By Mr. BRASCO:

H.R. 14113. A bill to amend the Public Health Service Act to provide for the prevention of Cooley's anemia; to the Committee on Interstate and Foreign Commerce.

By Mr. FISHER:

H.R. 14114. A bill to amend title II of the Social Security Act to increase to $3,000 the amount of outside earnings permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. HALPERN (for himself and Mr. HATHAWAY):

H.R. 14115. A bill to promote international cooperation in United Nations efforts to protect the world's oceans and atmosphere; to the Committee on Foreign Affairs.

By Mr. HALPERN (for himself and Mrs. GRASSO):

H.R. 14116. A bill to promote the peaceful resolution of international conflict, and for other purposes; to the Committee on Government Operations.

By Mr. HALPERN:

H.R. 14117. A bill to amend the Civil Rights Act of 1964 in order to prohibit discrimination on the basis of physical or mental handicap in federally assisted programs; to the Committee on the Judiciary.

By Mr. KOCH (for himself, Mr. BEGICH, Mr. BRASCO, Mr. BURTON, Mrs. CHISHOLM, Mr. DELLUMS, Mr. DONOHUE, Mr. DOW, Mr. EDWARDS of California, Mr. EILBERG, Mr. FASCELL, Mr. GALLAGHER, Mrs. GRASSO, Mr. GUDE, Mr. HALPERN, Mr. HARRINGTON, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Mr. KEMP, Mr. LENT, Mr. MATSUNAGA, Mr. MOLLOHAN, Mr. NIX, Mr. ROSENTHAL, and Mr. ROYBAL):

H.R. 14118. A bill to authorize the establishment of an older worker community service program; to the Committee on Education and Labor.

By Mr. KOCH (for himself, Mr. PEPPER, Mr. SARBANES, Mr. SCHEUER, Mr. STOKES, Mr. SYMINGTON, Mr. TIERNAN, Mr. BOB WILSON, Mr. WINN, and Mr. YATRON):

H.R. 14119. A bill to authorize the establishment of an older worker community service program; to the Committee on Education and Labor.

By Mr. KOCH (for himself, Mrs. ABZUG, Mr. BELL, Mr. BOLAND, Mr. BURTON, Mr. O'HARA, and Mr. RYAN):

H.R. 14120. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for grants to cities for improved street lighting; to the Committee on the Judiciary.

By Mr. MINSHALL:

H.R. 14121. A bill to amend the Internal Revenue Code of 1954 to provide that married individuals who file separate returns shall be taxed at the same income tax rates as unmarried individuals and to provide a special rule in the case of earned income which is community income; to the Committee on Ways and Means.

By Mr. MIZELL:

H.R. 14122. A bill to amend the Public Works and Economic Development Act of 1965 to extend its coverage with respect to the economic development of rural America; to the Committee on Public Works.

By Mr. RONCALIO:

H.R. 14123. A bill to amend title 13, United States Code, to establish a National Voter Registration Administration, and for other purposes; to the Committee on House Administration.

By Mr. RYAN:

H.R. 14124. A bill to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Assistance Administration to carry out a program of financial assistance to encourage and assist the States in registering voters; to the Committee on House Administration.

By Mr. STUBBLEFIELD:

H.R. 14125. A bill to amend the Federal Meat Inspection Act, as amended, by exempting salt-cured smoked meat; to the Committee on Agriculture.

H.R. 14126. A bill to provide for the establishment of a veterans' hospital in western Kentucky; to the Committee on Veterans' Affairs.

By Mr. GERALD R. FORD:

H.J. Res. 1130. Joint resolution authorizing the President to proclaim the first Monday in May as Industry Day; to the Committee on the Judiciary.

By Mrs. GRASSO:

H.J. Res. 1131. Joint resolution relating to sudden infant death syndrome; to the Committee on Interstate and Foreign Commerce.

By Mr. MATSUNAGA:

H.J. Res. 1132. Joint resolution to establish a national policy relating to conversion to the metric system in the United States; to the Committee on Science and Astronautics.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

344. By the SPEAKER: Memorial of the Legislature of the State of California, relative to the creation of a Commission on Indian Treaties; to the Committee on Interior and Insular Affairs.

345. Also, a memorial of the Legislature of the State of Hawaii, ratifying the proposed amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

346. Also, a memorial of the Legislature of the State of Nebraska, ratifying the proposed amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

347. Also, a memorial of the House of Representatives of the State of Arizona, relative to appointing a committee to investigate and recommend changes in the tenure provisions of the civil service laws; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BENNETT:

H.R. 14127. A bill for the relief of Mrs. John Poon; to the Committee on the Judiciary.

By Mr. BROOKS:

H.R. 14128. A bill for the relief of Jorge Ortuzar-Varas and Maria Pabla de Ortuzar; to the Committee on the Judiciary.

By Mr. ECKHARDT:

H.R. 14129. A bill for the relief of Mary Moore Aalund; to the Committee on the Judiciary.

By Mr. LUJAN:

H.R. 14130. A bill for the relief of Jean Claire Casey; to the Committee on the Judiciary.

By Mr. TEAGUE of California:

H.R. 14131. A bill for the relief of Miss Albertina C. Dias; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

204. The SPEAKER presented a petition of Gordon L. Dollar, et al., Represa, Calif., relative to redress of grievances; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

THE PLIGHT OF THE INDIANS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. WALDIE. Mr. Speaker, when America was discovered the Indian population is estimated to have been about 1.5 million in the continental United States.

After contact with Europeans, the numbers fell rapidly as a result of many wars and the introduction of Western European diseases such as smallpox and measles which were fatal to many Indians. This was just the beginning of lives of misery and oppression for many Indians—a tragic period in their history and in our history—which is still not ended.

Some of the Indian tribes were totally decimated. Others merged and lost their special identity. Their land—which they treasured and respected—was taken away in ever-increasing chunks.

Now they are herded onto reservations. These reservations consist mainly of land which is not fit for farming or much else, for that matter. Their natural resources are slowly being eroded and their water resources are drying up. Altogether, a shameful episode in our Nation's past history that continues in its shameful neglect into our present.

A constitutent of mine who is concerned about the native Indian populations—Mrs. Dorothy T. Metzger, of Moraga, Calif., has sent me an article by Homer Bigart which appeared in the San Francisco Chronicle of March 12, 1972. I would like to share the article with my colleagues:

INDIANS FIGHT TO KEEP THE LAND

(By Homer Bigart)

RENO.—A grim determination to defend and preserve their shrinking land and water resources is developing among 477,000 Indians who live on 263 reservations in the West.

These resources are still being whittled away. "Manifest destiny," which justified the seizure of Indian lands on the presumption that the whites were destined to rule the continent, has been replaced by more subtle forms of expropriation, the Indians say.

"FIRST LANDLORDS"

Indians occasionally reflect with bitterness that, as the "first landlords of this continent," they might have started collecting rent from the pilgrims. Now they are down to some 50 million acres held in trust for

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them on reservations and 40 million acres to share with Eskimos and Aleuts in Alaska.

The reservations range in size from tiny California settlements of only a few acres to the Navajo reservation of 14 million acres in Arizona, New Mexico and Utah.

Since these trust lands may be sold only with the approval of the Secretary of the Interior, it would appear that they are reasonably safe from further erosion. However, the long-term leasing of tribal property to public utilities, timber interests, strip-mine operators and resort developers is an increasing menace, the Indians say.

Usually it is the extreme poverty of a reservation that forces tribal chiefs into deals for the exploitation of Indian land and water resources. Then the chiefs are often reviled by their tribesmen as "apples" and "radishes," meaning phony Indians who are red on the outside but white under the skin.

A common feature of Indian reservations is their relative aridity. Consequently, water rights have become the most crucial problem for the Indians. When delegates to the National Congress of American Indians met here in November, they saw a gaunt symbol of their vanishing water assets—a dying lake.

PYRAMID LAKE

They were taken to the Pyramid Lake Indian Reservation, 30 miles northeast of Reno, to inspect what is generally considered to be one of the world's most beautiful natural desert lakes.

For centuries, the water level of Pyramid Lake was maintained by a natural balance of inflow from the Truckee River and a high evaporation rate in the desert climate. But the increased upstream use of Truckee water by cities and towns, irrigated farms and recreational and wildlife areas has upset that balance.

Now the lake has dropped more than 80 feet.

A study group from the federal government and the states of Nevada and California has estimated that the lake is steadily receding at the rate of one foot a year and that its demise is certain unless the Truckee inflow is fully restored.

The lake, once one of the finest fresh-water fisheries in the nation and renowned for its cutthroat trout, is becoming increasingly saline.

The northern Paiutes, who had hoped to develop the lake as a major recreational attraction, are embittered over the impending loss of their principal livelihood.

The Paiutes charge that the Truckee water is being "stolen" by upstream whites. But California and Nevada contend that, under a 1944 "final decree" by the federal courts, the Indians are entitled to no more than 30,000 acre-feet of Truckee water annually, or less than one-tenth the amount needed to offset evaporation and sustain the present level of the lake.

To the Indians, loss of the tribal land base usually leads to loss of tribal identity, and they cite the downward cultural and economic spiral of tribes that have cut themselves loose from federal trusteeship.

Members of these "terminated" tribes, oppressed by unemployment, have often had to sell the lands and go to the cities in search of work. Idleness among urban Indians now runs as high as 70 per cent and they live in abject loneliness in the foulest of slums.

RESTORING THE RIGHT TO OWN AND TRADE IN MONETARY GOLD

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. SCHMITZ. Mr. Speaker, on March 6 I appeared before the House Banking and Currency Committee to testify in favor of my bill, H.R. 6790, which would remove all present restrictions on the ownership, buying and selling of gold by American citizens, and would allow payment of contractual obligations in gold if both parties to a contract agree to it. The subject of the committee hearing was the pending bill to devalue the dollar in terms of gold, and my bill was offered as an amendment to that measure.

The prohibition on owning and trading in monetary gold by American citizens dates back to the depths of the Great Depression, to an Executive order by President Franklin Roosevelt in 1933, followed up by implementing legislation and upheld by a 5 to 4 Supreme Court decision in 1935 invalidating the "gold clauses" in private contracts, whose legality my bill would restore. The time has come to remove this extraordinary restriction on private ownership by citizens of what is supposed to be, and ought to be a free country.

Excerpts from my testimony follow:

I come before you today to urge you most solemnly to lift one of the most arbitrary, tyrannical and indefensible restrictions of individual liberty ever imposed on the American people: the denial of their right to own and trade in monetary gold—a right respected by nearly every other free country in the world. Whatever reason or excuse might once have been given for denying this right at the height of a world-wide financial panic nearly forty years ago, there can be no possible justification for maintaining the prohibition, now that our Federal Government itself will no longer trade in gold. The bill before you presents a natural vehicle for removing this prohibition. Proposals to remove it have gained widesperad support.

Throughout history, the most dependable *intrinsic* economic value has been found in precious metal—gold and silver. Nearly all advanced civilizations have used gold as their basic monetary standard. Its attributes of durability and beauty have given it a character apart from that of any other metal, a character that has remained untarnished throughout the ages. Gold commands respect in all quarters for its beauty and imperishability. You may throw it into the ocean, you may hide it in the earth, or you may subject it to the heat of the furnace, but it remains essentially unchanged and unmistakable in its appearance.

And, so long as gold may be freely owned and traded, the very qualities which give it so much intrinsic value also act as a check on the inflation of other media of exchange, whose value will inevitably be measured in terms of gold. When gold is in circulation, the people cannot long be fooled about what is happening as the value of their paper money is diluted. . . .

Writing in *The Freeman* in August 1971 just as the international money crisis which led to the devaluation of the dollar was breaking out into the open, distinguished economist Henry Hazlitt said: "There appears to be no alternative now to our government doing frankly and de jure what for the last three years it has been doing without acknowledgment but de facto: it should openly announce that it can no longer announce that until further notice it will neither buy nor sell gold."

These things have already been done. But Mr. Hazlitt went on to say: "Simultaneously, however, the United States should repeal all prohibitions against its citizens owning, buying, selling, or making contracts in gold. This would mean the restoration of a really free gold market here."

PROPOSES A NEW DEPARTMENT OF HEALTH

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. SYMINGTON. Mr. Speaker, two of the most serious problems facing our country today are the lack of adequate funding for health programs and the lack of coordination of the many existing health programs.

A new, separate Department of Health could alleviate both of these problems. A Secretary of Health could devote full-time to coordinating the disparate health effort by the Federal Government while assessing the value and the need for more dollars for effective health programs.

In this regard, I would call to the attention of my colleagues an article detailing a proposal for a separate Department of Health and the key role Representative PAUL ROGERS of Florida is playing in the development of this new Department.

The article appeared in the American Medical News on February 28, 1972.

WASHINGTON'S WEEK

A Cabinet level Dept. of Health is slated to receive a serious push in Congress this year, though time won't permit enactment. Rep. Paul Rogers (D., Fla.), influential chairman of the House Health Subcommittee, plans to introduce legislation and hold hearings. Impetus to the drive could come from the Democratic Party's national convention where a party plank provision may endorse the Health Dept. idea.

Administration opposes plan. President Nixon's moribund Cabinet reorganization plan moves in opposite direction, calls for changing Health, Education, and Welfare Dept. to Dept. of Human Resources with added welfare programs from Labor and Agriculture Departments.

No question from size and importance that health ranks a Cabinet spot. Federal outlays for health next fiscal year put at $25.5 billion, 10.3% of all federal expenditures. However, broad issue pits two schools of thought on administering federal programs. Administration supporters believe it makes sense to contain within one umbrella most programs involving health and welfare as intimately connected and needing single supervision. Education isn't quite so related, but there hasn't been much pressure to separate this function which ranks third in spending at HEW (about $6 billion) and fits in as well at HEW as anywhere.

Backers of a Health Dept. contend that health gets short-changed because it doesn't have Cabinet clout, argue that size and importance dictate elevation. Rep. Rogers is charging that health is an administrative mishmash and that as a result White House Office of Management and Budget is real maker of health policy. "The federal health establishment is entitled to have a full-time secretary of health who can be heard in the White House over the guillotine of the Office of Management and Budget," lawmaker declared in a speech last fall.

A troublesome problem in any consolidation of health functions is the administrative location of Medicare and Medicaid, the government's two big health programs. Medicare is run by Social Security, which could hardly be brought under a health department, and Medicaid rests in HEW's Social and Rehabilitation Service.

A meaningful Health Dept. would have to

exert control over both of these programs, but how the lines of authority could be rejiggered to accomplish this is a tough problem.

Another difficulty lies in the organization of Congress, where jurisdiction over health is splintered. Medicare and Medicaid are supervised by the House Ways and Means and Senate Finance Committees as part of their jurisdiction over tax matters. Most of the remainder of health is in the province of the Senate Labor and Public Welfare and the House Commerce Committees, which have many other responsibilities. Both have special health subcommittees. Furthermore, due to this division, the Congressional appropriations committees have exerted great influence on health policy through control of the purse strings.

Rep. Rogers and his Senate counterpart, Sen. Edward Kennedy (D., Mass.), realize that establishment of a separate Health Dept. would make formation of Congressional full committees dealing solely with health a logical next step. And their subcommittees would be the logical basis for such committees.

The chairmen of the present committees—Sen. Harrison Williams (D., N.J.) and Rep. Harley Staggers (D., W. Va.)—are in somewhat the same position as HEW Secretary Elliot Richardson. They would not like to see such an important chunk of their business taken away.

Most health groups, including AMA, back a Health Dept. One reason for formation of the 21-member Coalition for Health Funding was the belief that health needs more clout in Congress.

INFANT MORTALITY DECLINE

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. CARTER. Mr. Speaker, I am pleased to submit the following article on the decline of the infant mortality rate in the United States.

[From American Medical News, Feb. 21, 1972]

INFANT MORTALITY RATE CONTINUED DECLINE IN 1971

The infant mortality rate in the United States continued to drop in 1971.

The National Center for Health Statistics, on the basis of preliminary data for the first 11 months of 1971, places the infant mortality rate at 19.0 per 1,000 live births—compared to the annual rate of 19.8 in 1970.

In the past 20 years, the rate has been cut by more than one-third—from 29.2 in 1950 to the current low. It was 47.0 in 1940.

The National Center also reported in its Monthly Vital Statistics Report that the 17.5 infant deaths per 1,000 live birth last August was the lowest rate ever recorded for a single month in the U.S. The previous monthly low was 18.5 in August, 1970.

Provisional data for infant mortality by state have not been compiled for 1971.

However, on the basis of data for the first 10 months of 1971 Connecticut recently cited a new state low of 15.4 infant deaths per 1,000 live births, continuing a steady decline from 22.2 in 1965. Connecticut ranked among states with low infant mortality last year with a rate of 17.2.

In its *Weekly Health Bulletin*, the Connecticut State Dept. of Health cited two factors in the declining infant mortality rate:

Better and more effective medical care for mothers and newborns.

Changes in the basic character of the state's maternity and newborn population.

According to the report, there has been a substantial reduction in the number of infant deaths caused by birth injury since 1965. There also has been a significant drop in the number of infant deaths related to hemolytic disease, due chiefly to a new medical procedure designed to prevent the disease.

Along with improvements in direct medical care, there has been a marked decrease in the number of very low-weight babies, the health department said. In 1965, 8.6% of Connecticut's babies weighed 5½ pounds or less at birth. In 1970, this figure had fallen to 7.8%

"This change might appear to be slight, but it is important since well over 50% of all infant deaths occur among this relatively small group of low-weight babies," the report pointed out. It added that the reason for the change in birth weight distribution is not clear.

Another important change cited in the Connecticut report is the trend toward smaller families.

THE COMMITTEE FOR FULL FUNDING OF EDUCATIONAL PROGRAMS

HON. DAVID PRYOR

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. PRYOR of Arkansas. Mr. Speaker, I would like to take this opportunity to comment on the diligent and sincere work of a group whose prominence is steadily increasing with regard to educational matters in this Nation.

The Committee for Full Funding of Education Programs was established in 1969. It is a nonpartisan organization, by that I mean that their efforts are aimed at the increased funding of many diversified education programs. The committee's components include the concerns of elementary and secondary education, vocational and higher education, impact aid, and libraries.

At a breakfast given for members of the House Appropriations Committee, the current president of the group, Mr. Frank Mensel of the American Association of Junior Colleges, presented a concise but complete critique of the serious financial problems faced by Federal education programs.

I urge my colleagues on the Appropriations Committee and all the distinguished Members in both Chambers of the Congress to earnestly listen to and completely digest in their minds and consciences the facts and figures and thoughts exposed by members of this committee.

People all over this country are beginning to think that their Government is allowing the urgent priority of education for all of our citizens to become lost among less important issues that face us today. It seems strange and odd to me, as well as to millions of others in this land, that education, or the lack of it, is credited with being the roots of so many of our National, State, and local problems. The past and current scapegoat employed when answers or solutions cannot be quickly found for economic, social, and political upheavals is the inadequate education of our citizens. And in a great number of cases, this is the inevitable truth.

But what are we doing to better and more efficiently service the educational needs of our schoolchildren, our handicapped, our aged, and all other Americans whose thirst and need for education can and should never be quenched? We are not doing enough. The future of our society cannot tolerate a lowering of the top priority ranking due educational programs; the present cannot stand devastating cuts in the funding of education programs.

The Committee for Full Funding is trying to warn the Congress of the impact on this Nation of neglecting our educational responsibilities.

Its membership is doing us a great service.

I urge that my distinguished colleagues give them and their information a little time and a lot of consideration.

MEANY FAILED TO WORK FOR PAY BOARD GOALS

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. ANDERSON of Illinois. Mr. Speaker, the Washington Post on Sunday, March 26, 1972, contained a column by a distinguished economist and commentator on economic affairs by Mr. Hobart Rowen. I believe that it correctly points out the real background which surrounds the resignation of Mr. George Meany from the Pay Board. I agree completely with Mr. Rowen's assessment of Mr. Meany's action as both precipitate and unwise.

Mr. Speaker, I think that an effective wage-price control program needs and deserves the cooperation of organized labor. I hope that Mr. Meany and his colleagues will reconsider their decision to quit the Board.

The column follows:

MEANY FAILED TO WORK FOR PAY BOARD GOALS

(By Hobart Rowen)

AFL–CIO President George Meany has been itching to get off the Pay Board ever since he joined up, with great reluctance, five months ago. At his insistence, the board was established on a tripartite basis. But as Judge Boldt, chairman of the board, reported accurately, the AFL–CIO group has been sniping at the system, especially at the public members, from the first day.

Meany has displayed his contempt for the stabilization effort in many ways. He rarely showed up himself for the meetings of the Pay Board, sending research director Nat Goldfinger to most sessions as his alternate. Boldt noted that, when the dock-workers' case was considered, not one of the five labor men named by the President was present, all being represented by subordinates.

But for all of the heavy and denunciatory rhetoric in the AFL–CIO statement celebrating its walk off the board, it would be naive to believe that the reduced but generous 14.9 per cent settlement for the dockworkers is the real cause of the Meany blast.

Meany is less concerned with the amount of pay increase authorized by the Pay Board for the dockworkers than with Nixon's "af-

front" to all of labor when he signed, in Peking, the legislation that would have forced the dockstrike to arbitration, had it continued. Meany considered that a gratuitous slap in the face.

The barrage of invective privately leveled against public members Arnold Weber and Kermit Gordon was Meany's way of saying that Judge Boldt is incompetent, and that in the absence of real labor-management expertise on the board, Weber and Gordon had taken over. Weber is regarded as "an administration flunky." Gordon, a distinguished economist and president of the Brookings Institution, is labeled by one of Meany's key aides as "a no good, incompetent ———."

