in order to ob-

Footnotes at end of article.

tain a plea. Such a practice actually undermines the safety of the public by working to the advantage of organized and professional thieves.<sup>50</sup>

V. AN ARGUMENT FOR CHANGE DERIVED FROM CONSIDERATIONS OF CONSTITUTIONAL LAW

An argument derived from considerations of public policy goes only to the undesirability of habitual offender laws. However, it may well be that the data obtained empirically by Dr. West and the supporting observations of people engaged in prison administration justify a reconsideration of the issue of the constitutionality of recidivist statutes.

At the outset it must be pointed out that there is an extensive judicial history which points in the direction of constitutionality. Indeed, habitual offender statutes have withstood a variety of constitutional attacks.<sup>51</sup>

To this writer it seems that the law relating to three of the traditional lines of attack—*ex post facto*, due process, and double jeopardy—is well settled. However, the cases holding that recidivism statutes do not violate the eighth amendment prohibition against cruel and unusual punishment seem uniquely unpersuasive; and it seems appropriate to reexamine both those cases and others dealing with the equal protection issue in light of the evidence from the social sciences to which reference has already been made.

A. A review of Constitutional history relating to *ex post facto*, due process and double jeopardy

1. *Ex post facto*. The cases are quite clear that recidivism statutes are not *ex post facto* even where the finding of habitual criminality is based on crimes committed before their enactment.<sup>52</sup> The rationale maintains that an *ex post facto* objection can be made only against a statute which seeks to punish an act which was legal when done, or which increases the punishment for a crime already committed. So long as the most recent crime was committed after the enactment of the recidivism statute, no *ex post facto* argument can be made because the extended sentence is imposed only for that last offense. In short, the extended sentence is imposed not as a direct consequence of earlier offenses, but as a direct and predictable consequence of the offender's most recent crime which, presumably, he was free to avoid.<sup>53</sup>

2. *Due process*. It has been consistently held that recidivism statutes are not inconsistent with notions of procedural due process.<sup>54</sup> Central to the rationale is the argument that no separate offense is charged. The statutes are perceived not as creating or defining a new or independent crime, but as prescribing "circumstances wherein one found guilty of a specific crime may be more severely penalized because of his previous criminalities."<sup>55</sup>

3. *Double jeopardy*. The courts have been quite emphatic in dismissing the double jeopardy objection. Recidivism statutes are not perceived as authorizing additional punishment for an earlier offense. The "repetition of criminal conduct aggravates . . . [the offenders' immediate] guilt and justifies heavier penalties when they are again convicted."<sup>56</sup> Because an extended sentence is imposed only for the most recent offense, and not as an additional punishment for earlier conduct, no double jeopardy problem is presented.

B. A reconsideration of the constitutional issues relating to equal protection, and cruel and unusual punishment

1. *Equal protection*. Upon casual examination this issue seems to be well settled. The courts have taken the position that habitual offender laws do not, by applying to a certain class of offenders, deny the accused equal

protection of the law.<sup>57</sup> However, the cases are old, and both the evidence available to the courts and the breadth of the fourteenth amendment have expanded over the years. Reconsideration of the cases might well result in their reversal.

Traditionally the fourteenth amendment has been interpreted to require not that all people or classes of people be treated identically, but rather that differential treatment authorized by statutory classifications be reasonably related to some legitimate state purpose.<sup>58</sup> The courts have recognized that habitual offender laws do authorize unequal treatment; however, they have held that special treatment for a class of recidivists is constitutionally permissible because it is reasonably related to a legitimate purpose—public protection.<sup>59</sup> At the time of these decisions there was no reason to doubt the existence of such a reasonable relationship. It is not clear that that is still the case.

Empirically obtained evidence such as the West study, already referred to in this paper,<sup>60</sup> indicates that the purpose of public protection is not effectively served by recidivism statutes. It will be remembered that both social scientists and prison administrators seem agreed that habitual offender laws operate only to isolate from society those unfortunate inadequacies from whom comparatively little need be feared. More dangerous offenders from whom the public truly needs to be protected seem not to be affected. This evidence is of compelling importance for it goes to the very heart of the rationale for constitutionality. The cases have merely assumed a relationship between recidivism statutes and a legitimate purpose—protection of the public. Surely the existence of evidence which indicates that such a relationship is illusory justifies the reconsideration and quite possibly reversal of the old cases.

The position that reconsideration would indeed result in reversal is strengthened by the fact that the past few years have witnessed a broadening of the interpretation of the equal protection clause. The old cases required only a showing of a reasonable relationship between a statute and a legitimate state purpose to support a finding of constitutionality.<sup>61</sup> More recently cases which involve the exercise of a fundamental constitutional right have been differentiated. A classification which serves to limit the exercise of a fundamental constitutional right must be shown to be "necessary to promote a compelling governmental interest."<sup>62</sup> Thus, habitual offender laws which affect the fundamental constitutional right to liberty must now meet a tougher standard if they are to be upheld. In the face of all the evidence which casts doubt on even their minimal effectiveness, it may prove quite difficult to demonstrate that they are necessary to promote such a compelling interest. Unless the direction in which the law has been developing is about to be substantially altered, it is quite possible that a new constitutional challenge based on the equal protection clause will succeed.

2. *Cruel and unusual punishment*. Cases dealing with the cruel and unusual punishment issue are notable for the absence of lucid analysis. Indeed, few of the cases do more than make reference to precedent. The case most frequently cited as precedent is *Moore v. Missouri*.<sup>63</sup> Yet the issue was barely touched upon in that case.

"The reason for holding that the accused is not again punished for the first offense is given in *Ross's Case* by Chief Justice Parker, that 'the punishment is for the last offense committed, and it is rendered more severe in consequence of the situation into which the party had previously brought himself,' in *Plumby v. Commonwealth*, by Chief Justice Shaw, that the statute 'imposes a higher punishment for the same offense upon one who proves, by a second or third conviction,

that the former punishment has been inefficient in doing the work of reform for which it was designed;' in *People v. Stanley*, that 'the punishment for the second is increased, because by his persistence in the perpetration of crime, he has evinced a depravity, which merits a greater punishment, and needs to be restrained by severer penalties than if it were his first offense;' and in *Kelly v. People*, 'that it is just that an old offender should be punished more severely for a second offense—that repetition of the offense aggravates guilt.' It is quite impossible for us to conclude that the Supreme Court of Missouri erred in holding that plaintiff in error was not twice put in jeopardy for the same offense, or that the increase of his punishment by reason of the commission of the first offense was not cruel and unusual."<sup>64</sup>

The conclusion that the eighth amendment is not violated seems to have been drawn entirely from an analysis of the double jeopardy issue. It seems an after-thought, not directly related to the stream of the text. That is characteristic of the early cases which are frequently cited in dismissing eighth amendment arguments.

*McDonald v. Massachusetts*<sup>65</sup> relies on an analysis similar to that in *Moore*. The point is made that an extended punishment is not given for the earlier offense, but rather that the earlier conviction aggravates the immediate crime. That argument, combined with the frequently made assumption that punishments are cruel only when they involve torture or a lingering death, justified the very curt dismissal of an eighth amendment claim.<sup>66</sup>

In *Graham v. West Virginia*<sup>67</sup> there is only one fleeting reference to the cruel and unusual punishment issue. After a lengthy discussion of due process and equal protection issues, the Court concluded, in the very last paragraph of text, that:

"What has been said, and the authorities which have been cited, sufficiently show that there is no basis for the contention that the plaintiff in error has been put in double jeopardy or that any of his privileges or immunities as a citizen of the United States have been abridged. Nor can it be maintained that cruel and unusual punishment has been inflicted."<sup>68</sup>

Yet, despite the paucity of analysis outlined above, recent cases have not opened the issue to re-examination.<sup>69</sup> Indeed, in *Oyler v. Boles*<sup>70</sup> the Court commented that: "Petitioners recognize that the unconstitutionality of the practice of inflicting severer criminal penalties upon habitual offenders is no longer open to serious challenge."<sup>71</sup> That conclusion rested only upon a citation to *Moore* and *Graham*. In *Spencer v. Texas*,<sup>72</sup> the same summary dismissal of the constitutional issue was made, and the same cases, along with *McDonald* and *Oyler*, were cited.<sup>73</sup>

Nowhere has the issue been squarely faced. The cases do no more than argue for the proposition that society has a legitimate stake in protecting itself from habitual criminals. That is undeniable. Presumably, however, such protection cannot be obtained through the infliction of unconstitutionally cruel punishments. A mere recital of the legitimate objectives of a statute ought not be considered sufficient analysis to defeat a claim that the means used are not constitutionally permissible. It is this writer's belief that upon re-examination of this issue too, the Supreme Court might well strike down habitual offender laws.

Such a holding would be predicated upon a finding that the language of the amendment prohibits not only barbaric methods of punishment but also penalties which are merely excessive. While legal literature has generally accepted a restrictive view of the prohibition against cruel and unusual punishments, there is substantial reason to believe that the language was originally in-



tended to extend to the issue of excessiveness.<sup>74</sup>

The legislative history of the eighth amendment offers support for both positions. It appears that the framers strove to be faithful to the original intention of the Puritans who first drafted the prohibition against cruel and unusual punishments into the English Bill of Rights of 1689.<sup>75</sup> Further, it appears that the American draftsmen believed that the original intention was to prohibit the inflicting of barbarous physical punishments.<sup>76</sup> From this it certainly seems that the eighth amendment was intended to be limited in scope. The matter, however, is not so easily resolved; it also appears that the American draftsmen were mistaken in their interpretation of the English experience. Even prior to 1689 Britain had developed a general policy against excessiveness in punishments. For a long time after 1689 barbarous punishments that were proportionate to an offense were permitted.<sup>77</sup> Thus, it can be argued that because the framers of the amendment were trying to duplicate the English experience, the amendment should be broadly construed as a prohibition against excessiveness.

While evidence as to the original meaning of the "cruel and unusual punishment" language may be persuasive, it is not sufficient to resolve the conflict over the scope of the eighth amendment.

The issue of whether excessiveness is prohibited seems actually to have been decided by the Supreme Court in *Weems v. United States*.<sup>78</sup> A minor public official in the Philippines had been convicted of falsifying an official document to conceal the wrongful disposition of a small sum of money. The minimum punishment authorized for the offense was twelve years of *cadena temporal*, an Hispanic punishment involving hard and painful labor while constantly enchained. The Supreme Court declared the entire statutory penalty unconstitutional under the Philippine Bill of Rights, a portion of which was "construed and applied [as] identical with the cruel and unusual punishment clause of the Eighth Amendment."<sup>79</sup>

While the decision certainly rested in part on the view that the penalty was inherently cruel, it rested also on the assertion that the sentence was cruelly excessive in relation to the crime committed. The Court specifically declared that it is a "precept of justice that punishment for crime should be graduated and proportioned to offense."<sup>80</sup> The argument was made to the Court that the framers of the Bill of Rights intended to prohibit only sentences that were barbarous, not those that were merely excessive; but the Court responded that it must have occurred to the framers:

"That there could be exercises of cruelty by laws other than those which inflicted bodily pain or mutilation. . . . Legislation, both statutory and constitutional, is enacted, it is true, from an experience of evils, but its general language should not, therefore, be necessarily confined to the form that evil had theretofore taken. Time works changes, brings into existence new conditions and purposes. Therefore, a principle to be vital must be capable of wider application than the mischief which gave it birth. This is peculiarly true of constitutions."<sup>81</sup>

The *Weems* decision has been generally accepted by both federal and state courts as establishing the rule that mere excessiveness may render a punishment unconstitutionally cruel.<sup>82</sup>

In fact, the *Weems* decision may be seen as having influenced the recent landmark case, *Robinson v. California*,<sup>83</sup> which held that it is not permissible to treat as a criminal one who is afflicted with the sickness of drug addiction. The statement that "even one day in prison would be cruel and unusual

punishment for the 'crime' of having a common cold"<sup>84</sup> reflects the Court's concern with the relationship between a punishment and the "behavior" which occasioned it.<sup>85</sup> It cannot be argued that one day in prison is a barbarous physical punishment. Yet the Court maintained that such a punishment for the "crime" of having a common cold would be prohibited by the eighth amendment. Surely then, that amendment prohibits more than barbarity; it must also prohibit excessiveness.

This line of reasoning is clearest in the concurring opinion of Mr. Justice Douglas.<sup>86</sup> He specifically noted that the eighth amendment prohibits both inherently cruel punishments and punishments which are excessive in light of the offense.

Yet one of the most striking characteristics of habitual offender laws is that they mandate or permit the imposition of sentences the severity of which is out of all proportion to the specific offense which "triggers" them. The new federal law, for example, permits a judge to extend the sentence of an offender convicted of a third felony to twenty-five years. Yet, there are more than forty felonies in title 18 of the United States Code that carry a maximum sentence of two years.<sup>87</sup> Thus, the interstate transportation of lottery tickets,<sup>88</sup> for example, could trigger a twenty-five year term of imprisonment. It may well be that a recidivist who has served two previous jail sentences has manifested a resistance to the corrections process that justifies an increased sentence for the third offense. However, "it defies all sense of just proportion to suggest that the limit for a second offender should be two years and for a third offender [twenty-five]. And this is particularly true when an offender who commits a very serious offense for the third time is subject to the same [twenty-five] year maximum."<sup>89</sup>

It may well be that such offenses to the "sense of just proportion" constitute a violation of the prohibition against excessiveness which the *Weems* and *Robinson* courts found in the eighth amendment.

It is interesting to note that after listening to Professor Low's criticism of S. 30, the Committee on the Judiciary reported out a somewhat changed version. Thus, subsection (b) of section 3575 of title 18 of the United States Code provides that upon finding that a defendant is a dangerous special offender "the court shall sentence the defendant to imprisonment for an appropriate term not to exceed twenty-five years and not disproportionate in severity to the maximum term otherwise authorized by law for such felony."<sup>90</sup> While this language indicates Congressional acceptance of the principle of proportionality in sentencing, it hardly constitutes an effective assurance of constitutional rights. The statute leaves tremendous discretion with judges and though it exhorts them to adhere to the principle of proportionality, it does not limit discretion in such a way as would assure that result.

If the federal statute is upheld as constitutional, the states will have to do no more than make simple amendments in order to conform to the rule. Over time there will certainly be appeals of sentences on the grounds that the statutes' ambiguous requirement of proportionality have not been satisfied. Perhaps as the appellate courts sustain some sentences and modify others a set of coherent principles relating to proportionality will emerge. But that is an uncertain proposition, and further, it represents an abdication of legislative authority to the judiciary.

Congress might easily have devised a more rational and more clearly constitutional recidivism statute than section 3575 of title 18. The law might have authorized the imposition of sentences which are a multiple of the maximum sentence that could be imposed for the trigger offense. Or, a schedule might have been devised providing exten-

sions of various lengths which are directly proportionate to the immediate offense. Such a plan as either of those would operate to reserve the lengthiest sentences for those offenders whose most recent crimes indicate that they do in fact constitute a danger of great magnitude to the public. Comparatively petty offenders, who seem to receive the harshest treatment under present laws, would thus be safeguarded.

#### VI. CONCLUSION

The new federal recidivism statute, and a great many similar state statutes, are of dubious constitutionality. The argument has been made that such statutes work a deprivation of equal protection of the law, and also that they authorize the infliction of cruel and unusual punishments. The arguments are not unrelated.

Presumably the justification for extended sentences is that they are necessary to protect the public. But that purpose is not satisfied by legislation such as section 3575 of title 18 of the United States Code which permits a man who has twice committed a crime of violence to go free in less time than a man who has three times committed a lesser offense. Indeed, it is exactly the failure of the law to achieve that purpose which raises the equal protection issue for a statute which authorizes different treatment for individuals who have committed the same offense is constitutionally permissible only if the special treatment of some of the offenders is necessary to achieve some compelling state purpose. Both logic and the empirical evidence that exists in this area suggest that recidivism statutes operate to limit the liberty of a group of offenders characterized neither by violence nor dangerousness as much as by inadequacy. To treat such a class of offenders so harshly is not constitutionally permissible. The data obtained from the West study, adds immediate relevance to the eighth amendment argument. If the offenders actually sentenced as recidivists were characterized by violence and dangerousness, it would be difficult and perhaps irresponsible to argue that the extended sentences were excessive. But the data indicates that the sentences imposed are excessive not only in relation to the trigger offense, but also in relation to an objective assessment of dangerousness.

The eighth amendment argument is particularly useful because it implies a standard—proportionality. It is within the power of legislative bodies to authorize extended sentences for habitual offenders. However, the legislative schemata must safeguard against excessively harsh sentences for comparatively petty offenders. If, for example, the federal statute had permitted the imposition of sentences up to three times greater than the maximum permitted for the trigger offense, then offenders found to be dangerous special offenders upon the commission of one of the more than forty felonies in title 18 that are punishable by a maximum sentence of two years could be sentenced to a term of imprisonment not to exceed six years. Other, more serious offenders, could be imprisoned for substantially longer terms. Thus, the objective of protecting the public against dangerous offenders would still be served.

Unfortunately, however, Congress was not so innovative. Thus, we are left with a recidivism statute which will do little either to protect the freedom of offenders or to safeguard the public from truly dangerous criminals. It can only be hoped that the courts will extend the rule of the *Weems* case, and strike down section 3575. By reaffirming the principle of just proportionality in sentencing the courts can do much both to eliminate present injustices and to motivate legislative bodies to devise effective and fair responses to a social problem of great magnitude.

## FOOTNOTES

\* Assistant Professor of Social Welfare, State University of New York at Buffalo, B.A., City College of New York, 1965; J.D., Columbia, 1968; Dip. in Criminology, (Cantab.), 1969.

<sup>1</sup> See N. MORRIS, *THE HABITUAL CRIMINAL* 18 (1951) [hereinafter referred to as MORRIS]; L. RADZINOWITZ, *A HISTORY OF ENGLISH CRIMINAL LAW—THE MOVEMENT FOR REFORM 1750-1833*, at 301-96 (1948). Note, *New Jersey's Habitual Criminal Act*, 11 *RUTGERS L. REV.* 654 (1957).

<sup>2</sup> See, e.g., W. TALLACK, *PENOLOGICAL AND PREVENTIVE PRINCIPLES 206-20* (1896) [hereinafter cited as TALLACK].

<sup>3</sup> HOUSE OF COMMONS, *REPORT OF THE COMM. ON PRISON* (1895).

<sup>4</sup> MacDONALD, *A Critique of Habitual Criminal Legislation in Canada and England*, 4 *U.B.C. L. REV.* 87 (1969) [hereinafter referred to as MacDONALD].

<sup>5</sup> The report, for example, recommended that special programs of training be instituted for offenders between the ages of 16 and 21. This resulted in the establishment of the borstal system by the Prevention of Crime Act of 1908, 8 *Edw. 7, c. 59*. It is perhaps worth noting that the Home Secretary who was active in securing the passage of the Act was none other than Mr. H. J. Gladstone.

<sup>6</sup> REPORT OF THE COMM. ON PRISONS, *supra* note 3, at 31.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> L.W. FOX, *THE ENGLISH PRISON, AND BORSTAL SYSTEMS 40-48* (1952); MacDONALD, *supra* note 4, at 88.

<sup>10</sup> REPORT OF THE COMM. ON PRISONS, *supra* note 3, at 31.

<sup>11</sup> 8 *Edw. 7, c. 59*, § 10.

<sup>12</sup> See MORRIS, *supra* note 1, at 40; MacDONALD, *supra* note 4, at 89.

<sup>13</sup> TALLACK, *supra* note 2, at 208.

<sup>14</sup> *Id.* at 207.

<sup>15</sup> *Id.* at 206-11.

<sup>16</sup> *Id.* at 211.

<sup>17</sup> Devising sentences to fit the needs of individual offenders is a somewhat newer practice than fitting punishments to crimes; however, individualization has emerged as a guiding principle of contemporary rehabilitation-oriented penology. See Katkin, *Presentence Reports: Uses, Limitations and Civil Liberties Issues*, 55 *MINN. L. REV.* 15 (1970).

<sup>18</sup> See, e.g., MASS. GEN. LAWS ANN. ch. 279, § 25 (1959).

<sup>19</sup> See, e.g., ORE. REV. STAT. § 168.085 which requires that a fourth conviction occasion a sentence to a term of imprisonment of not less than twice the maximum provided for the offense.

<sup>20</sup> 2 U.S. DEPT. OF JUSTICE, ATTORNEY GENERAL'S SURVEY OF RELEASE PROCEDURES 247 (1939). THE PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND THE ADMINISTRATION OF JUSTICE, TASK FORCE REPORT: CORRECTIONS 60-71 (1967). The report noted that 60% of all inmates are released on parole, and discussed the existing programs of after-care for parolees; no mention was made of similar programs for the 40% of all inmates who do not get parole. See also E.H. SUTHERLAND & D. CRESSEY, *PRINCIPLES OF CRIMINOLOGY* (7th ed. 1966); the only reference made to after-care in this exhaustive text pertains to programs of parole.

For an excellent discussion of the possible benefits of an elaborate after-care system designed to help all inmates rejoin the community see T. PARKER, *THE UNKNOWN CITIZEN* (1965).

<sup>21</sup> TALLACK, *supra* note 2, at 209.

<sup>22</sup> Legislation in twenty-three states authorizes or requires a life sentence for a recidivist. ALASKA STAT. § 12.55.050 (Supp. 1966) (fourth offense); CAL. PENAL CODE § 641 (West 1955) (third offense); COLO. REV. STAT. ANN. § 39-13-1 (1964) (third offense); DEL. CODE ANN. tit. 11, § 3912 (Supp. 1968)

(fourth offense); FLA. STAT. ANN. § 775.10 (1965) (fourth offense); IDAHO CODE § 19-2514 (1948) (third offense); IND. ANN. STAT. § 9-2207 (1956) (third offense); KY. REV. STAT. ANN. § 431.190 (1963) (third offense); LA. REV. STAT. ANN. § 15.529.1 (1967) (third offense); NEV. REV. STAT. § 207.010 (1965) (fourth offense); N.J. STAT. ANN. § 2A:85-3 (Supp. 1966) (fourth offense); N.M. STAT. ANN. § 40A-29-5 (Supp. 1964) (fourth offense); N.Y. PENAL LAW § 70.10 (McKinney 1967) (third offense); OHIO REV. CODE ANN. § 2961.12 (Baldwin 1954) (third offense); ORE. REV. STAT. § 168.085 (1963) (fourth offense); PA. STAT. ANN. tit. 18, § 5108 (1963) (fourth offense); S.C. CODE ANN. § 17.553.1 (1962) (fourth offense); S.D. CODE § 13.0611 (1939) (fourth offense); TENN. CODE ANN. § 40-2801 (1955) (third offense); TEX. PEN. CODE art. 63 (Supp. 1952) (third offense); VT. STAT. ANN. tit. 13, § 11 (1958) (fourth offense); WASH. REV. CODE ANN. § 9.92.090 (1961) (third offense); W. VA. CODE ANN. § 61-11-18 (1966) (third offense).

In addition, two states permit imprisonment "for any term of years" for recidivists. ME. REV. STAT. ANN. tit. 15, § 1742 (1964) (upon conviction of second felony); VA. CODE ANN. § 53-296 (1967) (third offense). In twelve states life terms are mandated by law. COLO. REV. STAT. ANN. § 39-13-1 (1964); IND. ANN. STAT. § 9-2207 (1967); KY. REV. STAT. ANN. § 431.190 (1963); NEV. REV. STAT. § 207.101 (1965); N.M. STAT. ANN. § 40A-29-5 (1964); OHIO REV. CODE ANN. § 2961.12 (Baldwin 1954); S.C. CODE ANN. § 17.553.1 (1962); TENN. CODE ANN. § 40-2801 (1955) (life without parole); TEX. PEN. CODE art. 63 (Supp. 1952); WASH. REV. CODE ANN. § 9.92.090 (1961); W. VA. CODE ANN. § 61-11-18 (1966); WYO. STAT. ANN. § 6-11 (1959).

<sup>23</sup> See e.g., P. DEVLIN, *THE ENFORCEMENT OF MORALS* (1965).

<sup>24</sup> F. WAYLAND, *THE INCORRIGIBLE*, cited in TALLACK, *supra* note 2, at 209.

<sup>25</sup> MORRIS, *Introduction*, 13 *McGILL L. J.* 533, 549 (1967).

<sup>26</sup> [1926] N.Y. Sess. Laws, ch. 457.

<sup>27</sup> J. E. JOHNSON, *THE BAUME'S LAW* (1929).

<sup>28</sup> See statutes cited in *supra* note 22.

<sup>29</sup> ALASKA STAT. § 12.55.050(3) (Supp. 1966) (fourth conviction; not less than twenty years); ARIZ. REV. STAT. ANN. § 13-1649 (1956) (second conviction; not less than five years); IDAHO CODE ANN. § 21-107a (1964) (third conviction; not less than five years); KAN. STAT. ANN. § 21-107a (1964) (third conviction not less than fifteen years); LA. REV. STAT. ANN. § 15:539.1 (1967) (fourth conviction; not less than twenty years); MASS. GEN. LAWS ANN. ch. 279, § 25 (1959) (second offense; not less than maximum provided for offense); NEB. REV. STAT. § 2221 (1965) (third conviction; not less than ten years); ORE. REV. STAT. § 168.085 (1963) (fourth conviction; not less than twice the maximum provided for the offense); UTAH CODE ANN. § 76-1-18 (1953) (third conviction; not less than fifteen years).

<sup>30</sup> See *Spencer v. Texas*, 385 U.S. 554, 559 (1965). See also *Annot.*, 58 *A.L.R.* 20 (1929); *Annot.*, 82 *A.L.R.* 345 (1933); *Annot.*, 79 *A.L.R.* 2d 826 (1961).

<sup>31</sup> Title 18 U.S.C. § 3575 provides:

(a) Whenever an attorney charged with the prosecution of a defendant in a court of the United States for an alleged felony committed when the defendant was over the age of twenty-one years has reason to believe that the defendant is a dangerous special offender such attorney . . . may sign and file with the court, and may amend, a notice (1) specifying that the defendant is a dangerous special offender who upon conviction for such felony is subject to the imposition of a sentence under subsection (b) of this section, and (2) setting out with particularity the reasons why such attorney believes the defendant to be a dangerous special offender. In no case shall the fact that the defendant is alleged to be a dangerous special

offender be an issue upon the trial of such felony, be disclosed to the jury, or be disclosed before any plea of guilty or nolo contendere or verdict or finding of guilty to the presiding judge without the consent of the parties. . . .

(b) Upon any plea of guilty or nolo contendere or verdict or finding of guilty of the defendant of such felony, a hearing shall be held, before sentence is imposed, by the court sitting without a jury. . . . If it appears by a preponderance of the information, including information submitted during the trial of such felony and the sentencing hearing and so much of the presentence report as the court relies upon, that the defendant is a dangerous special offender, the court shall sentence the defendant to imprisonment for an appropriate term not to exceed twenty-five years and not disproportionate in severity to the maximum term otherwise authorized by law for such felony. Otherwise it shall sentence the defendant in accordance with the law prescribing penalties for such felony. The Court shall place in the record its findings, including an identification of the information relied upon in making such findings, and its reasons for the sentence imposed.

(e) A defendant is a special offender for purposes of this if

(1) The defendant has previously been convicted in courts of the United States, a State, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, any political subdivision, or any department, agency, or instrumentality thereof for two or more offenses committed on occasions different from one another and from such felony and punishable in such courts by death or imprisonment in excess of one year, for one or more of such convictions the defendant has been imprisoned prior to the commission of such felony, and less than five years have elapsed between the commission of such felony and either the defendant's release, on parole or otherwise, from imprisonment for one such conviction or his commission of the last such previous offense or another offense punishable by death or imprisonment in excess of one year under applicable laws of the United States, a State, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, any political subdivision, or any department, agency or instrumentality thereof. . . .

<sup>32</sup> A.B.A. ADVISORY COMMITTEE ON SENTENCING AND REVIEW 162 (1967). Examples of brutal sentences resulting from the application of habitual offender laws include: *State v. Smith*, 99 *Ariz.* 106, 407 P.2d 74 (1965) (sentencing defendant with one prior offense; petit larceny; a misdemeanor); *State v. Sedlacek*, 178 *Neb.* 322, 133 *N.W.2d* 880 (1965) (sentencing a sixty-four year old defendant with two prior offenses to fourteen years for stealing a shotgun from his neighbor). See also Hallheimer, *Justice by Formula*, 117 *CENTURY* 232-40 (1928).

<sup>33</sup> U.S. CONST. amend. VIII.

<sup>34</sup> D. WEST, *THE HABITUAL PRISONER* (1963).

<sup>35</sup> *Id.* at 1.