If there is anything wrong with the dock pay award, it is its excessive generosity in the face of a 5.5 per cent general standard, or the 7 per cent catchup standard. But it was swallowed by the public and business members on the basis that greater productivity and mechanization on the docks justified that much—even if they couldn't buy the 21 per cent package won by Harry Bridges.

The American public could probably accept the Pay Board's logic—even though it weakened the fight against inflation. What won't go down is the meaningless arithmetic offered by Meany, claiming that a dockworker getting a 15 per cent pay raise will "lose" $1,150 in the next 18 months. That is pure bull.

Where Mr. Meany has a case is on prices. There have been so many leakages on the price stabilization side, notably on food, that it begins to look extremely doubtful that the goal of limiting inflation to a 2-to-3-per cent increase by the end of this year can be achieved.

The spectacle of Agriculture Secretary Earl L. Butz running around the country cheering every increase in meat prices is hardly one designed to create confidence in Phase II. The administration as a whole gives the impression that the price side of the job is a very distasteful thing.

To be sure, Price Commission chairman C. Jackson Grayson Jr. appears to be dedicated to his responsibilities. But there is lots of window dressing and little substance in much of the effort. The public has been led to believe that a fairly tight control exists on almost everything. But, as the soaring price indexes show, this is not the case.

What is needed is a realistic wage-price program, and Meany's politically unwise and precipitate action contributes nothing to that cause. The AFL–CIO suggests that it believes in controlling prices. In that case, it must suffer the control of wages as well. All that Meany has accomplished is the creation of a public board instead of a tripartite board, which leaves him on the outside looking in.

What labor risks, it seems to me, is a growing public distaste for the arrogance of its leaders. The AFL–CIO, after all, has by its own count, only 14,749,000 members out of a total labor force in ths country of 85,500,000 workers. All organized labor—other unions added to the AFL–CIO—represent only about 20 per cent of the labor force.

There already is some sentiment in Congress and elsewhere for clipping labor's power, by resorting to compulsory arbitration and other methods. If Mr. Meany is held responsible by the public for pulling Phase II onto the garbage heap, he's inviting an era of repression.

MDTA: A DECADE OF ACHIEVEMENT

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. STEIGER of Wisconsin. Mr. Speaker, at the 10th anniversary of the start of the landmark Manpower Development and Training Act, Dr. Garth Mangum delivered a most thoughtful and important speech.

Since the conferees meet tomorrow on the extention of MDTA, my hope is that Dr. Mangum's references to a wake will prove to be wrong but his analysis of this act during its 10 years of existence deserves the careful attention of all Members of Congress. Since Dr. Mangum is one of the "fathers" of MDTA, his remarks are particularly important.

The speech follows:

MDTA: A DECADE OF ACHIEVEMENT

(By Garth L. Mangum)

Invited to review the accomplishments of MDTA, I am uncertain whether to speak encouragement to a healthy 10 year old temporarily indisposed or to offer a eulogy in a macabre funeral sermon for a corpse not yet dead but dying. All indications would support the terminal diagnosis but survival from a last minute blood transfusion is not impossible. But in either case the review is appropriate.

Conceivable achievements are (1) reduction in overall unemployment, (2) reduction in the unemployment-price level trade off, (3) improvement in the employment and earnings experience of enrollees, and (4) favorable institutional change. The first is conceivable only if (a) there are jobs remaining vacant and demands for goods and services remaining unfulfilled for lack of workers with skills within reach of MDTA training, or (b) if the training can increase overall marginal productivity sufficiently to spark expansion. The second is a reasonable possibility but not measurable at enrollment levels which have prevailed to date. The impact on enrollees and upon labor market institutions are the residual possibilities explored in this paper. The institutional impact was earlier explored by my favorite author in his *MDTA, Foundation of Manpower Policy* but can be updated. It is an interesting coincidence that a measure of the enrollee impact became available only after 10 years in what is apparently to be MDTA's terminal year.

MDTA has been recently intensively evaluated for its administrative system, its relevance to the labor market, its basic education component, the effectiveness of its skills centers and individual referral practice, its employment and incomes outcome and its contribution to the alleviation of skill shortages. Most are concerned with process rather than achievement. I summarize briefly only the findings of the latter four studies in which I have had some involvement.

THE EMPLOYMENT AND EARNINGS IMPACT

A total of 1.7 million persons enrolled in MDTA programs between March 15, 1962 and June 30, 1971 pursuing training financed under total federal obligations of $2.4 billion. Program data list 1.1 million persons as having completed training over those years with 879,000 obtaining posttraining employment.

Throughout the decade a variety of follow-up surveys have attempted to gain greater detail on the postenrollment employment and earnings experience of those enrollees. There have been small scale follow-ups of enrollees in limited localities and national studies with relatively small samples. Some have attempted to relate benefits to costs but most have been satisfied to report benefits alone. A few have attempted control groups in an attempt to measure those observed changes which would not have occurred in the program's absence. The results have been consistently positive, yet never sufficiently beyond challenge to appease the program's more persistent critics.

This paper reports only upon the tentative findings of a recent follow-up survey of 5,169 of the total 220,000 individuals who were enrolled in MDTA projects during 1969. Though the largest study to date with the most representative sample, it will not still controversy, primarily because it had no control group. Posttraining employment and earnings are comparable only with pretraining experience and tempered by prevailing trends as an estimate of what would have happened to the individuals had they not had the MDTA opportunity.

The tentative findings have already generated some controversy among the restricted number who have reviewed them. None have faulted the basic methodology. Finding and interviewing over 80 percent of the selected sample more than a year after enrollment is reasonable assurance against bias. Income reported by individual respondents was checked against Social Security records, recording general agreement. Given the nature of the social security data, there is no reason to prefer one source over the other in the limited situations where the data disagree. The reason for the controversy seems to be primarily some reluctance to believe the actual outcome of MDTA training was as positive as the data reflect. Perhaps because of its "establishment" base, relying upon the joint efforts of the public employment service, the vocational education system and (for OJT) the employers, it seems difficult to believe that it could serve well the disadvantaged who are the prime targets of current manpower programs.

The following are the key findings of that study:

1. Annual income gains of participants averaged over $1800 for institutional trainees and over $1600 for those enrolled in OJT.

2. Income *gains* of disadvantaged enrollees were, on the average, more than double those of the non-disadvantaged, even though the latter had higher pre- and post-training incomes.

3. After these substantial income improvements, the average Institutional enrollee was earning $3,400 per year, and the OJT enrollee was earning $3,800 per year following training. Both incomes hovered near the top range of poverty incomes depending upon family size and location. Therefore, the income climb for the typical enrollee was from deep poverty level to its upper margins. Since the study had no control group, it was impossible to determine how much income gain occurred as a result of the MDTA participation rather than other forces. However, it was possible to estimate the extent to which the income gains were derived from a combination of increased labor force participation, improved employment stability and higher wages, that being the order of their importance. A substantial portion of the wage gains may be attributable to general wage trends. Since the post-training period was one of climbing unemployment, it is likely that the increase in labor force participation and employment stability are attributable to program participation.

4. Institutional MDTA training served as a successful port of entry or reentry into the labor market for youth, women and others who had been out of the labor force.

5. Annual income gains varied by personal and household characteristics, but all groups gained substantially.

6. Completers experienced approximately three times the annual income increases of those who dropped out of training, but even the latter profited substantially from the experience.

7. Typically, the greater the length of training the higher the expected annual income gain. This relationship was strongest for institutional enrollees.

8. The more skilled occupations tended to have the highest payoffs. Construction trades and health services led the field. The extent to which MDTA programs provided a "port of entry" into the labor marget gave female occupations an edge on income gains from

increased labor force participation, while male occupations experienced the greatest wage gains.

9. Skill center training produced greater improvements in employment stability and wage rates than individual referral or class size projects. On the other hand, individual referrals produced the greatest increase in labor force participation.

MDTA's Impact on Annual Income—A few words of explanation are necessary to understand the origin of the estimate that an enrollee gained on the average $1876 and $1614 per year as a result of enrollment in Institutional and OJT programs respectively.

One-third of the Institutional enrollees and ten percent of those in OJT held no jobs at all in the pre-training period. Among these were the more than one out of five who neither worked nor looked for work at any time during that period. Another seven percent looked for work only sporadically, while only one out of twenty of this group were looking for work all or most of the time during the pre-training period. Therefore, the "no job" group as a whole reasonably approximates a condition of being out of the labor force. Among this group, two-thirds were female but there were no significant concentrations by age, race or education.

Annual incomes were estimated by combining average hourly wage rates when working with the proportion of available time worked during the year. For instance, a $2.00 an hour wage rate when employed only seventy-five percent of the time is the exact income equivalent of a full-time job at $1.50. If either condition prevailed for a full working year of approximately 2,000 hours, the resulting annual income would be $3,000. Differences between those annual incomes for the pre- and post-training periods represent the best measure of program outcomes.

It is instructive to know the extent to which the estimated gains occurred from increased labor force participation, improved employment stability and higher wages.

TABLE 1.—SOURCE OF ANNUAL INCOME GAINS

	Institutional	OJT
Total annual income gain	$1,876	$1,614
Increased labor force participation	1,035	693
Improved employment stability	491	505
Higher hourly wages	350	416

Comparing the pre- and post-training incomes of only those who held at least one job in each of the two periods results in an annual income gain of $841 for Institutional training and $921 for OJT. The latter figures represent a composite of improved employment stability and higher wages. Subtracting these gains from the total improvement in annual income leaves the remainder—$1,035 for Institutional training and $693 for OJT—as the portion of the gains in annual income occurring from the employment in the post-training period of those not employed in the pre-training period; that is, the impact of increased labor force participation. Whereas only sixty-six percent of the Institutional enrollees had at least one job in the pre-training period, ninety percent did so after training, despite generally rising unemployment. Comparable figures for OJT were ninety percent before training and ninety-six percent after.

The wage impact can be calculated by multiplying the proportion of available time worked during the pre-training period by the hourly wage gain—$0.37 for Institutional and $0.28 for OJT—and multiplying by 2,000 hours. The product estimates what annual income would have increased after deducting the labor force participation and hourly wage contributions, had the same average number of hours per year been worked but had been paid for at the higher rate. The result is $350 for Institutional and $416 for OJT. The remainder, $491 for Institutional and $505 for OJT, can be attributed to improved employment stability—that is, reduced unemployment for those already in the labor force.

Since the post-training period was one of rising unemployment, it is reasonable to assume that nearly all of the labor force participation and employment stability gains were contributions of the MDTA participation. In fact, just maintaining the same employment levels would have been an achievement and the actual gain over what would otherwise have happened may be even greater than shown. However, despite the rising unemployment, 1969, 1970, and 1971 were periods of upward wage trends. It is problematical what the impact of inflation was on the lower levels of the wage structure represented by the post-training jobs. The average percentage wage increase for the Institutional enrollees was twenty-one percent compared to twenty percent for OJT. An average of 20 months elapsed between the midpoints of the pre- and post-training periods. Overall national wage levels having increased an average of seven percent per year, twelve percent is not an unlikely figure to attribute to general wage increases for the 20-month period.

That being the case, fifty-two percent of the wage increases for Institutional trainees and fifty-five percent of the wage increases for OJT enrollees may be attributable to general wage trends which might have occurred in the absence of the program. However, most of the annual income increase resulted from labor force participation and employment stability impacts. Deducting the estimated contribution for general wage trends would still leave the annual income increase attributable to Institutional training at $1,621 and that from OJT at $1,336.

The increased labor force participation which is the most important source of income gain is also the source of a possible upward bias, given the age distribution among enrollees produced by high levels of youth unemployment. Many of those not working or seeking work or working sporadically before enrolling in MDTA may have been youth just entering the labor force. The mere process of aging would be expected to add stability to their employment. For them, the added contribution of MDTA participation is not ascertainable. Breaking out the income gains and the source of the gains by age provides some insight into the influence of the aging process. All age groups gained from each influence but the 19–21 age group gained most from increased labor force participation (with the exception of the 45 and older group). (Table 2)

Interesting aberations are the gains of the older group from labor force participation after Institutional training and wage improvements after OJT. The aging process is a contributor but apparently not the most important explanatory variable in the total income gain.

Costs of the Income Gains—No data was gathered on the costs incurred in training the enrollees in the sample, precluding a valid cost benefit analysis. However, an approximation can be reached by comparing the income gains of the enrollees to the average per trainee expenditures of the total MDTA program (Table 3).

TABLE 2.—SOURCE OF INCOME GAINS BY AGE

Age at interview	Total annual income gain	Increased labor force participation	Improved employment stability	Higher hourly wages
Institutional:				
19 to 21	$1,990	$1,176	$648	$166
22 to 34	1,716	815	482	419
35 to 44	1,924	940	579	405
45 and over	1,822	1,295	290	237
OJT:				
19 to 21	1,952	989	815	278
22 to 34	1,656	551	661	444
35 to 44	1,282	593	306	383
45 and over	720	121	19	580

These are only the federal budgetary costs. Excluded are costs to state and local government not subsidized from MDTA budgets. Also excluded are personal costs to the enrollees such as foregone earnings and out-of-pocket costs incident to training. However, with the average annual pre-training income of Institutional enrollees at $2570 and the average training period of about four months, foregone earnings would have amounted to only $823. Institutional training stipends of between $45 and $50 a week, approximately those that prevail, should have compensated for any income loss. OJT enrollees, of course, received pay while training.

TABLE 3.—MDTA OBLIGATIONS, ENROLLMENTS AND PER CAPITA COSTS, FISCAL YEAR 1963-70

	Total	Institutional	OJT
Total MDTA obligations	[1] $2,067,000	$1,609,423,000	$378,734,000
Total MDTA enrollments	1,451,400	978,400	473,000
Total MDTA placements	987,200	651,700	335,500
Estimated costs per enrollee		[2] 1,383	801
Per completer		[2] 2,470	1,129
Per placement		[2] 3,323	1,310

[1] Includes part-time and other training in addition to institutional and OJT.

[2] Includes stipends constituting over ½ of total costs.

TABLE 4.—ALTERNATIVE CURRENT VALUES OF ANNUAL INCOME GAINS

	Duration of income increment					
	5 years		10 years		20 years	
	Inst.	OJT	Inst.	OJT	Inst.	OJT
5 percent	$7,019	$5,784	$12,514	$10,314	$20,198	$16,647
8 percent	6,468	5,331	10,877	8,964	15,918	13,120
10 percent	6,144	5,063	9,953	8,203	13,795	11,369

Because of the possible lack of congruence between the benefits to a sample enrolled during one year and the costs occurring to the entire program over its whole life, it would not be wise to attribute an undue validity to this benefit-cost relationship. At the same time the general magnitudes of the relationships are not without significance. Costs for any particular enrollee are a one-time phenomenon, whereas income gains are a flow reoccurring persistently for some undetermined period of time. To achieve a valid comparison, it is necessary to derive a current value for the expected future income stream by discounting the annual income gain by the opportunity cost of the rate of return to be expected from alternative uses of the same funds and estimating the number of years one expects the incremental income to persist. Since neither are known in this case, table 3 illustrates the situation with three alternative discount rates and durations of benefits. I leave it to the reader to choose the ratio between the costs and the benefits he prefers among these alternative illustrations.

Annual Income by Enrollee Characteristics—Manpower program evaluators have always been plagued with the nagging probability that in less than full employment, any observed gains for enrollees were won at the expense of others who would have obtained those jobs and earnings in the absence of the program. Public expenditures on behalf of specific individuals or groups are generally accepted when one of three conditions prevail: 1) When the expenditure results in an increase in the gross national product sufficient that the entire society can have a higher disposable income despite the expenditure; 2) When the expenditure results in a sufficient decrease in social costs that the same is true; and, 3) when the public has decided, through its representatives, to redistribute income in favor of that group.

The GNP impact cannot be measured for MDTA, since it would be necessary to assume that the jobs obtained by the MDTA enrollees would have otherwise remained idle and that the production they were responsible for would not have occurred. There is also no data available to support the second justification. However, it is declared public policy to use manpower and other programs to redistribute income in favor of those defined as disadvantaged; that is, those who are;

1. Both poor and without satisfactory employment; and
2. Either:
(a) Under 22 years of age,
(b) Over 44 years of age,
(c) With less than high school education,
(d) A member of a minority group, or
(e) Handicapped.

Eligibility for MDTA requires only unemployment or underemployment. The disadvantaged are to receive priority to the extent that sixty-five percent of the overall enrollment should meet the designated criteria. However, the target need not be applied to any particular individual or project. The remaining thirty-five percent is expected to reduce labor shortages, an effect which could be expected to increase the GNP if it could be shown (a) that labor shortages existed and (b) that MDTA was training for them. The two objectives need not be mutually exclusive since disadvantaged persons can be trained to fill labor shortages. A vital test of MDTA's validity, therefore, is the proportion of disadvantaged among its enrollees, even if there is no assurance that others equally disadvantaged would not have obtained the jobs.

The follow-up study produced only personal income data for the pre-training period, while the poverty criteria are derived for families. The personal income of non-family heads cannot be assumed to represent those of the family but the personal incomes of heads of households should be a reasonable approximation. Considering family size, assuming all household heads to be non-rural and under 65 (true of almost all), and assuming household heads to have been typical of the whole sample, sixty-nine percent of the institutional enrollees and fifty-six percent of those in OJT met the definition of disadvantaged.

Table 5 compares the income gains of the disadvantaged and non-disadvantaged. The advantaged, of course, began and ended with higher incomes but their gains were less. Using the Social Security Aministration's poverty criteria for an urban family of four as an illustration, the non-disadvantaged were well above the poverty line before as well as after training. Disadvantaged trainees both Institutonal and OJT were well down in the poverty ranks before training. The average disadvantaged OJT enrollee was raised to the poverty line while his Institutional counterpart was now considerably better off than before, but still poor.

TABLE 5.—RELATIVE INCOME GAINS OF DISADVANTAGED AND NON-DISADVANTAGED ENROLLEES

	Institutional		OJT	
	Disadvantaged	Nondisadvantaged	Disadvantaged	Nondisadvantaged
Pretraining annual income	2,036	4,032	2,212	4,209
Post-training annual income	3,363	4,732	3,862	5,078
Income gain [1]	1,210	596	1,413	628

[1] These income gains do not equal the differences between pre- and post-training incomes because they are calculated for only those with at least one job in each of tha two periods.

By various characteristics, women gained slightly more than men from institutional enrollment with men gaining slightly more in OJT. Whites generally made greater gains than blacks with Spanish-Americans consistently making the greatest gains of any ethnic groups.

The Impact of Program Mix—having looked at "who gains most", what can be learned of the relative contributions of alternative mixes of services? Originally, MDTA projects were organized in class size groups and were held in public schools during off-hours or in rental facilities. Subsequently, skills centers were established to provide a range of training offerings accompanied by on-site orientation, counseling, placement and supportive services. More recently, individual enrollees have been referred to on-going school courses with their tuition paid by MDTA. All three types now coexist and their relative effectiveness is of interest.

There are significant differences among the income impacts of the three program types according to the measure used. The median income gain for individual referral enrollees was $2,380, compared to $1,980 for skills center enrollees and $1,860 for class size projects (table 6). Of those amounts, $961 for the skill center enrollees, $1,902 for the individual referrals and $1,054 for group-sized projects were accounted for by the employment of those who held no jobs in the pretraining period. Of the remaining portion of the income gains, $621 for the skills centers, $328 for individual referrals and $524 for class-sized projects were attributable to improved employment stability for those already in the labor force. The remainder, $398 for skill centers, $150 for individual referrals and $242 for class-sized training were the consequences of wage increases. Apparently individual referral found heavy use and was effective for bringing into the labor force those who were previously outside it. Skill centers were most effective for adding to the employment stability of those already in the labor force and for increasing wage rates. This squares with the preliminary findings of a study of individual referrals in MDTA which show these enrollees to be younger, whiter and more likely to be female and less likely to be disadvantaged, than enrollees in either skills centers or class-size groups.

TABLE 6.—COMPARATIVE INCOME GAINS OF SKILLS CENTER, CLASS SIZE PROJECTS AND INDIVIDUAL REFERRAL BY SOURCE

	Median annual income gain	Increased labor force participation	Improved employment stability	Higher hourly wages
Skills center	$1,980	$961	621	398
Class size project	1,860	1,059	524	242
Individual referral	2,380	1,902	328	150

Institutional training completers had about three times the income improvement of Institutional dropouts, but the latter gains were still substantial. There was a consistent growth in income gains with longer length of training.

Among Institutional training occupations, health services "paid off" most handsomely, followed by machine trades, construction trades, food services/homemaking, clerical/sales and service trades, in that order. However, this ranking was heavily affected by those entering the labor force through the training route, therefore favoring occupations popular with females. Abstracting from the increases in labor force participation would bring construction trades to top ranking, followed by health services and machine trades. Only a scattering of miscellaneous skills seemed to lack substantial impact. Basic education and other components unaccompanied by skills training was reasonably effective for those previously out of the labor force, but had little wage and employment stability impact.

Shifting to OJT, the margin of income gains between completers and dropouts was not as great, but the former was still nearly double the latter. "Dropout" for an OJT enrollee, of course, has a different meaning than for Institutional programs, requiring the enrollee to quit or lose his job. The relationship between length of training and income gain was less consistent for OJT, peaking at about six to nine months after some fluctuation. However, the nature of OJT must be kept in mind. Ninety percent of the OJT enrollees, as contrasted with sixty-six percent of the Institutional, had held at least one job in the pretraining period and many were probably being upgraded without changing employers. Frequently, as OJT enrollees were contacted for interview, they would respond, "But I have never been enrolled in a training program!" As a generality, the job rather than the training content was probably the goal and length of training was of uncertain relevance.