<sup>36</sup> *Id.* at 13. Indeed, only eight of the fifty had ever been convicted for violence, and none of the group could be considered dangerously violent at the time of the study.

<sup>37</sup> *Id.* at 14. More than 90% of the 692 crimes for which members of the group had been convicted involved offenses against property. Only one of the most recent convictions involved an amount in excess of 1,000 pounds (\$2,400) and 76% involved amounts smaller than 100 pounds (\$240). *Id.* at 116, table 6.

<sup>38</sup> *Id.* at 20. Half of the group had never married (although the average age of the group was almost 40), and only eight were actually living with their wives at the time

of the latest arrest. Few had any long-lasting friendships, and about half suffered from undue diffidence or shyness which predated their first convictions.

<sup>49</sup> *Id.* at 118, table 12.

<sup>50</sup> *Id.*

<sup>51</sup> *Id.* at 25-26.

<sup>52</sup> *Id.* at 118, table 12. The term aggressive used in this context does not refer to violent or acting-out behavior, but rather to drive, motivation and the ability to plan. Thus, West reports that the offenses of the active-deviants were generally carefully planned endeavors in pursuit of a particular prize. In this regard they were a marked contrast to the inept and usually petty thefts of the inadequates, which were quite frequently committed on the spur of some depressing moment. *Id.* at 27-28.

<sup>53</sup> *Id.* at 26.

<sup>54</sup> *Id.* at 101.

<sup>55</sup> Lynch, *Parole and the Habitual Criminal*, 13 MCGILL L.J. 632, 638 (1967). There is a considerable question about the extent to which drug addicts contribute to violent or aggressive crime. However, there are no reliable statistical studies on the issue.

<sup>56</sup> *Id.* at 644.

<sup>57</sup> *Hearings Before the Subcomm. on National Penitentiaries of the Senate Comm. on the Judiciary*, 88th Cong., 2d Sess. 195-96 (1964). See also *Hearings on S. 30 Before the Subcomm. on Criminals Laws and Procedure of the Senate Comm. on the Judiciary*, 91st Cong., 1st Sess. 215, 218, 249, 251 (1969).

<sup>58</sup> P. TAPPAN, *ORGANIZED CRIME AND LAW ENFORCEMENT* (1952).

<sup>59</sup> See generally *Hearings on S. 30 Before the Subcomm. on Criminal Laws and Procedure of the Senate Comm. on the Judiciary*, 91st Cong., 2d Sess. (1970).

<sup>60</sup> A study in New York State in 1927 found that 65 offenders were formally charged with recidivism. Of those 65, 25 were acquitted of the most recent offense; another nine cases were not concluded during that year. Of the remaining 33 offenders, 16 were permitted to plead guilty to misdemeanors; thus not only avoiding the operation of the recidivism statute, but also getting off more lightly than a first offender initially accused of the same felony might have. In fact, 8 of the 16 were sentenced to terms of less than six months imprisonment. 1928 N.Y. STATE CRIME COMM'N REP. 42-50.

<sup>61</sup> For an excellent discussion of the constitutional history of habitual offender laws, see Note, 48 VA. L. REV. 597, 602-07 (1962).

<sup>62</sup> With the single exception of State v. Sudakatus, 72 Ohio App. 165, 51 N.E.2d 22 (1943), reversing a conviction under Ohio's Habitual Criminal Act where a prosecution for a fourth offense failed and the three prior convictions charged were for crimes committed before the act was passed, all attempts to have enhanced sentences declared ex post facto have been unsuccessful.

<sup>63</sup> See, e.g., *Gryger v. Burke*, 334 U.S. 728 (1948); *Lindsey v. Washington*, 301 U.S. 397 (1937); *Wey Him Fong v. United States*, 287 F.2d 525 (9th Cir.), cert. denied, 366 U.S. 971 (1961) (federal narcotic laws); *State v. Dowden*, 137 Iowa 573, 115 N.W. 211 (1908); *Ross' Case*, 19 Mass. (2 Pick.) 165 (1824); *Rand v. Commonwealth*, 50 Va. (9 Gratt.) 738 (1852). See generally Annot., 167 A.L.R. 845 (1947).

<sup>64</sup> For fifth amendment cases see, for example, *Sherman v. United States*, 241 F.2d 329 (9th Cir.), cert. denied, 254 U.S. 911 (1957); *Beland v. United States*, 128 F. 2d 795 (5th Cir.), cert. denied, 317 U.S. 676 (1942). For fourteenth amendment cases, see, for example, *Graham v. West Virginia*, 224 U.S. 616 (1912); *State v. Zywicki*, 175 Minn. 508, 221 N.W. 900 (1928); *State v. Hicks*, 213 Ore. 640, 325 P.2d 794 (1958).

<sup>65</sup> *Goodman v. Kunkle*, 72 F.2d 334, 336 (7th Cir.), cert. denied, 293 U.S. 619 (1934).

<sup>66</sup> *Graham v. West Virginia*, 224 U.S. 616, 623 (1912). See also *Gryger v. Burke*, 334 U.S. 728, 732 (1948); *McDonald v. Massachusetts*,

180 U.S. 311, 312 (1901); *McIntyre v. Commonwealth*, 154 Ky. 149, 153, 156 S.W. 1058, 1060 (1913); *Ross' Case*, 19 Mass. (2 Pick.) 165, 171 (1824).

<sup>67</sup> See, e.g., *McDonald v. Massachusetts*, 180 U.S. 311 (1901); *Moore v. Missouri*, 159 U.S. 673 (1895); *Barr v. State*, 205 Ind. 481, 187 N.E. 259 (1933), noted in 9 IND. L.J. 534 (1934); *Surratt v. Commonwealth*, 187 Va. 940, 944, 48 S.E.2d 362, 364 (1948).

<sup>68</sup> See, e.g., *Levy v. Louisiana*, 391 U.S. 68 (1968); *Skinner v. Oklahoma ex rel. Williamson*, 316 U.S. 535 (1942).

<sup>69</sup> See, e.g., *McDonald v. Massachusetts*, 180 U.S. 311 (1901); *Moore v. Missouri*, 159 U.S. 673 (1895).

<sup>70</sup> See sources cited in *supra* notes 33-45.

<sup>71</sup> See, e.g., *Railway Express Agency, Inc. v. New York*, 336 U.S. 106 (1949); *Goesart v. Cleary*, 335 U.S. 464 (1948); *Yick Wo v. Hopkins*, 118 U.S. 365 (1886).

<sup>72</sup> *Shapiro v. Thompson*, 394 U.S. 618, 634 (1969) (emphasis added). See also *Sherbert v. Verner*, 374 U.S. 398, 406 (1963); *Bates v. Little Rock*, 361 U.S. 516, 524 (1960). In *Skinner v. Oklahoma ex rel. Williamson*, 316 U.S. 535 (1942), the Supreme Court struck down a state plan which authorized the sterilization of some but not all habitual offenders (embezzlers, for example, were excepted). The court commented that "Extreme sensitivity" to equal protection issues is appropriate in cases which involve "basic civil rights." *Id.* at 541 (emphasis added).

<sup>73</sup> 159 U.S. 673 (1895).

<sup>74</sup> *Id.* at 677.

<sup>75</sup> 180 U.S. 311 (1901).

<sup>76</sup> *Id.* at 313; see *In re Kemmler*, 136 U.S. 436, 447 (1890); *Granucci, "Nor Cruel and Unusual Punishment Inflicted": The Original Meaning*, 57 CALIF. L. REV. 839, 841, 865 (1969).

<sup>77</sup> 224 U.S. 616 (1912).

<sup>78</sup> *Id.* at 631.

<sup>79</sup> See *Spencer v. Texas*, 385 U.S. 554 (1967); *Oyler v. Boles*, 368 U.S. 448 (1962); *Price v. Allgood*, 369 F.2d 376 (5th Cir. 1966); *Beland v. United States*, 128 F.2d 795 (5th Cir.), cert. denied, 317 U.S. 676 (1942).

<sup>80</sup> 368 U.S. 448 (1962).

<sup>81</sup> *Id.* at 451.

<sup>82</sup> 385 U.S. 554 (1967).

<sup>83</sup> *Id.* at 560.

<sup>84</sup> For an excellent discussion of the historical issues see, *Granucci, "Nor Cruel and Unusual Punishments Inflicted": The Original Meaning*, 57 CALIF. L. REV. 839 (1969).

<sup>85</sup> *Id.* at 843.

<sup>86</sup> *Id.* at 844.

<sup>87</sup> *Id.* at 843-44. Note that many of the bloody practices in vogue prior to the passage of the Bill of Rights of 1689 were continued for quite some time. Drawing and quartering continued with all its embellishments until 1814 when disembowelment was eliminated by statute. The burning of female felons at the stake was continued until 1790. *Id.* at 855-56.

<sup>88</sup> 217 U.S. 349 (1910).

<sup>89</sup> *Id.* at 383 (White, J., dissenting).

<sup>90</sup> *Id.* at 367.

<sup>91</sup> *Id.* at 372-73.

<sup>92</sup> Note, *The Cruel and Unusual Punishment Clause and the Substantive Criminal Law*, 79 HARV. L. REV. 635, 640 (1966). On the issue of disproportionate severity of punishment, see the following cases: *Roberts v. Pegelow*, 313 F.2d 548, 550-51 (4th Cir. 1963); *Sostre v. Rockefeller*, 312 F. Supp. 863 (S.D. N.Y. 1970), *aff'd and modified sub nom. Sostre v. McGinnis*, 442 F.2d 178 (2d Cir. 1971); *Jordan v. Fitzharris*, 257 F. Supp. 674 (N.D. Cal. 1966); *United States ex rel. Hancock v. Pate*, 223 F. Supp. 202, 205 (N.D. Ill. 1963); *Fulwood v. Clemmer*, 206 F. Supp. 370 (D.D.C. 1962).

<sup>93</sup> 370 U.S. 660, 668 (1962) (Douglas, J., concurring).

<sup>94</sup> *Id.* at 667.

<sup>95</sup> See Note, *Revival of the Eighth Amendment: Development of Cruel-Punishment*

*Doctrine by the Supreme Court*, 16 STAN. L. REV. 996, 1010 (1964).

<sup>96</sup> 370 U.S. at 668 (Douglas, J., concurring).

<sup>97</sup> *Hearings on S. 30 Before the Subcomm. on Criminal Laws and Procedure of the Senate Comm. on the Judiciary*, 91st Cong., 1st Sess., at 185 (1969).

<sup>98</sup> 18 U.S.C. § 1301 (1964).

<sup>99</sup> *Hearings on S. 30, supra* note 87, at 185.

<sup>100</sup> 18 U.S.C. § 3575(b) (1970) (emphasis added).

BUSING AND QUALITY EDUCATION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. RARICK. Mr. Speaker, as hearings continue before the House Judiciary Subcommittee No. 5 on House Joint Resolution 620 proposing a constitutional amendment prohibiting forced busing of schoolchildren, accounts of interesting developments involving a variety of diverse opinions on the busing issue were published in the local press today and yesterday.

Most of the presidential aspirants are attempting to play down the busing issue, asserting that quality education, not busing, is the key issue. They parrot the view of Federal District Judge Merhige, whose son attends an all-white private school, expressed in the recent Richmond school case decision that quality education can be achieved only within a racially integrated setting and that a State may not sanction a system "which serves only to reproduce in school facilities the prevalent pattern of housing segregation."

The National Black Political Convention, which met over the weekend in Gary, Ind., condemned busing to achieve school desegregation as "racist, suicidal methods" that are based on the "false notion that black children are unable to learn unless they are in the same setting as white children." Reportedly at the urging of what was termed separatist-oriented Congress of Racial Equality, the convention adopted a resolution that more money should be spent on schools in Negro areas to achieve quality education.

And while the National Black Political Convention apparently believes that the mixing of races is not necessary to quality education, but that the mixing of more money is, a recently released report of a study by Harvard researchers reveals that neither racial integration nor increased spending on schools has much effect on the educational performance of school children.

The Harvard study, headed by Frederick Mosteller, a mathematical statistician, and Daniel P. Moynihan, a former aide to President Nixon, reaffirmed the earlier Coleman report of 1966 that academic achievement depends far more on family background than what happens in the classroom. The study also found that the social class of a child's fellow students had more impact on individual achievement than any other factor within the school, including equipment, class size or teacher preparation.

Moynihan says that social class, not

race, is now the crucial factor in educational achievement. Differences in early childhood learning, caused by different home backgrounds, are crucial and are not overcome by normal schooling.

The most promising alternative to boost educational achievement according to Christopher Jencks, a writer of the study, would be "to alter the way in which parents deal with their children at home." The logical beginning to raising educational achievement, Jencks apparently believes, would be income maintenance and family allowances. There are other Federal planners who would recommend child advocates—Federal agents who would alter the way in which parents deal with their children at home to conform to HEW standards.

Another fact revealed by the Harvard study is that achievement test showed whites in the 12th grade of high school to be 4.1 grade levels superior to blacks. Whites also exceeded blacks by 2.4, 3.3, and 3.3 grade levels respectively when comparisons of low, medium, and high socioeconomic status were made.

These comparisons of the relative educational achievement of blacks and whites as revealed by the Harvard report appear to substantiate Dr. William Shockley's view that whites are intellectually superior to blacks as revealed by the disparity in IQ scores.

Dr. Shockley, whose findings show that the difference in intelligence between whites and blacks is due primarily to heredity and not environment, has been unable to get either the academic community to give him a fair hearing or the National Academy of Sciences to test his theory.

A good example to show that neither money nor the modern environmental concept of "quality" education is necessary for a genuine quality education is Abraham Lincoln. His case also adds validity to the view that heredity, not environment, is the principal ingredient for educational achievement.

With billions of taxpayers' dollars being spent on busing of school children, an equal employment opportunity bureaucracy, urban renewal, model cities, and myriad social experiments, all based on what is appearing more and more to be a fallacious assumption that an improvement in the environment will raise the level of intelligence, there is an imperative need for more research to test the role of heredity in the improvement of educational achievement and to develop solutions to educational problems based on facts and the truth.

The aforementioned reports would tend to discredit the charge that those believing in racial pride and integrity and opposing busing are "racists." It appears that Gov. George C. Wallace in his advocacy of freedom of choice and neighborhood schools and in his opposition to forced busing is looking more and more like a "middle-of-the-roader."

The results of the Florida primary should be revealing.

I include several related newsclippings and the text of the testimony of Mrs. James C. Farrell, housewife of Pine Bluff, Ark. in support of House Joint Resolution 620 at this point in the RECORD:

[From the Washington Post, Mar. 13, 1972]  
BLACK CONVENTION VOTES OPPOSITION TO  
BUSING STUDENTS

(By Herbert H. Denton)

GARY, IND., March 12.—The National Black Political Convention here tonight condemned busing to achieve school desegregation as "racist, suicidal methods," that are based on the "false notion that black children are unable to learn unless they are in the same setting as white children."

Instead, a convention resolution said, blacks should be given control of schools in Negro areas and more money should be spent there to achieve quality education.

By a loud, overwhelming voice vote, the convention adopted the resolution at the urging of the separatist-oriented Congress of Racial Equality and its national director, Roy Innis. The principle embodied in the resolution is that of creating separate school districts for largely black areas, an idea that Innis has been promoting for the last three years.

At a press conference after the vote, Innis exulted: "It marks the first major change in the schools since 1954. It is now recorded that black people would prefer to improve the system themselves through the instrument of control."

(It was in 1954 that the Supreme Court ruled that the doctrine of "separate but equal" schools for blacks and whites was unconstitutional.)

Immediate denouncement of the position came from NAACP representatives and elected black-officials from Richmond, Va., who were delegates to the convention. Richmond is under court order to merge its 70 per cent black schools in a busing plan with those of the 90 per cent white surrounding counties of Chesterfield and Henrico.

"I think that a small minority of people have formulated the 'Southern strategy' to do away with everything we have accomplished since 1954," Yvonne Price, legislative assistant for the NAACP, said of the convention action. She indicated that her organization, which historically has been in the vanguard in fighting in court for school desegregation might consider withdrawing from the coalition of black politicians, civil rights activists and separatists that has been formed in this three-day convention that ended tonight.

Initial approval of the anti-busing measure came without debate on the question, and came as about two-thirds to three-fourths of the 2,300 voting delegates here voted on a rash of resolutions.

Support for it was overwhelming. Though civil rights activists apparently only realized what was happening after debate had been closed, and were ruled out of order in efforts to argue against it, their voices formed only a scattered chorus of "nays."

Del. Walter E. Fauntroy (D-D.C.), chairman of the platform committee, indicated he had sought to avoid having the potential divisive busing question be the subject of a bitter floor fight.

The draft position by Fauntroy's committee, while conceding the language of "black control" of schools in black areas, had stopped short of opposing busing, though it did term that solution as "sterile."

What effect, if any, the anti-busing stand will have on future efforts by the structure that had been created in this convention was left unclear. Fauntroy referred to the resolution as just a "resolve," and indicated that it may or may not be encompassed in any set of demands that convention organizers have talked of presenting to presidential contenders as the price for black votes.

Using much the same language as Alabama Gov. George C. Wallace in his presidential bid, Innis pointed out to reporters that the sponsors of the resolution had been

Southern delegates, "people who have been the guinea pigs for the social engineering of the black community."

Neither Fauntroy nor Rep. Charles Diggs (D-Mich.) would directly answer questions concerning the antibusing resolution, each saying that he had been absent from the convention floor when it was introduced and adopted.

Livingstone Wingate, executive director of the New York City Urban League, obtained passage in the dwindling moments of the convention a "clarification" that said while both black officials and President Nixon were opposed to busing, the black delegates wanted to make it clear to the President that they wanted more to educate black children.

[From the Washington Post, Mar. 12, 1972]  
ALL IN THE FAMILY?—NEW STUDY SHOWS  
SCHOOLS LESS VITAL THAN HOME

(By Lawrence Feinberg)

A major new analysis of the Coleman Report on race and education reaffirms its central findings that academic achievement depends far more on family background than on what happens in the classroom.

The new study suggests that the best way to deal with the educational problems of poor children—black and white—may thus be to improve the jobs and incomes of their families.

Neither racial integration nor increased spending on schools has much effect, the report concludes, on the educational performance of lower-class children—or on that of any others.

These conclusions are contained in a book-length analysis by a group of researchers at Harvard University, headed by Frederick Mosteller, a mathematical statistician, and Daniel P. Moynihan, a social scientist and former aide to President Nixon.

Their study is a reassessment of data on about 570,000 students in 4,000 schools. Collected by the U.S. Office of Education for a 1966 report on educational equality, those data comprise the most extensive survey of the subject ever conducted.

The 1966 study, known as the Coleman Report, was directed by James S. Coleman, a sociologist at Johns Hopkins University.

In an interview, Moynihan said he decided to assemble a group to examine the data "in every way possible" to check out the objections of critics and to try to answer some questions more precisely than Coleman had done.

The new examination involved elaborate mathematical and statistical calculations. At the end, Moynihan said, "it still came out about the same way," confirming Coleman's principal finding that non-school factors, particularly family background, are much more important in determining educational achievement than anything connected to the school.

The analysis confirmed that the social class of a child's fellow-students had more impact on individual achievement than any other factor within the school, including equipment, class size or teacher preparation. But the new study found that the extent of this impact on lower-class black children had been "over-stressed" by Coleman.

One section of the new study, co-authored by Thomas Pettigrew, former chief consultant to the U.S. Civil Rights Commission, found that the gains made by poor blacks in mostly white classes amount to "less than one-sixth of the difference between average Negro and white achievement . . . at grade 12."

Thus, according to another part of the study, the average achievement test deficit of lower-class black high school seniors would be cut from about 4 years below the white middle-class norm to about 3½ years below.

In the interview, Moynihan described this improvement as "the most powerful we found from any school factor," but he added: "It still leaves a very large gap."

In their analysis, Moynihan and Mosteller write that because of the strong impact of social class on education, government programs that improve the jobs and incomes of lower-class blacks may "in the end do more to raise the levels of [their] educational achievement" than either spending more on schools or integration.

"All of this brings the argument for school integration back to where it started," Moynihan explained in the interview. "It's a moral and social issue, not a technological one about the sources of educational achievement. They do not reside primarily in the schools."

In his report and other writings Coleman emphasized that schools in which middle-class students predominate set a "tone" for academic achievement that spurs on lower-class youngsters.

This effect is caused by social class, he stressed, not by race, although proportionately more blacks than whites are in low-income families and therefore most racial integration also involves mixing social classes.

Although Coleman concluded that "middle class" schools raised the achievement of poor youngsters, his report did not analyze the data to find out much of a gain the children actually made.

Moynihan said that determining the relatively slight degree of this gain was one of the most important results of the new study.

As published by Random House, in a book entitled "On Equality of Educational Opportunity," the study includes a long summary essay by Mosteller and Moynihan, plus papers by 13 other scholars. The book is formally scheduled for publication Monday, but copies were on sale locally last week.

The book also has an essay by Coleman, generally defending the methods used in his survey and report.

Although several of the writers disagree on specific points, most uphold Coleman's general conclusions. These include the finding that by most standard measures—per-pupil expenditure, class size, number of books—there was little difference in resources available between Negro and white schools within each part of the country.

Several concluded that the impact of social class on educational achievement was even greater than Coleman reported, and that the effect of school factors was even less.

They emphasize the findings that the differences in achievement among students within the same school are far greater than differences in average performance between different schools.

However, Moynihan and Mosteller stress that schools are necessary for most children to learn academic subjects, such as reading and math. They note that average reading test scores in New York City fell by two months in 1968-1969 when schools were closed for two months by a teachers' strike.

But the pattern of results from school to school was about the same as usual—suggesting, they said, that the variations are caused by nonschool factors.

The new analysis confirms Coleman's finding that most lower-class children are seriously behind national norms even in the first grade, and that the proportion by which they are behind stays about the same through high school.

This suggests, Moynihan and Mosteller write, that differences in early childhood learning, caused by different home backgrounds, are crucial, and are not overcome by normal schooling.

One writer of the study, Christopher Jencks, conducted an elaborate analysis of the quality of the government survey data, gathered in about two-thirds of the country.

He concluded that the data were "representative," despite inaccuracies that critics had pointed out and the failure of many schools to respond fully to the questionnaire.

Jencks also concludes that "the least promising approach to raising achievement is to raise expenditures, since the data gives little evidence that any widely used school policy or resource has an appreciable effect on achievement scores."

The survey evidence suggests, he said, that socioeconomic integration will boost the achievement of disadvantaged pupils "somewhat." But, he said, "the most promising alternative would be to alter the way in which parents deal with their children at home."

How to do this "is not obvious," he added, although income maintenance and family allowances "seem a logical beginning."

Using somewhat different statistical methods from Pettigrew, David J. Armor, another sociologist, estimated that the Coleman data show that integration reduces the achievement gap between black and white students by just slightly more than 10 per cent.

He said in an interview that more recent, though less comprehensive research, makes him skeptical that there is even that much of a gain.

In the report Armor writes: "The policy implication here is that programs which stress financial aid to disadvantaged black families may be just as important, if not more so, than programs aimed at integrating blacks into white neighborhoods and schools."

In the 1965-66 survey data, Armor said, whites in majority-white schools scored higher on achievement tests than blacks in those schools, but whites in schools that were more than two-thirds black scored lower than their black school-mates.

He said the difference in achievement reflected a difference in socio-economic levels, with the whites in predominantly black schools generally being poorer than the blacks in those schools.

Armor is an associate professor at Harvard and has also served as a consultant to the Civil Rights Commission.

The new study also publishes for the first time the average scores for different ethnic groups on the government-survey test of general verbal ability.

The results are given in terms of grade equivalents. Mexican children in the sixth grade, for example, are shown at a 4.5 level—which means that their average score was the same as the national average for children only halfway through the fourth grade. The results are as follows:

	Grade—		
	6	9	12
Negro.....	4.4	7.0	8.8
White.....	6.5	9.8	12.9
Puerto Rican.....	3.4	7.0	9.3
Mexican.....	4.5	7.5	9.4
Indian.....	4.8	7.7	10.5
Oriental.....	5.9	9.0	11.8

Another table presents the results in terms of both ethnic groups and socioeconomic status, or class. Following are the results for the twelfth grade:

	Socioeconomic status		
	Low	Medium	High
Negro.....	8.1	9.3	10.7
White.....	10.6	12.6	14+
Puerto Rican.....	8.8	9.8	10.6
Mexican.....	8.9	9.8	11.6
Indian.....	9.0	11.2	13.7
Oriental.....	10.7	11.8	14+

Moynihan noted in an interview that the class designations are based on parents' edu-

cation and occupation. He said the differences between ethnic groups of the same social class may be caused by the differing value that the groups place on schoolwork.

[From the Washington Post, Mar. 12, 1972]  
**INTELLECTUAL RACISM?—STANFORD PROFESSOR STRESSES INFERIORITY OF NEGROES**  
 (By Leroy F. Aarons)

PALO ALTO, CALIF.—Someone has painted "Sterilize Shockley" on a wall of the Stanford University campus. A slight, white-haired man walked up to it, turned around, and posed while a friend took photographs.

The man was William Shockley, Nobel laureate for co-inventing the transistor, and, of late, increasingly a subject of controversy for his view that blacks are genetically inferior to whites.

The picture-taking incident illuminates the dimension of the man who is stirring up the Stanford campus. Shockley is a tough, abrasive individual of 62, who peddles his unpopular theories with missionary zeal and obviously relishes the controversy they generate.

He has been pushing those theories since 1965, and has had his share of demonstrations while lecturing on other campuses or at scientific meetings. But Stanford, where he holds a half-time chair in engineering science, he had always been a sanctuary—until recently.

Since January, Shockley's classroom has been the target of two disruptions; he has been burned in effigy at rally; "Sterilize Shockley" and other anti-Shockleyisms are the most popular graffiti on campus and the Stanford Daily is filled with letters, columns and editorials debating the Shockley issue nearly every day.

Shockley is not alone. Other individuals who expound the possibility of a genetic basis for racial differences in intelligence have been "zapped" at a regularly increasing rate, in what seems to be a concerted effort by the radical movement to rally against so-called intellectual racism.

Within the last two weeks, radicals at Berkeley invaded the Faculty Club and demanded that Chancellor Bowker fire Arthur Jensen, the psychologist whose theories on genetics and race have made him a national target. Demonstrators later disrupted a speech at the University of Iowa by Harvard psychologist Richard Herrnstein, who suggested in an article in Atlantic Monthly last September that there may be racially genetic differences in intelligence.

Moreover, the SDS announced in a recent issue of New Left Notes that these scientists would be a prime subject of the SDS national convention at Harvard at the end of the month.

At Stanford, leaders seeking an issue to galvanize the divided and weakened radical movement have latched onto Shockley as a natural. "He is definitely going to be a focus for Third World action," said Kwomping Ho, one of the students who raided Shockley's classroom. "They are coalescing around Shockley."

The Stanford Administration, which until recently could quietly compartmentalize Shockley as something of a brilliant and probably harmless eccentric, now finds itself handling a hot potato. Shockley is rapidly becoming an embarrassment, for these reasons:

The firing of Bruce Franklin, Stanford's Maoist English professor, for inciting to riot has raised the sensitive question of the limits of free and responsible speech on a university campus. Those who see Shockley's views as thinly disguised racism are asking whether Stanford's administration can continue to provide him a cloak of respectability.

Others, including many in the administration defend Shockley's right to say anything he wants short of incitement, but pressure

from radical groups and some liberal voices on the faculty has begun to have its impact.

Shockley himself has forced the issue by becoming increasingly vocal, both on campus and off, and by formally proposing that he teach a special graduate course on racial aspects of eugenics (improvement of the species through genetic selection) and dysgenics (deterioration of the species by a kind of genetic pollution). The Graduate School finds itself faced with two very touchy questions: Would not a course by Shockley on racial genetics in itself be incitement to riot? Can it in good conscience endorse a course on genetics by a man whose expertise is in physics and engineering and who simply shifted fields late in his career?

The issue has been turned over to an ad hoc graduate school committee, which expects a decision in two weeks. But Shockley has already branded the proceedings star chamber.

Finally, and probably most significant, Shockley has become embroiled in a dispute with a black graduate student from Nigeria—the first black student he has taught. The dispute has racial overtones and has moved the issue from the abstract area to ideas to the hard questions of a teacher's attitude toward his students. So far, the university appears to be ducking the issue.

A word about Shockley's theories and how they grew. They germinated more than six years ago, when Shockley turned his thoughts from a brilliantly successful career in physics to contemplating the future of mankind.

At a seminar of Nobel laureates on that same subject at Gustavus Adolphus College in Minnesota, he began shaping and articulating those thoughts, and in November, 1965, expressed them in an interview in U.S. News and World Report.