Among OJT occupations, various miscellaneous skills brought the greatest income gains followed by mechanics/repairs, food services/homemaking, clerical/sales and construction trades, with service trades and machine skills bringing up the rear; a quite different ranking than for Institutional with food services/homemaking having surprisingly favorable results in both areas.

MDTA AND INSTITUTIONAL CHANGE

A troublesome aspect of MDTA administration has been the necessity of coordinating the efforts of employment services and vocational educators at the state and local levels and, consequently, the efforts of the Departments of Labor and Health, Education, and Welfare. Yet, in retrospect, it has been worth it and the program and the labor mar-

ket institutions would be worse off without that dual involvement.

The not always felicitous marriage performed ten years ago with the Nations' education associations holding the shotgun while the Congress performed the ceremony bound together two federal agencies with very different philosophies. To the Labor Department, the job has been the thing, the more immediate the better with training to be minimized and dispensed with where possible. To the U.S. Office of Education, the more training the better, with almost an implication with some officials that the jobs will take care of themselves. With HEW generally ignoring its MDTA responsibilities and the Labor Department preferring divorce as long as it could maintain custody, a small group within USOE's Division of Manpower Development and Training can be credited with protecting the union and keeping both partners reasonably honest. They have been primarily responsible for the institutional changes MDTA has wrought in the schools while the Labor Department has brought about major reorientation within the public employment service.

The major institutional achievement from the education side has been the development of the skills center, an institution dedicated to the training of the disadvantaged and to providing on site as many as possible of the supportive services necessary to make that training effective. At the same time, however, MDTA has contributed to modular training, open entry/open exit practices, the development of training clusters, and the integration of remedial basic education and skill training—practices which are spreading throughout all of education.

At the same time, the Labor Department has been largely successful in redirecting the federal-state employment service from an administrator of unemployment insurance and a labor exchange seeking to meet employer needs to an overall manpower agency emphasizing service to those who need it most. Federal manpower resources have enabled it to go far beyond a simple labor exchange function into the development of human resources. Using MDTA funding and authority as leverage, the Labor Department has developed new labor market techniques through research and experiment and has introduced and made substantial progress in the practices of manpower planning at the state and local level.

WEAKNESSES OF MDTA

Since repentance is no longer possible, criticism has no place in a funeral sermon. Faith in the continuance of the substance, if not the name, of MDTA justifies and demands tempering praise for past achievement with identification of areas where improvement is needed.

First, an inherent weakness about which little can be done within the limits of a training program. Improvement of the earnings of those plagued by low incomes and employment requires a combination of employability, employment opportunities and access to jobs. MDTA's role is primarily the former, though enrollment may place the individual into a system leading to the latter. It contains no tools for job creation. Much of the disillusion with the program which exists among the disadvantaged arises from its use in locations in which employment opportunities are scarce or out of reach because of obstacles other than the individual's lack of skills. To enroll them was to set them up for disappointment. Solution lies only in better integration of MDTA's services with subsidized private and public job creation, equal employment opportunity efforts and labor market services and more training for jobs increasing in demand as contrasted with those available primarily because of high turnover.

Other limitations are more actionable.

1. Because of an understandable desire to serve as many people as possible within available budgets, there has been a tendency to concentrate on occupations requiring only limited training and some tendency to avoid people needing a great deal of remediation. The ease of identifying occupations with "reasonable expectation of employment" within this predominately high turnover range of jobs has reinforced this tendency. But the MDTA placements, to no one's surprise, have experienced similar turnover. The "lean program for many or rich program for a few" choice is always a difficult one but the data seems to support a higher pay off for the greater per capita investment.

2. In compensating for those traditional institutions unwilling or incapable of serving the disadvantaged, MDTA, particularly the skills center has, to some degree, created a set of segregated institutions, often in second class facilities, reinforcing the separation of the disadvantaged for the mainstream and catering to the secondary labor market. The few instances where MDTA projects are integrated into community colleges and other "mainstream" institutions suggest that it can be done, is worth doing but isn't easy.

3. The 35 percent skill shortage rounding out the 65 percent disadvantaged has become a source of leeway rather than an economic service. No real attempt is made to identify skill shortages of which there are few within the reach of MDTA as presently administered. There are undoubtedly useful roles for MDTA outside of service to the disadvantaged. Some of the current activities on behalf of displaced aerospace employees is an example. But by and large, the 35 percent provision is just a loophole for specifying the use made of no more than 65 percent of the slots.

4. MDTA had the advantage of being placed at the beginning into well organized institutions but the disadvantage that, with the passage of time, the program in too many localities has settled into bureaucratic rigidity repeating the same courses and practices without the necessity of constant reassessment.

5. Fluctuation of budgets and enrollments have interfered with orderly functioning and maintenance of competent staff. Yet efforts to smooth out fluctuations do tend toward stagnation rather than reassessment.

6. Outside the laudable contributions of the AMIDS, there has been too little staff development, too little development and dissemination of curriculum and technique and too little communication and sharing of experience among MDTA practitioners.

7. Though there has been sufficient evaluation of the program's overall worth, there has been too little evaluation of what works best for whom at a micro level, too little feedback and analysis of management information data and too little measurement and reward based on performance.

But these and other shortcomings are typical of manpower, education and labor market institutions, not justifiable but understandable. The verdict still stands. MDTA has been a laudable program, not adapted to the needs of all of the disadvantaged in all places, not as good as it might be but more capable of demonstrating achievement than any other manpower program and more carefully evaluated than most public programs with defensible results.

CONCLUSIONS AND RECOMMENDATIONS

Based on these predominantly favorable findings, the following conclusions and recommendations may be stated:

1. MDTA training, both Institutional and OJT, is a high payoff public investment which should be continued and expanded. If current legislative proposals for the decategorization of separate manpower programs prevail, Institutional and OJT skill training should play a major role in the program mix which emerges from decentralized state and local manpower planning.

2. The higher average income gains for disadvantaged than nondisadvantaged enrollees support continuance of the present emphasis on service to this target population.

3. Since the tendency is to leave participants better off but still poor following training, since income gains correlate with length of training and since those occupations generally recognized as being more highly skilled and requiring the longest training time tend to result in both greater income gains and higher post-training incomes, it would be a wise public investment to emphasize those occupations, even at the resulting higher per capita costs.

4. Since skills centers appear to offer the most successful route to income gains for those already in the labor market and individual referral seems to favor those entering or reentering the labor force, the factors leading to these phenomena should be identified to maximize the relative advantages of each.

5. As federal legislators and administrators continue to "play chicken" with the immient MDTA expiration, they should count carefully the costs of risking the best proven manpower program in pursuit of decategorization and decentralization which may or may not prove to be an administrative improvement. They should be aware of the vulnerability to "stop and go" pressures of a program with long lead time, substantial training time, dependence upon skilled instructors and based upon a half billion dollar accumulated public investment in equipment and teaching aids. They should also be aware of the gains achieved for both sets of institutions and for enrollees through the linkage of labor market and education institutions.

If nothing succeeds like success, it is surprising that we still do not know whether we are here celebrating MDTA's birthday or attending its funeral.

KEN HECHLER—A CHAMPION OF WEST VIRGINIA

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. SEIBERLING. Mr. Speaker, stripmining of coal has become one of the most pressing environmental issues before this Congress—thanks in great measure to the untiring efforts of the Congressman from West Virginia, KEN HECHLER.

After years of effort to get congressional action on the stripmining problem, this year the House and Senate Interior Committees have both held public hearings on stripmining, and it is hoped that a bill can be enacted before the end of this session.

KEN HECHLER has been crusading against the evils of coal stripmining for a long time. He has presented his case so thoroughly and forcefully that almost 100 Members of Congress have joined him in calling for a ban on all coal stripmining in the United States within 6 months.

KEN HECHLER has approached this issue with the same determination and commitment of time and energy he brought to the problem of coal mine safety in 1968. For months after the Farmington disaster which took the lives of 78 miners, HECHLER's was a lone voice in Congress demanding strict Federal

regulation in the mines. Later, he brought the tragic health problem of "black lung" disease to the attention of the Congress for the first time, and is largely responsible for that provision in the Coal Mine Health and Safety Act of 1969.

KEN HECHLER is a true representative of the people. Every weekend he travels back to his district in West Virginia to be with his constituents, to listen to their problems. Every Monday morning he is back at his desk in Washington, doing something about their problems. He takes his responsibilities as the people's representative with such seriousness that he has never missed a roll call vote.

More important, however, is the fact that KEN HECHLER is his own man. Much of what he has done in Congress—particularly since Farmington—has been unpopular with some of the huge vested interests holding power in West Virginia.

But KEN HECHLER is a man of character and will not be intimidated by powerful interest groups. He said recently:

If serving in the Congress means giving up to powerful interests and just lying down and doing nothing, I would prefer not to be here.

KEN HECHLER is a public servant in the true sense of the word. I am proud to be able to serve with him in this body, and I know his constituents in the Fourth District of West Virginia are proud to have him as their representative.

An interesting biography of Congressman HECHLER appeared in the March issue of the Swarthmore College Bulletin, and I insert it in the RECORD at this point.

The biography follows:

COMMITMENT TO GROSS NATIONAL QUALITY

(By R. Breckinridge Galloway)

Because Ken Hechler '35 has battled so ably for mine safety, union accountability, and prohibition of strip mining, his future in Congress is speculative.

A United States Congressman now in his seventh term of office is waging a campaign that could jeopardize his political career. Ken Hechler '35 (D-W.Va.) is sponsoring a bill that would completely eliminate all strip mining for coal in the United States. Although environmentalists and other concerned citizens are supporting his stand, powerful coal interests see him as a damaging influence on the economic position of the coal industry. This could be particularly dangerous for him because West Virginia is the largest coal mining state in the nation.

Hechler moved to West Virginia in 1957 to teach at Marshall College, now Marshall University. His credentials were impressive: degrees from Swarthmore and Columbia, teaching experience at Columbia and Princeton, and practical experience as White House research chief for Truman and head of Adlai Stevenson's research team during the 1956 presidential election. He had also served for three years as associate director of the American Political Science Association. But he was an outsider. Regardless of his qualifications, he had to prove himself to the people.

During the year he lived in Huntington, West Virginia, Hechler befriended many people, influential and unimportant alike. He taught at Marshall, then moved on to a local television station where he got exposure as a news commentator. By the time he announced his candidacy for a seat in the United States House of Representatives, he already had the confidence of many of the Fourth District's voters. A major issue of his campaign was whether he was dominated by outside interests such as the Americans for Democratic Action. He proved that he had never been connected with such organizations and gracefully defeated by a margin of almost 4,000 votes a well-known physician who had previously served in Congress.

After taking office, Hechler represented West Virginia with pride and a great deal of energy. Some thought he was a spartan. He gained a reputation for putting in long hours and avoiding Capitol social events. Each weekend back home, he could be seen driving his Jeep on the circuitous mountain roads, reaching and getting to know his constituents. This pattern has not changed. Today, Hechler reports to his office between 7 and 8 a.m., attends to legislative matters (since 1959, he has not missed a House roll call on a vote), goes out for dinner around 6 p.m., and returns for a few more hours before calling it a day. He flies home to the Mountain State each weekend as soon as Congress adjourns but is back at his desk early the following Monday.

From the outset, Hechler has given all indications of enjoying his job and of getting pleasure out of doing things for his constituents. During his first term of office, he introduced a "Week in Washington" program that has since been adopted by several other lawmakers. This program gives high school juniors from Hechler's district the opportunity to visit Washington for a week during the summer. They see the sights, observe Congress in session, and work for a brief period in his office each day. Some 60 to 70 students each summer continue to meet Washington in this way. At the end of the summer Hechler invites another 100 or so who applied to the program to come and enjoy Washington for a day.* The first year Hechler financed this program himself. Since then, however, about 20 industries in the state have supported the program with financial contributions.

Hechler appreciates this particularly, he says, because some of the sponsoring companies have borne the brunt of his recent attacks.

Hechler obviously enjoys the high school students. While helping out, they add to the confusion that abounds in any congressional office. (Recently, Hechler removed his cluttered desk from public view by barricading it with high bookcases. Half of his private office is a conversational area—behind the wall of books sits his desk). But he says with enthusiasm, "every year it gets better and better." Week-in-Washington alumni hold a special regard for Hechler. Evidence of their loyalty and his continuing interest in them is apparent in his current staff. Three of them participated in the Week-in-Washington program in the early and mid-sixties.

Because of his personal interest in his adopted state and the fact that he remained very honest in his political maneuverings, people there were happy to be represented by Hechler. With each election, there was more and more certainty that he would win. That is, until Farmington.

On November 20, 1968, a mining disaster in Farmington, West Virginia (north of Hechler's district), took the lives of 78 men. Hechler visited the site and was appalled at what he saw. The conditions in the mines were unsafe, although reports were that Farmington had a good mine, producing 9,600 tons of coal per day. After talking with widows and other miners who had become inured to the inevitabilities of pneumoconiosis (black lung disease), injuries, and even death in the mines, Hechler determined to follow his conscience.

Although Hechler did not sponsor the Federal Coal Mine and Safety Act of 1969, it has been suggested that he, more than any other person, is responsible for it. He gained national publicity exposing the prevalence of black lung disease resulting from inhalation of coal dust, a disease that many coal company doctors had refused to admit existed. He investigated and criticized, and even hired an attorney to analyze the bill and find loopholes in it. He finally put the pressure on President Nixon to sign the bill at the end of 1969 by bringing, at his own expense, seven Farmington mine widows to the White House.

During his investigations of the Coal Mine and Safety Act of 1969, Hechler also looked into the United Mine Workers of America. He blames the Union in part for the Farmington disaster, saying, "Older labor leaders always emphasized high pay, short working hours, and long vacations without too much emphasis on health and safety."

He felt it was time the Union addressed itself more to the matter of safety. Investigating the Union, Hechler found inequities that cheated the miners. He criticized the UMW for setting up private pension funds for the president, vice-president, and secretary-treasurer that guaranteed them annual pension incomes of $40 to $50 thousand per year for life. He also called the UMW dishonest for depositing $50 million in an interest-free account in a Washington bank that was owned by the Union. According to Hechler, "This amounts to a milking of the fund and diverting millions of dollars into the Union coffers." Hechler currently is endeavoring to require the Union to establish under federal supervision a coal miners' disability and retirement fund which will support miners more equitably than previously. As a result of his criticisms, Hechler has been lambasted from time to time by the UMW. On one occasion the Union libeled him. When Hechler threatened to sue, it quickly retracted its statements. Such is Hechler's relationship with the UMW, a union with a large number of members in West Virginia.

The Bureau of Mines has also heard from Hechler. When speaking of the Bureau, Hechler says: "I believe that the philosophy of the Nixon administration which permeates all the way down is the emphasis on production. The emphasis on production and the measure of the Gross National Product are the measure of progress. Basically, I think that we ought to have a new measure of progress that ought to be something like Gross National Quality—the quality of life that we can really enjoy rather than the emphasis on production. The Bureau of Mines has not administered the 1969 Coal Mine and Safety Act as well as it should have. Because of emphasis on production it does not protect the men as well as it should." These statements of Hechler's are borne out. Since the Coal Mine and Safety Act was enacted in 1969, injuries and deaths have increased in the mines. In 1970, 260 miners were killed (compared with 203 in 1969) and 158 died in the first nine month of 1971, almost identical to 1970's rate, before the coal strike interrupted production.

Hechler has not lost sight of safety in the mines as a crucial issue, but he is channeling his most vigorous efforts toward the abolition of strip mining. He has delivered scathing attacks on the Tennessee Valley Authority for its practice of buying the cheaper strip mined coal to fuel its electrical energy output. He has also criticized strip miners who make meager reclamation efforts in restoring the soil. So committed is he to abolishing stripping, that on February 18, 1971, Hechler introduced H.R. 4556 to ban all

*The program as experienced by the author in the early sixties included attending one of President Kennedy's televised press conferences, chatting informally with Hale Boggs, and talking to someone at a military base halfway around the world via satellite from Goddard Space Center.

NOTE.—Unless the bulldozer comes right up to their front door, Hechler says, people are not alert to the danger to the earth. His bill would stop all strip mining.

strip mining in all of the United States within six months. So far, almost 100 other Congressmen, House members and Senators, have pledged their support by becoming cosponsors.

Because Hechler is trying to stop business operations of powerful coal operators, he has more opposition than ever before. Strip mining advocates defend strip mining on the premise that it is more efficient, cheaper, and safer than underground mining, and that it also provides needed jobs. Hechler feels these excuses have no validity whatsoever.

Taking these one at a time, he says: "In the first place these are temporary jobs that last only while the coal lasts. In terms of a small vein of coal, it would mean only a matter of months. When the coal is gone, jobs are gone, and the land is gone too. This makes it completely impossible to have a thriving tourist industry in the future of our state."

As for the cheapness and efficiency of strip mining, he replies: "It's true that you can get a larger percentage of coal out by strip mining. On the other hand, eight times more coal is available by underground mining than by strip mining. There are presently about 45 billion tons of coal available to be stripped by present technology. There are close to 400 billion tons of coal that can be claimed by underground methods. Damage done to the environment getting the additional amount of coal stripping outweights the argument that it is more effective."

As to safety, he says, "There are more accidents now in underground mines, but there aren't as many more as the general public assumes. You hear about accidents like Farmington which resulted in the loss of 78 men. But you don't hear about the one, two, or three that are killed by the giant, gouging machinery used in strip mining."

Hechler is concerned about strip mining because he is concerned about the people whose land is being stripped and about future generations. He can recall story after garish story told to him of landslides, rocks being hurled into people's homes, and people dying in mudslides created by strip mining. Also, he has substantiated facts to show that the best reclamation efforts do not work.

Reclamation efforts, he says, are useles, even in the best of circumstances. "A lot of so-called reclamation is for showcase purposes that say such and such an area has been reclaimed. They plant a grass called crown vetch. Its low-growing roots spread out very shallowly. It's very aesthetic. I've described this process as putting liptick on a corpse. It's paper reclamation."

Hechler says, "I hope that more and more people will become alerted to the danger to the earth. There are so many people who don't think about this unless the bulldozer comes right up to the door and starts pushing boulders through their kitchen, and causing landslides or floods, silt and sediment in their streams, and acid in their water supply."

There is much speculation about Hechler's future. In sponsoring a bill to abolish strip mining, he has alienated coal operators. In his criticisms of the UMW, he has alienated Union leaders. Because of West Virginia's loss in population, its congressional districts were reapportioned so that there will be four representatives rather than five. In reapportioning the state, the Legislature cannibalized Hechler's district, giving it to other districts that remain virtually intact. Hechler refers to this act by the Legislature as his "punishment." Jay Rockefeller, who has become a prominent political figure in the state and who has announced his candidacy for governor, has come out against strip mining in West Virginia but has not backed Hechler's federal bill.

On February 4 before an assembly of high school students in Huntington, Hechler announced his candidacy for the United States Senate. He also said he intended to campaign again for his House seat and that he would withdraw from one race "in the unlikely event I should receive both nominations."

Regardless of his underlying motives or his plans for the future, Hechler comes across as a forthright and honest man. In the December 1, 1971, issue of the *Wall Street Journal*, an editorial commented approvingly on Hechler's candor in admitting that a piece on black lung legislation that he was inserting in the *Congressional Record* was not delivered as a "stirring oration" but rather typed in his office, by him, and then included in the *Record*. And Hechler is being forthright when he says: "If serving in the Congress means giving up to powerful interests and just lying down and doing nothing, I would prefer not to be here." Perhaps his attitude toward himself and his job, and his cause, can be understood more clearly by his remarks about Swarthmore. "Everybody looks back on his college days with some memory of what kind of inspiration he got in college. Swarthmore gave me something which I'll never forget—a spirit of independence. It taught me to look at problems directly and think them through without regard to economic and political pressures. It's not very difficult to pick up issues with this kind of background."

THE TERRORIZED JEWS OF ARAB LANDS

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. BRASCO. Mr. Speaker, periodically loud wailings are raised on behalf of the Arab refugees in the Middle East. Various well-meaning people speak with indignation and rend their garments over the situation these people find themselves in. Although I certainly sympathize with the plight of any deprived people, it is well to point out that this situation was brought about by the policies of the Arab governments themselves.

The Egyptian Government forbade any refugees in its jurisdiction to work or put down roots in Egypt. Other Arab nations followed similar policies, preferring to let the sore fester and grow.

Yet, for every refugee from the land that we know as Israel that fled to the camps in Arab lands, a Jewish refugee from Arab countries was created and fled to Israel. It is an irrefutable fact that ancient Jewish communities in various Arab lands were uprooted and dissolved, because Arab nations took out their frustrations and hatreds upon the Jews of their countries.

Today, where once there were approximately 1 million Jews resident in these countries, there are only 60,000. They all live under the constant shadow of possible violent persecution and death.

Jews have lived in the Arab lands for 2,000 years, often developing large and prosperous communities. While they were often accepted, it was usually on a second-class citizen basis, subject to discrimination, humiliation, and eruptions of overt hatred and killing.

It should be recorded again and again that the rise and actions of Hitler commanded the admiration and cooperation of many in the Arab world, especially the Mufti of Jerusalem, spiritual leader of the Arabs of Palestine at the time. This man, sought as a war criminal, lived for years with a picture of Hitler behind and above his desk. Arab anti-Semitism and Nazi persecution of the Jews were handmaidens walking the same ground.

Three waves of Jewish emigration from Arab countries took place. First was the move after the war of independence in 1948. A second wave came after the 1956 Sinai campaign. A third came after the 1967 war.