In that interview he spoke for the first time to a large audience about people with "inferior ability": "Not only are they dull but they need help to survive. Most cannot advance and some are a threat to other people."

Over the years, Shockley refined these theories focusing primarily on the Negro. His more contemporary statements hold that the generally accepted I.Q. disparity between whites and blacks is due principally to heredity, not environment; that "our nobly intended welfare programs" are simply perpetuating and expanding that portion of the population at the lower end of the scale which is largely responsible for crime; that blacks improve in intelligence with each 1 per cent of Caucasian ancestry; that "If those Negroes with the fewest Caucasian genes are in fact the most prolific and also the least intelligent, then genetic enslavement will be the destiny of their next generation."

More recently, Shockley suggested as "a thinking exercise" that bonuses be offered for voluntary sterilization of the less competent.

"At a bonus of \$1,000 for each point below 100 I.Q.," says Shockley, "\$30,000 put in trust for a 70 I.Q. moron potential capable of producing 20 children might return \$250,000 to taxpayers in reduced costs of mental retardation care."

Shockley has done no field research of his own to support his position, but has extrapolated from other studies. His research is supported by \$35,000 in grants from foundations and individuals.

He concedes that the data available is extremely sparse, and charges that this is because psychologists and geneticists have timidly avoided the politically sensitive question of genetic differences in intelligence.

At the same time, he has infuriated other scientists with what they see as sweepingly generalized conclusions drawn from limited information.

"Our objection is to the style in which his questions are posed," said Joshua Lederberg, Nobel prize-winning geneticist at Stanford.

"It is absolutely offensive and self-defeating to the spirit of scientific inquiry. They raise grave questions themselves as to whether his intentions are scientific inquiry or the turmoil that has resulted."

The escalation of the Shockley affair on the Stanford campus began in mid-January, after Bruce Franklin was fired. Radicals launched a series of classroom disruptions against a number of targets—one of which was Shockley's six-student advanced graduate seminar in quantum mechanics.

Four persons were charged for campus infractions in the first disruption, Jan. 18 and six were arrested by county police for invading Shockley's class on Feb. 3, wearing Ku Klux Klan sheets and offering Shockley a free sterilization certificate.

It was between the two disruptions that Shockley and his one black student, 26-year-old Oladele Ajayi, clashed. As Ajayi tells it (Shockley will not discuss the matter), his experience in the course which began in early January was routine until the first disruption.

During that disruption, Shockley commented in Ajayi's presence that blacks were at Stanford when sons of professors could not get in.

Later, according to Ajayi, Shockley told him, "I should be perfectly honest with you about my theories," and "In all probability you come from the upper percentile of where you come from."

Ajayi took this as a racial slur at the time. A week later, Shockley told Ajayi he had used the wrong method in answering a quiz and described one homework assignment as "a mess." During discussions over that period, Ajayi remembers Shockley telling him that "certain students do better in certain subjects than other students" and urging Ajayi that he drop the course for credit and audit it.

At one point, Ajayi reports, Shockley told him he was incapable of grading Ajayi's work because of the strong emotions on campus over the racial issue.

Ajayi, who is nonpolitical was enraged and agitated over this treatment. He publicly exposed the conflict while disrupters were in the classroom the second time. Soon after that, Ajayi dropped the course.

But not the issue. He is convinced that Shockley had made a "political decision" after the first disruption that to continue Ajayi in the course and have to grade him would be too delicate a matter.

The Engineering Department, in a preliminary report on the issue, concedes that Shockley said things that could be interpreted as discriminatory by Ajayi, but concluded that Shockley was within his rights to criticize Ajayi's course work. It recommends no further action.

The university—other than establishing a new procedure for student grievances—plans no further action. "If the student is satisfied, there is no stimulus for further investigation," said vice provost Robert M. Rosenzweig, "It's hard for me to visualize an investigation that is conclusive in this instance."

Ajayi, who is taking a doctorate in material sciences, said he became so emotionally upset that he suffered severe headaches, had to leave the campus and even thought about going home to Nigeria. He has filed a formal complaint with his government. He feels that the university has side-stepped the whole affair.

"Shockley's views are dangerous," he said. "To the extent that there has been a genuine effort to minimize differences, people like Shockley try to set back the hands of the clock. He has been overprotected. It has taught me to be more cautious, get my education, pack and get out of this country."

Shockley lives in a comfortable home on the Stanford campus, furnished in Early American. He is a cautious and combative

man who tends to be highly suspicious of interviews—especially reporters. He tapes nearly all his conversations—in person, or by telephone.

"It is my intention to use significant members of the American press," he told me immediately, "as the blocks or pulleys . . . and the First Amendment as a line upon which I shall endeavor to exert a force so as to deflect the rudder of public opinion and turn the ship of civilization away from the dysgenic storm that I fear is rising over the horizon of the future."

With that beginning, we launched into an hour-long (taped by him) discussion, frequently interrupted by the telephone. At one point, I questioned the size of his sample in determining that American Orientals are of superior intellect because they get elected to the National Academy of Sciences at a 10 per cent higher average than non-Orientals.

Shockley responded by attacking my lack of knowledge about statistics.

Later, I asked him the source of the conclusion—often used in his arguments—by psychologist Harry Harlow that at least half the difference in black-white intelligence is due to genetics.

"I don't know, except extrapolations from monkey to human," Shockley replied. (Harlow is known for his experiments with monkeys in extreme isolation.)

"Why did you accept it?" I asked. "Because it fits into a pattern of a wide range of different kinds of data."

But did you ever try to check out the scientific basis of Harlow's conclusions? Shockley ducked and accused me of being no better than the German intellectuals of the 30s who failed to recognize and expose Hitlerism. ("And I assume you are Jewish," he noted.)

I asked him if he was enjoying all the attention he was getting. "You get mixed emotions on all this," he said. "In a sense I'm a very fortunate fellow to get started on something as important as this."

Why, in his opinion, has the thing escalated so? "The situation is 'hotting' up. I have seen a copy of a communist newspaper which announces a plan to get after Shockley, Herrstein and Jensen . . . Most of the attacks are not particularly disturbing because they fall so neatly into the pattern of interpretation I've already set up."

It seemed, as the interview ended, that the situation will get hotter before it gets cooler. Shockley obviously has no intention of pulling back. And the radical opposition is plotting to upgrade the anti-Shockley campaign. Ultimately, the liberal middle, and the university itself will be drawn into the maelstrom.

"I felt right from the start that this is one issue that had more explosive potential than Bruce Franklin," said vice provost Rosenzweig.

[From the Manchester (N. H.) Union Leader, Sept. 17, 1971]

#### THE UNINTELLECTUALS

The black savages, posing as students at Dartmouth, who raised such an uproar with their clapping that Nobel laureate William Shockley of Stanford University could not speak, now have found their counterpart among scholars and scientists at the meeting of the American Psychological Association in Washington, D.C. Last week, when Dr. Shockley spoke before this august organization, he asked merely that a study be made of the respective mental capacities of blacks and whites. Yet, Dr. Edward C. Scanlon, a clinical psychologist at the meeting, said in a fury, "The problem in my terms is the racism of Dr. Shockley. It's too bad there are no longer heresy trials for scientists who have either gone senile or mad."

Alice Madison, a black psychologist from Rutgers University, showed her immunity from racism by saying that her people were "either as bright or superior" to whites.

No one seemed to want to examine the hard facts behind Dr. Shockley's question. Of course, what Dr. Shockley is up against is the tendency of mankind since time out of mind to develop a set of theories which are popular—and then, woe unto anyone who tries to question them!

In the field of astronomy, Galileo was up against this problem. Columbus also experienced it.

In a brilliant article at the top of our back page today, Washington observer, Ralph de Toledano lists other individuals whose theories did not fit into those which were accepted. They were, therefore, ostracized—although in the end their theories proved to be correct.

The way of the pioneer, as Dr. Shockley is discovering, is always difficult. However, the shame of the academic community at Dartmouth was that they refused even to punish or discipline the savages who would not give Dr. Shockley an opportunity to speak. In Washington, the shame of the scientists was that they negated the very idea on which all science is founded, namely, the detailed and careful examination of all serious questions placed before it. Instead, the psychologists reverted to name-calling like so many spoiled children faced with something they didn't like.

Earlier, the National Academy of Sciences had, as Ralph de Toledano points out, "shown its dedication to scientific method by refusing Dr. Shockley's request for a test of his theory."

With this kind of attitude, the psychologists and scientists show themselves to be no more enlightened than a group of witch doctors from darkest Africa. Dr. Shockley is not a racist. Dr. Shockley's inquiry is not designated to show that any race is superior to another. Dr. Shockley is simply interested in the different capacities of various groups in our society.

And in one step further, Dr. Shockley raises the problem that our society must somehow try to devise a method by which the incompetent and less gifted, and those with serious physical inherited defects, can be prevented from breeding and reproducing their kind—and thus considerably lowering the quality of mankind. Dr. Shockley wants to see whether within a free society we can work out plans and means by which we will upgrade the quality of the community, thus making it easier to solve many of the problems that will always confront mankind.

Dr. Shockley's objectives seem to this newspaper to make a great deal of sense. Certainly the problem deserves impartial, impersonal examination by the best brains of our day. It is the sort of overwhelming problem that cannot be solved by name-calling and other insults.

WILLIAM LOEB,  
Publisher.

[From the Manchester (N.H.) Union Leader,  
Sept. 17, 1971]

THEIR SOLUTION TO BLACK INTELLIGENCE  
QUERY: NAME CALLING AND INSULTS—  
SHOCKLEY SHOCKS THE INTELLECTUALS  
(By Ralph de Toledano)

It may seem strange for a political columnist to turn away from the nitty-gritty of the current scene and evoke the memory of Galileo Galilei, the 17th Century Florentine physicist who was compelled by the Roman Inquisition to renounce his theory that the earth revolved about the sun, rather than vice versa. To the Inquisitors of his time, the Galilean's physics was a blow at God. If accepted, they believed, it would destroy Christianity. Well, Galileo proved to be right and Christianity easily survived him.

Today a new breed of Inquisitor is on the march. They call themselves scientists, attend all the scholarly meetings, and do their best to lynch, in academic terms, anyone

who challenges their dogma. Much as Hitler and Stalin sought to put an ideological straitjacket on scientific inquiry, they are out to prevent any variations from their orthodoxy.

The latest to be victimized by the storm troopers of science is Dr. William Shockley, a 1956 winner of the Nobel Prize. Dr. Shockley's crime is that after study of a massive U.S. Office of Education study of black and white scholastic achievement and the results of Armed Forces Qualification Tests, he proposed for further research the theory that blacks are genetically inferior to whites. He did this with no particular joy and expressing the hope that his preliminary findings would be proved wrong.

At this point, the Inquisitors moved in, minds closed and ready to tie Dr. Shockley to the stake. At a meeting last week of the American Psychological Association, they reached a shocking point of frenzy. Dr. Edward C. Scanlon, a clinical psychologist said in a fury: "The problem in my terms is the racism of Dr. Shockley. It's too bad there are no longer heresy trials for scientists who have either gone senile or mad." And Alice Madison, a black psychologist from Rutgers University showed her immunity from racism by saying that her people were "either as bright or superior" to whites.

(The National Academy of Sciences had earlier shown its dedication to scientific method by refusing Dr. Shockley's request for a test of his theory.)

DESERVES SCRUTINY

Now Dr. Shockley's theory may be right or wrong. But it comes from a respected man of science and therefore should have serious scrutiny. When the scientific community rejects it out of hand, substituting personal attack for careful inquiry, it abdicates its privileged position in our society and descends to the grime of the political arena. If Dr. Shockley is wrong, then the nation's blacks deserve a solidly scientific refutation.

But ever since scientists became politicalized, they have not tolerated differences of opinion. Politics aside, the scientific bureaucracy wants no questions raised about anything which may threaten self-esteem, not to mention fat foundation grants. Science has become an Establishment, and woe unto any man who deviates from its dogmas and doctrines.

The Shockley case, of course, is not a new departure in scientific procedure. Some years ago, Dr. Immanuel Velikovsky published a brilliant book which, on the basis of incredible scholarship and research, offered fascinating data which tended to prove that much of what passes for myth in the Old Testament is fact. He also presented theories as to the temperature of the planet Venus and its atmosphere which, today, are being verified by our space probes.

SCREAMING WRATH

The Scientific Establishment, including men of great prominence, rose up in its screaming wrath to denounce Dr. Velikovsky and his theories. When the book, *Worlds In Collision*, became a runaway best seller, they brought pressure on the publisher, on pain of destroying his textbook business, to drop it from his list. Fortunately, Doubleday & Company took over publication of *Worlds In Collision* and subsequent works of Dr. Velikovsky. Since then the Scientific Community has been quietly adopting one after another of Dr. Velikovsky's theories, but giving him no thanks for them.

And these are not isolated instances. When Lloyd Mallan, a dedicated writer on scientific subjects proved conclusively that Soviet "photos" of the dark side of the moon were really paintings, he was to all intents and purposes hounded out of the profession by the Scientific Community. Our own photos subsequently proved Mr. Mallan right and his Inquisitors wrong, but to date no one has apologized to him or made any amends. The

Scientific Community wanted to believe that the Soviets had orbited the moon. For its members, those who questioned their happy belief were "fascist"—a term now being applied to Dr. Shockley. That to do so destroys the credibility of science bothers them not at all. The New Inquisition comes first.

STATEMENT OF MRS. JAMES C. FARRELL REGARDING COMPULSORY Busing OF SCHOOL CHILDREN

I am Mrs. James C. Farrell from Watson Chapel, Arkansas, and have asked to be allowed to testify before this Committee and to ask you please to support the bill H.J. Res. 620 by Congressman Lent.

My husband and I are the parents of four children, and the neighborhood concept of schools is very precious to us. Although our children are now grown, we take great pride in the fact that they are children to be proud of.

When I came to this country in 1946 from a war-torn Europe to make my home with the man whom I had married while we were both in the service, he and I discussed at full length as to where we should make our home. Like many other young people we realized that to raise a family it was important that we take into consideration the schools and communities. We both talked about the insecurity we had always felt as children when our parents moved from one place to another to make a living, and so we both made a vow to each other that no matter how rough it became to make a living we would find a good school district, stay there and work to improve it in any way we could. This, Gentlemen, is exactly what we did. It wasn't easy, but it was worth it to give our children a foundation on which to build their lives.

Taking pride in building for the future is one of the things this country had going for it—in the days when people voted for school officials on the local level, people that you knew and loved because you had seen them devote their time, money, and energies to helping build a community and school. Taking pride in the academic and physical achievements of all the students; taking pride in the fact that when the band was asked to perform at out-of-town games you could point with pride and say, "That's my school playing, and my school colors"; helping to attract new people to the neighborhood because you had a fine school you could brag about; knowing that you were identified with the Neighborhood.

Now, I realize that a Constitutional Amendment is a very serious and drastic step, but, Gentlemen, the working class people of this Country has no other recourse. We must protect our children at all costs, and promises are not the answer. We have listened to the empty promises out of Washington until we have little or no faith at all in the men and women up there.

The average American citizen daily is asking himself, "Why do we need elected officials and pay them fabulous salaries when they in turn do nothing but put us in the hands of men appointed by, God knows who, to destroy our American way of life."

The elite, such as yourselves, can sit back and say, "I can afford the best for my child so I will send him to a private school and so to hell with busing." But, gentlemen, it is because of the sweat off our backs that pay your salaries that you can speak such grand phrases; but I want you to know that John Q. Citizen is sick and tired of being taken for granted. We pay taxes to support our schools and we are entitled to say what takes place in them. We all want public schools for our children because we live and work in public, which is as it should be in a democracy. We are told to elect, not to appoint local residents to see that our schools are maintained and operated for the betterment of all children, not just the select few. When we do this, a Federal judge that no local citizen

even knew comes along, throws out a legal school election, and takes over the control of the school—with the help of armed Federal marshals. Is this the kind of democracy we are to expect from now on out of Washington? Are "we, the people," no more? Is Congress going to continue to sit back and let the Supreme Court totally and wholly destroy the American way of life? As I am a citizen of this country by choice, not chance, I had to learn many things before I took my oath of citizenship, and one of the most important things I learned was that Congress was the only law-making body in this great land. May I ask, gentlemen, has Congress forgotten this, as so far the total destruction of our school systems has been done by a decision from the Supreme Court and the Congress sat idly by and let it happen. All Federal judges are appointees; the average working-class taxpayer has no representation, as it stands to reason these men rule in favor of the forces that appointed them. Don't deny it, gentlemen, as it is apparent to everyone all over this country.

I don't know whether you gentlemen are aware of it or not, but the taxpayers of this great country have been circulating petitions during the last four years trying to be heard so that the Federal judges be elected rather than appointed, as it is becoming more apparent every day that as long as we are under the control of appointees we are doomed as a freedom-loving society.

The original Constitution of America is one of the finest documents ever written, and I have tried in vain to find where it says that we must bus every student even though it destroys the Health, Education, and Welfare of every child and family in this land.

The idea of one man, an appointee, such as Elliott Richardson, sitting in a place like Washington, D.C., and saying what we must do under his directions, is like my sitting back in my living room in Watson Chapel, Arkansas, and telling you all how to conduct the business of this country. It just won't work; only God in Heaven can have a long range overall plan for us, and even He would hesitate to destroy children to make it work, I am sure.

No one who has any pride in identity, ownership, sportsmanship, personal ability, regardless of color, creed, or religion, can possibly condone busing. How can it be right when all citizens are so vehemently opposed to it that armed Federal Marshals are required to enforce it? Why is it that not one day goes by without glaring headlines in the newspapers of bomb threats, marches, civil disorders, children attacked on school grounds? Teachers are scared to turn in reports of violence because they may lose their jobs. School administrators are not telling their schoolboards the true facts about the happenings at school because they are afraid of retaliation. One case in point is my school in Watson Chapel. Federal Judge Oren E. Harris of El Dorado, Arkansas, sent a court order to our Superintendent of schools Dale Spradlin ordering him to spend Title I funds to buy buses, although the President had said no educational funds could be used to buy buses. Mr. Spradlin tried to save faces by lying to the schoolboard and saying that such a thing had not happened, but, Gentlemen, I have here the court order from the Judge telling him to disregard our elected schoolboard officials and obey the edicts of his courts. Is this justice? This is not an isolated incident, Gentlemen, this is typical of what is happening in every school district where H.E.W. has reared its ugly head and said comply or funds will be cut off. Gentlemen, those funds we are being threatened with are OUR taxes and we do not intend to be intimidated by them. The money that has been thrown away by H.E.W. would have educated several million children; instead, it has only paid the wages of people not

qualified to do anything else! The Man who came into our area was named A. T. Miller, and as far as could be determined, he had no qualifications whatsoever in the way of education, he was here for four short hours, and with the stroke of a pencil and support of an appointed Judge, he completely destroyed our community, schools and racial relations it had taken years to build.

Surely, the fact that these very hearings are necessary tell you that the American people intend to protect their children from interference by people hell-bent on destroying our youth. I agree with many educators, Gentlemen, that all children should be given equal opportunity, but not at the point of a gun. As far as making all of us equal—if God had intended us to be that way, in His infinite wisdom He would have done so.

I sent a letter to Senator Mondale last year, and I think it sums up the feelings of the people of my community very well. Integration is a myth; it is just a tool used by these appointees to destroy the American way of life. As after all I am not a social climber and I certainly would not want to stay in a country club set, with whom I have nothing in common. Also Gentlemen, as I am sitting here I realize I am out of my depth by integrating with many of you, and I can assure you, were it not for the fact that I feel so strongly that the busing of children is destroying this country, I definitely would not be here. Would you gentlemen mix, wine, and dine with a bunch of hippies regardless of their color? Would you give up all you have accumulated over the years and live in the ghettos so that you could mix with them against your will? Gentlemen, I can answer for you. If a person wants to improve himself he must want to. Not you or all the money in the world can make him, if he does not have the desire; and the same goes for the children regardless of race no matter who you mix them with it will not give them a desire to learn. And above all busing them away from everything that spells security is starting them fast down the road to destruction. So I am asking you to please start representing we, the people, instead of letting incompetents from the Health, Education, and Welfare do your job.

#### CONCLUSION

1. Busing is a tool that is being used by appointees not interested in the welfare of our Country or our people, to destroy our youth.
2. Busing is an insult to the intelligence of every man, woman, and child in this Country.
3. The Congress of These United States has allowed the Courts to usurp their authority and the only way this terrible wrong can be made right is to vote for a Constitutional amendment to protect our children from such terrible wrongs in the future.

#### RECOMMENDATION

On behalf of the children of this Nation and their parents, please report out the Bill H.J. Res. 620 and support its passage in the Congress and its ratification throughout the several States in the Union.

#### HAZEL GOES COOK

### HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. VAN DEERLIN. Mr. Speaker, it is a pleasure to have this opportunity to salute one of my most distinguished constituents, Mrs. Hazel Goes Cook, of Chula Vista, Calif.

When Mrs. Cook was 37 years old, she became deeply concerned over the absence of a hot lunch program for the schoolchildren in her area. So she decided to do something—run for and win election to the Board of Education of the Chula Vista School District.

That was 50 years ago—in 1922.

Now, a half century later, Mrs. Cook is still an active member of the school board.

Her interest in and enthusiasm for the welfare of the children is undiminished. She is motivated by exactly the same impulses which prompted her to take the necessary steps so long ago to get a school lunch program established.

But the school system has changed drastically. Only 250 children were attending classes in Chula Vista during Mrs. Cook's first year on the board, 1922. Now there are 17,000 children enrolled, and her first innovative program for school lunches has been followed by many others, including one of the first year-round school schedules in the Nation.

In April, Mrs. Cook, now 87, will finally step down, ending a career that has made her a legend in her time among the generations of schoolchildren and employees whom she has served.

She will take with her into retirement many awards and honors presented to her over the years by civic and municipal organizations.

But I have no doubt that this wonderful lady will treasure most of all the love, respect, and gratitude which the citizens of Chula Vista feel and extend in such abundance to her. No one has done more, Mr. Speaker, to deserve such an outpouring of affection.

#### SBA CREATES JOBS IN MINNESOTA

### HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. FRENZEL. Mr. Speaker, the Small Business Administration, under the vigorous leadership of our former colleague, administrator Thomas Kleppe, is helping to provide capital for the creation and expansion of small business and the development of jobs throughout the country.

In Minnesota, district director Paul W. Jansen has been especially effective in directing SBA programs to serve the local business community. In February, 46 SBA loans, totaling \$2½ million, were made. These loans will create 220 new jobs in Minnesota.

This is another fine example of the valuable work of the SBA. Its managers and employees should be congratulated for their effective efforts to help create jobs. These efforts could be even more effective if the Congress will expand the lending and guarantee authorities of the SBA. The SBA has proved its ability to do its job well. Congress should now expand the authorities of the SBA.



HARWINTON, CONN., OFFERS SPECIAL EDUCATION PROGRAM

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mrs. GRASSO. Mr. Speaker, it is a pleasure for me to call attention to a program of special education being offered in the Harwinton, Conn., school system. The program, which has been in effect for 4 years, is offered to children who are just beginning their schooling. It has as its prime aim the correction of learning disabilities of children at a crucial stage of their education—during the first few years when it is so important for youngsters to form correct learning habits.

The special education program offered at the Harwinton Consolidated School is divided into 21 classes with an average of five students in each class. The classes are held 4 days a week, for half an hour each day. The program also offers correctional aid in several diversified areas. These include Dyster reading, Dyster math, Dyster language motor development, auditory perception, language perception and development.

The many far-sighted people involved in the special education program in Harwinton, Conn., are to be congratulated for their untiring efforts to educate our children. For the interest of my colleagues, an article which appeared in the Torrington Register further explaining this fine program follows:

HARWINTON'S DIVERSIFIED SPECIAL EDUCATION PROGRAM FOR YOUNG CHILDREN  
(By Bonnie Kochliss)

HARWINTON.—Last week parents of children who participate in the special education classes offered at the Harwinton Consolidated School were given an opportunity to observe the activities in this unique program.

Special education programs are required of all school systems in the state. What is particular about the system in Harwinton is the extent to which it is diversified and integrated with the entire elementary program.

The special education program at the Consolidated school has been in effect for the past four years. Special education teachers and aides are employed full time. They do not travel between various schools.

TOTAL PROGRAM

Mrs. Donna R. Mason, director of the special education department, likes to call it a "total program." All special classes are coordinated to blend with the regular classroom activities and, as a follow-through, classroom teachers utilize the resource materials of the special education department.

There are 21 special education classes at the school with an average of five students per class. The program, therefore, involves about one sixth of the total pupil enrollment.

Children spend about one half-hour, four days a week in their respective classes. This varies with the child and the amount of aid required.

EARLY YEARS

The program attempts to give special or additional help to children in the early years when correction of even minor learning disabilities can present more serious adjustments later.

About seven areas are included in classes taught by Mrs. Mason and two highly trained aides. Generally, these are grouped into various categories, Dystar reading, Dystar math, Dystar language motor development

(both fine and gross), auditory perception, language perception and DUSO (development and understanding yourself and others).

Dystar refers to the name given by Science Research Associates, the company which supplies much of the textbook materials.

Donna Mason is well educated in the field of special education. She is also trained in working with children with learning disabilities. She has taken special courses at Central Connecticut and St. Joseph College as well as attending numerous workshops and seminars.

EXPERIENCE AIDES

Mrs. Harriet Caldwell and Mrs. Valerie Gill both with at least three years training are the experienced instructional aides.

Also assisting in the program is Mrs. Dorothy Mello, an instructional aide in her second year.

Working closely with the program is Robert Swartz, speech and hearing therapist.

Miss Ramona Apher, supervisor of elementary education, is involved in planning and placement. She does much toward coordinating the various elements of the entire school system.

Also a consultant in the planning and programming is Mrs. Ruth Amutice, remedial reading teacher. Consultations are also held with the school principal, Louis Lubus, and with the classroom teachers to share ideas and procedures, special activities in the regular classrooms are often planned to benefit the children.

"The school nurse, Mrs. Lorraine Murdick, is involved with visual and auditory screening as well as special referrals requiring more exhaustive medical procedures," Mrs. Mason added.

Concerned too with the diagnostic factor is Mrs. Barbara Clark, a psychological examiner who functions under the direction of Donald Douville, school psychologist.

SPECIAL EQUIPMENT

When asked what special equipment is available to the children and teachers in the program Mrs. Mason replied, "You name it—we have it!"

All materials the teachers feel are appropriate for the area in which they are working are made available. Many are handmade.

To list a few: visual perceptual materials include peg boards, touch and feel bags, filmstrips, and puzzles for developmental learning.

Auditory perceptual materials used are records, tapes with and without earphones and talking books.

Of the several rooms specifically used by the special education department, one is reserved for motor development classes. Those involving gross motor learning disabilities use balance beams, scooter boards, balls, mats, records, and climbing ropes.

Several parents mentioned that not many schools seem to provide such a complete program for diagnosis and teaching of even the most minor learning disability.

Lubus mentioned that while some schools separate handicapped children into one special full day class, at the Consolidated School, all children are grouped together. This affords the handicapped child the opportunity to grow with others of his class and yet still receive additional help peculiar to his special needs.

It has been emphasized that children in the special education program are not retarded or necessarily severely handicapped either physically or mentally.

As Mrs. Mason commented "The children in our program are all of average or above average intelligence but for some intervening reason need special help in one area or another."

She concluded, "The most important aspect of our program (is) the spirit and abiding interest in the children and their progress."

TELEPHONE PRIVACY—II

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 1972

Mr. ASPIN. Mr. Speaker, I am presently circulating for cosponsorship the Telephone Privacy Act, which would allow individuals to place a "no solicitors" sign on their telephones.

As I noted in a statement last Thursday, I have received an enormous amount of correspondence on this legislation from all over the country. Over the next few days I will be placing a sampling of these letters into the RECORD, since they describe far more vividly than I possibly could the need for this legislation.

Some of these letters follow—the names have been omitted:

FEBRUARY 23, 1972.

HON. LES ASPIN,  
U. S. House of Representatives,  
Washington, D.C.

"DEAR SIR: I've read in my paper tonight of the Bill you are sponsoring giving the person the right to indicate to the telephone company if they want to be solicited commercially over the phone.

I have been harassed by the Los Angeles Times Newspaper. They have called me on my unlisted telephone so many times this last year. I've lost count.

Please don't lose patience with me I would like to explain. I have two phones in my home and get calls on both. I've had to change my number to unlisted because of the calls. One phone is for the use of my friends and family in California they call me on my listed phone and unless it's an emergency, after 11 a.m. My unlisted phone is for the use of my family in New Jersey and my attorney. My brother has been very ill and after losing my mother and son within 7 weeks and additional problems (family) too numerous to mention and an explanation would only pass on my burden. My problem is this. The unlisted phone was put in for the use of my family only. I am a semi invalid and every time my unlisted phone rings, I get nervous. I have fallen and hurt myself many times getting out of bed to answer it. My other phone has an extension cord and reaches my bed.