These Jewish people were allowed to leave the Arab countries in the area only after renouncing their citizenship and all claims to property and wealth. Of those who fled, approximately 550,000 went to Israel.

What is it really like to be a Jew living today in an Arab country? Forty thousand remain in Morocco, and are relatively unpersecuted, for the present. The same is true for the 9,000 in Tunisia. The same is also true for the 4,000 in Lebanon. While the authorities do not assail them, the general populations of these nations view the small Jewish minorities within their midst with hostility which at times boils over into action. In case of any internal upheaval within these nations, it is virtually a certainty that the age-old scapegoat, the Jew, will be hauled out into the spotlight and be made to pay with his innocent blood for the angers, frustrations, and defeats the country in question encounters.

Yet their existence is a safe one compared to the horror of day-to-day existence that marks the lives of the Jewish communities in Syria, Iraq, and Egypt. Persecution, humiliation, confiscation, official discrimination of the rankest sort, arrest, and interrogation mark their daily lives.

In these countries they exist in poverty, for all property has been taken arbitrarily by the government. There are official bans on employing Jews or doing any kind of business with them. Religious and educational activities are even more restricted than in Russia. Worst of all, their right of emigration is denied. It is like leaning into the cell of a poor wretch who is chained to the wall of his cubicle and shouting at him for daring to be there.

In these countries, the hated ghetto has been resurrected, because the Jews are restricted as far as residence is concerned, to specific neighborhoods. There are approximately 4,000 Jews in Syria, mainly in Damascus, Aleppo, and Kamishli. A long history of suffering for these people in that country intensified after the 6-day war.

Syria has a special committee for Jewish affairs, composed of representatives of various government agencies. It is responsible for these arbitrary rules which bind the Jewish community, circumscribes its culture and commerce and endangers its lives. Here are a few of the anti-Semitic measures they have put into effect.

They are forbidden to leave Syria. They are forbidden to travel more than 2.4 miles from home. They must carry identity cards marking them as Jews. Does anyone remember the Nazis and their yellow stars in the Warsaw ghetto? Jews may not enter government service or work for banks. Most Jews working

for Arabs have already been fired. Jewish schools have been closed. They are not permitted to sell property. They may not bequeath it to their heirs. When a Jew dies, his effects revert to the state. The Jewish cemetery in Damascus has been destroyed and a road constructed through it. This is similar to the Jordanian desecration of Jewish shrines in the old city of Jerusalem before the 6-day war. Jews are not permitted driving licenses. No new telephones can be installed in Jewish homes or businesses.

There are constant reports of the jailing and torture of innocent members of the Jewish community.

In Iraq, there are about 2,000 Jews, remnants of a once flourishing community. Even before the 1967 war, schools and temples were sequestered and there was desecration of cemeteries. Yellow identity cards were issued them and sale of their property was forbidden.

After the war, things grew worse swiftly. All Jews were dismissed from jobs with public institutions. Their property was taken and all bank accounts were frozen. Their businesses were shut down and trading permits were canceled. Phones is their homes were taken out or disconnected. Numbers of them were placed under house arrest for long periods. Departures were forbidden and passports became a thing of the past for them.

Nineteen of these people were hanged in barbarous public executions in the major square of Baghdad, proving that Neanderthal man thrived yet on earth. Others are reported to have died under torture in prison.

World opinion was so roused by these primitive rites that the Iraqi Government backed down. Authorities promised an easing of restrictions. Such promises have not been kept. In April of 1971, more arrests were made, and in spite of protests, these people remain in prison.

In Egypt, there are about 600 Jews left, mainly in Cairo. Two thousand were living there when the June war commenced. At the start of the war, Egyptian police immediately arrested all Jewish males over age 17. The fear pervading that tiny community today is all pervasive.

One simple solution exists to all this agony; emigration. All told, there are less than 7,000 Jews left in these three countries. I am certain that, given the opportunity, all these people would immediately opt for leaving, eagerly signing away everything, including the clothes on their backs, if necessary, for the privilege of shaking the dust of these lands from their feet. If the authorities see fit to continue to desecrate the burial grounds of the dead they leave behind, it is an atrocity they would willingly to bear. Anyone with sense would agree that this is an equitable solution.

In fact, the countries in question would save considerable money by not having to spy upon or further repress these innocent people. Think of the phone tappers, policemen, military personnel, and border guards who would be freed for other tasks in Syria, Iraq, and Egypt. That alone might be enough of an enticement.

As for our own country, we show a lot of sympathy unofficially, but do little officially, The State Department, gripped in its usual malaise of pro-Arab feeling, prefers to look the other way, pretend it is not happening, and hoping that those in Baghdad would not lynch some more Jews. No hope will be forthcoming from Foggy Bottom except the usual perfunctory mutterings of sympathy and disclaimers of ability to do anything about it. "It is an internal affair," is the usual phrase used, I believe.

Sometimes, a little nudging can go a long way toward removing a source of aggravation and tension. By exerting even a little extra effort, our Government can perhaps get these poor people out. Heaven knows it is a long overdue act on our part.

WASHINGTON, D.C., WELCOMES HAMBURGER HAMLETS

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. REES. Mr. Speaker, the Hamburger Hamlets, a southern California institution for 22 years, have just opened a restaurant in Chevy Chase, Washington, D.C. It is the first Hamlet outside State and the 18th since a modest beginning in Los Angeles in 1950. Your hosts then, and still today, Harry and Marilyn Lewis, had done some acting and so the name of the Hamlets was easily decided upon. The motif is carried out to perfection with old handbills of Shakespearean plays on the walls and photographs of actors, such as John Barrymore, who played the roles.

It all began back in 1950 when Harry and Marilyn Lewis opened the original Hamlet on famous Sunset Strip in Los Angeles. It was a place where creative young actors, agents, directors, writers, and producers, as well as successful business executives and their families, could enjoy delicious food in an informal atmosphere. Harry greeted patrons, cooked, and kept the books, while Marilyn created the menu and in the process developed many unique recipes.

The venture proved successful and the Lewises saw their dream of offering the public an imaginative menu at reasonable prices become an astounding reality. As the Hamlet's overall reputation grew, Mr. and Mrs. Lewis felt great pressure from overflow crowds to open additional units. Wisely, they thought the matter out and decided to proceed cautiously. The second restaurant in Westwood was opened in 1955, but in the interim a formalized training program was established by Marilyn, and strict standards of quality control were instituted.

All possible research was done to provide efficient and effective operating procedures, while at the same time maintaining the epitome in customer comfort and service. After doing their "homework," Mr. and Mrs. Lewis formally launched the Hamburger Hamlet chain.

One interesting feature of the company is its flexibility when it comes to facilities. It is not restricted to a particular type of building or class of trade.

The exterior of each hamlet varies, but each is readily recognizable and care is taken to combine adaptability with a great degree of identification. Distinctive "Hamburger Hamlet" signs, together with the motto "Known for Simply Marvelous Food," are standard in each unit. The interior deck reflects Marilyn Lewis' creativity—lighting fixtures, carpets, and wall decorating depicting adaptations from Shakespeare's "Hamlet" are standard, as are uniforms, dishes, menus, and silverware. While operating procedures, too are carefully spelled out in manual form, all employees are encouraged to use individual initiative at every opportunity.

Today there are 18 hamlets; all but the one in Chevy Chase are located in southern California. The reception received in Washington, D.C., is indicative of the fact that the hamlet concept is welcome wherever it goes and further expansion is anticipated.

This is a story of effort and enterprise; starting from the most modest of beginnings the Lewis' have made a huge success of their idea. Today Hamburger Hamlets is a public company that bids fair to soon become a national tradition as it now is a southern California tradition.

A $616 MILLION LOAN SOUGHT BY PRO-RED REVOLUTIONARY GOVERNMENT OF PANAMA

HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. FLOOD. Mr. Speaker, information believed to be reliable has been received to the effect that the anti-United States revolutionary Government of Panama is seeking a loan of some $616 million through the United Nations. Because the United States bears a large part of the cost of that international agency our taxpayers would probably have to bear most of the ultimate burden. Not only that, when the present usurping Government of Panama is replaced by a constitutional government, the latter may disavow the entire loan with serious loss to the investing agencies and the United States.

In order that the Congress and other cognizant agencies may be advised in the premises, I quote a recent newsstory in the Star and Herald, Panama, Republic of Panama, that supplies detailed information concerning the various projects contemplated in the program which the proposed loan is supposed to cover:

A $616 MILLION LOAN SOUGHT BY PANAMA

A $616 million development program for the 1972–1976 period has been outlined by Panama's Revolutionary Government in a document seeking United Nations financial assistance.

The major portion of the program is for transport, with $140 million earmarked for expansion of air services, including the new Tocumen International Airport and a national network of provincial airports.

The highway portion of the program involves construction of approximately 800 miles of roads, at a cost of $95 million; the completion of the Panama section of the Darien highway, a $107 million project; the Panama City-Colon freeway, $16.7 million, and construction of 300 miles of rural roads.

Electrification is another major part of the 5-year program, estimated at $83.1 million. Main projects in this field are the Bayano River hydroelectric plant, a $41 million installation on which work has begun; new thermoelectrical plants in Las Minas Bay and the Fortuna hydroelectric project in Chiriqui Province.

In this connection, the Panama document requested technical assistance from the United Nations for developing a "master electrical plan" covering the period 1970–1985.

Other important projects listed in the document submitted to the United Nations:

A marketing system to handle the country's farm produce.

A $7.5 million irrigation program.

Improvement of animal feed.

Housing, $88 million.

Education, $40.9 million.

Public Health, $76.4 million.

A NEW CHARTER FOR THE DEMOCRATIC PARTY

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. FRASER. Mr. Speaker, the reforms which the Democratic Party has adopted relating to the national convention and to the delegate selection process have attracted great interest throughout the country. But the reform process includes more than just the delegate selection process and the convention. The Democratic Party is also seeking to create a more modern political party, one more responsive to the will of the people of this country.

On Friday, March 24, the gentleman from Michigan, Representative JAMES G. O'HARA, chairman of the Commission on Rules of the Democratic Party, and I as Chairman of the Commission on Party Structure and Delegate Selection presented a proposal for a new charter for the Democratic Party of the United States. The proposal results from wide-ranging discussions with Democratic Party leaders, political scientists, and historians, as well as from months of study and research. We have presented it in the hope that Democrats and others interested in the Democratic Party throughout the United States will read it, react to it, and contribute to the shaping of a final proposal for presentation to the 1972 Democratic National Convention.

We are confident that this proposal will be of interest to our colleagues, as well as to others interested in the future of the Democratic Party, and indeed in the future of party politics in this country. In order that this proposal may be readily available to the Congress and to others, I include "A New Charter for the Democratic Party of the United States" in the RECORD at this point:

A NEW CHARTER FOR THE DEMOCRATIC PARTY OF THE UNITED STATES

(NOTE.—Written comments on this document are solicited from all Democrats and others interested in the Democratic Party. So that these comments may be considered by the two Commissions in shaping a final draft for submission to the National Convention, comments should be received by May 1, 1972. Send comments to: Reform Commissions, Democratic National Committee, 2600 Virginia Avenue, N.W., Washington, D.C. 20037.)

INTRODUCTION

This is a working draft of a proposal for a new Charter for the Democratic Party of the United States.

It represents the third and final phase of the Democratic Party's reform efforts leading up to the 1972 National Convention.

Since early 1969, the Party's *Commission on Rules* and *Commission on Party Structure and Delegate Selection* have concentrated on reforming the National Convention processes and opening the procedures of state Democratic parties to fuller citizen participation.

Last November 19, the Party's two reform commissions convened a joint session with a broadly representative group of Democratic leaders to explore the question of how a national party organization should be structured.

The draft stems in large part from the discussions that took place and the papers that were presented at that meeting.

It is also based on months of study and research, broad consultation with Democratic party leaders at all levels—as well as party leaders from other western democracies—and wide-ranging discussions with outstanding political scientists and historians.

Three important features of the proposed new Charter supply strong underpinnings for the National Party. They are:

(a) Establishment of a national membership system;

(b) Provision for yearly participation by party members in regional or national party conferences; and

(c) Creation of a strong regional party organization.

The new Charter is framed to permit more direct participation by members in national party policy-making. This direct participation on an annual basis is seen as adding a new dimension of grass-roots interest to complement that of state organizations and elected officials, thus bringing new vitality to the party as a whole. The following is a brief outline of the new structure.

Regional Conferences

In odd-numbered years regional conferences are held in each of seven regions of the United States. Delegates to these conferences, averaging 440 per region, represent a wide spectrum. Included from each state are the party chairman and highest ranking party officer of the opposite sex, at-large delegates apportioned to and selected by each state, two youth delegates, Democratic members of Congress, governors, nominees for these offices, state legislative leaders, and delegates elected from each congressional district by enrolled members of the Democratic Party of the United States. The congressional district delegates, divided equally between the sexes, constitute about 60% of the total delegate strength. Regional conferences promote party organization, education, and training in the region, and recommend policy to national meetings of the Democratic Party.

Regional Committees

The regional committee consists of the party chairman and the highest party officer of the opposite sex from each state in the region, each state's member of the National Membership and Finance Council, additional members apportioned to and elected by the states, and the region's members of the National Executive Committee. The region elects two members of the National Executive Committee, one of whom is the regional chairman. The average size of a regional committee is 43. Between regional conferences these committees manage regional party activities, including education and training.

National Policy Conference

In the even-numbered year between National Conventions, the membership of the seven regional conferences, about 3,080 in number, meets in a National Policy Conference. This Conference considers recommendations of regional conferences, acts on pertinent policies and programs for the Democratic Party, and elects the National Chairman.

Democratic National Committee

The seven regional committees meeting together constitute the Democratic National Committee, which is a continuing body of about 310. The Democratic National Committee acts on major questions between the Convention and the National Policy Conference. It also establishes the budget, fills vacancies in the National Chairmanship, apportions the states and territories among the seven regions, and establishes judicial procedures within the Party.

National Executive Committee

Conduct of national party affairs is the responsibility of the National Executive Committee, which consists of up to 22 members: the National Chairman, the Democratic leader of the U.S. Senate and of the House, the seven regional chairmen and one additional representative from each region, and up to five additional at-large members selected to provide broader representation. Reasonable balance between the sexes is assured by providing that the position of regional chairman cannot be held for more than three consecutive terms by persons of the same sex.

National Membership and Finance Council

For a national political party to function effectively, adequate financing must be assured. A National Membership and Finance Council is created for this purpose. A member from each state and 20 at-large members are appointed by the National Chairman. State representatives work within their own states to meet the financial quotas assigned by the National Committee. Membership fees will serve to meet a large part of the quota. But to insure that participation in party matters is truly open, membership fees—while strongly urged—are not required. Anyone may become a member simply through annual enrollment with the National Party.

Training and Education

To insure development of the education and training function of the party, a special Training and Education Unit is created under the supervision of a Board of Directors chosen by the National Executive Committee. One dollar of each membership fee is set aside to finance the training and education programs.

National Chairman

The National Chairman remains a key figure in the party. In fact, the position is strengthened with the Chairman elected by the National Policy Conference to a full-time, salaried, four-year term.

The National Convention remains the supreme governing authority of the Democratic Party. But between conventions the newly-structured Party will be an active and creative force in American politics, bringing together all elements of the Party—state organizations, elected officials, new Democrats with strong convictions and fresh perspectives—in a national political structure which can respond intelligently to the problems and needs of modern America.

PREAMBLE

The delegates to the 1972 National Democratic Convention, in convention assembled, do hereby adopt the following Charter for the Democratic Party of the United States.

ARTICLE I—NATIONAL CONVENTION

1. A National Convention of the Democratic Party shall be held each year in which a President of the United States is to be elected.

2. The National Convention shall nominate candidates for the offices of President and Vice-President of the United States, adopt a platform, and conduct such other business as may be in the interests of the Democratic Party.

3. The National Convention shall be the highest authority of the Democratic Party, shall provide for its governance, and shall have the power to determine the state parties entitled to recognition in the conduct of the affairs of the Democratic Party of the United States.

4. Delegates to the National Convention shall be selected in a manner which gives all Democratic voters of each state and territory full and timely opportunity to participate in the processes leading to the selection of such delegates.

5. There shall be submitted to each National Convention prior to the opening thereof a written report by the National Executive Committee covering the activities of the Democratic Party of the United States since the previous National Convention.

ARTICLE II—NATIONAL POLICY CONFERENCE

1. A National Policy Conference shall be held in each even numbered year between National Conventions.

2. The National Policy Conference shall consider and determine party policy and program, shall establish procedures to receive nominations for and shall elect a national party chairman, and shall act upon such other Democratic Party matters as may be deemed appropriate.

3. Delegates to the National Policy Conference shall consist of the following:

(a) The elected state chairman and the highest elected officer of the opposite sex from each recognized state Democratic party.

(b) 435 delegates elected not more than 90 days nor less than 30 days before each Conference by each recognized state Democratic party, as apportioned to each state on the basis of a formula giving equal weight to population and to the vote for the Democratic nominee for President in the preceding election. Each state shall be entitled to a minimum of two delegates. The body of the state party which chooses such delegates shall have been elected within the past 24 months through a process permitting all Democratic voters opportunity to participate and shall include representation elected directly from congressional districts or smaller units of the state by Democratic voters or by party conventions or caucuses of such district or unit.

(c) 1740 delegates elected not more than 90 days nor less than 30 days before each Conference by members of the Democratic Party of the United States residing in each congressional district as apportioned to each congressional district on the basis of a formula giving equal weight to population and to Democratic strength based on the vote for the Democratic nominee for President of the United States in the preceding election. In districts electing an even number of delegates, no more than one-half of the delegates shall be of the same sex. In districts electing an odd number of delegates, no more than one-half plus one of the delegates shall be of the same sex. Such delegates may be elected through any process which provides all members of the National Democratic Party in that congressional district opportunity to participate. Adequate notice shall be given of all procedures leading to the election of such delegates. Each region may by rule make further provision for election procedures consistent herewith.

(d) The following elected Democratic public officials: governors; members of the U.S. Senate and House of Representatives; the highest legislative leader in each body of each state legislature, provided that in a unicameral legislature the two highest shall be eligible. Public officials, other than those elected through an open Democratic primary may not be seated unless certified by the recognized Democratic party of that state as affiliated with such party.

(e) The most recent Democratic nominees for the office of governor, U.S. Senate or House of Representatives.

(f) One youth representative of each sex between the ages of 18 and 25, from each state, each of whom shall be an officer of the state party, its subunits or an affiliated party organization. They shall be elected in the same manner as prescribed for delegates selected under the provisions of Article II, Sect. 3(b).

(g) All members of the Democratic National Committee and the National Executive Committee not otherwise entitled to be delegates.

(h) Delegates from the territories as hereafter prescribed.

4. The Conference shall be convened upon the call of the National Executive Committee adopted and promulgated at least 120 days prior thereto. The Committee may make such provision as shall be necessary or useful for the conduct thereof, including provision for committees, temporary rules, and the examination and preliminary determination of challenges to any members thereof.

ARTICLE III—REGIONAL CONFERENCES

1. Regional conferences shall be held in each region of the United States in each odd-numbered year.

2. Delegates to each regional conference shall be selected in the same manner as is provided for the selection of delegates from that region to the National Policy Conference.

3. Each regional conference shall elect a regional chairman who shall also serve on the National Executive Committee. The conference shall also elect a regional at-large member of the National Executive Committee, who shall not be from the same state as the chairman. Both shall be elected for two-year terms. No region may elect chairmen of the same sex for more than three consecutive terms.

4. Each region shall have a regional committee consisting of members of the National Executive Committee from that region; the elected state party chairman and the highest elected party officer of the opposite sex from each participating state; the National Membership and Finance Council member from each state as provided in Article VIII; and members selected by a caucus of the regional conference delegates from each state entitled to additional representation, as determined by apportioning the number 150 among the states on the basis of a formula giving equal weight to population and to the vote for the Democratic nominee for President of the United States in the preceding election. The region may select other officers from among the regional committee. A regional committee may fill vacancies in the position of regional chairman or regional at-large member of the National Executive Committee.

5. In conjunction with the National Party, the regional conference shall promote party organization, education, and training within the region. It may also consider and recommend policy for consideration by the National Convention or National Policy Conference.

6. Calls to regional conferences shall be issued by the incumbent chairman of the region subject to such provision as may be made by the regional committee and the National Executive Committee, but shall be issued at least 120 days before the convening thereof.

7. Expenses of the regional conferences shall be defrayed by earmarking a portion of the state quotas collected in the respective regions as determined by the National Executive Committee.

8. There shall be seven regions encompassing the states and territories. The Democratic National Committee may apportion the states and territories among the regions from time to time by a two-thirds vote of the members present and voting. The regions shall be of approximately equal size in terms of an equal weighting of population and the vote for the Democratic nominee for President in the preceding election.

ARTICLE IV—DEMOCRATIC NATIONAL COMMITTEE

1. The Democratic National Committee shall consist of the members of the National Executive Committee and of the regional committees, and shall have general authority in the conduct of the affairs of the Democratic Party subject to the National Convention and the National Policy Conference.

2. The Committee shall have a vice-chairman who shall not be of the same sex as the National Chairman, a secretary, and a treasurer. These officers shall be appointed by the National Chairman with the approval of the National Executive Committee.

3. The Committee shall meet at the call of the National Chairman, or the National Executive Committee, or by written request of not less than 20% of the membership thereof. Written notice shall be given of all meetings. One-half of the eligible membership shall constitute a quorum for the conduct of business.

4. The Committee shall fill vacancies in the office of National Chairman and shall issue or authorize the issuance of the call to the National Convention.

5. The Committee shall institute a merit system for non-elected employees of the National Party providing for continuity of employment, a schedule of job descriptions and salary classifications, and dismissal only for just cause subject to the right of appeal and subsequent arbitration.

6. The Committee shall establish procedures for the hearing and adjudication of claims asserted by any person alleging violation of a provision of this Charter, a rule adopted under its authority, or of a right derived therefrom. These procedures shall provide appropriate remedies in cases of proven violations. Disputes with respect to the credentials of delegates to any national convention or conference shall be adjudicated by such convention or conference.

7. The Committee, in consultation with the Membership and Finance Council, shall periodically establish the budget for the National Democratic Party.

ARTICLE V—NATIONAL EXECUTIVE COMMITTEE

1. The National Executive Committee of the Democratic Party shall consist of the National Chairman, the Democratic leader in the U.S. Senate and in the U.S. House of Representatives, and the chairman and at-large member from each of the regions. Additional members, not to exceed five, may be added for two-year terms by the foregoing members to provide broader representation on the National Executive Committee of all Democratic voters; provided, however, that the Democratic National Committee may establish a different procedure for the selection of the five additional members.

2. The National Executive Committee shall meet at least eight times a year. It shall meet as provided in its rules, and at other times upon the call of the National Chairman, or upon written request of at least 5 of its members. One-half the members shall constitute a quorum for the conduct of business.

3. The National Executive Committee shall

be responsible for the conduct of the affairs of the Democratic Party subject to such provision as shall be made from time to time by the National Convention, the National Policy Conference or the Democratic National Committee.

4. The National Executive Committee shall make all apportionments required by this Charter unless otherwise provided herein.

5. The National Executive Committee may create task forces, commissions and advisory committees on party organization, policy or program whose reports may be considered by appropriate party bodies or meetings.

ARTICLE VI—NATIONAL CHAIRMAN

1. The National Chairman of the Democratic Party of the United States shall be responsible for the execution of policies and programs of the Democratic Party and the operation of the National Headquarters, including the employment of all personnel of the Democratic Party, subject to such provisions as may be made from time to time by the National Executive Committee, the Democratic National Committee, the National Policy Conference, or the National Convention.

2. The National Chairman shall be elected by the National Policy Conference for a term of four years which shall commence upon the close of such conference. The National Chairman need not be a member of any of the governing bodies of the Democratic Party at the time of his election.

3. The National Chairman shall preside over meetings of the National Executive Committee and the Democratic National Committee, and shall be entitled to cast one vote in each body. Each body shall provide by rule for the chairman's absence or disability.

4. The National Chairman shall serve full time and be paid a salary equal to that of members of Congress, and shall be reimbursed for expenses as authorized by the National Executive Committee.

ARTICLE VII—MEMBERSHIP

1. Membership in the Democratic Party of the United States shall be by annual enrollment in a manner specified by the National Executive Committee and state finance representatives as provided in Article VIII, Sec. 2. Membership shall be open to all citizens who have the interest, welfare, and success of the Democratic Party at heart. Classes of membership and the annual fee for each shall be as follows:

Enrolled member, $0.00 to $4.99.

Participating member, $5.00 to $24.99.

Sustaining member, $25.00 or more.

These classes of membership may be amended or enlarged from time to time by the Democratic National Committee but in no case shall a fee be required to become an enrolled member. All classes of membership shall carry identical voting privileges.

2. Members of the Democratic Party of the United States shall be eligible to vote for congressional district delegates to regional and national conferences only if they have been members continuously for at least 30 days prior to such vote and are at least 18 years of age, or will attain the age of 18 in the calendar year of the vote.

ARTICLE VIII—NATIONAL MEMBERSHIP AND FINANCE COUNCIL

1. The National Membership and Finance Council shall consist of one member from each state appointed by the National Chairman with the concurrence of the state chairman. The National Chairman shall also appoint not more than 20 members-at-large to the Council. All appointments shall be for a term of two years, subject to removal by the National Chairman for non-feasance.

2. State members of the Council shall be responsible for directing campaigns for memberships and fund-raising on behalf of the national party within their state. Subject to any provisions made by the National Executive Committee, state members may enter into arrangements for joint membership in the national party and in state or local parties and for joint fund-raising. State members shall be members of the regional committee of that state's region and of the Democratic National Committee, but shall have a vote only when that state is currently meeting its quota.

3. The Democratic National Committee, in consultation with the National Membership and Finance Council, may establish quotas for each state for support of the national party. Each recognized state party shall pay to the national party that portion of its quota which is not paid through the collection of membership fees and other contributions from that state.

4. The National Executive Committee shall make provision for the handling of the accounts of the national party and shall provide for an independent audit thereof not less often than every two years.

ARTICLE IX—PARTY EDUCATION AND TRAINING

1. The National Executive Committee shall establish a training and education unit of the Democratic Party under the control and direction of a Board of Directors of not less than five nor more than eleven members appointed by the National Executive Committee whose terms of office shall be four years, with not more than one-third of the members being appointed in any calendar year. This Board shall have broad authority and autonomy to carry on training and education at all levels of the Democratic Party.

2. One dollar from the payment of each annual membership fee in the Democratic Party of the United States shall be set aside for the budget of the training and education unit, provided that additional sums may be added to such budget as the Democratic National Committee may from time to time provide.

ARTICLE X—NONDISCRIMINATION

No person shall be discriminated against in any manner with respect to membership in or the processes of the Democratic Party of the United States or any of its subordinate, affiliated, or recognized units, because of race, religion, color, national origin, or sex. The Democratic National Committee shall have plenary powers to implement the foregoing.

ARTICLE XI—RULES AND GENERAL POWERS

1. Consistent herewith, each body of the Democratic Party of the United States shall adopt written rules as required in the discharge of its responsibilities, including provision for such additional officers, bodies, boards, commissions, and committees as may be appropriate.

2. The National Executive Committee shall maintain and publish a compilation of all such rules as shall be in force from time to time, which shall be available to the public upon request.

3. All recognized state Democratic parties shall file their written rules with the National Executive Committee. Any changes or amendments thereto shall be filed within 30 days of adoption by the state Democratic party.

ARTICLE XII—AMENDMENT

1. The National Policy Conference may adopt amendments to any provision of this Charter except this Article and Sections 1, 2 and 3 of Article I, by a two-thirds vote of the members present and voting, provided that an amendment shall first have been received by the National Executive Committee at least 10 days prior to the Conference and its written recommendation with respect thereto shall have been received by the delegates to the conference at least 24 hours before the vote on such amendment.

2. The National Convention may amend this Charter by a majority vote.

ARTICLE XIII—GENERAL PROVISIONS

1. For purposes of this Charter the District of Columbia shall be considered both a state and a congressional district. The National Executive Committee shall determine which persons or positions in the District of Columbia qualify as delegates under Sections 3 (d) and (e) of Article II.

2. The territories shall be entitled to representation as follows:

(a) National Convention: as provided in the Call to the National Convention.

(b) National Policy Conference: the elected chairman and the highest elected officer of the opposite sex from each recognized territorial Democratic party shall be delegates. The recognized Democratic parties of Guam, Canal Zone, and Virgin Islands may each select 2, and of Puerto Rico 4, additional delegates not more than 90 nor less than 30 days before each Conference.

(c) Democratic National Committee: the elected chairman and the highest elected officer of the opposite sex from each recognized territorial Democratic party shall be members of the Democratic National Committee and of their regional committee.

3. All delegates to conventions and conferences of the Democratic Party of the United States shall seek to effectuate party policies and programs in their capacity as party or public officials.

SCHEDULE OF IMPLEMENTATION

1. In order to implement this Democratic Party Charter, an Interim Democratic National Committee is hereby created. This Interim Committee shall consist of the chairman and the highest officer of the opposite sex of each recognized state or territorial Democratic party, and those persons previously selected to serve as national committeeman or national committeewoman as of the close of the 1972 Democratic National Convention. Each member of such Interim Committee may cast the equivalent of one-quarter of the weighted vote of his or her state or territorial delegation to the 1972 Democratic National Convention. Fifty percent of the total membership will constitute a quorum.

2. The Interim Committee shall elect a national chairman who shall serve to the close of the first National Policy Conference.

3. The Interim Democratic National Committee shall be chaired by the National Chairman and shall exercise the powers of the National Executive Committee and the Democratic National Committee and shall be the convening authority for all meetings, conferences or conventions required to implement this Charter, and may make such provisions and exercise such powers as shall appear necessary or useful from time to time to assure the full implementation of the Charter, including recommendations in relation to the organization and meeting of the bodies authorized herein, until organization of the National Executive Committee.

4. Prior to June 30, 1973, the Interim Democratic National Committee shall issue a call for a Regional Conference within each region as provided herein. Each region shall organize itself, including the adoption of rules and the election of a regional chairman, a regional at-large member of the National Executive Committee, and other officers. At such conference each state shall caucus and select its members of the regional committee.

For purposes of this first regional conference, the national committeeman and national committeewoman selected in 1972 for the Democratic National Committee as previously organized shall be considered named as the first two delegates from each state or territory authorized in Article II Section 3(b) and Article XIII.

The provisions of Article II, Section 3(b) relating to the requirements for state bodies which select delegates shall take effect from and after January 1, 1974. Until then such

delegates shall be selected in a manner determined by each state party.

5. The National Executive Committee shall meet and organize by September 30, 1973. Upon completion of its organization, all authority and responsibility theretofore exercised by the Interim Democratic National Committee shall vest in the National Chairman, the National Executive Committee, and the Democratic National Committee.

6. The Interim Democratic National Committee shall, prior to issuing the call for regional conferences, apportion the states and territories among the regions pursuant to Article III, Section 8. In the event that the Committee does not apportion prior to June 30, 1973, the following regions shall be considered as established pursuant to Article III, Section 8, and shall serve as the basis for convening the regional conferences:

Region 1: California, Oregon, Washington, Nevada, Idaho, Alaska, Hawaii, Guam.

Region 2: Arizona, New Mexico, Colorado, Utah, Texas, Kansas, Oklahoma, Missouri, Arkansas, Louisiana, Canal Zone.

Region 3: Montana, Wyoming, North Dakota, South Dakota, Nebraska, Minnesota, Iowa, Wisconsin, Illinois.

Region 4: Michigan, Indiana, Ohio, Kentucky.

Region 5: Mississippi, Alabama, Georgia, Florida, North Carolina, South Carolina, Virginia, Tennessee, Virgin Islands.

Region 6: West Virginia, Maryland, District of Columbia, Delaware, Pennsylvania, New Jersey.

Region 7: New York, New Hampshire, Vermont, Maine, Massachusetts, Rhode Island, Connecticut, Puerto Rico.

PROPOSED REGIONAL AND NATIONAL STRUCTURE OF THE DEMOCRATIC PARTY OF THE UNITED STATES

PARTICIPANTS IN THE NATIONAL POLICY CONFERENCE

Members of National Democratic Party—

Elect 1740 delegates apportioned [1] to 436 [2] congressional districts.

Elections held 30–90 days before each conference in each congressional district.

No fee is required for national party membership, but member must be enrolled at least 30 days before election.

State Democratic Parties—

Represented by all state chairmen and chairwomen.

Two youth party officers from each state.

435 delegates apportioned [1] to 51 [2] states, elected by each state party 30–90 days before each conference.

Democratic public officials—

Represented by all governors, senators, U.S. representatives plus nominees for these offices.

Top two state legislative leaders from each state.

REGIONAL COMMITTEE

Regional Chairman, State Chairmen and Chairwomen, Delegates Elected by State Caucus, State Members of the National Membership and Finance Council, and Regional Members of N.E.C. Average Total 43.

REGIONAL CONFERENCE

Delegates Elected by National Party Members within Region, Delegates from State Democratic Parties within Region, and Democratic Public Officials and Nominees within Region. Average Total 440.

NATIONAL EXECUTIVE COMMITTEE

National Chairman, Congressional Leaders, Regional Chairmen, Regional At-Large Members, and National At-Large Members. Total 22.

DEMOCRATIC NATIONAL COMMITTEE

Composed of All Members of Regional Committees. Total 310.

NATIONAL POLICY CONFERENCE

Delegates elected by National Party Members, Delegates from State Democratic Parties, and Democratic Public Officials and Nominees. Total 3080.

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[1] All apportionments based on 50% population, 50% Democratic strength.

[2] District of Columbia counted as state and a congressional district for this purpose.

ON WORLDWIDE CONTROLS

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. HALPERN. Mr. Speaker, this June in Stockholm, Sweden, there will take place the first international conference devoted to answering the question: How can man, divided as he is by political and geographical boundaries, devise a way to preserve his common inheritance of oceans and air? The United Nations Conference on the Human Environment will be less concerned with methods of controlling pollution in any one country than with such difficult issues as: What is to be done when pollution created in one member nation affects the environment of another? What are the trade and investment implications of one nation's anti-pollution policies as opposed to another's? Will a nation, for example, that requires its industries to bear the costs of abating industrial pollution—which must translate into higher product prices—be put at a serious trade disadvantage if competing industries in other countries are free of such costs?

The aim, in short, is to encourage an international accord on pollution abatement standards and enforcement mechanisms which will succeed in safeguarding our seas and atmosphere without placing any one nation at an unjust economic disadvantage. Before the condition of the world environment was recognized as critical, there was no need to address these thorny problems. Now that we are all threatened by a common menace, it becomes clear that the most bothersome obstacle to effective world consensus on environmental protection has been each individual nation's fear that strict pollution measures at home will ultimately result in undeserved trade and balance of payments disadvantages abroad.

It was to help formulate United States policy in this area that I introduced, along with 58 cosponsors, H.R. 13116—a bill to promote international cooperation in United Nations efforts to protect the world's oceans and atmosphere.

Mr. Speaker, I have been corresponding with over 100 industries labor unions and environmental groups on the various provisions of this legislation and have received letters of support from an overwhelming number of groups.

I would like, at this time, to submit to the RECORD an excellent article forwarded to me by William J. Kendrich, vice president of the National Association of Manufacturers, entitled "International Trade Implications of Environmental Protection Programs." As that article points out, worldwide cooperation in environmental protection efforts is vital not only if we are to preserve our oceans and air, but if we are to maintain a reasonable level of world trade stability at the same time.

I trust my colleagues will take special notice of this article in light of the significant environmental policy decisions which will be made by the world community in Stockholm this June.

"INTERNATIONAL TRADE IMPLICATIONS OF ENVIRONMENTAL PROTECTION PROGRAMS" PRESENTED BY NATIONAL ASSOCIATION OF MANUFACTURERS FOR CONSIDERATION BY THE UNITED STATES OF AMERICA BUSINESS AND INDUSTRY ADVISORY COMMITTEE ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT, FALL, 1971

INTRODUCTION

It is becoming more and more clear that varying approaches to national environmental protection programs will have profound implications for international trade. Such programs can entail cost burdens of monumental proportions for domestic industries. A McGraw-Hill Publications Company survey, released in May, indicated that United States industry will spend $3.6 billion in 1971 for new air and water pollution control facilities. This does not include the hundreds of millions of dollars which American industry spends each year in operation and maintenance of billions of dollars worth of pollution control facilities already in place.

In addition to huge cost factors which can affect competitive relationships among nations, restrictions enacted in the name of environmental protection may function as nontariff barriers and thus create further complications for international trade.

This paper will review in broad general terms the implications for international trade inherent in national environmental protection programs.

GENERAL OBSERVATIONS

The growing pressures from citizens, legislatures, and scientists for tighter control of effluents and emissions, of product composition, of product use, and of resource exploitation will inevitably result in a rapidly increasing number of new laws, administrative regulations and procedures, and possibly new economic devices designed to bring about fundamental change. Different methods of controlling environmental factors will have different domestic and international economic effects. The particular mix of policies and measures chosen by a national government can have a major impact on the interests of industries of other countries, as well as on its own industries. Differences between one country's program and another country's program can create international economic distortions, and these differences can be expected to multiply with the emergence of new policies and measures. Thus, there is an urgent need for industries as well as governments to find means to reconcile the differing national approaches to environmental control.

Because so little is known about environmental control, and about methods for achieving the objectives of nations in this area, it is likely that governments will continue for some time to intervene selectively, using different methods for different kinds of problems; and it is likely that industries themselves will follow an experimental approach, exploring different avenues in the search for a balance between economics and social objectives.

The consequence of selectivity in national policies, and of differing policies from one country to another, can be significant shifts in production, investment, and trade incentives and opportunities. Economic distortions and conflicts can arise from different tech-

nical standards, safety regulations, economic incentives and penalties, and other national policies and programs.

Consider the use of national standards and regulations. Where one country's standards differ from another's, imports may be substantially reduced by technical restrictions, or the prices of such imports may have to be raised to cover the costs of adapting these products to the different national standard. This kind of problem can arise where the product itself is a potential pollutant (e.g., insecticides) or where use of the product may yield pollutants or create safety hazards (e.g., automobiles.)

Another type of problem, of potentially major international importance, is the cost of impact on industry arising from new environmental controls and pollution limits. If the steel industry in the United States is forced to spend large sums on cleaning and eliminating effluents and emissions, its cost position will obviously alter vis-a-vis competitive imports from countries where no such expenditures are required. Perhaps all of what would have been capital effluents and emissions. In this case, the water and air are cleaner, but the companies can fall behind in international competition. In general, the relative competitive positions of industries and of countries can be markedly altered by differences in requirements from country to country whenever heavy investment or altered operating costs are involved in the effort to control pollution. The amounts of money inolved in controlling pollution are large, so that these relative shifts can alter the incentives to invest in one country as compared with another, in addition to altering trade possibilities.

ALTERNATIVE METHODS OF ENVIRONMENTAL PROTECTION

There is a wide range of options available to governments when choosing measures for protecting the environment. First of all, governments may use measures which affect the processes of production, or they may use measures which regulate the end-products in terms of their composition or their uses. The distinction between measures which affect processes and those affecting products can be important. Sometimes, the choice between them will depend on whether the objective is short-term relief from specific difficulties or long-term adjustment to new modes of production. Thus, the stipulation of standards for treatment of effluents and emissions can bring about immediate relief, but the incentive to devise entirely new methods of production may be minimal. Indeed, the result may sometimes be to shift capital investment funds away from basic technological change to short-run adaptations.

Bearing in mind this conceptual distinction between product and process control measures, there are a variety of more specific options open to governments. United States automotive design requirements are having a significant impact on the outlook for automobile producers in other countries, most of whom have substantial exports to the United States. These same design requirements also raise the relative cost of United States production, weakening the United States competitive position on exports to other countries. This type of problem has so far been rather exceptional. Looking to the future, it is likely to become a fairly widespread type of problem. Hand in hand, with design and quality standards go specific, detailed marking or labeling requirements. Such requirements are among the Nontariff Trade Barriers (NTB's) most complained about internationally, particularly by other governments concerning the problems their nations face in exporting to the United States.

A standard applied to the process of production will normally raise the cost of production to a manufacturer. Normally, this change in cost will be passed on to consumers in the form of higher prices, thereby raising domestic and export prices for that product. Imports will become relatively cheaper, and exports less competitive. Thus, an industry in another country facing more lenient standards may be put into a better competitive position, improving its export prospects to other countries as well as to the country introducing tougher process standards.

Another approach to environmental protection is through the use of tax incentives and government subsidies to industry. This can ease the cost of transition from one product line to another, the coast of transition from one mode of production to another, or the cost of installing pollution control facilities. For example, in Canada, new pollution control facilities are allowed a two-year write-off and exemption from the 12 percent national sales tax. In the United States, new pollution control facilities installed in existing plants are allowed a five-year write-off. However, this latter provision contains so many restrictions that it is generally regarded as ineffective. There is considerable support for accelerated amortization up to and including immediate write-off at the option of the taxpayer plus a 20 percent tax credit for capital expenditures for pollution control facilities. The rationale for this approach is that such expenditures are non-productive but do confer a wide public benefit. Such provisions are not likely to be very effective unless used in conjunction with specific standards or regulations. In that case, the aids to industry become a form of adjustment assistance to moderate the effects of governmental decisions made on behalf of national welfare. Various international problems can arise as a consequence of aids, however. If an industry is assisted in one country by government aids, while the same industry in another country carries its burden of adjustment alone, their relative competitive positions will be altered. Assistance may tend to discriminate in unusual ways. Thus, European governments would probably have considerable difficulty in granting the same form of assistance to American-owned corporations operating in Europe as they might provide for European-owned entities.

The opposite approach to tax relief is represented by the imposition of "pollution taxes" on effluents and emissions. Since the principal obstacle to increased pollution control efforts by industry is the generation of enough cash to pay for non-productive facilities, this approach appears to be fallacious. It is impossible to understand how companies could spend even more on pollution control by having revenues siphoned off by an additional tax on their operations. Administrative problems also appear to be insurmountable. Nevertheless, the concept is being considered seriously and was favorably referred to in the Second Annual Report of the Council on Environmental Quality issued this past summer. Obviously, such an approach would hurt the relative position in the world market of companies subjected to such taxes, in cases where they would face foreign competitors not subjected to such taxes.

The method of enforcement may assume international importance. For example, standards may be policed in some countries by inspection during process of production, although the standard may apply only to the composition of the end-product. In pharmaceuticals, product standards are regulated in some countries by inspection of the process. This method of providing consumer protection in France has meant a virtual embargo on the importation into France of pharmaceuticals, and thus has provided a strong incentive for overseas producers to establish their own production facilities in France. Here there is both a trade impediment and an incentive to move investments to provide production facilities in new locations.