I've called the Times and explained and received a letter of apology from them. I have called since the calls have continued. And spoken to the gentleman in charge he has again said he was sorry and that it won't happen again. The following week the call again. I again called and pleaded with them not to call me. After again receiving their word it wouldn't happen it has. This time I called the police—District Attorney and the telephone company for assistance. After two weeks of peace, I received two more calls, this time I was so upset I had to call my Doctor, I had been awakened at 8:30 a.m. I'm on medication and it's difficult for me to sleep even with my medication. I had finally fallen to sleep at 7 a.m. when I was awakened. I can't tell you how upset I was. I again called the telephone company for help. I called my attorney and he told me there was little to do—He could send a letter to the Times—The cost would be \$15.00 or files something for \$150.00 but that they would probably deny it—I have the letter they sent me plus the names of several of the people who would give me their names who were working for the Times.

Dear Mr. Aspin do you realize what a blessing it would be if your bill was passed. I'm sure there are thousands of people who feel the way I do—I would remove both my phones but being ill—I can't. There must be a solution.

If there is anyway I could help I would. Just ask.

Please let me hear from you if you have any solution to my problem it is acute you can use this letter if it will help in any way.

Yours very truly,

ALEXANDRIA, VA.,  
February 23, 1972.

DEAR MR. ASPIN: Hooray for you in proposing this legislation! It is long overdue and might help us to get us out of the expense of non-public telephone numbers. I have been extremely troubled by solicitors, especially land entrepreneurs. At least 3 a week. Thanks again.

Sincerely,

LA MIRADA, CALIF.,  
February 29, 1972.

Representative LES ASPIN,  
House of Representatives, U.S. Congress,  
Washington, D.C.

HONORABLE MR. ASPIN: We earnestly support your measure to restrict the use of the telephone for commercial advertising solicitations.

The extent to which private telephones are being abused by commercial solicitors has become a national disgrace. Our own private, residential telephone receives an average of four such calls a week, at hours of the day from morning to as late as nine or ten in the evening.

Informing these callers that we do not wish to be so disturbed is fruitless. One such firm, the Los Angeles Times (newspaper), has placed as many as three call in one single day, after it had been told, in writing, that we do not wish to have our privacy invaded and even threatening a lawsuit.

If there is anything we can do to help obtain the enactment of your proposed legislation, we shall appreciate your suggestions. Copies of this letter are being sent to our own representative in Congress and to our State senators.

Sincerely,

ROCKVILLE, MD.,  
March 1, 1972.

HON. LES ASPIN,  
House of Representatives,  
Washington, D.C.

DEAR CONGRESSMAN ASPIN: This is to encourage you in your efforts to pass legislation (such as HR13267) which would militate against the widespread, non-discriminatory use of the telephone for solicitation purposes without regard for the rights and wishes of those so solicited. Such use of telephone listings, especially to call private homes and residences, more often than not results in more than mere inconvenience, aggravation or private nuisance. I personally regard such practice as bordering upon a criminal invasion of my privacy and commend you for your efforts to bring such practice to a halt. I know that there are a great many who feel as I do about unwanted telephone solicitation and hope that you succeed in this endeavor.

Sincerely yours,

BELOIT, WIS.

SIR: I am delighted to read that you are sponsoring a bill to curb the commercial nuisances that violate our privacy with telephone sales talks.

We citizens of Beloit are continually pestered by this type of interruption.

I assure that, although I'm basically Republican, you have my whole-hearted support in your many and thoroughly praiseworthy projects.

Keep up the good work and you still may get my vote.

Respectfully yours,

#### GREEN THUMB

HON. DAVID R. OBEY

OF WISCONSIN

Tuesday, March 14, 1972

IN THE HOUSE OF REPRESENTATIVES

Mr. OBEY. Mr. Speaker, one of the most successful programs for our senior citizens which is funded with Federal help is the Green Thumb program, a joint venture of the Department of Labor and the Farmers Union.

As "Green Thumbers," thousands of useful and productive citizens in their 70's and 80's are improving their environment and the landscape all across our country.

A recent article in the Chippewa Falls Herald-Telegram told of just how beneficial the Green Thumb workers have been in that community.

I recommend it to my colleagues:

GREEN THUMBERS START AT BOTTOM, WORK THEIR WAY UP

It's "clean up, paint up" time at the Chippewa Falls Sewage Disposal Plant as housecleaning chores get underway.

Clyde Lehman, Superintendent of the plant, said "we'd never get this painting and clean-up done if it weren't for the Green Thumb workers who have undertaken the job."

Doing it the right way, the Green Thumb men are starting from the bottom and working their way up. They are down below ground level now painting the pump room at the plant.

The average age of the Green-Thumber is 71 and older, according to Bob Roberts, Assistant to the Green Thumb program's State Division. The men usually work in crews of seven, one of which is working foreman.

Their work week is three days at eight hours per day. They are paid \$1.60 per hour and the foreman receives \$1.85 per hour. Workers are terminated after they reach \$1,600 earnings for the contract year.

The program is federally funded and the projects worked on are owned and sponsored by local municipalities. In the past and again this year, crews will be working on county, city and township parks, planting trees, shrubs, flower beds.

They build camping facilities, improve community and town halls, school projects, build snowmobile and hiking trails, picnic tables and outside toilets.

The municipality contributes 10 to 20 percent of the cost of the project as an in-kind contribution.

In the case of the work being done at the Sewage Disposal Plant, the paints, brushes, and other equipment used by the Green Thumb workers is supplied by the plant.

#### ACCELERATED PUBLIC WORKS LEGISLATION

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. VANIK. Mr. Speaker, I am pleased to join a bipartisan coalition of Congressmen in introducing legislation to provide an increased authorization in accelerated public works funds. The legislation which I am supporting would add \$195 million to the accelerated public works program which was included in the Economic Development Act of 1971.

This legislation will raise the total authorization for these construction projects designed to create employment to a total of \$475 million for the fiscal year beginning July 1, 1972.

For over a year now, unemployment, particularly in our cities, has been at a crisis point level. In 1969, 3.5 percent, or 2,817,000 members of the labor force were unemployed. Those two figures have progressively risen and in February of this year, 5.7 percent or over 5 million workers were unemployed. This represents about a 66 percent increase in the unemployment rate since 1969. It is impossible to say how many tens of thousands of American workers have dropped out of the labor market. Some recent studies indicate that joblessness in central cities may actually be 10 to 20 percent higher than official figures indicate.

In Cuyahoga County, Ohio, 37,300—or 4.5 percent—of the January work force was unemployed, with a weekly average of 13,811 unemployed collecting benefits. In January, these unemployed collected \$3.1 million in unemployment compensation, while 1,021 are no longer eligible to collect compensation because they have been on the unemployed roles for over a half a year.

In 1971, 11,803 unemployed persons in Cuyahoga County drew their last unemployment compensation check. This means that this many people were unemployed for over half of the year. Over 44,000 people were unemployed and collecting benefits at one time or another during the year.

The situation in the Greater Cleveland area is rapidly worsening. It is estimated that due to plant closings, 10,000 industrial jobs were lost in Cleveland in 1971. In the first 2 months of this year, there are already indications that another 3,000 industrial jobs are being lost. The Pesco Products division of Borg-Warner in Bedford Heights, Ohio, is closing its doors on June 1, 1972, throwing some 500 employees out of work. The Chase Brass Co. in Euclid, Ohio, has announced that it will shortly be closing, and thereby creating a loss of 700 jobs. The General Electric Vacuum Division in East Cleveland has announced that it will be closing, and reports over the last weekend indicate that Republic Steel may be closing down one of its major operations. A container manufacturer in Wickliffe, Ohio, has just closed down with 100 men laid off. There is simply nowhere in the Cleveland area—or as national figures indicate, anywhere in the country—where these workers can expect to find rapid reemployment.

Little has been done to reduce the Nation's unemployment rate. In mid-1971, the President vetoed a bill which overwhelmingly passed the House of Representatives by a vote of 320 to 67. This vetoed bill would have authorized funds for "accelerated public works"—a program which would have helped reduce unemployment by providing 80 percent Federal grants to local governments to build permanent public facilities. I was a cosponsor of this original bill.

Emergency public service employment legislation—which has been implemented—has assisted communities by providing jobs and services which can no longer be afforded by the local governments.

However, it falls short of creating employment in the construction industry, especially the building trades and supplies of materials.

Under the provisions of the bill being introduced today, cities and counties which have exorbitantly high rates of unemployment are eligible for assistance. All these areas have many vitally needed public works projects that could be begun immediately: storm drainage systems, sidewalk improvement, libraries, police stations, community centers, street lights and traffic signals, airport facilities, hospitals, warehouses, water purification plants, and many more.

Congress must again pass this accelerated public works legislation. While the President's economic stabilization program has had some mixed price success, the new economic policy, instituted on August 15 of last year, has totally failed to reduce unemployment. The Congress must now, immediately, take the initiative and pass this legislation.

OF POPULATION, RACE, AND INTELLIGENCE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. RARICK. Mr. Speaker, the report of the President's Commission on Population Growth and the American Future, headed by John D. Rockefeller III, sounds more like B. F. Skinner's "Beyond Freedom and Dignity" than any blueprint for a free society.

Everything in the report concludes with a prophecy of doom with all avenues diverging on complete control of the individual by the State. The anthill philosophy that we must learn to surrender our freedoms if we are to survive.

While the President's Rockefeller Commission urges population management, another economic report discussing the social and economic statistical situation by the Department of Commerce expresses fear that the economic squeeze on young people has resulted in postponement of marriage and childbearing. In fact, the report shows that the number of children white wives plan to have has dropped dramatically. The economic analysis expresses concern over the financial consequences of a continuing decrease in the birth rate.

In the meantime, the vital statistics summary of the District of Columbia government estimates that half of the babies born in our Nation's Capital in 1973 will be born out of wedlock.

Then we have the new major analysis of the old 1966 study known as the Coleman Report that nonschool factors, particularly family background, are much more important in determining educational achievement than anything connected with the school.

At the same time the President's Rockefeller Report worries about overpopulation, the economists are worried about underpopulation among married people, the Nation's Capital is predicting

a 50-percent illegitimate crop of babies and Professor Moynihan and the Coleman Report are stating that the home and family background are more important to children than schools and artificial environment, Professor Shockley of Stanford University is denounced as an "intellectual racist" for wanting to scientifically investigate the correlation of race to intelligence.

If environmentalism is now to be extended to a controlled population, many wonder who will make the decisions. Will it be based upon intelligence levels, racial quotas, or legitimate births?

I include related newsclippings:

[From the Washington Star, Mar. 12, 1972]

BIRTH RATE FALLING AS MARRIAGES INCREASE  
(By J. A. Livingston and Wm. K. Marimow)

"Zeitgeist" is the German word for "spirit of the times." It encompasses economic, political, and social aspirations and attitudes. Perhaps it explains an American paradox—the increase in marriages and the decline in the desire for children.

From 1961 to 1971, the number of newlyweds rose from 1,548,000 to 2,200,000. But the number of babies born fell from 4,268,000 to 3,559,000.

If this trend persists it could have profound economic consequences, two of which are already visible. The number of persons per family has been falling since 1966, and the floor area in new homes sold has been diminishing since 1968.

To be sure, high construction costs and high real estate prices influence decisions on size of dwellings—how many rooms persons want. And this, in turn, influences family formation: Can we afford a child? Shall we wait?

SIGNIFICANT SURVEY

The birth rate has declined dramatically from 25 babies per 1000 population in the mid-fifties to 17.3 last year, a post-war low. Prof. Richard A. Easterlin, of the University of Pennsylvania, ascribes this trend in recent years to the "economic squeeze" on young people. They have postponed marriage or childbearing out of apprehension. Their incomes might not be adequate to sustain the standards of living to which their parents had accustomed them.

The Social and Economic Statistics Administration of the Department of Commerce pinpointed the change in attitude toward babies in a recent survey. It shows that the number of children white wives plan to have has dropped dramatically. Here are figures for two age brackets, 18-to-24 and 25-to-29:

	18 to 24	25 to 29
Year:		
1955.....	3.2	3.1
1960.....	3.0	3.3
1965.....	3.1	3.3
1967.....	2.9	3.0
1971.....	2.4	2.6

Data, not directly comparable, suggest that Negro couples also plan to have fewer children. Among the reasons cited for these tendencies are:

The increase in the number of women in the labor force—feminine careerism.

Cultural and social malaise. Why bring children into a world of war, hypocrisy, pollution, and overpopulation?

Changing moral standards. This is reflected in the increased legalization of abortions, greater premarital sexual freedom, and more frequent divorces.

The new life style among younger persons sometimes called anti-familism, sometimes anti-establishmentism. There has been a significant increase in the number of individuals living alone.

The spread of knowledge about contraceptives—especially the pill. This is coupled with the rise in education.

This question must be asked: Which is cause, which effect? Which is motivation, which rationalization?

Obviously, the pill has made baby-prevention easier. But it isn't a primary cause of the decline in the birth rate. It's a means to an end. People decide not to have babies; the pill doesn't.

MARITAL IMBALANCE

And how much weight should be given "social malaise"? Do married couples decide not to have children because this is a "sorry world" or do they rationalize a decision already made?

The birth rate is likely to drop for a while longer because of the slowdown in marriage growth. Despite the poets, marriages are not made in heaven, but on earth and by age brackets.

The median age for men first marrying has been fairly constant at 23 years. But the median age for women has risen from 20.5 in 1964 to 20.9 years. Why? Because the supply of women in the marriage market has exceeded that of men. Women have had to wait for men to "grow up" to matrimony.

In the long run, a lower birth rate could have important economic consequences. Babies need food, clothing, toys, and eventually education. These are essentials which can't be deferred.

But if babies decline as a proportion of the population, such outlays will drop in influence on total consumption. This will leave families greater leeway in discretionary disposal of funds. Or, if workers choose, greater leeway in how they spend their time.

[From the Washington Post, Mar. 12, 1972]

ALL IN THE FAMILY?

NEW STUDY SHOWS SCHOOLS LESS VITAL THAN HOME

(By Lawrence Feinberg)

A major new analysis of the Coleman Report on race and education reaffirms its central findings that academic achievement depends far more on family background than on what happens in the classroom.

The new study suggests that the best way to deal with the educational problems of poor children—black and white—may thus be to improve the jobs and incomes of their families.

Neither racial integration nor increased spending on schools has much effect, the report concludes, on the educational performance of lower-class children—or on that of any others.

These conclusions are contained in a book-length analysis by a group of researchers at Harvard University, headed by Frederick Mosteller, a mathematical statistician, and Daniel P. Moynihan, a social scientist and former aide to President Nixon.

Their study is a reassessment of data on about 570,000 students in 4,000 schools. Collected by the U.S. Office of Education for a 1966 report on educational equality, those data comprise the most extensive survey of the subject ever conducted.

The 1966 study, known as the Coleman Report, was directed by James S. Coleman, a sociologist at Johns Hopkins University.

In an interview, Moynihan said he decided to assemble a group to examine the data "in every way possible" to check out the objections of critics and to try to answer some questions more precisely than Coleman had done.

The new examination involved elaborate mathematical and statistical calculations. At the end, Moynihan said, "It still came out about the same way," confirming Coleman's principal finding that non-school factors, particularly family background, are much

more important in determining educational achievement than anything connected to the school.

The analysis confirmed that the social class of a child's fellow-students had more impact on individual achievement than any other factor within the school, including equipment, class size or teacher preparation. But the new study found that the extent of this impact on lower-class black children had been "overstressed" by Coleman.

One section of the new study, co-authored by Thomas Pettigrew, former chief consultant to the U.S. Civil Rights Commission, found that the gains made by poor blacks in mostly white classes amount to "less than one-sixth of the difference between average Negro and white achievement . . . at grade 12."

Thus, according to another part of the study, the average achievement test deficit of lower-class black high school seniors would be cut from about 4 years below the white middle-class norm to about 3 1/3 years below.

In the interview, Moynihan described this improvement as "the most powerful we found from any school factor," but he added: "It still leaves a very large gap."

In their analysis, Moynihan and Mosteller write that because of the strong impact of social class on education, government programs that improve the jobs and incomes of lower-class blacks may "in the end do more to raise the levels of [their] educational achievement" than either spending more on schools or integration.

"All of this brings the argument for school integration back to where it started," Moynihan explained in the interview. "It's a moral and social issue, not a technological one about the sources of educational achievement. They do not reside primarily in the schools."

In his report and other writings Coleman emphasized that schools in which middle-class students predominate set a "tone" for academic achievement that spurs on lower-class youngsters.

This effect is caused by social class, he stressed, not by race, although proportionately more blacks than whites are in low-income families and therefore most racial integration also involves mixing social classes.

Although Coleman concluded that "middle class" schools raised the achievement of poor youngsters, his report did not analyze the data to find out much of a gain the children actually made.

Moynihan said that determining the relatively slight degree of this gain was one of the most important results of the new study.

As published by Random House, in a book entitled "On Equality of Educational Opportunity," the study includes a long summary essay by Mosteller and Moynihan, plus papers by 13 other scholars. The book is formally scheduled for publication Monday, but copies were on sale locally last week.

The book also has an essay by Coleman, generally defending the methods used in his survey and report.

Although several of the writers disagree on specific points, most uphold Coleman's general conclusions. These include the finding that by most standard measures—per-pupil expenditure, class size, number of books—there was little difference in resource available between Negro and white schools within each part of the country.

Several concluded that the impact of social class on educational achievement was even greater than Coleman reported, and that the effect of school factors was even less.

They emphasize the findings that the differences in achievement among students within the same school are far greater than

differences in average performance between different schools.

However, Moynihan and Mosteller stress that schools are necessary for most children to learn academic subjects, such as reading and math. They note that average reading test scores in New York City fell by two months in 1968-1969 when schools were closed for two months by a teachers' strike.

But the pattern of results from school to school was about the same as usual—suggesting, they said, that the variations are caused by non-school factors.

The new analysis confirms Coleman's finding that most lower-class children are seriously behind national norms even in the first grade, and that the proportion by which they are behind stays about the same through high school.

This suggests, Moynihan and Mosteller write, that differences in early childhood learning, caused by different home backgrounds, are crucial, and are not overcome by normal schooling.

One writer of the study, Christopher Jencks, conducted an elaborate analysis of the quality of the government survey data, gathered in about two-thirds of the country. He concluded that the data were "representative," despite inaccuracies that critics had pointed out and the failure of many schools to respond fully to the questionnaire.

Jencks also concludes that "the least promising approach to raising achievement is to raise expenditures, since the data gives little evidence that any widely used school policy or resource has an appreciable effect on achievement scores.

The survey evidence suggests, he said, that socioeconomic integration will boost the achievement of disadvantaged pupils "somewhat." But, he said, "the most promising alternative would be to alter the way in which parents deal with their children at home."

How to do this "is not obvious," he added, although income maintenance and family allowances "seem a logical beginning."

Using somewhat different statistical methods from Pettigrew, David J. Armor, another sociologist, estimated that the Coleman data show that integration reduces the achievement gap between black and white students by just slightly more than 10 per cent.

He said in an interview that more recent, though less comprehensive research, makes him skeptical that there is even that much of a gain.

In the report Armor writes: "The policy implication here is that programs which stress financial aid to disadvantaged black families may be just as important, if not more so, than programs aimed at integrating blacks into white neighborhoods and schools."

In the 1965-66 survey data, Armor said, whites in majority-white schools scored higher on achievement tests than blacks in those schools, but whites in schools that were more than two-thirds black scored lower than their black school-mates.

He said the difference in achievement reflected a difference in socio-economic levels, with the whites in predominantly black schools generally being poorer than the blacks in those schools.

Armor is an associate professor at Harvard and has also served as a consultant to the Civil Rights Commission.

The new study also publishes for the first time the average scores for different ethnic groups on the government-survey test of general verbal ability.

The results are given in terms of grade equivalents. Mexican children in the sixth grade, for example, are shown at a 4.5 level—which means that their average score was the same as the national average for children only halfway through the fourth grade. The results are as follows:

	Grade—		
	6	9	12
Negro.....	4.4	7.0	8.8
White.....	6.5	9.8	12.9
Puerto Rican.....	3.4	7.0	9.3
Mexican.....	4.5	7.5	9.4
Indian.....	4.8	7.7	10.5
Oriental.....	5.9	9.0	11.8

Another table presents the results in terms of both ethnic groups and socioeconomic status, or class. Following are the results for the twelfth grade:

	Socioeconomic status		
	Low	Medium	High
Negro.....	8.1	9.3	10.7
White.....	10.6	12.6	14+
Puerto Rican.....	8.8	9.8	10.6
Mexican.....	8.9	9.8	11.6
Indian.....	9.0	11.2	13.7
Oriental.....	10.7	11.8	14+

Moynihan noted in an interview that the class designations are based on parents' education and occupation. He said the differences between ethnic groups of the same social class may be caused by the differing value that the groups place on schoolwork.

[From the Washington Post, Mar. 13, 1972]  
UNITED STATES TOLD TO SLOW GROWTH—  
PANEL WARNS OF DANGERS IN OVERPOPULATION  
(By Peter Millus)

A presidential commission strongly suggested yesterday that America must slow down or even stop its population growth or face an increasingly "contrived and regulated" future.

The suggestion is contained in the first part of the final report of the Commission on Population Growth and the American Future, established by Congress and appointed by the President two years ago.

The report, in a sense, marks the official debut of population control as a national political issue.

The 24-member commission, headed by John D. Rockefeller III, said that its purpose was "to modernize demographic behavior in this country," to "make population, and all that it means, explicit on the national agenda."

It asked whether a population slowdown would produce an economic slowdown, something many businessmen believe, and whether it would endanger national security.

The commission looked into the "energy crisis" widely forecast for the future, the likelihood of a water shortage, what the food supply will be, whether food prices will go up, and how a growing population affects air pollution.

It dealt with the probable effects of population stabilization on poverty and blacks and the elderly, on the family and the labor force, and even on the "quality of life."

Its conclusion: "We have found no convincing argument for continued national growth."

"On the contrary, the pluses seem to be on the side of slowing growth and eventually stopping it altogether."

The seven chapters in yesterday's installment of the commission's report were its findings. Its recommendations will be published separately over the next two weeks.

Some are certain to be controversial—birth control, for example, whatever is urged. The U.S. Catholic Conference assailed the report as soon as it was printed as "part of a carefully orchestrated program to convince us that 'fewer is better'."

The recommendations are not, however, likely to be harsh.

The commission suggests several times in its report there is no practical way to stop population growth dead in its tracks, and in fact that move would be harmful.

The commission predicted, among other things, that:

Average American family income, now about \$12,000 a year, will probably be more than \$21,000 by the year 2000 "in terms of today's dollars." That will be true even if the work week is 30 hours by then, and even if the population grows at the rate of three children per family.

The rise in family income will reduce poverty, but not eliminate it. Some groups will not share in the general increase: "This is not good enough." The growth in the labor force going on now, as the baby boom babies come of age, has "put an extra burden on full employment policy."

Slower growth will result in a gradually older labor force, and an older population generally. The median age already has risen from 23 to 28 years since 1900, and would be 37 years in a wholly stabilized population.

The "energy crisis" is likely to be solved well before it arrives. The country will probably find new fuels—the atom is a likely one—and "environmentally safe" ways to use the older and dirtier fuels like oil and coal.

However, there may be a "water crisis" of sorts in the future. There is already one in the Southwestern states, and it is likely to spread east and north as demand increases. Demand will increase slower if population does, but "sooner or later we will have to deal with water as a scarce resource." Some families in some regions will have to have smaller lawns and fewer flowers.

There could also be pressure on the food supply.

"At a time when the . . . government pays farmers to hold land out of production, it seems absurd to be looking forward to a scarcity of good agricultural land and rising food prices. Yet these are the prospects" under the three-child growth rate . . .

"Fifty years from now the population resulting from the three-child average could find itself having to pay farm food prices some 40 to 50 per cent higher than they would be otherwise. The needs . . . at the lower growth rate (two-child families) could be met with practically no . . . increase in prices."

The commission, oddly enough, was not so pessimistic about air pollution. It said that, in the short run, the growing number of new abatement laws will cut air pollution faster than population growth will add to it.

But those laws led the commission to hold forth on another danger of headlong population growth—public regulation.

"Imbedded in our traditions," it said "is freedom from public regulation—virtually free use of water; access to uncongested, unregulated roadways; freedom to do as we please with what we own; freedom from . . . red tape, and bureaucrats. Clearly we do not live this way now. Maybe we never did. But everything is relative. The population of 2020 may look back with envy on what, from their vantage point, appears to be our relatively unfettered way of life."

U.S. population is about 209 million now. The commission said it will grow to 271 million by the year 2000 at the two-child rate, and 322 million at the three-child rate.

It predicted that the great migration of this century, from countryside to cities and suburbs, will now slow down, but only because there are so few country people left.

On the other hand, the metropolitan areas and "urban regions" of the country will continue to grow—indeed, most of the future growth will occur there—due simply to the natural increase of their populations.

By the year 2000, the commission said, five-sixths of the nation's people will live in just one-sixth of its area.

The commission did not say in yesterday's report that this is bad, nor did it argue for dispersal.

[From the Washington Post, Mar. 10, 1972]

ILLEGITIMACY RATE SEEN AT 50 PERCENT

(By Richard E. Prince)

The District of Columbia government expects that half the babies born to city residents in 1973 will be born out of wedlock, according to a report issued yesterday.

The report, "Vital Statistics Summary," compiled by the department of human resources, said that the percentage of children born to city residents out of wedlock had increased from 19.8 per cent in 1960 to 37 per cent in 1969.

Roberto Fuentes, chief of human resources' research and statistics division, said 1970 figures, not included in his report, show the percentage has exceeded 40 per cent.

"If this rate of increase continues," the report said, "half of all births will be out of wedlock by 1973."

Dr. Raymond L. Standard, the city's health services administrator, disagreed last night with the report's conclusion. He said that efforts made by his department to provide birth control devices and information would help stem the projected increase.

Standard attributed the rise in illegitimate births to laws that, until recently, restricted the distribution of birth control devices to minors, and to the times. "We've got increased promiscuity, sexual freedom. It's the generation we're living in," he said.

The percentage of illegitimate babies has increased for both black and white District residents, according to the report.

Fuentes said that in 1970, 44.7 per cent of all births to black District residents were out of wedlock, up from 40.9 per cent in 1969 and 29.8 per cent in 1964.

For whites, the figures increased from 10.1 per cent in 1964 to 13 per cent in 1969, to 13.3 per cent in 1970. Fuentes said.

A large portion of the increase in illegitimate births can be traced to an increase in births to teen-age mothers. It was said.

In 1969, out-of-wedlock births to teen-age girls involved 18.5 per cent of all births, up from 7.5 per cent in 1960.

In 1969, more than 70 per cent of all births to teen-agers in the city were out of wedlock, the report shows. The study projects that in 1973, almost 30 per cent of all live births will be births to unwed teen-agers.

More than half of such births—2,921 out of 5,458 in 1969—were to mothers who lived in city service areas 4, 6 and 7: Anacostia, the model cities area and the Cardozo-Mount Pleasant-Soldiers Home area.

Anacostia—south of Pennsylvania Avenue SE—showed the least favorable statistics. Anacostia had in 1969, the highest number of babies born with inadequate prenatal care, the highest number of immature births (babies whose small size threaten their lives) and the highest number of premature births for a city service area.

The District figures are far higher than those for the nation as a whole and also higher than those in the Washington suburbs.

Dr. Carl Shultz, director of the office of population control in the Department of Health, Education and Welfare, said the national illegitimacy rate is now about 10 per cent.

In Fairfax, the figure in 1970 was 4.9 per cent; in Alexandria in 1970, 11.7 per cent; in Montgomery County in 1970, 5 per cent; in Prince Georges County, 7.3 per cent.

Standard noted that since 1969, the last year the report covers, the City Council has passed a regulation directing his department

to provide information and birth control devices to all females without regard to marital status, age or parental consent.

"We realize this (out-of-wedlock births) is a problem; nobody's trying to hide it. But our hands were tied before the regulation was passed," Standard said.

Standard said his department gave birth control information or devices to 18,453 persons in 1971, up from 17,825 in 1970. He said the devices are dispensed from the city's 12 neighborhood health centers and that his office has conducted an extensive public information campaign to publicize birth control.

Among other findings in the report:

The city's overall birth rate is declining, although in 1969 the figure was 1 per cent more than in 1968.

Families are having fewer children. In 1961, only 30.8 per cent of all children born were the first-born to the mother, but the figure in 1969 was 44.7 per cent. In 1961, 29.5 per cent of the babies born were to families that already had at least three children. The figure in 1969 was 17.3 per cent.

The infant mortality rate is declining steadily, especially for black residents. For all residents, the rate was 3.5 per cent in 1965 and 2.9 per cent in 1969. For blacks it was 3.8 per cent in 1965 and 3 per cent in 1969. For whites it was 2.3 per cent in 1965 and 2.1 per cent in 1969.

Premature births were listed as a cause for infant deaths twice as often for black babies as for whites.

Maryland and Virginia residents account for a large share of the babies born in the District. While there were 27,784 births in the city in 1969, only 14,113 babies were born to Washington parents. About 9,965 were born to residents of Maryland, 3,541 were born to Virginia residents, and 144 were born to residents of other states. Twenty-one were not listed by residence.

The leading causes of death in 1969 to city residents were heart disease, 36.8 per cent; cancer, 18.6 percent; heart and blood vessel (cerebrovascular) diseases, 8.8 per cent; accidents, 4.9 per cent, and influenza and pneumonia, 4.7 per cent.

[From the Washington Post, Mar. 12, 1972]

INTELLECTUAL RACISM?

STANFORD PROFESSOR STRESSES INFERIORITY OF NEGROES

(By Leroy F. Aarons)

PALO ALTO, CALIF.—Someone had painted "Sterilize Shockley" on a wall of the Stanford University campus. A slight, white-haired man walked up to it, turned around, and posed while a friend took photographs.

The man was William Shockley, Nobel laureate for co-inventing the transistor, and, of late, increasingly a subject of controversy for his view that blacks are genetically inferior to whites.

The picture-taking incident illuminates the dimension of the man who is stirring up the Stanford campus. Shockley is a tough, abrasive individual of 62, who peddles his unpopular theories with missionary zeal and obviously relishes the controversy they generate.

He has been pushing those theories since 1965, and has had his share of demonstrations while lecturing on other campuses or at scientific meetings. But Stanford, where he holds a half-time chair in engineering science, had always been a sanctuary—until recently.

Since January, Shockley's classroom has been the target of two disruptions; he has been burned in effigy at a rally; "Sterilize Shockley" and other anti-Shockleyisms are the most popular graffiti on campus and the Stanford Daily is filled with letters, columns and editorials debating the Shockley issue nearly every day.

Shockley is not alone. Other individuals who expound the possibility of a genetic basis for racial differences in intelligence have been "zapped" at a regularly increasing rate, in what seems to be a concerted effort by the radical movement to rally against so-called intellectual racism.

Within the last two weeks, radicals at Berkeley invaded the Faculty Club and demanded that Chancellor Bowker fire Arthur Jensen, the psychologist whose theories on genetics and race have made him a national target. Demonstrators later disrupted a speech at the University of Iowa by Harvard psychologist Richard Herrnstein, who suggested in an article in *Atlantic Monthly* last September that there may be radically genetic differences in intelligence.

Moreover, the SDS announced in a recent issue of *New Left Notes* that these scientists would be a prime subject of the SDS national convention at Harvard at the end of the month.

At Stanford, leaders seeking an issue to galvanize the divided and weakened radical movement have latched on to Shockley as a natural. "He is definitely going to be a focus for Third World action," said Kwomping Ho, one of the students who rallied Shockley's classroom. "They are coalescing around Shockley."

The Stanford Administration, which until recently could quietly compartmentalize Shockley as something of a brilliant and probably harmless eccentric, now finds itself handling a hot potato. Shockley is rapidly becoming an embarrassment, for these reasons:

The firing of Bruce Franklin, Stanford's Maoist English professor, for inciting to riot has raised the sensitive question of the limits of free and responsible speech on a university campus. Those who see Shockley's views as thinly disguised racism are asking whether Stanford's administration can continue to provide him a cloak of respectability.

Others, including many in the administration defend Shockley's right to say anything he wants short of incitement, but pressure from radical groups and some liberal voices on the faculty has begun to have its impact.

Shockley himself has forced the issue by becoming increasingly vocal, both on campus and off, and by formally proposing that he teach a special graduate course on racial aspects of eugenics (improvement of the species through genetic selection) and dysgenics (deterioration of the species by a kind of genetic pollution). The Graduate School finds itself faced with two very touchy questions: Would not a course by Shockley on racial genetics in itself be incitement to riot? Can it in good conscience endorse a course on genetics by a man whose expertise is in physics and engineering and who simply shifted fields late in his career?

The issue has been turned over to an ad hoc graduate school committee, which expects a decision in two weeks. But Shockley has already branded the proceedings star chamber.

Finally, and probably most significant, Shockley has become embroiled in a dispute with a black graduate student from Nigeria—the first black student he has taught. The dispute has racial overtones and has moved the issue from the abstract area of ideas to the hard questions of a teacher's attitude toward his students. So far, the university appears to be ducking the issue.

A word about Shockley's theories and how they grew. They germinated more than six years ago, when Shockley turned his thoughts from a brilliantly successful career in physics to contemplating the future of mankind.

At a seminar of Nobel laureates on that same subject at Gustavus Adolphus College in Minnesota, he began shaping and articulating those thoughts, and in November, 1965, expressed them in an interview in *U.S. News & World Report*.

In that interview he spoke for the first time to a large audience about people with "inferior ability": "Not only are they dull but they need help to survive. Most cannot advance and some are a threat to other people."

Over the years, Shockley refined these theories focusing primarily on the Negro. His more contemporary statements hold that the generally accepted I.Q. disparity between whites and blacks is due principally to heredity; not environment that "our nobly intended welfare programs" are simply perpetuating and expanding that portion of the population at the lower end of the scale which is largely responsible for crime; that blacks improve in intelligence with each 1 per cent of Caucasian ancestry; that "if those Negroes with the fewest Caucasian genes are in fact the most prolific and also the least intelligent, then genetic enslavement will be the destiny of their next generation."

More recently, Shockley suggested as "a thinking exercise" that bonuses be offered for voluntary sterilization of the less competent.

"At a bonus of \$1,000 for each point below 100 I.Q.," says Shockley, "\$30,000 put in trust for a 70 I.Q. moron potentially capable of producing 20 children might return \$250,000 to taxpayers in reduced costs of mental retardation care."

Shockley has done no field research of his own to support his position, but has extrapolated from other studies. His research is supported by \$35,000 in grants from foundations and individuals.

He concedes that the data available is extremely sparse, and charges that this is because psychologists and geneticists have timidly avoided the politically sensitive question of genetic differences in intelligence.

At the same time, he has infuriated other scientists with what they see as sweepingly generalized conclusions drawn from limited information.

"Our objection is to the style in which his questions are posed," said Joshua Lederberg, Nobel prize-winning geneticist at Stanford. "It is absolutely offensive and self-defeating to the spirit of scientific inquiry. They raise grave questions themselves as to whether his intentions are scientific inquiry or the turmoil that has resulted."

The escalation of the Shockley affair on the Stanford campus began in mid-January, after Bruce Franklin was fired. Radicals launched a series of classroom disruptions against a number of targets—one of which was Shockley's six-student advanced graduate seminar in quantum mechanics.

Four persons were charged for campus infractions in the first disruption, Jan. 18 and six were arrested by county police for invading Shockley's class on Feb. 3, wearing Ku Klux Klan sheets and offering Shockley a free sterilization certificate.

It was between the two disruptions that Shockley and his one black student, 26-year-old Oladele Ajayi, clashed. As Ajayi tells it (Shockley will not discuss the matter), his experience in the course which began in early January was routine until the first disruption.

During that disruption, Shockley commented in Ajayi's presence that blacks were at Stanford when sons of professors could not get in.

Later, according to Ajayi, Shockley told him, "I should be perfectly honest with you about my theories," and "In all probability you come from the upper percentile of where you come from."

Ajayi took this as a racial slur at the time. A week later, Shockley told Ajayi he had used the wrong method in answering one homework assignment as "a mess." During discussions over that period, Ajayi remembers Shockley telling him that "certain students do better in certain subjects than other stu-

dents" and urging Ajayi that he drop the course for credit and audit it.

At one point, Ajayi reports, Shockley told him he was incapable of grading Ajayi's work because of the strong emotions on campus over the racial issue.

Ajayi, who is nonpolitical was enraged and agitated over this treatment. He publicly exposed the conflict while disrupters were in the classroom the second time. Soon after that, Ajayi dropped the course.

But not the issue. He is convinced that Shockley had made a "political decision" after the first disruption that to continue Ajayi in the course and have to grade him would be too delicate a matter.

The Engineering Department, in a preliminary report on the issue, concedes that Shockley said things that could be interpreted as discriminatory by Ajayi, but concluded that Shockley was within his rights to criticize Ajayi's course work. It recommends no further action.

The university—other than establishing a new procedure for student grievances—plans no further action. "If the student is satisfied, there is no stimulus for further investigation," said vice provost Robert M. Rosenzweig, "It's hard for me to visualize an investigation that is conclusive in this instance."

Ajayi, who is taking a doctorate in material sciences, said he became so emotionally upset that he suffered severe headaches, had to leave the campus and even thought about going home to Nigeria. He has filed a formal complaint with his government. He feels that the university has sidestepped the whole affair.

"Shockley's views are dangerous," he said. "To the extent that there has been a genuine effort to minimize differences, people like Shockley try to set back the hands of the clock. He has been overprotected. It has taught me to be more cautious, get my education, pack and get out of this country."

Shockley lives in a comfortable home on the Stanford campus, furnished in Early American. He is a cautious and combative man who tends to be highly suspicious of interviews—especially reporters. He tapes nearly all his conversations—in person, or by telephone.

"It is my intention to use significant members of the American press," he told me immediately, "as the blocks or pulleys . . . and the First Amendment as a line upon which I shall endeavor to exert a force so as to deflect the rudder of public opinion and turn the ship of civilization away from the dysgenic storm that I fear is rising over the horizon of the future."

With that beginning, we launched into an hour-long, (taped by him) discussion, frequently interrupted by the telephone. At one point, I questioned the size of his sample in determining that American Orientals are of superior intellect because they get elected to the National Academy of Sciences at a 10 per cent higher average than non-Orientals.

Shockley responded by attacking my lack of knowledge about statistics.

Later, I asked him the source of the conclusion—often used in his arguments—by psychologist Harry Harlow that at least half the difference in black-white intelligence is due to genetics.

"I don't know, except extrapolations from monkey to human," Shockley replied. (Harlow is known for his experiments with monkeys in extreme isolation.)

"Why did you accept it?" I asked.

"Because it fits into a pattern of a wide range of different kinds of data."

But did you ever try to check out the scientific basis of Harlow's conclusions? Shockley ducked and accused me of being no better than the German intellectuals of the 30s who failed to recognize and expose Hitlerism. ("And I assume you are Jewish," he noted.)

I asked him if he was enjoying all the attention he was getting. "You get mixed

emotions on all this," he said. "In a sense I'm a very fortunate fellow to get started on something as important as this."

Why, in his opinion, has the thing escalated so? "The situation is 'hotting' up. I have seen a copy of a communist newspaper which announces a plan to get after Shockley, Herrnstein and Jensen . . . Most of the attacks are not particularly disturbing because they fall so neatly into the pattern of interpretation I've already set up."

It seemed, as the interview ended, that the situation will get hotter before it gets cooler. Shockley obviously has no intention of pulling back. And the radical opposition is plotting to upgrade the anti-Shockley campaign. Ultimately, the liberal middle, and the university itself will be drawn into the maelstrom.

"I felt right from the start that this is one issue that had more explosive potential than Bruce Franklin," said vice provost Rosenzweig.

NATIONAL HUNTING AND FISHING DAY

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. HAGAN. Mr. Speaker, in these days of conservation-conscious efforts to preserve our wildlife and our natural resources, we are seeing a renewed awakening to this cause all across the country. Here in Congress we will be given the opportunity to recognize this cause in a special way.

We will soon be considering a resolution declaring the fourth Saturday of each September as "National Hunting and Fishing Day." A good number of our colleagues have joined in cosponsoring this resolution, similar to Senate Joint Resolution 117, which passed the Senate last week.

As one of the cosponsors of this proposal I believe it is important that we set aside a time for special recognition of our dedicated and responsible outdoor sportsmen whose efforts in the area of conservation is beneficial to every citizen everywhere. Their concern that our great outdoors be preserved for future generations is indeed a worthy one.

Robert Hollingsworth, a good and longtime friend from my hometown of Sylvania, Ga., is the editor and publisher of the Dixie Sportsman, a much read monthly periodical focused on the interests of outdoor sportsmen. Most of his life has been devoted to the promotion of constructive and full enjoyment of our beautiful outdoors. He has made thousands of folk aware of the responsibility we have for our natural resources while enjoying their recreational values. Robert Hollingsworth relays to his readers the importance of becoming actively involved in worthwhile conservation projects. His appeal is to both the young and old. A good example is his support of the open house program being spearheaded by the National Shooting Sports Foundation, Inc., in connection with the promotion of National Hunting and Fishing Day. I am pleased to bring this fine editorial to your attention.

NATIONAL HUNTING AND FISHING DAY

We are passing on to you some information given to us by National Shooting Sports Foundation Inc. As you will note below, September 23, 1972, is being promoted as National Hunting and Fishing Day. All of our hunting and fishing clubs are being asked to participate in this fine promotional venture which will call attention to the public the importance that our sportsmen play in good conservation practices throughout this big Nation of ours. The important role that our sportsmen play as financial contributors to wildlife conservation, recreational development and their staunch and unwavering support of our boys and girls in their outdoor club activities should be a topic for praise and approval from the general public on this important day. Get your red pencil right now and mark this important day on your calendar—it's September 23, 1972.

September 23, 1972, may be the most important day in the lives of 55 million hunters and fishermen. Every hunting, fishing and conservation club in America is being asked to hold an OPEN HOUSE for the public to dramatize sportsmen's contributions to conservation and to introduce the public to outdoor skills.

National Hunting and Fishing Day officially recognizes the role of America's sportsmen in conservation and outdoor recreation. Resolutions now in Congress not only establish NHF Day but ask hunters and anglers to lead the public in a rededication to the conservation and respectful use of our wildlife and natural resources.

You and your club are invited to take the leadership in your community with an OPEN HOUSE which shows your friends and neighbors what sportsmen are doing for conservation . . . and have done the past 70 years.

CONSERVATION NEEDS NEW FRIENDS

No one can do more for conservation than you, working in your own community on a friendly person-to-person basis with your neighbors and business associates. Open house is the perfect way to show your friends that the American sportsman is the best friend fish and wildlife ever had.

Your club facilities can be adapted for conservation displays and exhibits. Perhaps you'll want to show conservation movies all day in your clubhouse. Open house is an ideal time to plan trees and wildlife borders or to raise funds for some local conservation project. Just think of the help you can get from civic clubs, schools, your state game and fish department, new environmental clubs and garden clubs.

If you and each of your club members bring five friends apiece out to your club, how many new friends can your club win for conservation? What if this is multiplied by the thousands of clubs across America? Sportsmen can be the key to winning the campaign for conservation.

Open house is an ideal way to get youngsters started in conservation and basic ecology. Invite them from the beginning to help you make displays and to bring school exhibits. They'll be glad to bring their friends out on September 23.

SKILL CENTERS

Too many of the American public have never had the chance to cast a plug or shoot a clay bird. They simply don't know how much fun it can be learning an outdoor skill . . . shooting a bow or rifle, pitching a tent or catching a fish. You, as a practicing sportsman, can show them in an hour more than they could learn in a lifetime of reading.

It's easy for your club to set up hay bales for archery. If you don't have a pond, you can still teach casting on dry land. A practice trap can be set up for any clay targets, and any range can be used for firearms safety. With

the existing nucleus of your club, you can set up a series of training stations for varied outdoor skills.

Every club has plenty of experts in the outdoor skills who'll volunteer to teach youngsters how to cast and shoot. You can also tie in with other clubs in your community and can expect help from the sporting goods dealers. Police and sheriff departments are always glad to help with community programs, and your club should certainly ask their help.

Your open house can be just like a small fair—something for everyone. Conservation displays and exhibits and movies and happenings. And everyone will want to get a chance to shoot and cast and try his luck at outdoor skills.

PUBLICITY FOR OPEN HOUSE

You'll have a lot going for you when your club decides to hold open house September 23. Civic leaders will be glad to support it, and you might well get a newspaper or broadcasting station to be a cosponsor.

Pennsylvania has had two Outdoor Sportsman Day celebrations, but the idea really caught fire when Sen. Thomas J. McIntyre introduced S.J. Resolution 117 in Congress last year which calls on President Nixon to declare the fourth Saturday of each September "National Hunting and Fishing Day." Sen. McIntyre's resolution has been cosponsored by 32 senators. Since Rep. Bob Sikes offered H.J. Res. 798 in the House last year, 13 identical resolutions have been introduced. Indications are that Congress will pass the resolutions in time for sportsmen to prepare for the first National Hunting and Fishing Day on September 23, 1972.

With hundreds of prominent legislators, governors, mayors, and civic leaders supporting NHF Day, the news media will be glad to tie in with your local open house.

AN APPEAL FROM SOVIET JEWS

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. BELL. Mr. Speaker, earlier this year I was a guest of the Soviet Union and toured Russia with my colleagues on the Select Subcommittee on Education.

While there, I also took the opportunity to visit and talk with a number of Jews about their life. The repercussions of our trip—particularly my activities and those of Congressman SCHEUER—received national coverage.

I believe it unnecessary to recount the details of these incidents, but it is still significant to note once more that the publicity our visit elicited clearly illustrates the extreme sensitivity of the Soviet Government to one of their more serious domestic problems, and it is encouraging to witness their awareness of this difficulty.

I made it a point following this trip that a process of "cultural genocide" is being directed against the Jewish people in the Soviet Union, and in support of this view, I offer a letter which was forwarded to me by a group of Soviet Jews, including several whom I met in Moscow.

Even though emigration policies have become somewhat less rigid in Russia during the last few years, I think the free

world has an obligation to keep itself informed about this matter. And since this letter poignantly describes the plight of some Soviet Jews today, I strongly recommend careful consideration of its contents. The letter follows:

APPEAL TO THE MEMBERS OF CONGRESS OF THE UNITED STATES

To you, members of Congress, the highest legislative organ of the United States of America, appeals a group of Jews of the Soviet Union.

In correspondence with the Soviet law and clauses of the General Declaration of Human Rights (art. 13, cl. 2) we submitted to the authorities of the USSR a petition about our departure for Israel. But against the obligations of the USSR Government to fulfill regulations, stipulated by the articles of the General Declaration we are for a long time unlawfully refused in permission to leave.

All of us were compelled to leave our former jobs and most of us don't work anywhere for a long time. Thus neither at present nor in future we are of any value for the Soviet Union as specialists. But nevertheless Soviet authorities feel, probably, sort of satisfaction, opposing our useful activity for the welfare of the Jewish State, for the good of mankind. We believe that such inhuman policy of the Soviet authorities, aimed at suppression of socially useful activity of a whole category of people just because they have decided to move to their national Motherland, can not but meet censure from the part of international public.

Having in vain used all possibilities of appealing to Soviet authorities, we appeal to you for the first time. We are kept in this country like hostages, like slaves contrary to international law, contrary to common sense, contrary to the interests of human society. But hostages and slavery are the disgrace to civilized world living in the last quarter of the 20th century. Even two centuries ago your great predecessors Lincoln and Jefferson called to society to put an end to slavery and injustice and we hope that you, members of the Congress of the USA will follow these best traditions and use your vast influence to help us in the name of restoration of human rights, in the name of justice.

Yours respectfully,

Victor Jolsky, Moscow 42 years old, Ph.D., family of 5 persons.

Alexander Lerner, Moscow, 58 years old, D.S., family of 4 persons.

Pavel Abramovitch, Moscow, 35 years old, electronics engineer, family of 3 persons.

Yosef Begun, Moscow, 39 years old, Ph.D.

Yilia Korenfeld, Moscow, 48 years old, mechanical engineer, family of 4 persons.

Vladimir Slepak, Moscow, 44 years old, radio engineer, family of 4 persons.

Vladimir Prestin, 37 years old, electronics engineer, family of 3 persons.

Gavriel Shapiro, Moscow, 26 years old, chemical engineer.

Grigory Svechinsky, Moscow, 31 years old, engineer.

Sergey Gurwitz, Moscow, 26 years old, Ph.D.m, family of 3 persons.

Boris Orlov, Moscow, 41 years old, historian, family of 5 persons.

Petr Lwovsky, Moscow, 34 years old, construction engineer, family of 3 persons.

Vladimir Machlis, Moscow, 27 years old, pilot.

Ada Gershovitch, Moscow, 28 years old, electronics engineer, family of 3 persons.

Boris Kogan, Moscow, 34 years old, lawyer.

Lazar Lubarsky, Moscow, construction engineer, family of 4 persons.

Michall Kiyachkin, Moscow, 30 years old, engineer.

David Markish, Moscow, 30 years old, translator, family of 3 persons.

Emmanuil Smelyansky, Moscow, 38 years old, metallurgist, family of 3 persons.

Stella Goldberg, Moscow, pianist, family of 3 persons.

INSIDE A NURSING HOME

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. PEYSER. Mr. Speaker, President Nixon announced last summer an eight-point program for improving our Nation's nursing homes. In initiating the program to upgrade the Federal enforcement machinery, the President said that "some nursing homes are warehouses for the unwanted."

Nursing homes receive over \$1 billion or 40 percent of their total income from the Federal Government. Therefore, attempts to upgrade nursing homes are naturally of concern to the Congress. Recently, an excellent article on this subject appeared in the Herald Statesman of Yonkers, N.Y., which I would like to include in the RECORD for the information of my colleagues. This article is an interesting account of the writer's experiences during a brief job as a nurse's aide in one of the nursing homes in Westchester County:

[From the Herald Statesman, Yonkers (N.Y.) Feb. 16, 1972]

FIRES ARE A CONSTANT WORRY FOR THE SICK AND AGED

(NOTE.—Jeanne Toomey of the Mount Vernon Daily Argus news staff recently took a first hand look of life inside a nursing home when she posed as a nurse's aide. Legally, she found nothing wrong. What she did find is described in a series of articles beginning today.)

What's life like for almost 4,000 aged and ill persons who live in nursing homes in Westchester?

For the residents, it's an earthly limbo where everyone seemingly tries his best, but where the results fall short of idyllic.

Nor is life so hot for those who serve the elderly.

I found it to be both backbreaking and frantic when I took a job as a nurse's aide in a Mount Vernon nursing home to find out what it would be like.

Between chores, I saw things that visiting relatives, occasional inspecting teams from city and county—indeed, even regular staff members at the nursing home—might not notice.

Here are the impressions I formed while rushing to lift, clean and feed the residents; of the quiet moments when I tried to give some extra attention to a particular old person, and of the times when, at wit's end, I wondered, "why, oh Lord, why?"

There were 30 patients at the three-story stucco institution where I worked. Taking care of them were three nurses aides on duty at a time in addition to a "floating" one, a registered nurse, a housekeeper, a cook and an assistant.

Staircases were wooden. A paint shop was in the cellar. The third floor was actually connected to a wooden attic, or storage section, by a wooden door.

Its neatly painted white exterior fits perfectly in a fine section of Mount Vernon's north side. Apparently, it was a private residence in former days.

Little time was left for conversation between residents and employes, mainly because of the rush and pressure of work which prevented socializing.

But an executive there also discouraged "coddling" of patients.

In fact, I was bawled out for joking around with a blind woman on the second floor while helping her put her hair up in rollers.

When I reminded the executive that I was on my lunch hour, she shrugged and coldly said that fraternizing with patients would just make the work harder for the rest of the employes. She then ordered me to sit out with the rest of the help and watch television.

Lunch hour over, it was time for more changing of diapers for the incontinent, straightening of beds, and giving a good impression to the relatives who might drop in at any time—as the supervisors kept reminding me.

Another blind woman lived on the first floor. A sweet, but deaf, old soul, she communicated by writing on pieces of cardboard.

Almost half of the patients had serious difficulty walking. Some were completely bedridden. Two on the second floor were cancer patients, and one of them was a terminal case. A woman on the first floor had stomach cancer, I was told, but she was able to move around quite well.

Considering the mental state of many of the patients, as well as their physical deterioration, it seemed an impossibility that more than a few could survive such things as a flash fire.

Fire Chief Alexander W. Leggat told me that all nursing homes in the city have interior alarms with fire boxes.

He did say that the new building code now prohibits building above the second floor, unless materials are all fire resistant. This, however, is an issue currently being tested in the courts.

I kept wondering, however, what would happen if a fire were to break out in the old building, not covered by the code, where I worked.

I would even visualize the whole frame box ablaze, the firemen rushing to the rescue the nurses' aides, the R.N., the domestic workers and the patients, choking, screaming in the smoke and trying to get down blazing staircases.

It was this kind of concern—and my inability to do anything about it, which made nursing home work an emotionally trying task.

FOREIGN AID FUNDS MAY BE CUT OFF TOMORROW BECAUSE OF REFUSAL TO PROVIDE CONGRESS WITH VITAL INFORMATION ON CAMBODIA

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. MOORHEAD. Mr. Speaker, I take this occasion to inform my colleagues of a very serious situation—the impending cut-off of all funds for the operation of all U.S. foreign assistance programs, as provided for in section 634(c) of the Foreign Assistance Act of 1961, as amended.

For almost a year, the Foreign Operations and Government Information Subcommittee has been investigating the economy and efficiency of our AID program in Cambodia, now known as the Khmer Republic. We held hearings last



July and additional hearings last month. In connection with our investigation the subcommittee requested from AID copies of the so-called country field submissions for Cambodia for fiscal year 1972 and 1973. Such documents, usually classified, have been furnished routinely to our subcommittee for many years. In fact, just last year we were given copies of similar documents relating to our AID programs in Vietnam, Laos, and Thailand for subcommittee use in related investigations and hearings involving those countries.

Much to our surprise, our routine staff request for the Cambodian data was rejected by AID officials in January. Subsequent conversations with high level AID legal and program officials revealed that the documents being sought by the subcommittee were being withheld on instructions of a higher authority. Additional discussions with officials of the State Department have made it clear that the orders to withhold come from the White House.

Correspondence with Mr. Roderic O'Connor, Coordinator for Supporting Assistance, AID, produced only the offer to "brief" the subcommittee on the contents of the documents and submitted a "sanitized" résumé. The offer is totally unacceptable as it infringes upon the full right of Congress to obtain information essential to carrying out the oversight responsibilities to make certain that American taxpayers' funds are being spent wisely and in accordance with the law.

On February 9, 1972, I wrote Secretary of State Rogers on this matter and invoked the provisions of section 634(c) of the Foreign Assistance Act of 1961, as amended, which provides for a cutoff of funds after a 35-day period unless the requested document is delivered or a certification is made by the President setting forth his reason for not making it available. The 35-day period under this request expires on Wednesday, March 15.

Mr. Speaker, I hope the President will recognize the right of Congress to have the information necessary to participate in the processes of Government, but I am worried that he will not. I hope he will recognize the right of Congress, because I do not want to see an important foreign aid program halted. I am worried he will not because of the expressed attitude of Mr. Henry Kissinger, his major foreign affairs adviser. Just before he took his new job Mr. Kissinger wrote an essay for the security studies project of the University of California. One of his statements, requoted on March 7, 1972, by Mr. George Sherman in the Washington Evening Star, was:

Thus the only way secrecy can be kept is to exclude from the making of the decision all those who are theoretically charged with carrying it out.

While Mr. Kissinger probably was commenting about the State Department bureaucracy, I fear his attitude applies equally to the Congress.

I include at this point in the RECORD the exchange of correspondence referred to above and the full text of section 634(c):

FEBRUARY 9, 1972.

HON. WILLIAM P. ROGERS,  
Secretary of State, Department of State,  
Washington, D.C.

DEAR MR. SECRETARY: This letter constitutes an official request by the Foreign Operations and Government Information Subcommittee of the House Committee on Government Operations for the Country Field Submission for Cambodia for the fiscal years 1972 and 1973.

This information is needed in connection with the Subcommittee's continuing study of economic assistance programs in Southeast Asia. The Department of State and the Agency for International Development have been cooperating in this study for a number of years.

During that time, the Subcommittee always has been provided every Country Field Submission it has ever requested and their contents have in each of the numerous instances been completely safeguarded according to classification.

We would greatly appreciate your prompt and favorable response to this request in view of the fact that Subcommittee hearings on Cambodia will resume Thursday, February 17.

With kind regards,  
Sincerely yours,

WILLIAM S. MOORHEAD,  
Chairman,  
House Foreign Operations and Government Information Subcommittee.