The use of severe penalties for breach of regulations may be another device, particularly where surveillance of process or product is minimal. A severe penalty can take the form of heavy fines on the producer, or of confiscation of product, or of closing down the offending plant. Obviously, this method of control cannot be used to control foreign producers, who are located abroad beyond the reach of such penalties. The incentive for evasion is great where the penalty cannot actually be applied. Consequently, it may sometimes be necessary to apply stricter standards on imports, with maximum surveillance or analysis at customs. This, however, creates a trade impediment. When a government provides for or encourages its citizens to bring actions against offending producers, the problem is even more complex. Thus, if producers' liability under the law is extensive, foreign producers can nonetheless escape the net of the domestic judicial system. In the case of imports, the importer may have to be made liable, even though he is not a producer and does not have the producers' financial resources. This would sometimes create a disincentive to import.

There can be positive gains for those countries which are at the forefront of research and development of new products and methods of production. Such countries have the opportunity of expanding their sales and licenses of new products and techniques. The United States, in particular, may be able to take some advantage from its lead in research and development, especially if this is combined with tougher product standards which the products of other countries may not be able to meet.

The general balance of payments effects would depend in part on what economists call the international adjustment process. A significant general cost and price shift for one country can, for example, easily be counterbalanced by inflationary changes in another, or by capital flows, or eventually by exchange rate changes.

Thus, the key questions lie in specific product and production problems, and it is at this level where serious economic problems can easily become a source of conflict between the interests of various nations. Regardless of the overall macroeconomic cost adjustments, specific standards, procedures, and enforcement devices can constitute nontariff barriers of considerable importance.

In choosing among the different types of control measures, governments must weigh a combination of local political, economic, and environmental circumstances. Taking the wide range of possible variations into account, it should be clear that the choice of control measures and their form will vary from one local situation to another. Measures will often be tailored to local experience, local methods of production, and traditional products, thus in effect discriminating against imports even in those cases where the standards applied to them and foreign products are identical. The international trade and investment implications will often be incidental to the decisions reached, yet these global market implications may be extremely important to the prospects for individual business in various countries.

In the United States, certain trends are already quite apparent. As previously indicated, industry will spend in 1971 $3.6 billion for new air and water pollution control facilities; but this may only be one point on a sharply rising curve. Similar expenditures in 1969 were $1.6 billion and in 1970 were $2.3 billion.

There have been several developments on the national scene in the United States which have focused the spot-light of atten-

tion on environmental protection with concomitant direct and indirect cost implications for this country's economy. The first of these was the creation of the Council on Environmental Quality by the National Environment Policy Act of 1969. The Council reports directly to the President and prepares for him an Annual Report on Environmental Quality which the President transmits to the Congress. Naturally, the pronouncements of such a high level Council receive considerable attention from the news media. The Council's second Annual Report released this past summer, stated that "Total spending required for the major sources of environmental pollution between 1970 and 1975 is estimated at about $105 billion."

Another major development was the creation of the Environmental Protection Agency pursuant to a Reorganization Plan submitted by the President to the Congress. Because this agency centralizes federal pollution control efforts under a single Administrator, it will be able to exert much stronger influence than its predecessor agencies. In addition to its existing enforcement powers, the EPA will serve as a generator of requests for additional enforcement power. This has already occurred in the air pollution control field. The Clean Air Amendments of 1970 granted the EPA Administrator the power to establish national ambient air quality standards; to establish emission limitations for new sources within certain categories, and to issue Administrative Orders enforceable by heavy criminal penalties. Enforcement by citizen suits against both industrial companies and the EPA Administrator himself was also authorized. In addition, the EPA Administrator was also authorized to require the sampling of emissions, the installation and maintenance of monitoring equipment, and the maintenance of records. This is coupled with a right of entry upon a premises and a right of access to copy records, inspect monitoring equipment, and sample emissions. Pursuant to this law, the EPA Administrator has already established national ambient air quality standards for six major pollutants and has proposed standards of performance (emission limitation) for new sources within five major categories including cement plants and power plants.

Another feature of the Clean Air Amendments of 1970 is a provision requiring a virtually air pollution-free automobile within the next five years. This requirement applies to both domestically produced automobiles and to automobiles produced for importation into the United States. The United States automobile manufacturing industry has already said that it cannot achieve this goal. But if it does, at some year in the future, and the automobile manufacturing industries of other nations do not; this might result in shutting off imports into the United States of automobiles manufactured in other nations. A fascinating converse situation might result if the automobile manufacturing industry of some foreign nation became able to meet the emission standards, and the United States automobile manufacturing industry did not.

Current proposals for new water pollution control legislation parallel provisions already enacted in the air pollution control field. The Senate Public Works Committee is considering a proposal to authorize the EPA Administrator to set national effluent standards for new sources without considering the uses, needs, or assimilative capacities of particular river basins. This Committee is also considering a so-called "minimum" national water quality standard which would state that "There shall be implemented for all waters of the Nation not later than January 1, 1980, unless otherwise provided pursuant to this Act, a standard of water quality which shall provide for the protection of a balanced population of shellfish, fish, and wildlife, and which shall allow recreational activities in and on the water." This provision has been proposed without any attempt whatsoever to evaluate the economic cost of achieving such a standard. It would impose an extremely heavy burden on the United States' economy vis-a-vis economies of the rest of the world.

Another factor in the water pollution control field is the establishment of a formal federal permit system for industrial wastewater discharges under the Refuse Act of 1899. The legislative history of this Act conclusively demonstrates that it was never intended to authorize a federal permit system to control water pollution. The Act was never administered in such a fashion for 70 years. However, in comparatively recent decisions, the Supreme Court of the United States held that the Act did cover water borne industrial pollutants. The new regulations require extremely extensive sampling, monitoring, and analysis of the water quality characteristics of discharges, and estimates for industry compliance with just this aspect of the permit system have ranged from $100 million to $200 million. Depending upon the conditions written into permits, the additional costs for industrial compliance cannot be estimated but undoubtedly will be vast.

The long-term prognosis within the United States must be one of environmental protection standards becoming ever more stringent, with requirements being imposed which would have previously been considered unreasonable. The cost burden will become increasingly heavy on industrial companies. A study of the copper industry indicated costs ranging up to $600 million to comply with national ambient air quality standards of performance for new plants within industries such as the cement industry could be extremely costly. Barry Commoner, Director, Center for the Biology of Natural Systems, Washington University of St. Louis, stated in the 1971 World Almanac "It has been calculated that if the U.S. paper pulp industry were required to meet present Federal water pollution standards it would cost the industry about one-third of its profits for each of ten years. If farmers were required to reduce their present reliance on heavy usage of fertilizer and pesticides, their economic returns would be sharply reduced."

Thus, both direct cost of pollution control and indirect costs to the economy through handicaps of economic efficiency are involved. Economic inefficiencies have become a great possibility under the National Environmental Policy Act of 1969 which requires federal agencies to consider environment factors in all of their decisions and to formulate environment impact statements for comment by other government agencies and reviewed by the Council on Environmental Quality. No one can quarrel with the principle. However, if this procedure is allowed to bog down federal projects and private projects requiring federal licenses and permits in a morass of redtape, paper work, and litigation, tremendous costs could be imposed needlessly upon the American economy. Interminable delays in these projects would cause greatly escalated construction costs and unmeasurable costs to the economy in terms of deprivation of the economic benefits of these projects.

The direct cost burden of pollution control will become increasingly heavy on industrial companies. Many estimates have been made of the expenditures required to clean up pollution. They have one thing in common—they all involve billions of dollars. Despite the cost involved, there are public and political pressures at work which appear destined to impose extremely severe burdens on industry in the United States. All related considerations lead to the conclusion that American industry will have a tremendous cost imposed on its proposed processes over forthcoming years in the name of environmental protection. Over forthcoming years, developments in the environmental protection field both in the United States and in other nations will have unforeseen international trade and investment implications of extreme importance to the prospects for individual enterprises and industries in various countries.

WHO SHOULD DECIDE FOR WHOM WHAT THE STANDARDS AND CONTROL MEASURES SHOULD BE

A decision by a government of one nation may have a direct bearing on the fortunes of private business in other nations. In turn, if those businesses adapt their product in a particular direction, to suit the market requirements of the first nation, then the consumers in these other nations also find themselves subjugated to the decisions made unilaterally by the first nation.

This problem of who decides for whom can come up in many forms. Countries may feel unable to act unless several countries simultaneously coordinate their actions. For example, the Finns have said that major capital expenditures for pollution control in the Finnish paper and pulp industry would only be possible if paper and pulp industries in other countries undertook the same capital expenditures for pollution control at the same time. Since paper and pulp is such a significant portion of Finland's total economic position, the problem for that country is readily understandable.

More broadly, countries may be restrained from taking socially desirable actions by the fear of the economic effects on their international competitive position. Conversely, where a country cleans up its steel industry while another country does not, it can be reasonably assumed that the imports of steel products into the first country will be subjected to increased protectionist pressure, and therefore new nontariff restrictions to trade.

INTERNATIONAL COORDINATION OF POLICIES

The international problems have not reached major proportions, primarily because many governments are only now beginning to move on broad new approaches to environmental control. This makes it all the more urgent to develop a framework for dealing with actual and potential problems—before the various national methods become set in concrete, before heavy investments are undertaken, and before vested interests have settled in to defend any protectionist effects which may raise. Moreover, to the extent that differences in national policies create adverse economic effects, this will tend to put political or economic brakes on socially desirable programs. Real progress within countries may therefore often require some means of coordinating government decisions internationally.

Reducing the conflicts and mitigating the effects of differences in national policies would require improved international consultative procedures, and new international guidelines under which national actions might be taken.

The most promising recent development is the establishment of the new Environment Committee in the OECD. In this organization, all the major non-Communist industrial powers are members, and there has been a long history of consultation and policy coordination in various economic policy matters. The Environment Committee can look directly at the international economic questions, with a view to finding means for close cooperation among the developed countries, while mitigating the potential conflicts of interest which will likely arise among them. Ideally, the Environment Committee could treat specific issues, such as differing standards for pesticides, or automobile design, in terms of their precedent-setting aspects for the handling of other problems. In this way, a record of effective consultation and adjustment of national programs could be built up. The OECD is ideally suited to such explora-

tory work aimed at general principles, and the harmonization of national policy measures, particularly in the light of its excellent work in the economic policy field.

Since, as already noted, pragmatic selectivity and experimentation will be necessary in each country, and since conditions vary so much between different countries, the pursuit of common scientific standards would be a most difficult pursuit. Alternatively, international cooperation might increasingly focus on methods for harmonizing national practices, and for moderating the effects of unilateral national decisions on the interests of other countries.

As a beginning, there could be development of international consultative procedures on new forms of regulation which may affect international trade and investment. For example, provision could be made for advance notice to other countries, and for reasonable delay in implementation of new national standards so as to allow time for businesses in other countries to adjust their production. More important than procedures would be the development of general principles or guidelines which governments might follow in implementing their national control measures.

Such principles could cover administrative procedures, such as public hearings, advance public notice, and methods of enforcement. Enforcement is particularly important. Regulations may set recommended standards, or they may be mandatory. Where mandatory, they may be enforceable by taxes, fines, or confiscation of product or of property in general. In the cases where recommended standards are utilized, governments may prefer to use tax incentives and other special incentive devices to encourage industry to seek remedies in its own way. Providing some basis for comparable treatment of domestic and foreign products in relation to enforcement procedures in each country would be desirable. Acceptance of a general comparability-of-treatment principle by governments would provide a useful point of departure. Where national standards and testing or control methods differ from one country to another, a significant effort should be made to accept *similar* standards and control methods as a valid basis for accepting an import, rather than insisting on precisely the same standards and control methods for foreign goods. It is also desirable to develop an international agreement which would bar discriminatory treatment among producers, whether foreign or domestic, whether private or state enterprises. Discriminatory taxes or tax incentives should be specifically ruled out.

More generally, what is needed is an intensive search for general principles, codes of conduct, and consultative procedures which aim at reducing the international economic distortions which can easily arise out of differences in national measures for such matters as environmental protection, consumer safety, and public health. Discussions and negotiations leading in this direction would necessarily be an evolutionary process, because many of the problems are only beginning to make themselves felt, and simple solutions are probably not to be found. Given the complexity of the problems and of the various social objectives, a framework of rules, if negotiable at all, could only work in the context of on-going consultative procedures. Thus, when a country was affected by another country's decision, it could call for consultations in a context where some internationally agreed principles supplied.

It is clear that this kind of system, based on an interaction between principles and consultative procedures, can work in the economic area. A similar effort in the area of environmental protection to comprehend and channel national decisions multilaterally could be a wise and practicable course for governments to follow in the next few years. This need exists quite apart from whatever work is carried out in the pursuit of international technical standards, and in the various multilateral efforts to assist in the transfer of technology internationally.

CONCLUSION

Close coordination of national efforts to protect the environment appears necessary in order that nations might avoid damaging each other's interests. This coordination could initially take the form of consultations on certain types of problems, with a view to generalizing the results of consultations into a basis for new international guidelines and consultative procedures. This could best be carried out in the OECD Environment Committee, at least initially.

Coordination should also include industry cooperation internationally. It would often be possible to work out reasonable and nonconflicting international solutions to industrial environmental protection problems if industries were allowed to coordinate their efforts internationally within the framework of guidelines set by governments. At the present time, the United States government and United States law frustrates any sensible effort along these lines, and our anti-trust policies should be modernized in this direction. In the future, there will have to be much more government-industry collaboration in the United States to meet that type of cooperation in international competition which exists in other countries. Finally, there is a special need to provide more room for industry-to-industry, and industry-government cooperation internationally if real progress is to be made in this area without continuous resistance of industries in some countries. A new industry advisory committee might be formed as an adjunct to the OECD Environment Committee, or the Business and Industry Advisory Committee (BIAC) to the OECD might perform this function as its major order of business. These issues, involving the social welfare of nations and the fortunes of large firms and their workers, appears to be far too important to leave in the present state of disarray as regards national decision-making procedures.

Looking to the future, we should recognize that national decisions do affect the interests of other nations and the private businesses of other nations. The question of who decides for whom what the standards and methods of control shall be, and how international economic adjustments shall take place, should be a major policy question continuously addressed by governments. Where the decisions of one government result in the passing of costs onto other nations, procedures must be established to moderate the impact of these costs, in order to avoid continuous conflict and competitive protectionist measures.

We must also figure into the social calculus of environmental protection the fact that exporting pollution by pushing investment into other countries also costs jobs.

In the past, consideration of the international aspects of environmental protection tended to be limited to concerns about transnational pollution, such as oil spills or pollution of rivers crossing national boundaries. However, as has been pointed out, this is only one aspect of the international problem.

In conclusion, the appropriate mix of standards, administrative procedures, incentives, and penalties will vary from country to country by necessity. National differences in policies and in measures may often be desirable socially, technically, or economically. As a matter of basic philosophy about the problems in this area, we must recognize that the problem is not one of getting all nations to behave in the same way scientifically, but rather of providing a framework of guidelines and obligations which help to harmonize the various national approaches and moderate the economic disturbances which will be the consequence of the national differences. This is work for diplomats, negotiators, economists, and businessmen more than it is work for scientists.

It is widely recognized that many more private and public actions are needed to move nations more rapidly along the road to better environmental protection. The pursuit of a higher quality of life, however, if it is to be effective and widely supported, must pay adequate attention to the problem of harmonizing or reconciling differences in national approaches, in order to minimize overall economic costs of change with less resistance to change from special interests. This broad set of international considerations is thus a critical dimension of an environmental protection program. Governments and businesses cannot ignore these international considerations without thwarting their own purposes.

A FEDERAL GUARANTEE OF A RIGHT TO WORK FOR EVERY EMPLOYABLE AMERICAN

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. BADILLO. Mr. Speaker, more than a quarter of a century ago the Congress, in enacting the Employment Act of 1946, established as a national goal the assurance of the opportunity for a gainful and productive job to every American who seeks work. Unfortunately, this goal has not even been approached, much less achieved, and we are in the midst of a critical unemployment situation. In just the past 2 years alone the level of unemployment has more than doubled and at the present time more than five and a half million Americans are out of work.

In addition it is imperative that we take into consideration those thousands of persons who are not actively seeking employment, because they have despaired of finding work, and those who are underemployed or only performing part-time tasks. Because this country has failed to adopt the goal of full employment as a national policy we are now confronted with an actual unemployment rate of almost 10 percent.

It is clear that the private sector is unable to provide the jobs needed to guarantee adequate employment opportunities, particularly for the unskilled and disadvantaged. It was unable to do so during the period of low unemployment, such as we experienced in 1968–69, and it has proven it cannot generate the positions now. Positive steps must be taken if we are to come to grips with this crisis and it is incumbent upon the Congress to take the initiative in providing viable solutions to cope with this staggering unemployment crisis.

The Congress has begun to recognize its responsibility in this area and last year we passed the Emergency Employment Act. Although this program has encountered some problems and delays in certain other areas, the city of New York had achieved its goal in filling 100 percent of the 1,575 jobs allocated under section 5 in less than 4 months after the

Labor Department issued the EEA guidelines. However, the official unemployment rate for New York City is well above 200,000 persons and many, many more positions remain to be filled.

Nevertheless, the generally successful experience we have had with the EEA program proves the efficacy of public service employment. As the New York City Housing and Development Administrator recently advised me:

Jobs provided by this program have permitted us to apply additional and necessary manpower to many of the tasks and service operations that are so vital in providing essential services to the tenants of our communities.

Although the EEA program and pending legislation to expand it to 500,000 positions, the comprehensive manpower program and measures to expand public service employment opportunities under public works legislation go a long way toward meeting the needs of the unemployed and underemployed, and in providing essential training and employment assistance, these are only stopgap measures. Additional, more permanent and positive steps must be taken if we hope to achieve the elusive goal of full employment. It is for this reason that I have introduced the Guaranteed Employment Act of 1972.

Last week I was joined by 18 of our colleagues in offering this legislation which establishes a program to assist States and local communities in furnishing needed public services and in providing for employment to all unemployed and underemployed persons. This guaranteed employment measure commits the Federal Government to the policy of providing every man and woman who wants to work with a job.

Yesterday, a very well-written and perceptive article on this issue appeared in the New York Times magazine. Written by Michael Harrington, this very timely and incisive piece probes the various aspects of the unemployment crisis and describes some of the half steps which have been attempted to resolve it. However, the basic solution, as Mr. Harrington sees it—and I heartily agree—is that—

There should be a formal Federal guarantee of a right to work for every employable citizen.

Mr. Harrington's article clearly supports the principle underlying the Guaranteed Employment Act and presents a very convincing and reasonable argument for a program to guarantee every American who seeks work with meaningful employment. As he so aptly notes:

We need the constructive use of the energies of the unemployed, the underemployed and the misemployed.

I believe we should all give give full and careful consideration to what Mr. Harrington states and proposes and I am pleased to present his article for the RECORD.

The article follows:

GOVERNMENT SHOULD BE THE EMPLOYER OF FIRST RESORT

(By Michael Harrington)

On July 12, 1971, Richard Nixon became the first President since Franklin D. Roosevelt to sign a general public-employment law: the Emergency Employment Act, which calls for an investment of $2.25-billion in the creation of 150,000 public-service jobs. Nixon had vetoed a similar measure only eight months earlier, with appropriate conservative scorn for Rooseveltian "W.P.A.-type" jobs; in retrospect, his sudden fondness for his own W.P.A. program can be interpreted as having been a portent of his dramatic conversion—or opportunistic accommodation—to Democratic party Keynesianism. That came a month later, in August, with the wage-price freeze. And then in the last few months there have even been unconfirmed reports, usually described as coming from the President's chief economic adviser, Treasury Secretary John Connally, that the Administration is going to come up with an even more sweeping, New Deal-type, program.

Though Mr. Nixon has made punditry a high-risk occupation during his three years in office, there is nothing mysterious about why, in his New Economic Policy, he has become consistently inconsistent with what once was his traditional Republicanism. In fact, his endorsement of the concept of public-service jobs is part of the basic strategy of Nixon's approach to the economy, and symptomatic of an emerging fact of current political life: Proposals of impeccably leftist origins—radical or liberal—are now being systematically redesigned to serve the cause of sophisticated conservatism. Such adaptations date at least as far back as Bismarck, a conservative Junker who co-opted socialist ideas. But rarely has the reversal been so thoroughgoing: the dollar devalued, pervasive controls over wages and prices imposed, and a huge outlay for Government jobs approved—all at the hands of an orthodox Republican, all in a single year.

In his spectacular volte-face on the job bill, Nixon was embracing an idea, belatedly and without much ardor, that has been loitering in the corridors of Socialist thought for at least 145 years, Louis Blanc, a French historian and, briefly, a Government official, first formulated the concept of governmentally guaranteed work in 1836. It was tried in Paris during the Revolution of 1848 and, until the philosophical ascendance of Marxism in the last quarter of the 19th century, it was what most Europeans understood to be Socialism. The concept was imported to the United States when the Great Depression forced Roosevelt to put about 10 per cent of the labor force on Federal payrolls. In 1944, he and organized labor fought for a legally binding right to work (a proposal that would mean what it said and has nothing to do with the antilabor, state legislation packaged dishonestly under the same name), but conservatives expunged that commitment from the Employment Act of 1946. In its place they put the pious wish that every American should have a job, an incantation which did nothing to prevent five major unemployment crises in 25 years.

The President had good reason to change his mind about the wisdom of the Federal Government's creating jobs. It is clear—much clearer than Mr. Nixon can bring himself to admit publicly—that the private sector of the economy has failed to generate the jobs that are needed. Worse still, the data all suggest that the inadequacies are structural and that their negative effects will intensify.