DEPARTMENT OF STATE,  
Washington, D.C., February 21, 1972.  
HON. WILLIAM S. MOORHEAD,  
Chairman, Subcommittee on Foreign Operations and Governmental Information,  
Washington, D.C.

DEAR MR. CHAIRMAN: The Secretary has asked me to reply to your letter of February 9 requesting the Country Field Submission for Cambodia for the fiscal years 1972 and 1973.

Since response to your request requires coordination within the Department of State and with the Agency for International Development, I am writing you to advise that we are giving your request careful consideration and will write you again as soon as we are in a position to give a substantive response.

Sincerely yours,  
DAVID M. ABSHIRE,  
Assistant Secretary for Congressional Relations.

DEPARTMENT OF STATE,  
Washington, D.C., February 23, 1972.  
HON. WILLIAM S. MOORHEAD,  
Chairman, Subcommittee on Foreign Operations and Government Information,  
Washington, D.C.

DEAR MR. CHAIRMAN: The appropriate officers within the Department as well as the Agency for International Development have now had an opportunity to study your request by letter of February 9, 1972, for a copy of the Country Field Submission for fiscal years 1972 and 1973 with respect to Cambodia and I am therefore now able to follow up my letter of February 22, 1972 with a substantive response to your letter.

The annual Country Field Submission (CFS) is prepared by the concerned officers working in the particular country, and sets forth their collective assessment of current programs and their recommendations regarding plans and appropriations for the next fiscal year. This document is an internal working document which discloses tentative planning data on future years which are not approved Executive Branch decisions. Because of this important role played by such internal documents it is important that their authors' candor and independence of judgment be assured. It has traditionally, and, I believe, properly, been felt that this candor

and independence, the very integrity of the Executive Branch processes, are best preserved if the confidentiality of such documents is adequately protected. Similar considerations have underlain the traditional confidentiality of certain committee sessions, staff memoranda and other aspects of the internal processes of Congress, as well as analogous processes of the Judicial Branch.

On the other hand it is beyond dispute that the proper discharge by Congress of its constitutional functions is dependent on its being adequately informed, and to this end the Secretary of State and the entire Department have striven to be responsive to congressional requests for information to the maximum extent consistent with the principles outlined above. This is done in many ways, through testimony in public and in executive session, briefing and written presentations.

Certainly the planning material and factors relating to this program are important information which your Subcommittee should have at this disposal, and I therefore propose that they be made available in a form which will provide you with complete information necessary to proper performance of the Subcommittee's functions, while preserving the integrity of the formulative process of which the CFS is an indispensable part. AID is prepared to give your Subcommittee a full oral briefing, and, in addition, is undertaking to prepare especially for the Subcommittee, on an expedited basis, a detailed written presentation, both in classified form. In this manner your Committee can receive promptly the full substance of the information it seeks.

The Coordinator of the Supporting Assistance Bureau of AID, Roderic O'Connor, will be communicating with you directly to make the appropriate arrangements.

If I can be of any further assistance in this or any other matter, please do not hesitate to let me know.

Sincerely yours,

DAVID M. ABSHIRE,  
Assistant Secretary for  
Congressional Relations.

DEPARTMENT OF STATE,  
Washington, D.C., March 3, 1972.  
HON. WILLIAM S. MOORHEAD,  
Chairman, Subcommittee on Foreign Operations and Government Information,  
Washington, D.C.

DEAR MR. CHAIRMAN: In Mr. David Abshire's letter of February 23, regarding your Committee's request for the Country Field Submission (CFS) for Cambodia, he proposed that AID make available to the Subcommittee a detailed account of the planning material and other factors relating to the economic assistance program contained in the FY 1973 CFS. He stated that the material could be made available in a form which would provide you the complete information necessary to the proper performance of the Subcommittee's functions while, at the same time, preserving the integrity of the formulative process of which the CFS is an indispensable part, and that this could be accomplished by a full oral briefing by AID along with a detailed written presentation—both in classified form. Finally, Mr. Abshire advised you that I would be communicating with you directly to make the appropriate arrangements.

You will recall that in our February 24 meeting, I repeated that offer, advised the Subcommittee that I would be sending forward shortly the written material, and volunteered to meet with the Subcommittee, at its convenience, to provide an oral briefing on the CFS.

In your letter, you requested copies of the CFS for both FY 1972 and FY 1973. There was no Cambodian CFS for 1972 because our economic aid program had not yet been re-

sumed in the summer of 1970, the period when the FY 1972 CFS would have been prepared. We therefore had no field staff in Phnom Penh. I am attaching a resume of the FY 1973 CFS.

It should be pointed out that the CFS is essentially a budget document designed to recommend and justify a certain level and composition of economic aid. The sections of the CFS that deal with the political and military situations represent a backdrop for that purpose. But it should be understood the CFS is not a planning document dealing in those areas; it accepts as datum the policies and programs formulated by others and fits the economic rationale into that matrix. I feel certain the Subcommittee understands, therefore, that although the CFS has chapters entitled "Military Situation" and "Political Situation" it does not imply that the CFS is plowing new ground or making new projections in these substantive fields. By far the largest part of the document is devoted to discussion of economic conditions, projections, and aid requirements.

The Subcommittee should also have in mind the time frame of the CFS. It was prepared in July of 1971 and purports to describe a program covering the period July 1972 to July 1973, almost two full years later. The program in Cambodia is beset with uncertainties greater than those experienced in other programs. The newness of the program combined with the dislocations of the war have served to compound the normal set of variables and uncertainties. Some of our Mission's projections of how the economy will develop have already proved amiss and this factor will, of course, influence our decision on the funding level request for FY 1973.

I stand ready to supplement this material with an oral briefing. I have planned a brief vacation between March 3 and March 13 during which time I will be out of town. I await word from you as to the most convenient time for the subcommittee.

Sincerely yours,

RODERIC L. O'CONNOR.

MARCH 3, 1972.

HON. WILLIAM P. ROGERS,  
Secretary of State, Department of State,  
Washington, D.C.

DEAR MR. SECRETARY: This is in response to Assistant Secretary Abshire's February 23 letter relating to this committee's February 9 request for the Country Field Submissions for Cambodia for the Fiscal Years 1972 and 1973, which the Department of State subsequently declined to provide. Such action, of course, automatically invoked the provisions of Section 634(c) of the Foreign Assistance Act of 1961, as amended.

As pointed out in our original request, these documents have never been denied to the House Committee on Government Operations under the past three administrations until now, nor should they be. We reiterate that these documents are absolutely essential to comply with our mandate from the House of Representatives to study the economy and efficiency of Government activities at all levels. The underlined phrase is quoted directly from House Rule XI, Clause 8, setting forth the Committee's jurisdiction.

Your alternative suggestion for an oral briefing and a sanitized written presentation simply is not acceptable.

I respectfully urge that the Department of State reconsider its decision. Adherence to this position can only raise questions in the minds of Members of Congress and the public that the Executive branch is trying to hide something it is either ashamed of or unable to defend.

With kind regards,

Sincerely yours,

WILLIAM S. MOORHEAD,  
Chairman.

#### TEXT OF SECTION 634

(c) None of the funds made available pursuant to the provisions of this Act shall be used to carry out any provision of this Act in any country or with respect to any project or activity, after the expiration of the thirty-five-day period which begins on the date the General Accounting Office or any committee of the Congress charged with considering legislation, appropriations or expenditures under this Act, has delivered to the office of the head of any agency carrying out such provision, a written request that it be furnished any document, paper, communication, audit, review, finding, recommendation, report, or other material in its custody or control relating to the administration of such provision in such country or with respect to such project or activity, unless and until there has been furnished to the General Accounting Office, or to such committee, as the case may be, (1) the document, paper, communication, audit, review, finding, recommendation, report, or other material so requested, or (2) a certification by the President that he has forbidden the furnishing thereof pursuant to request and his reason for so doing.

L.T. LARRY B. WATTERS, UNITED STATES NAVY

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. VEYSEY. Mr. Speaker, I rise to express to all of my colleagues, an example of the sentiment and the inspiration felt in my district as a result of the presence of the Navy's Blue Angel Flying Team. The following editorial appeared in the Imperial Hometown Review on February 15 and in the Imperial Valley Weekly on February 17, and vividly portrays the feeling of my constituents.

Sadly, the occasion is one of tragedy; the loss of one of the most popular Blue Angels in a training accident. The outpouring of public sympathy and affection felt by my constituents for Lt. Larry Watters and all of the Blue Angels is captured by newspaper editor Nettie Brown in these editorial remarks.

It is an affection, I believe, that runs deep in the lifeblood of our Nation.

I insert the text of that editorial:

L.T. LARRY B. WATTERS, USN

IN MEMORIAM

Blue Angel No. Seven, Lt. Larry Watters, 29, of Fresno, died Monday in service to this nation as surely as if his plane had been shot down in combat over Southeast Asia, where he safely completed 244 combat missions in two tours of duty.

The tragic accident which took his life has in no way lessened the work of the Navy's Flight Demonstration Team in which he was so proud to serve.

Larry Watter's entire life, from early childhood, was a testimony to the inspiration the Blue Angels give to even the youngest youth of the Nation. He recently told us that from the day he first saw a Blue Angels air show, when he was only three years old, he had determined that some day he would fly a Blue Angels plane.

Sturdy of build with an open, smiling countenance, Larry kept his dream bright, and worked to fulfill all the requirements that would lead him towards accomplishment: working hard at school and college;

joining the Navy and winning his Wings in 1968; becoming the best Navy pilot he could, and serving honorably over Viet-Nam, and in other assignments.

Last November he reached his goal when he was ordered to report to the Navy's Flight Demonstration Team as a Blue Angel.

His first assignment with the Team was the demanding role of narrator and liaison officer, with the promise that next year he could be a demonstration pilot.

The enlisted men who worked directly with Lt. Watters thought him the greatest, and knew that he appreciated their work. During his few months on the Team, Larry had also endeared himself to the other pilots.

Not yet quite believing that their friends would no longer be among them, his teammates groped for words to describe the mature trust-worthiness coupled with a warm, fun-loving nature that characterized Lt. Watter's personality:

"Larry was highly regarded by all the Team . . . a talented aviator . . . always dependable . . . appreciative of others . . . religious, and close to his family . . . had a great sense of humor . . . a wonderful outlook on life . . . this is a great personal loss to all of us . . . he will be greatly missed . . ."

Lt. Watters accomplished much both prior to and during his short service to the Navy as a Blue Angel. He won many decorations for gallantry in combat duty. And he died doing what he most wanted to do—fly as a Blue Angel.

Cause of his fatal accident is not yet known. It was the fourth fatal crash of a recruit to the Flight Team during their six winter training seasons at El Centro NAF. A great loss, of course, but a high record of safety, as the Blues engaged in about 100,000 launchings of their aircraft and approximately as many hours of flight during their training years here; to say nothing of their many thousands of miles of flight while on their show tours, giving hundreds of their shows throughout this country and in foreign lands, including flights across both the Atlantic and Pacific Oceans without incident.

The safety records of these precision aviators is the highest in the Navy; and their accidents are only a minute percentage of the rate for ground vehicles, as everyone who has witnessed highway carnage by civilians is aware.

While we join the Blue Angels in grief for the loss of Larry Watters, one of their members who gave so much service to our Nation, we salute his memory because he was a young man who knew what he wanted to do with his life. He set goals of perfection for himself and worked hard to attain them; knew and accepted the risks he faced as a Naval aviator in war and in peace; and died while serving as an integral part of the Navy's training program for other young aviators—work which will live beyond his short years on earth.

This vital, inspiring work of the Blue Angels Team must be carried on in spite of tragedy!

PENTAGON HIDES TRUTH ABOUT BOMBING

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. ASPIN. Mr. Speaker, on January 18, I wrote to the President asking him to provide information about tonnage and sortie rates in each theater of operation in Indochina. On February 29, the distinguished gentleman from Mas-

sachusetts (Mr. HARRINGTON) and I wrote to Secretary Laird asking for the same information.

This request coincides with the major escalation of the air war in Indochina. The air war has particularly intensified over North Vietnam. The United States has conducted more than 90 so-called "protective reaction raids" against North Vietnam thus far this year. The number of B-52 bombers in the Indochina theater has doubled during the past few weeks. Reports also indicate that there has been stepped up bombing throughout South Vietnam and along the Ho Chi Minh Trail.

While the air war is escalating, the Department of Defense is clamping down the lid of secrecy. Last Wednesday, March 8, the command in Saigon refused to disclose the number of sortie attacks against targets in North Vietnam. This is information that has been regularly supplied to newsmen for a number of years but, suddenly, with the air war over North Vietnam heating up, the information is no longer available.

For months the Nixon administration has been claiming that the air war in Indochina is deescalating. Now the opposite is true. The administration is attempting to hide the truth. When American bombers made more than 1,000 individual attacks against North Vietnam immediately after Christmas, the Pentagon listed the 1,000 raids as "one protective reaction raid." During a 29-hour period in February, 250 American bombers attacked North Vietnam, and it was termed "one protective reaction."

The administration refuses to disclose any details about the bombing of Indochina. The only information available is sortie rates over South Vietnam and total tonnage rates over all of Indochina. To fully understand and evaluate the air war in Indochina, it is necessary to know the sortie and tonnage rates over each theater of operation in Indochina—North Vietnam, South Vietnam, Northern Laos, the Ho Chi Minh Trail, and Cambodia. All this information is available to Members of Congress on a classified basis, it is not available to the public. The security classification system effectively gags a Member of Congress, preventing him from fulfilling his responsibility of explaining to the American people the justification for American policy. I may be able to tell my constituents that I think the air war in Indochina is wrong, but I am unable to tell them how extensive the air war really is.

I see no way to justify the withholding of this information. If Members of Congress were asking the Pentagon to disclose current and actual operations taken then this information might be useful to the enemy and be withheld in the interests of national security. All we are asking is information on a biweekly or monthly basis delineating the sortie and tonnage rates in each theater of operations. It is no secret to the people of Indochina that they are being bombed, but apparently the Pentagon hopes to keep it a secret from the American people.

I am inserting at this point of the RECORD the correspondence between

Congressman HARRINGTON and myself and the Pentagon. Also, I am including an editorial that recently appeared in the Boston Globe.

JANUARY 18, 1972.

President RICHARD M. NIXON,  
White House,  
Washington, D.C.

DEAR MR. PRESIDENT: The purpose of the Vietnamization program according to the Administration is to withdraw American forces, achieve a negotiated peace of the conflict in Indochina and win the release of our POW's.

The reality of the Vietnamization program is different. I understand that the United States has increased the number of air attacks against North Vietnam by 440% in the past year. The escalation of the bombing over North Vietnam is, I believe, incredibly inconsistent with the Administration's avowed purposes of winding down the war and getting our POW's out as soon as possible. The Administration claims that it is serious about negotiations with the other side. I cannot accept that contention. No one really believes that the North Vietnamese will seriously negotiate the release of our POW's while we are escalating the bombing of North Vietnam.

In addition, the American people have not been told the full story of the bombing of Indochina. The Administration refuses to disclose the number of sorties flown against North Vietnam each month. All information about the bombing of Laos and Cambodia is considered secret. The only possible motivation for the Administration to keep this information classified is in order to hide the truth about the extent of America's destruction of Indochina.

It's high time that the Administration provided complete information so the American people can know the truth about our bombing of Indochina. Therefore, I am requesting that you direct the Secretary of Defense to provide me with detailed information on sortie rates and tonnage dropped per month over Northern Laos, the Ho Chi Minh Trail, Cambodia and North Vietnam. In addition, I hope that the Secretary will provide me with complete information concerning the number of pilots who were shot down during "protective reaction raids", and the number who are now considered POW's and MIA's.

Sincerely,

LES ASPIN, Member of Congress.

ASSISTANT SECRETARY OF DEFENSE,  
Washington, D.C., March 1, 1972.

HON. LES ASPIN,  
House of Representatives,  
Washington, D.C.

DEAR MR. ASPIN: On behalf of President Nixon, I am replying to your letter of January 18, 1972, regarding sortie rates and tonnages dropped over Laos, the Ho Chi Minh Trail, Cambodia and North Vietnam. You also asked for information concerning pilots shot down during protective reaction strikes and numbers of POWs and MIAs.

The sensitivity of the detailed information on sortie rates, tonnages and target areas which you requested is such that it can only appropriately be discussed in an Executive Session of the Committee on Armed Services. Should the Chairman so desire we would be pleased to brief the Committee with respect to this matter.

During 1971, US air activity in Southeast Asia was lower than any year since the peak year of 1968. From the 1968 level the number of US attack sorties decreased 48% in 1970 and 65% in 1971; B-52 sorties were down almost 40% from the number flown in 1968. The number of US attack and bomber aircraft in SEA decreased from over 1,100 in 1968 to less than 400 by the end of 1971.

Recent increases in US air activity are due to protective reaction strikes against radar sites and also protective reaction

strikes against an enemy buildup which threatens the safety of allied forces.

Total allied air munitions delivered in Southeast Asia during 1971 was 763,000 tons. This was a reduction of 47% over a high in 1968 of 1,437,000 tons.

Aircraft losses in 1971, during protective reaction strikes in North Vietnam and status of the crews, are as follows:

DATE, AIRCRAFT AND CREW STATUS

March 22, 1971, USAF/F4: 2 recovered.  
December 10, 1971, USAF/F105: 1 recovered, 1 KIA.

December 26, 1971, USAF/F4: 2 missing.  
December 30, 1971, USN/F4: 2 prisoners of war.

December 30, 1971, USN/A6: 1 recovered, 1 missing.

The latest figures reveal 480 men are prisoners of war and 1,134 are listed as missing in action.

I hope this information has been helpful.

Sincerely,

DENNIS J. DOOLIN,  
Deputy Assistant Secretary.

HOUSE OF REPRESENTATIVES,  
February 29, 1972.

Mr. MELVIN LAIRD,  
Secretary of Defense,  
Washington, D.C.

DEAR MR. SECRETARY: As members of the House Armed Services Committee charged with the responsibility of voting on the military budget, we are writing to ask you for information which is essential to the effective performance of our duties.

The major burden of the American military effort in Southeast Asia is the air war in South and North Vietnam, Laos, and Cambodia. By any standard, the massive bombing conducted by American forces in these countries represents a major military effort. Yet we are unable to obtain useful, comprehensive information about this activity.

Bombing figures released to the public consist solely of a monthly total for all four countries, and that total is not released until more than forty days after the close of the month which it covers. This is wholly inadequate for any rational purpose. To permit intelligent analysis, bomb totals must be made available on a weekly or at most a bi-weekly basis, broken down according to the country involved. And the figure must include not merely the tonnage of bombs dropped, but the number of sorties flown.

The rationale for American policy in southeast Asia depends heavily on the claims made for the bombing policy. While we are vigorously opposed to that policy, and believe strongly that a date should be set immediately for prompt, secure withdrawal of all military forces from Indochina, we are none the less interested in evaluating vietnamization on its own terms. And that is simply impossible to do with the current restrictive information policy.

For example, no clear estimate can be formulated of the chances of success of the Cambodian or Laotian Governments in their current military activities without knowledge of the range of bombing activity in which we are engaging in these countries. Have recent military reverses for these governments been accompanied by an increase in American support bombing? If so, are we then committed to an increased military role in Cambodia and Laos as long as their own military forces continue to suffer defeats?

Similar questions apply in Vietnam. Are casualty rates closely correlated to our bombing activity? Do decreases in American bombing result in increases in North Vietnamese and Viet Cong military actions?

If so, does this further indicate that our commitment to an escalated military role is open-ended, and that the North Vietnamese and Viet Cong forces have the ability to trig-

ger future American military action as they see fit?

Moreover, as members of Congress, we have a direct interest in the financial aspects of this policy. The air war is clearly one of the major items in the military budget at present, involving multibillion dollar expenditures. Yet we cannot find out where the bombs are falling, at what rate, and to what purpose. In these circumstances it is impossible to make reasoned choices among competing budgetary requests.

We recognize that security considerations are involved, and while we oppose the policy of continued bombing, in no way would we want to do anything that would endanger any of our servicemen. But since we are not asking to be informed about prospective bombing missions, but only for cumulative totals of missions that have already taken place, we see no basis whatever for invoking security as a reason for denying our request. Presumably, once bombs have been dropped, it is no longer a secret to the people who have been bombed, and we find it unthinkable that the American people should know less about past military activity of their government than the victims of that activity.

We have read newspaper accounts of DOD spokesmen arguing that the information we seek is impossible to compile, but we cannot accept this as a justification for refusing our request. If it is true that the Defense Department and the individual services do not in fact know the extent of bombing activity in which they have engaged in a given country in a given week, that is surely a condition which must immediately be corrected. It is certainly hard to square such professions of ignorance with claims that the air war is being carefully and scientifically controlled to produce maximum military results with minimum loss of life. How can you know the effects of your bombing activity if you do not know with any clarity how many bombs you dropped, and on what country you have dropped them?

We hope you will agree that full information for Congress and the public is an important goal.

Very truly yours,

MICHAEL J. HARRINGTON,  
LES ASPIN.

ASSISTANT SECRETARY OF DEFENSE,  
Washington, D.C., March 8, 1972.

HON. LES ASPIN,  
House of Representatives,  
Washington, D.C.

DEAR MR. ASPIN: Secretary Laird has asked that I reply to you and Mr. Harrington's letter of February 29, 1972, concerning the release of information regarding American military efforts in Southeast Asia.

Obviously your letter of February 29, to Mr. Laird and my letter to you of March 1, 1972, on behalf of the President crossed in the mail. In that letter I stated that detailed information on sortie rates, tonnages, and target areas is of a nature that it can only appropriately be discussed in an Executive Session of the Committee on Armed Services. We also offered to arrange to brief the Committee with respect to this matter should the Chairman so desire.

There is little that I can add to my March 1, 1972 letter as concerns the release of information on U.S. air activities in Southeast Asia; however, I believe you will find it to be responsive to your latest inquiry as well.

I have responded to Mr. Harrington in this same manner.

Sincerely,

DENNIS J. DOOLIN,  
Deputy Assistant Secretary.

[From the Boston Globe, Mar. 13, 1972]

MAKING WAR BY SECRECY

Is the air war in Indochina really winding down as President Nixon has claimed?

Two Congressmen, Reps. Michael Harrington (D-Mass.) and Les Aspin (D-Wis.), charged over the weekend that it is not, and that the American people are being deceived.

The two congressmen, both members of the House Armed Services Committee, say that not only the public but the committee, too, are not being told of the scope or intensity of the bombing.

More than a week ago, the US command in Saigon announced that it would no longer make public the number of planes nor individual missions involved in raids over North Vietnam. The reason given was that such information might be of use to the enemy, but in the past the information had only been released well after the raids had occurred, at a time when the other side surely knew all it needed to know about them.

Why, then, the sudden change? Perhaps part of the answer was given in dispatches from Saigon last Friday reporting that US planes had struck into North Vietnam for the 11th straight day which set a record for consecutive days of attacks there since President Johnson halted the bombing of that country Nov. 1, 1968. The previous record of 10 days of consecutive bombing was set only last Dec. 21-30.

And in the first 72 days of this year, including the week that was supposed to have "changed the world" when Mr. Nixon came to China "in peace for all mankind," US planes have made no less than 93 air strikes into North Vietnam in the name of "protective reaction."

Other indicators of a widening air war are the stationing of four aircraft carriers off Indochina and the doubling of the number of B-52's available for bombing in the last month.

Why, then, all the secrecy? Dennis J. Doolin, Deputy Asst. Secretary of Defense for International Security Affairs, writes a letter to Cong. Aspin referring to "the extreme sensitivity" of the data requested.

Herbert Klein, Director of Communications for the Executive Branch, queries the Pentagon and is told that it doesn't give the same "priority" to the bombing data as it does to our own casualty figures, and that the latter have to do with personnel, and the former concern "materiel."

From all this the conclusion is inescapable that the Pentagon's priorities are horribly and barbarously confused. It simply will not equate bombing figures with killing people.

With the air war at its highest peak since the bombing halt of 1968, American officials are claiming that air power is the only means left of influencing the military situation. But they are expecting it to do what it utterly failed to do for so many years even with our massive power on the ground.

They have yet to learn from John Donne that "any man's death diminishes me, because I am involved in mankind. . . ."

They must be told by Congress and the people that this is still a government run by civilians, and that the bombing figures must be made public.

#### OPINION QUESTIONNAIRE

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. HOGAN. Mr. Speaker, this week, as I have done in the past, I am sending out a questionnaire to all of my constituents to determine their views on various topics of national and local concern.

The questions deal with such current

issues as busing, taxes, drugs, and State-operated lotteries.

I would like to share this questionnaire with my colleagues, and I now request permission to insert it in the RECORD. The results will be published as soon as the responses are tabulated:

#### OPINION QUESTIONNAIRE

(NOTE.—Each question has yes, no, undecided squares for "His, Hers, Daughter or Son.")

1. Do you favor busing of school children to achieve racial balance?
2. Do you favor no-fault auto accident insurance whereby insurance companies would compensate policy holders regardless of who is at fault?
3. The so-called value added tax, in effect a national sales tax, is contemplated as a method to hold the line on property tax increases. Do you favor such a tax?
4. Do you favor providing income tax credits for such educational expenses as tuition, fees, books, and supplies?
5. Do you think denying high school students the opportunity to purchase soft drinks during lunch is an appropriate method to insure that they eat nutritional lunches?
6. Do you favor legalization of marijuana?
7. In general do you support President Nixon's domestic program?
8. In general do you support President Nixon's foreign program?
9. In general, are you satisfied with the votes which I have been casting as your Representative in Congress?
10. If "no" or "undecided," what are your major areas of disagreement? (Please feel free to respond on the other side of this card).
11. In your opinion what is the most important problem facing:  
The country?  
Maryland?  
Your neighborhood?  
(For additional comments please use other side.)

THOMAS MASARYK—SYMBOL OF  
DEMOCRATIC FREEDOM

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. VANIK. Mr. Speaker, it is the duty of the American people to remember not only their own Founding Fathers, but those of other nations also. Among these men is Thomas Garrigue Masaryk, the founder and first president of free Czechoslovakia, who was born this month, 122 years ago.

Mr. Masaryk rose from the humble origins of serfdom to become one of the intellectual leaders of his time. He passed from a graduate student at the University of Vienna to professor. It was during this period in his life that he distinguished himself by recognizing the problems of the educational system and by striving to reform it. His concern for his fellow men drove him into public service.

During his 12 years in the Austrian Parliament, Mr. Masaryk took an active part in promoting political autonomy for the Czechs and Slovaks, who were then part of the autocratic and repressive Austro-Hungarian Empire. With the advent of the First World War he led an army of 75,000 Czechs and Slovaks 10,000

miles across Siberia to the east where they were then transported to the western front to fight alongside Allied Forces. Following this spectacular feat, the Allied Powers agreed to establish an independent nation of Czechoslovakia.

Together with Dr. Edvard Benes, Masaryk organized a modern Czechoslovakian state conforming to the principals of democracy. He then headed the government as its President for 17 years. During this period, Czechoslovakia was considered to be one of the finest examples of democracy in Europe.

For his contribution to the evolution of personal freedom in Czechoslovakia, Thomas Masaryk deserves the respect and the remembrance of the American people.

Recent events have shown that the spirit of freedom and liberty which Thomas Masaryk helped instill in the Czechoslovakian people still exists and only awaits the opportunity to once again express itself.

#### THE SPACE SHUTTLE

### HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mrs. ABZUG. Mr. Speaker, this afternoon, I had the privilege of appearing before the Manned Space Flight Subcommittee of the Committee on Science and Astronautics to present my views on the space shuttle.

I believe that we are rushing headlong into an adventure which will make the moneys wasted on the SST fiasco look like pocket money by comparison. To put it simply, our national needs do not permit us the luxury of spending \$8 billion on this project at this time.

In addition, I fear that we are being deluded into believing that this project is primarily civilian and scientific in nature; in fact, it will probably be utilized more for "defense" purposes than anything else.

I urge my colleagues to give the most searching consideration to the question of whether we should authorize funds for this new program, and I include my testimony at this point in the RECORD:

TESTIMONY OF BELLA S. ABZUG BEFORE THE MANNED SPACE FLIGHT SUBCOMMITTEE OF THE COMMITTEE ON SCIENCE AND ASTRONAUTICS

Mr. Chairman, members of the subcommittee, I appreciate the opportunity to appear before you to discuss NASA's proposal for the development of what I believe to be an extravagant and unnecessary space shuttle system.

During the past decade, the world has marvelled at the technological feats and scientific advances which have marked our space program. We have witnessed space satellites and other complex instruments being propelled into our earth's orbit, astronauts walking in space, and finally, man "conquering" the moon by walking on its surface, planting a flag, and collecting lunar rocks.