The evidence has been accumulating rapidly since the halcyon days of the Johnson Administration, when the National Commission on Technology, Automation and Economic Progress reported that the expanding economy harbored no inherent trend toward technological unemployment; America, the commission said, could cope with any rate of technological innovation as long as the economy was intelligently managed. But even while it kept the faith with the Keynesian denomination of free marketry, the commission noted that, from a social point of view, there were more than five million jobs, largely in the public or nonprofit sectors, which could be funded out of tax revenues. A few years later, with whole neighborhoods of Detroit and Newark in ruins, the National Advisory Commission on Civil Disorders took up that suggestion with a much greater sense of urgency. The private sector, it said, should generate a million new jobs, and the Government should commit itself to financing another million jobs in public service, over a three-year period; in the first year alone, the report urged, the Government should aim at providing 250,000 openings.

The Johnson Administration responded to the proposal for an effort by the private sector but backed off from direct Federal job funding in the public sector. At the urging of the White House, the National Alliance of Businessmen joined in a program called JOBS (Job Opportunites in the Business Sector). It was supposed to yield 338,000 jobs by June, 1970, and 614,000 by June, 1971. According to an audit by the General Accounting Office, the cumulative total of trainees on June 30, 1970, was actually 48,351. The current number of trainees, according to the Department of Labor, is 69,000—slightly more than 10 per cent of the 1971 goal.

A similar record of failure was established by the WIN (Work Incentive) program set up by a 1967 amendment to the Social Security Act, a fact of some significance since it involves an approach not unlike the "workfare" scheme in Mr. Nixon's welfare reform plan. WIN has provided educational and job training for welfare recipients with the aim of preparing them to compete in the private sector. But there are only 100,000 participants in the plan instead of the 280,000 estimated at the outset. Only 20 per cent of its trainees have found jobs. And, as a survey by the Ohio Bureau of Employment showed in April of this year, the WIN graduates could mainly hope for employment as cooks, salad girls, waitresses, nursemaids—jobs which paid only a little more than welfare.

It is certainly true that the dismal showing of these experiments was facilitated by the recession brought about by Mr. Nixon's Old Economic Policy. When corporations are laying off organized workers with previously marketable skills there is practically no hope for welfare recipients who had been unable to get jobs during a period of relatively full employment. But that does not mean that the problem will cease to exist as soon as the economy gets moving again.

The deep-going structural transformations in the economy to which Mr. Nixon is responding demand something more than reliance upon the mechanism of a free market. In 1980, according to Department of Labor projections, there will be more professional, technical and kindred workers, most of them with college or postgraduate degrees, than assembly-line workers, truck drivers and bus drivers (15.5 million as against 15.4 million). The number of people in the professional category is expected to increase by 50 per cent during this decade while the semiskilled operatives will go up by only 10 per cent; the nonfarm laborers will decline by 2 per cent and the farm workers by 33 per cent. In other—and more portentous—words: the semiskilled and unskilled jobs which have been the traditional exit from poverty and point of entry into the industrial system will be the jobs in short supply. And, at the same time, a dramatically increased number of poor young people, particularly young blacks, will be gathering at the exit door, ready to compete for the dwindling number of job openings.

The problem is not confined to the bottom of the economic and class structure. In the sixties, there were extraordinary outlays for

space, education and Vietnam, all of which improved the relative position of organized workers (who are neither poor nor affluent), scientists and technicians at all levels, and the educated in general; society's investment per student in higher education accelerated faster than the growth in the Gross National Product, and resulted in an enormous increase in the college population. Then the Federal programs which animated these trends were cut back; suddenly unemployment rose, not simply among the unskilled, but among engineers and scientists as well.

Despite the disintegration at each end of the economic ladder, Mr. Nixon did not abandon the traditional wisdom hastily. Though he spoke of "workfare," he did not make a move to generate a single job. Therefore, he was simply proposing to force the most marginal members of the labor force—unskilled women for the most part—into a market where the very best they could hope for would be competition with one another for menial, low-paying jobs. "Workfare" was, and is, so contradictory a proposal that one Presidential adviser has been known to suggest that it is simply rhetoric designed to calm down reactionary Congressmen who would not otherwise vote in favor of Nixon's income floor for welfare recipients. I suspect that this assessment is unfair to the President. He is, I think, sincerely deluded on this point.

Mr. Nixon stressed the same theme in his Labor Day address to the nation and his speech on the New Economic Policy to the Congress: "Labor is good in itself"; "no job is menial if it leads to self-reliance, self-respect and individual dignity." But forced labor in a Soviet camp, or even the abrasive routine of an automobile assembly line, is not "good in itself." And I am quite sure that the President is not sanguine about the prospect of careers in migrant labor camps for Julie and David and Tricia and Ed. The best that can be said for his windy, old-fashioned nonsense is that a good many of the jobs in the economy, given the limitations of scarcity and technical ingenuity, may be a miserable necessity.

Even if he cannot fairly be accused of honorary Socialism, Mr. Nixon has at least allowed himself to face up to some of the facts. In December, 1970, when he vetoed the Employment and Manpower Act, he was still sticking by the letter of the old faith: He was, he said, against any program that "would relegate a large number of workers to permanent, subsidized employment." In July, when he reversed himself, he explained that he did so because the jobs to be funded by the legislation are only temporary.

That qualification allows the President to pretend that there will soon be jobs aplenty in the business sector for all who need them, an optimistic assumption contrary to all the trends. And how, precisely, is a state or city supposed to structure a "temporary" position? As Edward Hamilton, the former budget director of New York City and now its Deputy Mayor, put the problem: "What if we moved those people into permanent city jobs and then Washington ended the program because national unemployment was down again? We'd be left holding the bag with X number of people built into our financial structure and no more Federal money."

Clearly, Mr. Nixon based his reversal on a distinction without a difference, and the conventional interpretation of this and all his other shifts in economic policy is that he has made a 180-degree turn in order to look the problems of a re-election in the eye. And yet, even though the political rationalization is only thinly disguised in the President's rhetoric, it is important to say a word in defense of his sincerity and consistency. I would argue that he has simply moved from an utterly obsolete conservatism to a much more sophisticated, though still completely inadequate conservatism. He is not Saul on the road to Damascus in the throes of an overpowering conversion experience but a wily helmsman who has changed a disastrous course by about 15 or 20 degrees. He is still sailing the same ship.

In the New Economic Policy as a whole, Mr. Nixon has been won, not to Keynesianism, but, in John Kenneth Galbraith's phrase, to reactionary Keynesianism. In the fundamentalist free-market model in which Mr. Nixon believed until almost yesterday, the corporation is central because the maximization of its self-interest mysteriously leads to the common good. In his three years in the White House, Mr. Nixon has learned that economic providence is not quite so benign in the rewards it bestows upon a passive President. So he has shifted slightly. The corporation remains central; now, in accepting the carrots which a hopeful nation thrusts upon it, it is stimulated to accomplish the common good. So it is that Mr. Nixon proposed in August to give business $9-billion worth of encouragement, the consumer $2.5-billion, and the poor an I.O.U. on welfare reform.

This same pattern of reactionary Keynesianism is apparent in the details of all his employment proposals. First of all, there is the question of numbers. The bill Mr. Nixon vetoed in December, 1970, would have created more than 400,000 jobs through both accelerated public works and public-service employment. The bill he signed last July is supposed to yield 150,000 jobs and, at the current rate of expenditure, will apparently fund only 130,000 of them. This does not simply mean that Mr. Nixon embraced the principle of Federal responsibility in this area and then reduced a very modest application of it by about two-thirds. That is true enough, but there are qualitative consequences of that quantitative change that are also extremely important.

With the very limited number of jobs authorized by the President in a time of high unemployment, the new openings will have to be spread paper-thin over the entire country. The Administration anticipated that almost all 130,000 jobs would have been filled by Christmas; in November, Mr. Nixon himself rather plaintively wrote to 14,000 state and local officials asking them to hurry up—only 31,000 unemployed had actually been put to work. And some reports from the field indicate that many of those being hired are neither the very poor nor the professionally dislocated, but those from an in-between category whose new jobs pay up to $8,000 a year. That group obviously has its problems too, and deserves help. But the very fact that such a choice has to be made with limited funds shows that the program, far from being an exercise in manpower planning and careful social investment, is the merest of stopgaps. Indeed, Nixon's own reduction of Federal employees might cancel out the entire employment efforts of the bill he signed. And in his letter, the President himself referred to a special group of unemployed who could not be handled even with a bill providing twice the number of jobs: 350,000 jobless veterans of the war in Vietnam.

Second, the President clearly regards these public-service jobs as second-class in character. The crucial instrument for the generation of employment, as befits Nixon's reactionary Keynesianism, is the tax incentive for the big corporation. The Employment Act of 1971 is a temporary, and reluctant, expedient. But the President, unfortunately, is not alone in this attitude. There are dedicated liberals who also talk of the Government as the "employer of last resort." The implication of that phrase, and of the Administration's present policy, is that the best possible use for labor is always to be found in the private sector; when Washington's help is sought, it is to mount an occasional rescue operation, but that is all.

To pose the issue in that fashion is to place public-service employment in a perpetually negative light, an unwelcome deviation from normality. But then, given the minimal, unplanned program which he approved, the President could not possibly have been thinking in any positive way about the issue. For he has not changed his basic faith that the private corporation provides the way to social happiness.

WHY MUST GRINDING, DEMEANING OCCUPATIONS EXIST AT ALL?

Finally, there is the issue of menial labor as it relates to welfare reform. It is, I take it, obvious that the President's Labor Day homily on the Protestant ethic was not an exercise in philosophical speculation but an endorsement of the "get tough" measures of Governors Reagan and Rockefeller, which force able-bodied welfare recipients to work as ordered by the authorities. It is hard to imagine an approach more contrary to the rhetoric which rationalizes it. "No work is demeaning or beneath a person's dignity," the President told the Congress in September, "if it provides food for his table and clothes and shelter for his children. The thing that is demeaning is for a man to refuse to work and then to ask someone else who works to pay taxes to keep him on welfare."

Lurking just behind all that talk about the nobility of menial labor is another, and more basic, attitude: Work is the punishment which is going to be meted out to the welfare malingerers. It is an axiom of basic pedagogy that one does not make a child atone for misbehaving by forcing him to read or write or do other things the school system has all along claimed are good and valuable activities. Yet that is just what the President and Reagan and Rockefeller are doing: They want to instruct some of our most abused, and sometimes marginal, citizens in the glories of work by using legal compulsion to rub their noses in menial labor. In saying this I am not trying to psychoanalyze these leaders, to deal with their interior motives. The plain fact is that they do not propose to provide welfare recipients any well-planned, useful work at decent pay but to force them to work in order to get a welfare check.

That official attitude, I would suggest to Mr. Nixon, is really demeaning and destructive to a person's dignity. Society has failed to give him a chance to work like everyone else; it has stigmatized him as lazy for not having found employment in the middle of a recession; and now Government forces him into a new category of second-class citizenship where Americans labor, not for a wage, but for a welfare check. (The male chauvinism of English grammar somewhat obscures my point, for the real object of this chastisement is not the generalized "him" which stands for both men and women, but a "her," most likely a welfare mother.) In reality, the imposition of reactionary Keynesian values on welfare reform is the opposite of what it claims to be: It does not ennoble what is unalterably base, but it creates a kind of peonage where people must work simply for their keep. That violates even the Protestant ethic.

There is thus no need for quaking in the boardrooms; Mr. Nixon has kept the conservative faith that private economic power is the best instrument for promoting the public good, and what has seemed like a dramatic conversion is merely melodrama for tactical advantage. The forms have changed—he has moved from Herbert Hoover to Arthur Burns—yet the basic values are very much intact.

But times change, and Presidents certainly do. If, as this analysis has suggested, the private sector of the American economy becomes less and less able to absorb available manpower and, perhaps more importantly, less and less able to make a socially desirable allocation of that manpower, what then? What

programs and what politics provide Mr. Nixon and his successors with alternatives?

The central proposal for dealing with these problems is, I think, quite obvious. There should be a formal Federal guarantee of a right to work for every employable citizen. (The corollary is a right to a livable income for all those who cannot work, which I support enthusiastically, but will not argue for here.) The right to work would operate in two ways: negatively in that the Government would be obliged to offer meaningful employment to all those who cannot find it in the private sector; positively in that the Government should undertake comprehensive manpower planning and, wherever indicated, establish itself as an employer of first resort.

Even without a Government commitment, organized labor has already begun to confront the question that Presidential rhetoric cannot banish: Why, in a nation more and more dependent on the application of science to the manufacturing process, must grinding, demeaning occupations exist at all? Or, where they do, why are they not recognized for what they are and their effects minimized? Automobile assembly-line workers spend their laboring lives in an environment so dehumanized it could be its own caricature. And the last time the United Automobile Workers Union negotiated a contract, its leadership adopted a demand that has arisen spontaneously from the membership—"30 and out," retirement at the end of 30 years no matter what the worker's age. In their last contract, the United Steelworkers won a 13-week sabbatical once every five years for men with 15 or more years on the job.

Even Senator George McGovern, who stands to the left in the line-up of Democrats seeking the Presidential nomination but is nevertheless clearly in the traditional mold of American political figures, has come close to the concept of planned, Government employment. McGovern has proposed that the Government contract with private industry to guarantee jobs in socially desirable fields for any adult who wants to work. And, in general, there is more movement toward the four-day work week.

All of these reactions are profoundly commonsensical attempts to minimize the indignities associated with so many jobs in the United States. This mood has spread among the poor as well. In New York City, as Nathan Glazer reported in The Public Interest, women on welfare are reluctant to take menial jobs which pay only a little bit more than their benefits. I am sympathetic with the hard-working Americans, particularly those directly engaged in production, who are outraged at this attitude, even though I do not share their anger. I am not at all sympathetic toward the executives, including the President, who, from the vantage point of their creative and well-paid jobs, lecture the poor about the joys of menial labor. And I think that the welfare mothers who balk at such employment are right, morally as well as economically.

In a society with the technological capacity of the United States, it is somewhat obscene to celebrate low-paying, menial employment. It should be a national goal to abolish such jobs by creating machines that will progressively eliminate all the routine tasks that are now dulling the lives of men and women. But, to pose the hoary, generic question: who will then collect the garbage? There are obviously some onerous jobs which can't be done away with in the near future, and a smaller number which perhaps can never become the work of a machine. For those jobs that must be done by humans, the pay, instead of being miserly, should be handsome. That, conservatives will say, would price them out of competition and provide industry with the incentive to find a way to mechanize them. Fine. For there are many more important jobs that need to be done, from the building of new cities to the improvement of medical care. And if some drudgery persists even in these new jobs, it will at least be in the satisfaction of real social needs—especially the needs of the human drones who now work in the harness of an inattentive technology.

If we adopted such a positive and creative approach we would also discover that a good many of the people who seem capable only of lowly work have hidden talents. Paraprofessionals in the school and health systems have already demonstrated that the rejects of a free labor market can make a positive contribution to society when jobs are consciously designed to make use of their natural aptitudes. These paraprofessionals provide valuable services, for which people are more than willing to pay. And since an upgrading of skills is involved, their higher wages would even satisfy the current crucial measurement: They would not be inflationary. The initial Federal outlay would be a social investment, not a handout, and in the not-so-long run such investments would pay for themselves.

The work thus generated would be primarily in the public and nonprofit sectors. That does not mean that Washington would put millions on the payroll, since most of the jobs would be at the state and municipal levels and in nonprofit institutions like hospitals. But the funding of a good many of them will have to come from the nearest thing to a progressive tax we have, the Federal income tax. And even though all this could be done without disturbing the capitalist structure of the economy—the corporations would, alas, remain in control of their billions even after such sweeping reforms—it is clear that there would be a significant shift from private, profit-oriented work to public and not-for-profit occupations.

In the long run, the implementation of a legal right to work would require careful planning. As our current experience demonstrates, it is no simple thing even to phase engineers out of aircraft production and into environmental protection—and they are educated, mobile people, less in need of government's benign attention than the economically depressed, but numerically superior, unskilled working force. Investments and decisions will have to be made well in advance of times of crisis.

Strangely enough, the short run would be easier to deal with. There is already a backlog of requests from communities for Federal funds to help build more than 6,000 waste-treatment plants, water and sewerage systems, hospitals, nursing homes, public health centers and the like; they would cost $13-billion, including $6-billion in Federal money.

Organized labor would logically be the vanguard of any political movement for a guaranteed right to work. Unions fought for that very demand almost 30 years ago, and since then have battled for a whole range of manpower programs which would stimulate the economy, not by passing out windfalls to the corporations, but by putting men and women to work satisfying the urgent needs of society. Labor cannot, of course, prevail alone, but it has natural allies in the middle class; and the issue also is one on which the interests of black and white workers most obviously converge. The formation of such a coalition around the demand for a guaranteed right to work would have ramifications for the entire society.

Such a realignment is no longer the impossibility it may once have seemed. American politics has been in the process of redefining the meaning of right and left for some time. The fundamental confrontation of the thirties between the liberal advocates of state intervention in the economy and its conservative opponents, which for so long has conditioned political debate, is now played out. That really is what Richard Nixon was telling us this summer when he proclaimed his own W.P.A. and initiated Government controls over wages and prices, and he is quite right.

By now, as Milton Friedman himself once said, we are all Keynesians. The crucial question remaining is: What kind of Keynesian? The arguments over what used to seem like only the details of economic policy—how should a tax reduction be apportioned between corporations and the poor? How much should the shipping industry be subsidized?—are becoming central. Mr. Nixon's reactionary Keynesianism is clear; he clings to the faith that private greeds somehow vector into a public good, and he therefore still looks to corporations as the real leaders of the American economy—even when, as President, he is leader. His honor as a consistent conservative is quite intact; it is only his policies which are intolerable.

But even he has had to do something, in his own constricted terms, in the face of our geometrically increasing social needs: the great cities coming unstuck, the environment deteriorating, the large numbers of marginal workers accumulating ouside the margins of the private sector. It is apparent that Louis Blanc's 1836 idea—that society must guarantee each citizen a right to work, and make good the guarantee—has more than reached the fullness of its time. We need the constructive use of the energies of the unemployed, the underemployed, and the misemployed. All that is required is a militant mass movement to prod the dawdling spirit of history into action.

SENATOR MUSKIE SPEAKS ON ENVIRONMENT

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. OBEY. Mr. Speaker, the most thoughtful and telling indictment of the Nixon administration's lack of leadership to preserve our environment that I have heard was given by Maine's Senator ED MUSKIE at a meeting of the Wisconsin Resources Conservation Council last Saturday in Madison, Wis.

I am inserting this in the RECORD because it is a litany of the shortcomings of this administration and it ought to be required reading for anyone concerned with the future of the environment.

The remarks follow:

REMARKS BY SENATOR EDMUND S. MUSKIE, WISCONSIN RESOURCES CONSERVATION COUNCIL, MADISON, WIS., SATURDAY, MARCH 25, 1972

The fact that we are in Madison today to talk about the environment testifies to our determination to do something about it. The fact hat we are meeting in Wisconsin also reminds us of how huch we have lost and how much we still have to save. For your state shows both the best of the earth God made and the worst of the earth man has remade.

Robert Frost could have been thinking of Wisconsin's winter splendor when he wrote of woods as "lovely, dark, and deep"—yet the word "smog" could have been invented to describe the summertime sky over Milwaukee.

This is a state with nine hundred lakes—yet your natural surroundings are threatened by the Navy's insistence on an unproven gimmick like Project Sanguine . . . and by a power company's decision to seek a license renewal on the Chippewa flowage.

I am delighted that Governor Lucey and other Wisconsin leaders will testify against Project Sanguine here next month in hearing arranged by Congressman Obey. The crisis in the environment is close to each of you—and it reaches across the country. Yet it is a different crisis from most that we have known. No breadlines signaled its coming and no bugles sounded the alarm. There was only a slow, almost unnoticed scarring of our land and fouling of our air and water, until we could no longer escape the danger around us . . . here or anywhere in America.

Some Americans were early to the environmental struggle . . . and in the early days the struggle was a lonely one. I can remember how difficult it was to enlist public support for the first anti-pollution laws of the last decade. You can remember when this Council was founded under Governor Gaylord Nelson . . . when the stirrings of public concern were still far from equal to the task of conservation in Wisconsin. But as we entered the 1970's—and almost without realizing it—most Americans started to see the crisis in the environment for what it truly is—more than a part of the normal public debate about how we should live—and nothing less than a decision about whether we can ultimately live at all.

Two years ago, when Senator Nelson led the first Earth Day, millions of people answered the call to the environmental cause. Their commitment has been an indispensable force in the passage of reforms like the Clean Air Act. I know . . . because I have written and sponsored most of our national air and water pollution legislation since 1960. Each time Americans have understood more about the environment, I have been able to secure stronger measures to protect it. Yet I also know that these advances have not been shaped by any single individual or any single political party. Together, Senators and Representatives on both sides have worked and voted for sweeping changes, often without a dissenting vote. The decisions of the Congress have reflected the will of the country.

So the environment should not be a political question. It is a question of survival—and when survival is at stake, we are all Republicans and we are all Democrats. Only last August, President Nixon said: "The work of environmental improvement . . . should unite every element of our society—of every political persuasion and every economic level—in a great common commitment to a great common goal."

But there is a disturbing distance between the rhetoric of the President's speeches and the reality of the President's policy. It is not a distance seen from a partisan perspective alone, but from the perspective of anyone committed to conservation.

The White House has given us environmental budgets which are a blueprint for environmental neglect. Last year, the Nixon Administration asked for less than a third of the authorized sum for air pollution control and less than a seventh of the authorized sum for recycling discarded products. This year, the Administration has again asked for less than Congress has authorized . . . $1 billion less to fight water pollution, $300 million less to fight air pollution, and $200 million less to finance recycling.