In order to set the stage for these galactic adventures, Congress has appropriated tens of billions of dollars for a manned space

program which has wandered from its original objective—the pursuit of scientific knowledge—towards a course of political and military hegemony. Our recent space adventures seem primarily geared toward increasing our prestige and inflating our "national image" throughout the world, with scientific inquiry taking a poor second place. The idea that the first lunar footsteps had to be American, the rationale set forth by the administrations which originally established the space program, held no water during the days of the Cold War, and it holds no water today either. At any rate, now that NASA has reached the moon, it is seeking a new, similarly glamorous toy for its next project, and it feels that a space shuttle would be just the ticket.

According to NASA, the shuttle will cost the American taxpayers "only" \$8 billion to produce—\$5½ billion for research and development for the first two spacecraft, \$1 billion to cover increasing costs and unforeseen research and development needs, and \$1.5 billion for three additional shuttle craft. As with the SST issue before this, Congress is confronted with the necessity of determining whether our scarce resources should be spent on the development of 5 space shuttles at a cost of \$1.6 billion per craft, or on the curing of our ever increasing domestic social ills. I would remind you that the President recently vetoed as "fiscally irresponsible" a bill that would provide only \$2 billion for child care centers, a *mundane* but urgent issue for millions of working parents.

Before we can seriously consider granting funds for this shuttle system, certain pressing questions must be clarified and answered. We must ask:

What role will the space shuttle system play in our future?

Who will actually utilize it?

What are the true costs involved in constructing and operating it?

What price will we, the citizens of the United States, pay for it in terms of the resulting inattention to the steady decline in the quality of life within our society, including deficient educational, medical and correctional facilities, insufficient and inhuman housing for the impoverished, the needy and the elderly, and; the collapse of our mass transit systems.

The need to redefine our national priorities constitutes the primary reason for my opposition to this shuttle. This factor transcends the cold facts and figures of a budget calculation and brings before us the question of whether our social integrity is to be preserved. We should not allow NASA to continue to drain our economy of its limited resources by shooting billions of dollars worth of hardware into space while our other needs go unmet. Will the American people gain as many substantive, concrete benefits from the development of 5 space shuttles as they might receive from a shuttle system of modern subway cars that could transport working people more efficiently and cheaply, or from a new fleet of bulldozers which could clear tenements for the development of decent housing or massive new medical facilities? I think not.

Nor do my questions end here, for there are more which must be asked:

Why is this project being proposed by NASA and the President now, since the results of the "Skylab" experiment, which is designed to explore man's capability for living and working in space, will not be concluded until 1973? How can we conceivably appropriate billions of dollars for a massive shuttle system whose feasibility has not yet been established? The fact of the matter is that the aerospace industry, once secure with its fat government contracts for "defense" work during the height of our involvement in Vietnam, has slumped to such devastatingly low levels that federal

subsidies are required to keep it afloat. I am not against this industry or the working men and women who make it run, but there is no reason why it cannot be converted to such activities as housing construction of a pre-fabricated or modular type, thus remaining alive and serving the real need of our Nation at the same time.

The decision reached by Congress as to the wisdom and practicality of this proposal will determine not only its future, but also the nature of future American space exploration. The implications involved in establishing an extensive manned shuttle system would point to a firm commitment to an enlarged space program of massive proportions, based on the same expensive methods employed in the Apollo flights, which would further misallocate and needlessly deplete our national resources. A manned space shuttle system by itself would be foolish unless there were plans for further manned programs to succeed it. We must question the rationale that insists upon utilizing a more costly and, according to some scientists, far inferior system of space exploration instead of a less expensive, more efficient, safer unmanned instrumented system of flights to tackle the same scientific problems. What has NASA to lose by adopting an unmanned, instrumented system except perhaps a minor tarnishing of its public image and the loss of an exorbitant budget which is squeezing much needed money from areas of social concern?

To discover what role this shuttle system would play in years to come has left us wondering if NASA itself knows why this shuttle program merits consideration. Originally, NASA stated that this reusable space cargo-craft, consisting of an orbiter and booster, would be developed to reduce the transportation costs between earth and outer space by employing a reusable system instead of our present one shot rockets. Thus, we are asked to spend billions to transport a handful of scientists and their cargo to manned space stations orbiting in outer space, thereby providing an airline type accessibility to space at low operational cost.

Yet, after the Rand Corporation study of October 1970, which refuted NASA's contention that a reusable manned shuttle system would be economically practical, NASA changed its pitch and stated that the shuttle would be used for "versatile and efficient operations".

To what operations are they referring? First, it was manned space stations, but now, the concept of satellite-repair by shuttle-borne technicians seems to have gained popularity. But this new angle appears questionable in light of the recent statement by a leading scientist, Jeremy Stone, that if parts should malfunction, it is usually more scientifically feasible to launch a new satellite than to substitute new parts. If this is so, just what purpose will this elaborate system serve? Surely there must be more uses than satellite repair? If we investigate the proposed figures listing the increase in payload poundage per year for this shuttle system, our skepticism is further aroused. In 1969, there were 37 space launchings carrying a total payload of 381,400 pounds, yet, according to NASA predictions, the payload level for future shuttle flights would increase to the astronomical figure of over 2.6 million pounds of payload/year between 1978-1990. With this increase of over 2 million pounds per year, it is obvious that the shuttle is being designed to facilitate far more than mere satellites for space travel. Could this space shuttle system possibly serve as a primary transport carrier of heavy military equipment for use in outer space? Our military annually receives huge appropriations for its "needs", and this possibility gains credence when one considers how the military has overtaken and fully utilized our air for its own purposes.

Air flight too was originally viewed as a great scientific accomplishment of man conquering his environment, but soon the airplane became a destructive tool of the military.

Will our "space frontier" soon be cluttered with heavy military armaments and serve as yet another front on which we may confront our so-called enemies?

Could this space appropriation be the tip of an immense iceberg which would further commit our precious dollars for unnecessary, space exploration?

Are we disguising Defense Department costs within the civilian NASA budget? If the shuttle is going to be employed for military purposes, I think the Department of Defense should contribute toward its cost, instead of duping the American public into believing that this space shuttle is for civilian needs and civilian uses. Our needs are here at home with the millions of hungry American children who eat lead-laden paint chips, with our helpless old, with our rat-infested, drug-plagued ghettos that so often breeds crime, misery, and despair among its victims, with our sewage-filled waterways and polluted skies; not with spacemen searching for rock samples or repairing rockets.

The total cost of this proposed space shuttle is still another unsolved mystery. At first, NASA offered the "innocent" figure of \$8 Billion for the development and research of 5 reusable space shuttles, but this figure is misleading. We are later told by our space agency that the price will rise to the neighborhood of \$10-14 Billion over a 10 year operation period, or approximately 20 times the cost of the SST proposal. Then we are informed that the cost of the shuttle's payloads might add \$20-28 Billion onto the shuttle's total cost. But according to the 1970 Rand Corporation report for the United States Air Force these estimates are conservative.

Arguing that a reusable shuttle system would not be economically advisable, the Rand report listed two conclusions to substantiate its opinion: (1) the shuttle system necessitates heavy intra-space traffic (about 940 flights will be scheduled between 1978-1990) and (2) this system requires heavy payload amounts (over 2.6 million pounds annually). These 2 factors make the initial costs of the shuttle very high, and, we are told, only after appropriating in excess of \$141 Billion to this manned space program will it become cost effective, or more economical than the nonreusable rockets. It should be noted that the development of this shuttle requires a peak civilian space budget in excess of \$7 Billion for one year, or twice the present annual space budget.

Thus, we are once more being asked to distort our priorities and regress back to the expenditure levels of the Apollo heydays, when the space budget bulged to over \$6 Billion annually. According to James Van Allen and many other scientists who firmly oppose the shuttle proposal, an unmanned, instrumented system would cut the annual costs by two-thirds while producing the same scientific results as a manned program. To add insult to injury, not only is NASA insisting upon using the costly and glamorous manned method, but they have even cancelled certain important, unmanned space missions that have great scientific worth, (such as the Grand Tour mission and NERVA projects) in order to make financial allowances for the shuttle system. \$1.4 Billion has already been spent for the development of the recently scrapped NERVA project so that we must add that amount onto the ever-rising shuttle figure submitted by NASA.

And so the story continues. We scrap the scientifically important for the politically expedient. The American public is being bombarded with the President's dogma and

illogical assertion that our country will save money by using the reusable crafts. Yet, if we look beyond this Madison Avenue technique of "saving money by spending it", we will encounter 2 essential questions which the President has failed to recognize:

Is this project necessary?

Can we afford it?

I answer a firm no to both. However, to the President this shuttle scheme has significant political overtones during this particular year. The plight of the aerospace workers as a result of the wasteful attitude which has led to one disaster after another in our military fields and aerospace technology is well known. The shuttle will develop approximately 50,000 new jobs in this depressed industry during an election year, and this would help reduce the embarrassing unemployment rate which has plagued his administration. While creating new jobs is a positive step, meaningful economic progress will not be made so long as we continue to pour money into machines, like the shuttle, that produce no goods or services for civilian use.

It is a disgrace to our American system that a labor force of gifted, experienced engineers and scientists, who can contribute significantly to meeting our critical civilian needs, should depend on welfare subsidies for survival. Instead of pumping money into space, we must develop a coordinated plan to move both men and materials out of armaments and space exploration and into jobs to improve our society and the lives of our people. If this nation is seriously preparing for peace, it must implement the conversion from arms production to the production of civilian goods and services, be they air and water pollution control systems, electronically operated transportation systems, or computer networks for programmed education and health services, to name a few.

It is the reordering of our national priorities which takes precedence over my other objections to this misguided project. It would appear to even the most socially lethargic within our society that we have steadily minimized the very basis for social interaction which binds human beings together—respect for the sanctity of human life.

We righteously defend our appropriations toward a genocidal Asian war or extravagant space proposal, but somehow consider it foolhardy and impudent if people ask for increased social benefits. The glorification of machines and private property has replaced the right to live a life of dignity for we continue to stuff our technological community with appropriations and subsidies while the primary community, our society, is ignored. We are living in a critically polarized society which has divided our races and sexes into conflicting forces. How long must we allow this insanity to continue? How much longer are we to tolerate the monstrous and devastating distortions of our budgetary priorities which serve only to perpetuate these inequities and divisions? We are told by the President that this shuttle system is necessary for our nation's well-being, so that our space frontier will become "easily accessible for human endeavor in the 1980's and 1990's. But I go back to my district and see young children going to school underclothed and ill-fed, the weary aged sitting alone on park benches, viewing death as a pleasant alternative to the existence they are forced to lead in their twilight years. I see the unemployment line, I see over-crowded and ill-ventilated housing and working conditions. I see an increase in mass transit fares while service steadily declines, I see the filthy waterways and breathe the polluted smog.

My colleagues, I fear that our society will soon sink to a critical level of no return. Our President wants to make space travel a real-

ity for Americans in the future. What Americans are going to be eligible for these grand rides? The President and his cabinet? I have constituents at home who can barely afford the subway fares, who never have been on an airplane because of its expense and certainly cannot take the time off work to waltz through the galaxy for a week or so.

The President recently vetoed a \$2.1 Billion Child Care bill, but finds a multi-billion-dollar space shuttle proposal very much to his liking. What about the needs of those working mothers? Are these space toys more important than one child's welfare?

In Fiscal Year 1973, our budgetary plans call for the allocation of only \$600 million for the construction of health facilities within our nation. This is not only insufficient to satisfy the demands for adequate medical attention in our country, but a *cutback* from 1972. Yet, for FY1973, one third of that amount, or \$200 million, will be granted for the preliminary development of an untested and unnecessary shuttle system. I would like to see an advocate of this shuttle system enter a jammed waiting room of one of our overcrowded hospitals and tell those sick patients and the hospital staff members that a space shuttle is of the utmost importance for 1973! I would like to see that advocate talk to a victim of cancer or sickle cell anemia and justify the spending of over \$1.6 billion for one shuttle craft when we are allocating less than 1/4 of that sum for both diseases combined (\$430,000,000 for cancer research and \$6,000,000 for sickle cell anemia).

70% of all women, and 32% of all men over 65 years of age have annual incomes of less than \$2,670. We might consider using that \$140 Billion to meet the needs of our elderly poor instead of on this shuttle.

In FY 1973, we plan to spend \$6.3 billion—far less than is needed—to cover elementary and secondary educational costs for the millions of school children throughout the land. Is the development of 5 space crafts for \$8 billion more important than our children's need for a proper education?

Our lack of adequate housing facilities for many of our citizens constitutes another reason why this shuttle is ill-advised at this time. Whether it be the tenement houses of our urban slums, the cold water flats in Appalachia, or the dirt-floored shanties of the rural South, our people are in desperate need of decent shelter. Housing is an essential prerequisite for social progress, because a person cannot lead a fruitful life if he is forced to live with over-crowded conditions and insufficient heating. If we were to take less than one-fifth of the total expenditure cost of this tragic space shuttle, we could construct over 1,500,000 new low and moderate income housing units—triple the amount of units being constructed today.

I oppose the space shuttle here today and I will continue to oppose it on the House floor. Before I conclude, let me note that my opposition should in no way be interpreted as "anti-space" or "anti-technology". I believe in the continuance of our space program, but not as it exists now. I favor the use of lightweight, unmanned, instrumented systems which can produce the same results as our manned program at a fraction of its cost. Our scientific and technological communities must continue to grow, but not for uneconomical, impractical adventures like elaborate space shuttles or complex weapons systems.

If we begin to seriously utilize our scientific and technological resources to wipe out disease, feed the hungry, educate the illiterate, provide better shelter for the needy, and improve our environment, then I believe that science is worthy of its huge budgets. Until that time, I will continue to oppose appropriations, like the shuttle, which will not improve the conditions around us.

Thank you.

MISSISSIPPI SUES FEDERAL GOVERNMENT ON BUSING

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. RARICK. Mr. Speaker, the Federal Government has become so tyrannical on the busing issue that it is now being sued by Mississippi.

According to reports, the paramount allegation of the suit is that coercion from HEW for busing to achieve racial balance is in violation of the law of the land.

Interestingly enough, the suit alleges that Mr. Elliot Richardson, Secretary of HEW and titular advocate of forced busing, sends his three children to a private school.

I insert a related news clipping.

The article follows:

[From the Washington Post, Mar. 9, 1972]

MISSISSIPPI SUES HEW OFFICIALS ON LINKING SCHOOL AID TO BUSING COMPLIANCE

The attorney general of Mississippi filed suit in U.S. District Court yesterday to stop the federal government from pressing busing plans to achieve racial integration as a condition of continued federal aid to schools.

The class action suit names as defendants Elliot L. Richardson, Secretary of Health, Education and Welfare, and 22 other HEW officials. It was filed by A. F. Sumner on behalf of Mississippi schoolchildren, mothers and public school boards.

The suit filed yesterday alleges that HEW officials "by means of threatened court actions" or by withholding funds for noncompliance with Title 6 have violated the 1964 act's specific ban against busing to achieve racial integration.

The suit concedes the legality of such action if ordered by the courts but contends that HEW has acted administratively without specific court rulings.

HEW officials declined to comment on the case yesterday. HEW's practice has been to require schools with demonstrably segregated systems to desegregate without specifically ordering busing, in order to qualify for federal aid. In requiring compliance, HEW has applied Supreme Court guidelines using the school system's overall racial ratio as the proper yardstick.

The suit calls such administrative actions "gross disregard" for the Constitution, and includes in this category "forced and arbitrary" busing, pairing, zoning, redistricting, assignment of schoolchildren to "remote locations," and transferring of teachers "without regard to qualifications or seniority."

The result of an alleged emphasis on desegregation in southern states by HEW, the complaint contends, "has been a systematic failure by (HEW) to take steps to eliminate state-created segregation in Northern states . . ."

Meanwhile, HEW officials, the suit charges, have "exempted themselves" from the effect of busing plans by placing their children in private schools. "This pattern of personal rejection of the very public education the defendants are charged with promoting destroys the public's confidence that the statutory standard of 'efficient public school systems' is being met."

The suit notes that Richardson sends his children to an "exclusive private school." An HEW spokesman confirmed that Richardson sends his three children to three private schools. "All are integrated," the spokesman said.

THE OUTSTANDING PUBLIC SERVICE OF DOMENIC MASSARI UNDERSCORED BY LOCAL, STATE, AND FEDERAL OFFICIALS

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. ROUSSELOT. Mr. Speaker, it is so refreshing in these somewhat troubled times to know and hear of an individual who is almost unanimously revered as an outstanding public servant such as the man Domenic Massari. On Friday, March 24, officials from local, State, and Federal levels of government, as well as many distinguished citizens, will gather together to pay tribute to retiring City Councilman Domenic Massari for his dynamic and unselfish contribution to the community of Palmdale, Calif., and surrounding area. Mr. Massari, who was originally born in Italy in 1893, arrived in Palmdale in 1926 with the most modest possessions and has since devoted himself with unstinting, unquestionable dedication to the service of the Palmdale community and, in fact, the entire Antelope Valley.

On March 24, which has been declared Domenic Massari Day, the entire Massari family, other thankful citizens including the City Council of Palmdale, Mayor Lawrence W. Chimbole, and myself will gather to pay deep gratitude to this truly great American for all that he had done to make Palmdale, and in a larger sense America, a better place to live. Mr. Massari has by deeds, not just words, made a contribution to Palmdale, which was at the time of his arrival in the late twenties nothing more than a broad place in the road. Mr. Speaker, I know I speak on behalf of the Members of Congress who are always pleased to join in saying thanks to a dedicated and loyal citizen of this country of ours when he has served so constructively and without fanfare to make his community reflect all the high qualities that our Founding Fathers fought so dearly to attain. Domenic Massari is the epitome of that great statement we all know so well that sits on a plaque at the base of the Statue of Liberty:

EMMA LAZARUS—1849-87

(The New Colossus: Inscription for the Statue of Liberty, New York Harbor.)

Give me your tired, your poor,  
Your huddled masses yearning to breathe free,  
The wretched refuse of your teeming shore,  
Send these, the homeless, tempest-tossed,  
to me:  
I lift my lamp beside the golden door.

Our distinguished State Senator John L. Harmer has encouraged his colleagues in the State legislature to pass a resolution which indeed is a tribute to all the greatness that Domenic Massari reflected in his daily life. I insert it in the RECORD:

SENATE RULES COMMITTEE RESOLUTION BY SENATOR JOHN L. HARMER, RELATIVE TO THE RETIREMENT OF DOMENIC MASSARI

Whereas, It has come to the attention of the Members of the Senate that Domenic Massari is retiring after 10 years of distin-

guished service as a member of the Palmdale City Council; and

Whereas, Mr. Massari was selected by the council to serve as Mayor of Palmdale in 1968; and

Whereas, Born in Potenza, Italy, in 1893, Mr. Massari arrived in Palmdale in 1929, bringing all his possessions with him in a covered truck, and from that time has played an indispensable part in the progress that has taken place in Palmdale; and

Whereas, A dynamic community leader, Mr. Massari was instrumental in the organization of the Palmdale Chamber of Commerce in 1933, served for approximately 10 years as a volunteer fireman, was President of the Palmdale Kiwanis Club in 1941, served as co-chairman of a victory bond drive in 1942, and served as President of the Palmdale Chamber of Commerce in 1947; and

Whereas, Until its successful conclusion in 1962, he was a member of the Palmdale Incorporation Committee; and

Whereas, He and his charming wife, Teresa, are the proud parents of a son, Joseph, and a daughter, Lena, and the proud grandparents of four grandchildren and one great-grandchild; now, therefore, be it

Resolved by the Senate Rules Committee, That the Members commend Domenic Massari for his outstanding public service and extend their best wishes to him on the occasion of his retirement from the Palmdale City Council; and be it further

Resolved, That a suitably prepared copy of this resolution be transmitted to Domenic Massari.

In addition, the city of Palmdale has proclaimed March 24, 1972, Domenic Massari Day and I ask that my colleagues in the House of Representatives be apprised of this very constructive resolution which has proclaimed to all the citizens of Palmdale the thoughtful recognition of this day to a man who has dedicated his life for 46 years to the betterment of America.

The item follows:

CITY OF PALMDALE "DOMENIC MASSARI DAY," MARCH 24, 1972

Whereas, Domenic Massari has been a resident of Palmdale since April, 1929, and has taken an active part in civic affairs from that time to this; and

Whereas, in 1933 he was instrumental in organizing the first Chamber of Commerce, serving as president in 1947; and

Whereas, for the ten-year period from 1940 to 1950 he served as a volunteer fireman; and Whereas, in 1942 Domenic Massari was awarded a citation and a silver medallion from the United States Treasury Department for the selling of victory bonds; and

Whereas, from 1954 to 1962 "Domenic" served as a member of the Palmdale Incorporation Committee; and

Whereas, he was elected to the first City Council in August 1962, serving as Mayor in 1968.

Now, therefore, I Lawrence W. Chimbole, Mayor of the City of Palmdale, do hereby proclaim March 24, 1972, as Domenic Massari Day; and

Be it further proclaimed, that all citizens of the City of Palmdale are urged to recognize this day in honor of a great man who has dedicated forty-three years of his life to Palmdale.

Mr. Speaker, in this time when we hear so much of what is wrong with America, I think it is only appropriate that we pause today and express our appreciation to Domenic Massari for making Palmdale, and also America, a better place in which to live. We thank you Mr. Massari.

FUTURE INTERNATIONAL AFFAIRS  
AND ETHNIC REVIVAL

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. ZABLOCKI. Mr. Speaker, recently under the sponsorship of the Polish American Congress, a conference on international affairs and ethnic revival including a discussion of the international situation and the challenge it poses to American citizens was held in Milwaukee, Wis. It was my privilege to attend and participate in the symposium.

Two eminent academicians in the field of Polish history and international affairs presented interesting and thought-provoking papers which I should like to share with our colleagues.

Dr. Alexander G. Sklenarz, in his presentation entitled "International Affairs and Ethnic Revival" cited the many important values which Americans of Polish descent have and are continuing to contribute to Americana. He emphasized that Americans of Polish descent have every reason to be proud of their Polish heritage and called on the young generation of Americans of Polish descent to emulate their predecessors and to assume their duties in the ethnic sector of American life.

Dr. Vincent C. Chrypinski, chairman of the Commission on Polish Affairs, in his presentation "The New International Situation: A Challenge to Polonia" stressed the need to understand the impact of future United States-European relations. In his timely and thought-provoking analysis, Dr. Chrypinski asserted and documented that the Americans of Polish origin are greatly concerned with the fate of the people of Poland and of the Polish and other minorities in the Soviet Union. He strongly urged, among other things that, under the leadership of our President, our Nation must strive not to allow further consolidation of Soviet dominance over Poland. I am pleased to share these two papers with our colleagues:

INTERNATIONAL AFFAIRS AND ETHNIC REVIVAL

(By Dr. Alexander G. Sklenarz)

It has been said that the United States is a melting pot for immigrants from all the nations of the world. This has been true and surely this represents the American ideal. We are one American nation and all immigrants should leave behind all their old animosities, jealousies, and prejudices before stepping on American soil. We as American citizens desire a peaceful and harmonious life for this nation regardless of our race, religion, or past allegiances. America's great achievements have been made possible by this atmosphere of mutual respect and confidence. Our path as a nation to a glorious and happy future is marked by the sign "unity." By that we mean the unity in our ultimate goal, which is the safety, welfare, and progress of our nation. This does not mean that everyone must take the same road. We pride ourselves on having complete freedom of opinion and action, guaranteed by our Constitution as long as we are guided by the public good. This is what the melting pot is all about. Unity without mindless conformity; unity with cultural diversity.

When the immigrants began flowing into the country, besides their meager possessions, they brought a great wealth of very different, often very high cultures, some of them centuries old. These immigrants brought many different skills, different ideas of technical development, different trends of thinking and different ethnic experiences. All this could not be thrown into the melting pot because it was precisely the uniqueness of these various cultures which has proved so valuable to the American nation. These cultures have provided us with a treasure of heritage.

This is what we call tradition. Some may question the value of tradition to a nation. Tradition is more than mere sentiment; tradition is a profound creative force which drives nations to higher aspirations in all fields of human endeavor. Tradition gives to a nation its definition as a community, the pride essential to its existence, and the strength to overcome adversity. New nations, especially those which have recently joined the international community have no such roots and find mere existence a challenging task.

Tradition is a lasting value and a creative force. Many examples could be cited to illustrate this point but the most widely known and most convincing example is the Jewish tradition. It is so closely associated with the Jewish faith that it is impossible to consider them separately. It is precisely this amalgam of tradition and religion which accounts for the survival of Jewish culture in the face of twenty centuries of cruel persecution and the rebirth of the state of Israel in the ancient homeland. The Bible and the pride of heritage gave to the Jews a special ethnic identity and hope necessary for survival.

All this illustrates the power and importance of tradition. However, there are people who are unaware of the culture of their ancestors. It is sad to admit that there are even some who are ashamed of their national origins. They prefer to pretend that their forefathers were born here before Columbus discovered America. What is the source of this attitude? There can be only one answer—ignorance.

If these people took even the slightest interest in the history of the land of their ancestors, they would be proud to know that their forefathers came to these shores not as paupers but as the bearers of culture and tradition. It must be said here to the credit of the older generations of Polish immigrants that they preserved and nourished the Polish tradition upon their arrival in this land. They built the churches, the schools in which the Polish language was taught; they enjoyed Polish literature and they established many cultural societies in which Polish theatre, literature, and music were cultivated. The existence of Polish tradition in America is proof of their labors.

It is mostly members of the new generation who think that they advance themselves socially if they sever all cultural ties with the past. They are intimidated by a few silly jokes told by those who know little about Polish history and even less about their own cultural identity. There are many educated people who do not believe that their cultural identity is a hindrance to their personal careers. A man of Polish ancestry is a prominent presidential candidate, there are congressmen who proudly bear Polish names, there are university professors, physicians, engineers, attorneys, teachers, priests, businessmen, and industrialists who are proud of the Polish heritage. This is the same pride which should be transmitted to the young.

But pride cannot be born in a vacuum. To have pride one must have knowledge of one's heritage. That does not require time consuming studies but merely an interest in the past which reaches back further than one's own

birthdate. Even those who are not familiar with the Polish language can acquaint themselves with Polish history and culture by reading one of many available English language books. Although it is not absolutely necessary to master the Polish language to learn of Polish culture and history, a knowledge of the language can be immensely beneficial. Certainly it would be advisable to consider the reintroduction of Polish language studies in certain parochial schools. Knowledge of a foreign language is always valuable. Certainly those who speak the language fluently have found that it not only enriches a person's knowledge of the parent culture but it also is a decided asset to those engaged in such professions as law and medicine. Many branches of the federal government actively seek out those who display fluency in a foreign language. Some Americans claim that there is no need to learn a foreign language because anyone who wishes to deal with us must speak English. This is a shallow and arrogant attitude.

It is true that most world statesmen and businessmen speak more or less fluent English. But it is also true that it is most difficult to find American diplomats who speak the language of the country to which they are assigned. Thus our diplomats often do not perceive the subtle nuances and signals which are lost in translation. In European countries, on the other hand, foreign language studies are begun in elementary school and are continued through high school.

The knowledge of the language forms the closest bond with the history and culture of a nation. Nevertheless it is possible to become acquainted with a nation's heritage without a knowledge of the language.

It would be an impossible task to squeeze over one thousand years of Polish history into a few minutes. I therefore will highlight only a few facts which illustrate Poland's contribution to the world.

Poland first emerges from the legends of earlier centuries into written history in 962 with the ascension to the throne of Mieszko the First. A few years later in 966, Mieszko accepted Christianity as the national religion. His son Boleslaw the Great won fame in Western Europe. The British historian G. E. Slocome says of his reign that "it had no parallel in the history of contemporary Europe."

Poland at one time ranked among the largest European nations in terms of land area. Its territory equaled more than 390,000 square miles and reached as far as Kiev in the East. Poland however did not engage in wars of conquest. Rather it was the attractiveness of Polish culture and freedom which tended to encourage unification. The marriage of the Polish Queen Hedwig and Wladyslaw Jagiello, Grand Duke of Lithuania in 1386 resulted in the subsequent union of these nations as the Polish Commonwealth in 1569. This union lasted until the partition in the second half of the eighteenth century.

During the 16th century Poland reached its zenith of political power. The nations and people of Eastern Europe viewed Poland as their protector. During this century of fiery religious battles in Europe, Poland became a political and religious symbol, a land of tolerance and a center of civilization. It was during this "golden age" that Poland played its most creative role in the history of Western culture.

The ideas of humanism were brought to Poland by many Polish scholars who studied in Padua and Bologna. The revival of interest in classic Graeco-Roman culture was felt in all aspects of Polish life. In Poland, as everywhere else, the theocentric and universalist scheme of the Middle Ages was being transformed into an anthropocentric and national structure. The development of humanism in Poland freed men from narrow established ideas and caused a revision of orientation.



In 1545 Nicholas Copernicus, a former pupil of the Cracow Academy, published his famous work, "De revolutionibus orbium coelestium", which demonstrated to an unbelieving world that the earth revolved around the sun.

In the field of literature, Jan Kochanowski combined his knowledge of ancient and contemporary French and Italian literature with his own creative talents. As a result of his efforts and those of others, the Polish literature rises above all other Slavic literature of that era.

For many centuries Poland served as the bulwark of Western Europe and the rampart of Christendom against the onslaughts of Turks, Tartars, and Russians. Near Leignitz in Silesia, Poles defeated the Tartar forces led by Batu, grandson of Genghis Khan. On the Black Sea near Warnia, the Polish King Wladyslaw III lost his life as he led a combined force of Poles, Hungarians, and Wallachians against the Turks. Two centuries later the Poles twice defeated the Turks at Chochim. In 1683 the Polish King raised the siege of Vienna when the Polish cavalry put the immense Ottoman army to flight. The victory was of such significance that a constellation was named in Sobieski's honor. Another Polish victory which was equally important to the Western World was the rout of the Red Armies at the gates of Warsaw in 1920. In this victory on the Vistula, under the direction of Pilsudski, the volunteer army of General Haller saved Poland and Europe from Bolshevism.

The Polish nation has suffered much in the last two centuries. The partitions of Poland, the subsequent oppression, the attempts to suppress Polish culture and language, the uprisings which cost the lives of thousands of Polish patriots, and the noble courage and tenacity in the face of foreign domination won Poles the admiration of the world. The indomitable spirit of Poles could not be broken. Even communist rule has been unable to transform the Polish patriot into a servant of Moscow.

What then is the Polish tradition which has sustained Poles over the centuries?

I think the answer was given by an American author and student of Polish culture, who spent seventeen years in Poland. Paul Super said, "... the Greek tradition was beauty; the Hebrew tradition, righteousness; the Roman, law and order; the American is freedom; the Chinese, reverence for the ancestors; the French, intelligence and taste. Of the Polish tradition I would say that it is knightliness, nobility in the best sense and a high evaluation of the spiritual aspects of things."

The respect for personal rights and personal dignity are inborn in a Pole. Apart from England, Poland was the only other country which as early as the middle of the 15th century had appropriate statutes affording guarantees of personal inviolability. In the historic 3rd of May Constitution in 1791, liberty and protection of all religious creeds was assured.

One of the finest testimonies to Poles was written centuries ago by Calimachus, an Italian. He said, "On the widespread plains there is one people and one nation, differing neither in custom, speech, nor organization, united in common acceptance of human and divine laws. Here is rather one house and one family than a nation."

Centuries later Paul Super said of Poland: "Those I believe are the things most valued by Poles through the centuries of their written history and across the broad acres of their land, the order of naming being purposely not systematic. Religion, especially their Catholic faith, chivalry or knightly conduct, Christian character and behavior, individuality or personality, freedom or liberty, both personal and national, democracy more as a social order than as a way of personal life, dignity and propriety including courtesy, honor and self respect,

intellectual and social culture with an accompanying respect for learning, personal bravery and courage, idealism as contrasted with materialism, hospitality, the claims of the family, cleanliness of body, the rights of others, a good opinion before the world."

I should add here that the Polish respect for learning was shown by the fact that the Academy of Cracow was founded in 1364 as one of the first and leading universities of contemporary Europe.

These then are the values which we Americans of Polish descent have brought and are constantly bringing into the life of America. These are the assets which we represent as an ethnic group and these are the reasons why the ethnic revival is important to America.

We Americans are presently undergoing profound social changes. In a time when the mores of our country are on a definite decline, our Christian character and behavior are more important than ever. In a time when materialism is permeating all aspects of life, our idealism provides a needed antidote. When manners have fallen below the accepted norm, our dignity, propriety and courtesy, honor and self respect indicate the direction toward better human and social relations. Intellectual, social culture, and respect of learning help bring true progress. And finally the bravery and courage mentioned by Super guarantee our willingness to defend this country in times of national peril.

The passionate Polish love of freedom and the readiness to fight for it not only for Poles but also for others is contained in these words of an American author: "... In what army of what nation seeking liberty have the Poles not fought? What war for freedom has their sacrifice and death not hallowed? In what land have Poles not died for this to them the dearest of all rights? No important soil of Europe but covers their bones, while their part in the American war for national freedom is known to every American schoolboy."

This is why the rebirth of ethnic values constitutes a hope for America.

We have every reason to be proud of our Polish heritage and absolutely no reason to be ashamed.

Poles never had among them a beast like Hitler or Stalin, nor have Poles produced traitors to their nation. Poles have always kept the faith with their allies although their allies have not always proven so trustworthy.

In my closing remark I would like to say that it is now time for the young generation of Americans of Polish descent to assume their duties in the ethnic sector of American life which has been so ably served by past generations.

Every effort should be made to reach young people who are threatened with the loss of their ethnic identity. The present life in America unfortunately sets many traps for young people who drift away from God, family, and tradition. To revive these ethnic values is now our most urgent task.

#### THE NEW INTERNATIONAL SITUATION: A CHALLENGE TO POLONIA

(By Dr. Vincent C. Chryplinski)

Recent events on the international scene indicate quite clearly that the world system established after WWII is rapidly approaching its end. There is, of course, no guarantee that the coming order will be more just and more stable, and that it will provide better conditions for independent existence and continued development of smaller nations. Yet, the fluidity of the present situation creates circumstances necessary for the re-opening of old, apparently closed, policy issues, including the Soviet domination of Poland and other East Central European states.

The future of this region will depend to a large degree on the outcome of the bargaining process between the United States and the Soviet Union. A major encounter will probably take place early in 1973 at a conference on European security. The forthcoming visit of President Nixon to Moscow will mark an opening of preparatory negotiations. It is important that this first talk should include in its agenda matters related to East Central Europe, and to Poland specifically.

Before we go further into that subject one issue has to be mentioned first, namely the Sino-Soviet conflict. The history of the strife is well known. Although speaking about it one must remember ideological questions too, all facts indicate that the essence of the controversy lies in the contradiction of national interest. As things stand now, there seems to be no prospect for reconciliation.

While the Soviet Union's difficulties with China considerably weaken her overall position and should make Moscow more amenable to deal with Washington, it may be expected that the Kremlin leaders will adopt instead an offensive attitude and will energetically try to obtain from President Nixon certain irrevocable commitments in exchange for a promise of detente. Undoubtedly, major Soviet preoccupation is to consolidate the Russian hold on East Central Europe.

It is quite possible that Moscow may believe that the American acceptance of Soviet predominance in East Central Europe will make local people more docile and thus solve Russian problems in this area. But they are wrong for the defiance of Moscow's leadership has been caused precisely by the kind of domination which the Russians want confirmed. The nations of East Central Europe do not accept the bondage and—although, as yet, their efforts of liberation have been brutally crushed—hope or despair will undoubtedly push them to new and relentless deeds. Thus, the kind of imposed preponderance which the Russians are now exercising over East Central Europe carries with it a very definite threat to the peace and stability of Europe as well as to the hoped for progress of the East-West detente.

Naturally, President Nixon must not yield to the Russian pressures. His acceptance of Soviet demands would be contrary to the proclaimed principles of American foreign policy and would seriously undermine the trust and prestige enjoyed by the United States among all freedom-loving nations. Ultimately, it would considerably damage the United States' position as a world power by excluding American influence from the areas of great political importance.

While pronouncing an unequivocal "no" to Soviet claims, the President should spare no effort in dispelling Russian mistrust and suspicion that the United States is seeking to dislodge the Soviet Union in order to establish American domination of East Central Europe. On the contrary, he should give all necessary assurances that this region would enjoy complete freedom to continue, on a voluntary basis, cooperation with the Soviet Union and to maintain traditional ties with Russia.

But this is not all. For essential as well as for tactical reasons, the President cannot confine himself to rejecting the Soviet concept of a new order, but must present an alternative of his own. There are several aspects which such a proposal could raise.

First, President Nixon could proclaim a firm principle of "non-interference" in the internal affairs of European states, including Soviet non-intervention in East Central Europe and demand that Moscow renounce the "Brezhnev doctrine." Second, he could insist on a full discussion of the ideological division of Europe and its dangers to security. Third, he could propose positive measures on arms control and balanced troop cuts in Europe. Fourth, he could demand the opening of an economic, cultural and scien-

tific cooperation between the two parts of Europe through free movements of men and ideas. Fifth, he could express a deep interest in the preservation of ethnic identity and cultural heritage of all national minorities inhabiting the Soviet Union.

In connection with the last point, President Nixon should be made fully aware of the fact that the Americans of Polish origin are greatly concerned with the fate of the Polish minority in the Soviet Union and are seriously disturbed by the progressive destruction of Polish historical monuments in the areas incorporated into the USSR after WWII as a result of the Teheran and Yalta agreements in which the American Government so unfortunately participated.

Hopefully, President Nixon will be able to muster all his will, courage and talent in pursuit of these objectives. There is no evidence however, at least for the time being, that he wishes to do so. Preoccupied with the difficulties in Vietnam and at home, faced with tremendous domestic pressures to withdraw into an isolationist posture, the President may be tempted to buy time and to use the Moscow visit only as a courtesy call providing a sympathetic undertone to the now famous concept of "coexistence."

Be that as it may, we must bring to the President's attention problems close to the hearts of Americans of Polish descent and insist that they be raised by him in Moscow. We should also clearly indicate that in this year, important domestically and internationally, Americans of Polish origin will review with special interest the President's efforts to maintain the prestige of the United States and the welfare of its citizens.

#### WEEKLY REPORT TO NINTH DISTRICT CONSTITUENTS

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the text of my current weekly report concerning strike legislation:

#### STRIKE LEGISLATION

Eight times in the last decade, and four times in the last two years, the Congress has been called upon to enact special legislation to prevent, or to halt, rail strikes which were threatening to create a national emergency.

National attention to crippling transportation stoppages has grown in the last few years as these strikes have increased in number and frequency. The dock strikes are the most recent example, and now, a new railroad dispute looms on the horizon.

The Congress has responded on a crisis-by-crisis basis, but has failed to propose legislation to deal with these strikes before they become crises. President Johnson promised, but failed to deliver, such legislation. President Nixon has proposed legislation to strengthen and expand Presidential options in dealing with transportation strikes. The basic sticking point is an inability to get agreements by labor and management on any mediation proposal. If these two parties could agree, an amendment of the federal strike laws already on the books would be relatively easy.

Organized labor opposes any form of dispute settlement in a mandatory manner, including compulsory arbitration. Management traditionally has resisted the idea of compulsory arbitration as a technique of settlement, although that attitude has become more clouded as work stoppages become more

widespread and bargaining stakes become higher.

There are two major federal laws dealing with labor dispute settlements. The Railway Labor Act, covering railroads and airlines, includes such procedures for settlement as mediation, and the establishment of emergency boards. The Labor Management Relations (Taft-Hartley) Act, covers labor disputes in industries affecting commerce, except the rail and airline industries. The Taft-Hartley emergency procedures include Presidential boards of inquiry, injunction proceedings, mediation, strike ballots, and Presidential reports to Congress.

Neither law has worked effectively. Under the Railway Labor Act there has been a lack of genuine negotiations between disputing parties. The Taft-Hartley Act does not guarantee settlement without strikes or lock-outs.

President Nixon has urged the Congress on several occasions to pass legislation dealing with national emergency labor disputes. He has recommended that the emergency provisions on the Railway Labor Act be repealed and that strikes and lock-outs in all transportation industries, including railroads and airlines, be subject to a new set of Presidential options under the Taft-Hartley Act. Those options would include (1) extending the cooling off period for an additional 30 days, (2) permitting partial operation of the struck industry, and (3) invoking a "final offer selection" on the parties in dispute.

Under the "final offer" procedure, the two parties would be given three days to submit either one or two final offers to the Secretary of Labor. If, after five days of bargaining over these final offers, no agreement emerged, a panel of three neutral members would be selected by the disputants, or if they failed to agree on a panel, the President would appoint the panel. The panel would then choose one of the final offers as a final, binding settlement.

Neither labor nor management has been enthusiastic about the proposal. Labor argues that it amounts to compulsory settlement. Management, which has traditionally opposed compulsory arbitration, government seizure, fact-finding recommendations, and the "arsenal of weapons" approach to settlement, would prefer legislation aimed at seeking a power balance between unions and industry which the economy could tolerate.

Despite a continuous buildup of public pressure for legislation to limit transportation strikes, the outlook for passage of such a law is dim. The House Interstate and Foreign Commerce Committee has indicated it will not vote on legislation this Session. The Senate Labor Committee, however, is scheduling hearings this month on proposals to deal with transportation strikes, including the President's.

In my view the Congress has failed to deal adequately with the strike which threatens a national emergency. I prefer that these disputes be settled through the collective bargaining process without government interference. If that fails, as it often has in the past, an approach must be found which encourages, and perhaps requires, the parties to bargain to final settlement.

#### "SUGARIN' OFF TIME" IS HERE FOR FAMILY IN BARKHAMSTED

### HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mrs. GRASSO. Mr. Speaker, too often we find ourselves too busy to appreciate the marvelous work of nature, which is

so clearly evident at this time of year in New England.

A journey through New England now reveals not only a hardy people slowly recovering from the harsh effects of a season's snowfall, but also sturdy buckets hanging from the trunks of maple trees symbolic of the ingenuity of a people who understand that nature offers secret gifts.

For the interest of my colleagues, an article which appeared in the Hartford Times and which describes the adventures of one Barkhamsted family during "sugarin' off time" follows:

[From the Hartford Times, Mar. 2, 1972]

#### "SUGARIN' OFF TIME" IS HERE FOR FAMILY IN BARKHAMSTED

(By Jan Myles)

It's "nigh on" sugarin' off time again in New England and a lot of the traditional sap harvesters like Barkhamsted's Irving Hart and family have already set out buckets in anticipation.

"It's hard to say just when to begin the tapping," says Hart, who's participated in the annual sugaring off since his childhood some 40 years ago. "But it'll be any time now. The ideal time is a sunny day when it's about 40-45 degrees but freezes at night. If it's too warm or too cold, the sap stops or turns to poor quality. Sometimes people—like my kids for instance—get too anxious," Hart chuckles, "and want to tap too soon, but you have to wait till the tree thaws."

To Hart who is a professional forrester for the Metropolitan District Commission, sugaring is a treasured hobby shared with all the family members.

The Harts' four sons, Robert, 23, James, 21, Paul, 19 and Peter, 14, have grown up with the sugaring tradition.

A fire in the sap house 15 years ago might have been enough to discourage a family less interested in the hobby. The fire did quite extensive damage before the Harts managed to extinguish it—using sap, syrup and "anything we could lay our hands on," Hart says.

The Harts have 100-130 buckets out this year. When they feel it's time to sugar off, they'll drill small holes in the trees. Once the sap starts running, they'll travel from tree to tree and collect the sap in large milk cans, then take it back to the sap house to boil until it thickens into syrup.

Hart estimates the yield this season should be from 40 to 60 gallons of syrup. What the family doesn't use for private purposes, it markets to anyone who might see a "Syrup for Sale" sign posted on the road near the Hart house on Center Hill.

The forrester says he feels the Yankee tradition of "making your own" maple syrup and sugar has been losing popularity in recent years, partly because "people don't want to bother with it," and partly because "some people are afraid it is harmful to the trees."

Hart says the latter fear is unfounded since "if it's done properly . . . gauging the number of buckets on a tree to the size of the tree and so forth, there won't be any tree damage."

#### PUBLIC DOES NOT FAVOR GUN CONTROL

### HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. HAGAN. Mr. Speaker, from time to time, particularly when crime appears to be on the increase, a sort of gun hysteria

arises and there is a clamor for more gun control. I wish to share with my colleagues an editorial by Mr. Robert R. Hollingsworth from my hometown of Sylvania, Ga. Mr. Hollingsworth is editor and publisher of the Dixie Sportsman, a monthly paper devoted to the interests and concerns of outdoor sportsmen. He has brought to the attention of his readers the very interesting poll taken by Life magazine on gun control.

For years, I have held that we do not need more legislation to prohibit ownership of guns or to register guns and gun owners but what we do need is stricter enforcement of existing laws and heavier penalties for criminals who use weapons to terrorize, maim, and kill. The misuse of guns by criminals and our irresponsible citizens would be a far lesser problem if we removed some of the unreasonable restrictions from our law enforcement agencies and allowed them to fully exercise their lawfully granted authority. It would appear, from this poll, that a sizable number, 30 percent, keep a gun for self-protection and would not favor any further abridgement of their constitutional right to keep and bear arms as law-abiding Americans.

The article follows:

#### PUBLIC NOT IN FAVOR OF GUN CONTROL

By querying 43,000 readers, Life magazine in its Jan. 14 issue came up with figures indicating a widespread fear of U.S. crime. Their own homes felt unsafe to 78 per cent; the city streets seemed menacing to 80 per cent. Of families, 43 per cent contained at least one crime victim during 1971; 41 per cent felt that police protection was inadequate; 70 per cent would pay added taxes for improved policing. But 30 per cent of the populace, said Life, hedged all bets by keeping a gun for self-protection.

To some this might seem cause for plaster-tight gun-control edicts, but the study also brought out the fact that the queried readers saw no virtue at all in that approach.

"Gun Control laws, particularly those proposed by Senator Hart of Michigan and Mayor Lindsay of New York found no sympathy . . ." said the Life article. Responses indicated the police should offer gun-handling clinics, every criminal is a potential killer, and so on.

Life's 30 per cent figure for households containing guns for protection may or may not be correct. Perhaps greater weight should be given the higher figures, including firearms used for target shooting and hunting rather than self-defense, which have been cited in other surveys. But it is clear that the public does not want confiscation, does feel that the road to crime control is not by tightening up on firearms but rather by tightening up on criminals.

#### CONGRESSMEN MICHAEL HARRINGTON AND LES ASPIN DEMAND FACTS ABOUT THE AIR WAR

### HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. DRINAN. Mr. Speaker, I attach herewith an editorial from the Boston Globe of March 13, 1972, commending our two colleagues, Congressman HAR-

RINGTON of Massachusetts and Congressman ASPIN of Wisconsin.

These two Congressmen, both members of the House Armed Services Committee, are doing all of us and the American people a service in their persistent quest for the basic information concerning the widening air war the results of which are bringing total devastation to the people of Southeast Asia and particularly to the people in South Vietnam—a nation which is our ally.

The editorial follows:

#### MAKING WAR BY SECRECY

Is the air war in Indochina really winding down as President Nixon has claimed? Two Congressmen, Reps. Michael Harrington (D-Mass.) and Les Aspin (D-Wis.), charged over the weekend that it is not, and that the American people are being deceived.

The two congressmen, both members of the House Armed Services Committee, say that not only the public but the committee, too, are not being told of the scope or intensity of the bombing.

More than a week ago, the US command in Saigon announced that it would no longer make public the number of planes or individual missions involved in raids over North Vietnam. The reason given was that such information might be of use to the enemy, but in the past the information had only been released well after the raids had occurred, at a time when the other side surely knew all it needed to know about them.

Why, then, the sudden change? Perhaps part of the answer was given in dispatches from Saigon last Friday reporting that US planes had struck into North Vietnam for the 11th straight day which set a record for consecutive days of attacks there since President Johnson halted the bombing of that country Nov. 1, 1968. The previous record of 10 days of consecutive bombing was set only last Dec. 21-30.

And in the first 72 days of this year, including the week that was supposed to have "changed the world" when Mr. Nixon came to China "in peace for all mankind," US planes have made no less than 93 air strikes into North Vietnam in the name of "protective reaction."

Other indicators of a widening air war are the stationing of four aircraft carriers off Indochina and the doubling of the number of B-52's available for bombing in the last month.

Why, then, all the secrecy? Dennis J. Doolin, Deputy Asst. Secretary of Defense for International Security Affairs, writes a letter to Cong. Aspin referring to "the extreme sensitivity" of the data requested.

Herbert Klein, Director of Communications for the Executive Branch, queries the Pentagon and is told that it doesn't give the same "priority" to the bombing data as it does to our own casualty figures, and that the latter have to do with personnel, and the former concern "materiel."

From all this the conclusion is inescapable that the Pentagon's priorities are horribly and barbarously confused. It simply will not equate bombing figures with killing people.

With the air war at its highest peak since the bombing halt of 1968, American officials are claiming that air power is the only means left of influencing the military situation. But they are expecting it to do what it utterly failed to do for so many years even with our massive power on the ground.

They have yet to learn from John Donne that "any man's death diminishes me, because I am involved in mankind. . . ."

They must be told by Congress and the people that this is still a government run by civilians, and that the bombing figures must be made public.

#### MORE ON CANADIAN CONCERN OVER THE ALASKA PIPELINE

### HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mr. ASPIN. Mr. Speaker, I would like to include in the RECORD today an editorial from the Toronto Globe, which my colleagues who are concerned with the Alaska pipeline will find of interest. It forcefully expresses Canada's profound concern with the proposed trans-Alaska pipeline and its possible environmental consequences for Canada.

The article follows:

[From the Toronto Globe, Feb. 11, 1972]

#### DILEMMAS IN OIL

It should be of vital interest to Canadians that the report produced this week on the dangers of oil pollution to the West Coast of Canada and the United States was produced only because the United States has a law called the National Environmental Protection Act which forces such studies to be made and published.

The United States Department of the Interior did not want to produce this report; it delayed and delayed, and probably brought it out in the end only because the U.S. courts had already made it plain, with their treatment of off-shore drilling proposals for the U.S. East Coast, that no environmental studies and reports meant no plans permitted to proceed.

The U.S. Interior Department has been anxious, with three of the world's largest oil companies, to bull through the Trans-Alaska Pipeline System, which would deliver Alaskan oil through a pipe crossing delicate tundra and one of the most earthquake-prone zones in the world, to one of the stormiest ports in the world, for transshipment into tankers which would proceed through some of the roughest seas in the world down the entire West Coast of Canada and most of the West Coast of the United States.

The report, produced by the U.S. Coast Guard, outlines the horrendous dangers of one part only of this trip—that by tanker from Alaska.

The study reports that statistics show that 140,000 barrels of oil will be accidentally spilled off Canadian and U.S. coasts every year, and that there will also be an average of one casualty (collision or grounding of a tanker) on the route every year. In addition, there will be oil lost during loading and unloading, small spills in harbors, and the frequent and deliberate discharge of oil during seagoing tank-cleaning operations.

Since these will be the largest tankers ever devised by man, and since both the United States and Canada have experience of the great destruction and cost of large (but not so large as the future could provide) oil spills, the projection of the study is shocking in the extreme; so shocking, indeed, that the U.S. Interior Department has finally admitted that it is going to have to consider alternative methods of moving the oil, which would include doing it by pipeline through Canada.

The questions raised by this study in Canada are several.

The Canadian Government was slow and reluctant to protest the dangers to which the TAPS plan would expose our West Coast. In the end, however, External Affairs Minister Mitchell Sharp did convey to the U.S. Government its concern. Parliament was more firm. It gave unanimous support to the report of a committee of the Commons which vigorously opposed the tanker route.

The present report should prove to the Government that the cause for concern is real, and that Conservative Heath Macquarie was correct when he told the House "that we cannot be too concerned and should express our concern day in and day out".

The second question that is raised is why Canada does not itself have an act that requires environmental studies to be made and published before projects which could affect the environment are launched. U.S. citizens have been able to work through the courts to halt, perhaps forever, the very dangerous TAPS, and at least to force public exposure of all its dangers. Canadian citizens do not have the same powers and, in fact, our East Coast is now being explored for oil and gas, with the Government's blessing, under conditions just as dangerous as those exposed for the West Coast.

The third matter to be pondered is that any long delay over TAPS will force both U.S. Government and the oil industry to consider the alternative of delivering the oil by pipeline through Canada. How safe will that be for Canada? It is true that the Government has been involved with the oil companies in extensive research on the impact of oil and gas pipelines on Canada's north and that A. D. Hunt, assistant deputy minister for the Minister of Northern Development, said last week that "we expect that by the end of this current year we will have adequate information to deal with any application" for an oil or gas pipeline.

This "adequate information" must be made available to the public.

But even if pipelines can be safely constructed (and U.S. environmentalists give Canada far higher marks for research in this area than they do the United States) what would such pipelines do to Canada in the areas of economics and sovereignty? How would they affect our balance of payments?

How far along the road to a continental energy policy would they take us?

If the U.S. Interior Department is being pushed to consider urgent questions it would rather evade, so is Canada.

#### THE 110TH ANNIVERSARY OF BIRTH OF JANE DELANO, FOUNDER OF AMERICAN RED CROSS SERVICES

### HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1972

Mrs. GRASSO. Mr. Speaker, March 12 was the 110th anniversary of the birth of Jane Delano, founder of the American Red Cross Services, and warm friend of those who suffer.

Jane Delano lived a life of selflessness and dedication. These virtues, coupled with her imaginative and innovative mind, raised nursing to higher levels of service.

From 1888 until her death in 1919, the fervent desire of Jane Delano to improve nursing and public health services was constant. Introduced to the needs and inadequacies of health facilities during a 3-year stay in a typhoid-ridden Arizona town, Jane Delano became committed to the goal of improving the lot of the sick. In retrospect, her contributions to the care of the sick during her early years foreshadowed her marvelous contributions to the needy during the First World War.

As head of the girl's department at the House of Refuge, Randalls Island, N.Y., Jane Delano exhibited great warmth as well as firm discipline—qualities she retained in her important post as superintendent of the Bellevue Hospital School of Nursing. As an educator she revised curriculum and broadened the perspective and dignity of the nursing profession.

It was therefore natural for Miss Delano to become the guiding light of the Red Cross, as chairman of the National Committee on Red Cross Nursing Services in 1905. In this position, Miss Delano implemented a plan which substantially increased the volume of available nursing services. In 1910 she stated:

The committees, with nearly 1,300 enrolled nurses, are a guarantee to the Nation that neither the stress of calamity nor the turmoil of war will ever again find us totally unprepared.

Under Miss Delano's leadership, the Red Cross Nursing Services grew dramatically over the years. When Americans answered the call to arms during World War I, nearly 20,000 enrolled Red Cross nurses, under the direction of Jane Delano, responded and served.

Today, the Red Cross Nursing Services is a living memorial to this "first lady" of American nursing. Although she was often decorated, she sought neither ribbons nor medals but the love and respect of her fellow nurses. She deservedly earned the unending gratitude and admiration of an entire nation.

## SENATE—Wednesday, March 15, 1972

The Senate met at 10 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

#### PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, strong to save, amid the changes of all that is temporal and visible, give us clear eyes and clean minds to discern the shining truth of the eternal and the invisible. May this place with its dome pointing skyward still symbolize to all mankind a people whose eyes of faith are ever turned toward Thee. Help us who labor within its walls to walk and work with hearts attuned to Thy presence. We pray, O Lord, that this Nation may become a spiritual bastion of those irresistible and eternal verities upon which our freedoms were reared and upon which they must rest if we are to remain a great and good and strong people. Help us to do our part according to Thy will.

In Thy holy name, we pray. Amen.

#### DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,

Washington, D.C., March 15, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,  
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

#### THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, March 14, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### VACATING OF TIME FOR SENATOR BYRD OF WEST VIRGINIA TO SPEAK TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time allotted to the distinguished assistant majority leader, the Senator from West Virginia (Mr. BYRD), be vacated and that the 15 minutes allowed for the Senator from West Virginia be allocated to the distinguished Senator from Alabama who is now presiding.

The ACTING PRESIDENT pro tempore (Mr. ALLEN). Without objection, it is so ordered.

#### COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### RADIO FREE EUROPE AND RADIO LIBERTY

Mr. SCOTT. Mr. President, I have received a letter from the President of the United States in which he notes the "essential role" of Radio Free Europe and Radio Liberty in the new phase of East-West relations now developing. I ask unanimous consent that the President's letter be printed in the RECORD and commend it to the close attention of my Senate colleagues.

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

THE WHITE HOUSE,  
Washington.

Hon. HUGH SCOTT,  
Minority Leader  
U.S. Senate.

DEAR HUGH: I am deeply concerned by the present impasse in funding for Radio Free Europe and Radio Liberty. It is my considered judgment that these institutions can play an essential role in the reorienting of East-West relations which is now taking place. They must not be allowed to go under.

There are of course differing points of view concerning the way in which these radios