The lives of human beings are often determined by the dry and precise figures of a government budget. The Nixon budget slights millions of inner city children who breathe automobile fumes instead of fresh air and suffer from excessive levels of lead in their bloodstream—and yet the same budget calls for a space shuttle of dubious value which will ultimately cost $14 billion. The Nixon budget slights two hundred million Americans who depend on fresh water and the conservation of our land—and yet the same budget calls for a $6 billion increase in weapons spending, even as the Pentagon admits that the Russian threat to our missile forces has not developed according to Administration predictions.

It is easy to speak of priorities—the word has been so overused by almost everyone that it now has a meaning for almost no one. Yet the idea behind the word is still vital. We must choose—each of us—whether we are in the White House, on the campaign trail, or at home in Wisconsin. We must choose—a space shuttle or a clean Lake Michigan—an ABM or clear skies—a loan to an incompetent corporation like Lockheed or grants for sewage treatment and reforestation.

This is not just a choice in the 1972 election, though all the candidates should be judged as they choose. It is also a constant, daily choice in the highest councils of the government and for every citizen. And the Nixon Administration has chosen the wrong course almost from the day it took office.

The people want to conserve the environment. Yet this Administration has not even lived up to Disraeli's definition of leadership: "There go the people; I must follow them."

What we face is not just a failure to fund the fight against pollution. The President has also failed to enforce the conservation bills he himself signed into law—and he is trying to prevent the passage of even tougher legislation. Again and again, President Nixon has sacrificed environmental protection in the wake of pressure from corporate lobbyists. Again and again, he has allowed those two make a profit from pollution to dictate his policy on pollution control. In short, the Nixon Administration has amended Disraeli's maxim to read: "There go the special interests; I must follow them."

The special interests have opposed the Clean Air Act of 1970, which requires pollution-free cars by 1975. And just last week, the White House issued a study of the deadline which sounds like it was written by the executive of the automotive big three—who also happened to be among the biggest contributors to the last Republican campaign.

The White House study argues that there should be two standards for auto emissions—one for urban areas that are already polluted and one for rural areas where conditions are still tolerable. What would be the result? In much of the country, cars would continue to spew exhaust into the air until all of the country had experienced serious pollution at some point. And anyone who decided to move from a rural area to an urban area would have to buy a new car or modify an old car. It would be a boon for auto profits—and a burden for every rural worker looking for a new job and every rural family seeking a new life in our cities and our suburbs.

The White House study cites exaggerated cost estimates to justify its conclusions—and if the study ever becomes policy, the cost to average income Americans will be high . . . the damage to the environment may be severe . . . and the windfall for the auto industry may exceed any other government giveaway in American history.

Yet we should have expected this from an administration which in 1971 gutted the other guidelines mandated by the Clean Air Act. The guidelines were drawn up according to the law. Then, in violation of the spirit and intent of the law and in response to open industrial pressure, the White House changed them, weakened them, and published them a month-and-a-half late. And again, the loser was the environment which sustains our lives.

The special interests have also opposed the effort to limit clear-cutting . . . the practice of cutting down every tree in a forest instead of cutting only the trees that have matured. The Council on Environmental Quality drafted restrictions on clear-cutting and asked the President to approve them this year. But in January the restrictions were suddenly shelved after lumber industry lobbyists met with representatives of the Nixon Administration. So unchecked clear-cutting will go on . . . and more of our scarce open land will come to look like the barren and eroding hills of Montana's Bitteroot National Forest. It is a break for the special interests . . . and it is a tragedy for us and for our children.

And, with all the power they possess, the special interests have opposed the current water pollution control bill. The bill calls for the elimination of all pollution discharges into America's lakes and rivers by 1985. The bill passed the Senate unanimously. The bill was supported by the President. Then the pressures from big business mounted—led by the members of the National Industrial Polution Control Council—a group with private access to the highest public officials in the executive branch. Twenty-four of the Council's members direct firms which were sued in 1971 for their failure to comply wtih federal conservation laws. The Council includes all the major corporate polluters in America. Yet former Commerce Secretary Maurice Stans promised them: ". . . virtually no major move has been made in environmental policy without our advice and criticism."

The promise has been kept: the Nixon Administration has joined the Council's members in denouncing the water pollution control bill the President once supported. The White House has circulated bogus cost figures to frighten and intimidate the Congress. The White House has pushed for a series of crippling amendments. What the White House and industry really want is little more than a license for continued and wholesale water pollution. Once again, the Nixon Administration has done the wrong thing. Once again, the President has caved in to big business and jeopardized our natural resources.

And it happens almost every day. Industrial pressure against environmental protection is not a sometime thing, felt only when we face major policy decisions. The pressure is unremitting—and the Administration's response is a constant surrender of the public interest to the polluter's interest. Indeed, the White House even seems ready to provide a Presidential assistant as the defense counsel for any corporation that is despoiling the environment, but supporting the Republican Party.

Last September, the Environmental Protection Agency won a court order prohibiting Armco Steel from dumping toxic chemicals into the Houston Ship Channel. The President of Armco protested directly to the President of the United States.

A White House assistant then intervened—and the federal government agreed that Armco could continue its dumping until the summer of 1972. This agreement was wrong. It was negotiated in secret and in an atmosphere of political pressure. And it is made even more suspect by the fact that the executives of Armco donated at least $14,000 to the 1968 Nixon campaign.

A national news magazine recently described the Presidential Assistant who intervened in the Armco case as "Mr. Fixit." He is the same official who interceded for Anaconda Copper to prevent strict air pollution control in Montana. He is the same official who apparently intervened in the ITT Antitrust case, when ITT pledged $400,000 to the Republican Convention. He is also involved in the Reserve Mining Problem on Lake Superior.

It is all part of a pattern—a pattern of influence peddling and closed door deals that had led millions of Americans to believe that this Administration is willing to trade their future for a campaign contribution.

And who pays the price? All of us—as we endure further erosion in the life support systems we call the environment—as we

watch a government that is supposed to serve all the people take on the appearance of a special interest lobby, literally at the beck and call of big business.

No wonder some Americans now ask whether Richard Nixon has forgotten that he is the President of a country, not the president of a corporation.

Because I am a candidate in the Wisconsin primary, what I have said here today will inevitably be placed in a political context. Yet it is not my intention to bring the 1972 campaign into this conservation Council. I have always believed that conservation is more important than any election issue. I have worked in the Senate with Republican as well as Democrats to shape the laws which can save the environment. I have sought the support of the White House. And I still wish the Administration would resume its effort to prove that the President is the leading environmentalist in Washington.

But I cannot blindly support policies to perpetuate pollution in the name of nonpartisanship. I cannot accept the claim that it is political to talk about a betrayal of the environment which seems rooted in politics. I cannot agree to say nothing while this administration does the wrong thing about our air, our water, and our land.

So I am not here to ask for your support in this election, though I will ask for that at another time and another place in the week ahead.

I am here instead to stand with you in fighting for the purposes which gave this Council life.

I stand with you in opposition to Project Sanguine.

I stand with you in opposition to licence renewal on the Chippewa flowage.

I stand with you in demanding a federal suit to stop the Reserve Mining company from pouring 67,000 tons of taconite waste a day into Lake Superior.

And we must stand together for a tough water pollution bill.

Together, we can win $300 million in sewage treatment grants for Wisconsin during the next four years—which is exactly what Washington would send here under the bill passed by the Senate.

Together, we can protect jobs and the environment through the Senate's National Water Standards—so no industry can leave Wisconsin and abandon workers in the hope of finding a haven for pollution in another state.

Together, we can defeat the attempt to evade our conservation laws—and renew the effort to enforce and strengthen them.

You have served on this Council and know what is at stake. You have known for a long time what we must do: we must save our planet's environment or perish amid the pollution of life itself.

You have led the fight for conservation in Wisconsin.

You were speaking up when others were still blind to the danger.

Now we must speak up again—in Wisconsin and across the country.

It is the only choice we have—because this is the only environment we have.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 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?

THE USES AND MISUSES OF THE VICE-PRESIDENCY

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. WALDIE. Mr. Speaker, as another presidential election approaches, all citizens should hope that the rancor and divisiveness which characterized the 1970 campaign will be avoided.

The behavior of the Vice President of the United States will undoubtedly be a crucial factor in whether this country will conduct its political process responsibly, or whether the election will deteriorate into a wasteful and damaging slugfest of name-calling and slander.

The Vice President has already made tasteless remarks he apparently thought were clever, about Congressman PAUL MCCLOSKEY—and "his favorite painting of Benedict Arnold crossing the Delaware." We can only hope that this comment does not foreshadow the level of debate the administration will advance in the coming months.

The following correspondence between Rick Tepker, a sensitive and concerned student at Claremont Men's College in California, the White House, and Mr. Robert Finch, counselor to the President may tell us something about the issues the Vice President's behavior has raised.

Most importantly, the well-reasoned reply of Mr. Finch may offer us some hope that the administration will be more sensitive to its responsibilities, and to Mr. Finch's views.

The reply follows:

JUNE, 1970.

The PRESIDENT of the United States,
The White House,

MR. PRESIDENT: In his classic treatise on effective government, Niccolo Machiavelli expresses his admiration for the prince who delegates the less savory tasks of leadership to a lieutenant so that any hatred caused by those tasks will not be directed against the prince himself. I fear that you, Mr. President, are heeding the advice of Machiavelli by giving free reign to Vice President Agnew and by refraining from editing his more vituperative addresses. I write this letter to echo the adminitions of your assistants who toured through the nation's campuses: the speeches of Spiro Agnew have not drawn fire away from the White House; in fact, his comments are a major ingredient in the growing national dissatisfaction and opposition to your administration.

I write this letter after hearing of another Agnew speech; this one contains vehement criticism of past and present government officials who oppose current policy in Indochina. The comments attributed to the Vice President regarding these men were shocking and reprehensible. If the reports I heard were correct, Mr. Agnew was indulging himself in arguments *ad hominem* that might bring applause and laughter from Republican partisans, but will only bring deep frustration, anger and hatred from those who differ from administration policies.

In many of Mr. Agnew's other speeches, similar tactics have been utilized. Such tactics, however, are highly inappropriate for the office of the Vice Presidency. Mr. Agnew, by persisting in this kind of behavior, is guilty of the same crimes as the long-haired student who cries fascist pig at every policeman or who shouts obscenities when defenders of government policy attempt to speak. Mr. Agnew's voice is just as loud as the collective voices of these young people; and when he uses his voice to hurl accusations and invective at critics of administration decisions, he can be just as damaging to the quality of dialogue and debate in this country as the protestor with a brick in his hand.

By pursuing his course, Mr. Agnew has proven that he is too biased, too irresponsible, too immature, too unreasonable and unreasoning to be Vice President of the United States. You, Mr. President, should ask for his resignation. And if that is not possible, you should at least think twice about the promise you made at a recent press conference—a promise not to muzzle the Vice President.

After all, Mr. President, Mr. Agnew is not performing the tasks of government; he is performing a political ritual that can only erode your own authority and capacity to govern, and can only further tear the fabric that may still precariously unite the nation.

Sincerely,

RICK TEPKER.

THE WHITE HOUSE,
Washington, D.C., July 17, 1970.

DEAR MR. TEPKER: Thank you for sending me a copy of your eloquent letter to the President regarding the uses and misuses of political rhetoric. I can assure you that views such as your are being listened to, and they always will be.

The whole thrust of your message, in effect, is an appeal for reason and sanity in open debate and these are indeed essential qualities—for students and high public officials not least. I am not nearly so worried about finding solutions to the problems that sometimes seem insuperable as I am about the disappearance of civility and mutual tolerance from our social discourse. That, as I think you would agree, would be a disaster of really incalculable dimensions.

In my new role as Counsellor to the President, as before at HEW, I intend to do everything in my power to uphold the standards you commend to all of us.

With every good wish,

Sincerely,

ROBERT H. FINCH,
Counsellor to the President.

THE WHITE HOUSE,
Washington, D.C. September 11, 1970.

DEAR MR. TEPKER: In acknowledging your letter to President Nixon, may I assure you that your comments have been fully noted.

Sincerely,

NOBLE M. MELENCAMP,
Staff Assistant to the President.

PRESIDENT NIXON IS KEEPING HIS WORD

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. MCCLORY. Mr. Speaker, last week the President of the United States withdrew an additional 6,900 soldiers from Vietnam.

On January 20, 1969, there were 532,500 Americans enduring the perils of an Asian war. Today, there are 101,700 Americans in Vietnam who are planning to come home.

Mr. Speaker, President Nixon is keeping his word.

ENVIRONMENT VERSUS UNION ELECTRIC RUSH ISLAND PLANT

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. SYMINGTON. Mr. Speaker, the House Commerce Committee on which I am privileged to serve is now considering a number of proposals to regulate the construction and siting of powerplants. The administration, Congressman MACDONALD of Massachusetts and Congressman ECKHARDT have all put forth legislation which would protect the environment while allowing construction of plants necessary to meet the energy shortage. I am deeply concerned with the environmental consequences of additional construction of such power facilities. I am, therefore, pleased with the thought and work that has gone into the proposals now before the Commerce Committee.

In evaluating the various bills, I have found it useful to receive information from companies and environmentalists at home in the second district of Missouri. In that vein, I would call to the attention of my colleagues an article that appeared in the St. Louis Globe-Democrat written by Ted Schafers; the item appeared in the March 9, 1972, issue of the paper. The situation described in the article, I feel, is typical of that in many other congressional districts. Environmental legislation now before Congress as well as court decision like the Calvert Cliffs case may affect development of energy resources in years to come. For this reason, we must gain as much information about the problems and the potential of power development.

At this point, I insert the article in the RECORD:

ENVIRONMENT VERSUS UNION ELECTRIC RUSH ISLAND PLANT—UTILITY BATTLES TO PROVE FACILITY WILL MEET WATER QUALITY RULES

(By Ted Schafers)

Construction of Union Electric Company's Rush Island plant—needed to meet expected power demands within the next three to five years—is being jeopardized by an environmental fight, the company said.

The explanation was given by the St. Louis utility in a detailed report on the reasons for excessive construction costs and completion delays of St. Louis area power plants, particularly its Labadie, Mo., operation.

The company began excavating and filling operations last spring on a 500-acre tract of Mississippi River Bottom land, called Rush Island, 8½ miles southeast of Festus. Cost of the plant, consisting of two generating units each producing 600,000 kilowatts of power, is estimated to cost $328 million.

The proposed new plant will be the first big unit to use low-sulfur coal; designed to meet Missouri's air pollution laws.

Union Electric also has announced it will have all actual construction work performed by local contractors, who also will have the responsibility of avoiding jurisdictional disputes and of improving labor productivity.

Union Electric blamed workers' poor productivity for 70 per cent of its $42.2 million cost overrun in construction of the first two units of its Labadie, Mo., power plant. The same thing is happening on the last two units, currently under construction, the company said.

However, the utility now has run into an even more time-consuming and costly problem. For the last 16 months company officials have been making reports and holding meetings to prove that the plant will not violate provisions of the Federal Water Quality Improvement Act, passed by Congress in 1970.

Details of its efforts to meet the requirements cover six pages in Union Electric's report.

The company has won the approval of the Missouri Water Pollution Board, but is still trying to meet all conditions set down by the Corps of Engineers—including the holding of a public hearing in Festus on environmental impact March 29.

"We are not blaming the Corps of Engineers, who have been forced to interpret regulations before they were even drafted and have taken on a major new work load without adequate staff," said Walter Weber, manager of the Rush Island project.

A permit from the Corps of Engineers is needed to complete the work.

"So far we've been able to excavate and fill an eight-acre area where the new plant will be located and now are raising the level of a 50-acre site for flood protection. The corps has cooperated in helping us carry on this preliminary work, but the 16-month delay is reaching the critical stage now," he said.

Certain concrete work must get under way. and steel is scheduled for spring delivery.

Construction of the new power plant will be a major economic plus for the building trades unions, employing about 1,000 workers over four years, with the total labor bill around $80 million.

THE RIGHT OF HANDICAPPED CITIZENS TO PARTICIPATE IN FEDERAL PROGRAMS

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. HALPERN. Mr. Speaker, the treatment of the 42 million handicapped persons in the United States of America is one of the most shameful chapters in our history. They are a truly neglected minority. They are seldom treated with the equality guaranteed under our Constitution. For this reason, I today am announcing my support for legislation to provide equal treatment of the handicapped in all programs which receive Federal assistance.

These Americans, disabled in our wars, on our highways, by birth, and by illness, simply do not have the same rights as those fortunate enough to be nonhandicapped. The handicapped live among us and struggle, usually vainly, for acceptance into the mainstream of our society. We hide them and ignore them whenever we can. We too often treat them as less than the fellow citizens they are.

In this, the greatest nation in the world, we still have the snakepit mental institutions that were condemned decades ago as harsh and brutal. Institutions for the mentally retarded are overcrowded and understaffed and provide custodial care only, when in many cases rehabilitation services would be helpful. We have millions of handicapped children who are excluded from attending school because adequate provision is not made for their education and training. We have employers who are afraid to hire the handicapped because they mistakenly believe that the handicapped are more likely to have accidents, thus raising workmen's compensation rates and insurance costs. Our governments, Federal, State, and local, tax these people, their parents and relatives, but in return fail to provide services for them. The parents of handicapped children pay school taxes—and then find it impossible to send their children to public school. Although they pay Federal taxes, they find often that not enough effort is made to help educate their homebound handicapped child through ESEA, impacted aid, and other programs. The armed services every year train thousands of persons for various jobs—but have abandoned efforts to use slow learners and retarded persons in low skilled jobs. There is no Job Corps for the handicapped.

The handicapped are a hidden population. It takes a superhuman effort in most cases for a handicapped person to succeed. This should not be so. The time has come when we must no longer tolerate the forced invisibility of the handicapped in this country. We must no longer ignore the millions of handicapped children who are not able to attend school and receive the special educational services that would be so helpful to them.

Education and vocational rehabilitation training can be the greatest thing to handicapped people in assuring their chance for employment and a full and productive life. Education of the handicapped is one of the most cost-effective endeavors the American educational system can undertake. It costs the State $150,000 for the lifetime care of a mentally handicapped person in an institution, but the provision of appropriate educational services for the handicapped can turn dependence upon society into positive participation in and contributon to society.

Vocational rehabilitation of the handicapped is equally cost effective. The Social and Rehabilitation Service estimated that annual earnings of the 291,272 persons rehabilitated in fiscal year 1971 increased by an estimated $770 million over what they earned the year before entering the vocational rehabilitation program. Average earnings of the rehabilitants were $15.95 per week when they were first accepted into the program. Upon completion, average earnings rose to $68.86 per week. Of the more than 291,000 Americans rehabilitated in 1971, 40,321 were public assistance recipients.

This is a valuable and successful program, but there are still many millions of handicapped Americans who could benefit from the program, but have not been

able to. This should not be so, the program should be expanded so that every handicapped American who can benefit from vocational rehabilitation services has the opportunity to do so.

Handicapped veterans experience problems in taking advantage of services that are supposed to be available to them. Of all the handicapped veterans registered with the Veterans Employment Services, only 1.6 percent were placed as a result of job contacts made in 1971, while 87.7 percent were unable to be placed in regular nonagricultural jobs. While the handicapped veteran represents nearly 10 percent of all veterans registered with the Employment Services Center, he received inadequate attention in both the areas of job placement and job development.

The handicapped veteran encounters obstacles at every turn. He tries to get insurance and is turned down by private agencies' exemption clauses concerning VA hospitals. He seeks medical care at VA hospitals and receives inadequate care and hospital stays that are too long. He asks for counseling and is put on a waiting list. He looks for employment and is turned down by the private employer as incompetent, or by his Government as being unplaceable.

These veterans were disabled in the service of their country and, in return, their country too often treats them as outcasts. This is inexcusable.

There are an estimated 4½ million handicapped children of school age who are excluded from public schools in the United States. This means that about 60 percent of all school-aged handicapped children in the country are ignored, unidentified and untreated. This exclusion occurs because the States are unable to define and deal with the problem. State and school districts plead lack of funds. The sad fact is that in many cases public motivation to develop adequate programs for the handicapped is simply nonexistent. In my own State of New York, a total of 221,219 handicapped children receive some kind of special services, while 151,592 receive no services at all.

I have dealt specifically with the exclusion of handicapped veterans and handicapped children from adequate programs to meet their needs. There are other instances across the broad spectrum of our society that systematically exclude the handicapped from living a normal life. Only recently have we made any kind of an effort to construct ramps allowing handicapped persons to enter public buildings. Time and again, however, the handicapped person finds that he cannot enter a building because there are too many stairs, or the door is too heavy to open by himself. He finds that public telephones and drinking fountains are too high for him to use from his wheelchair, or that the doors to public restrooms are not wide enough for his wheelchair to pass through. He finds that he is unable to ride in so-called public transportation because he can not get on a bus or a train or into a taxi. I could go on and on.

It is because this long rollcall of discrimination against the handicapped has existed for too long that I am sponsoring an amendment to the Civil Rights Act of 1964 to specifically include the handicapped.

This bill, which should be passed immediately, makes it illegal to discriminate aganst any handicapped individual or to deny him access to federally assisted programs.

Mr. Speaker, I have received many constituent appeals for programs benefiting the handicapped. I wish to read into the RECORD at this time a letter I received from a disabled college student urging action on H.R. 13009. The letter points out the urgent need for civil rights for the handicapped across the Nation.

We must insure once and for all equal educational and employment opportunities for handicapped by making discrimination against them illegal.

The letter referred to follows:

LONG ISLAND UNIVERSITY,
STUDENT GOVERNMENT ASSOCIATION,
February 21, 1972.

Re civil rights amendment for the handicapped.

HON. SEYMOUR HALPERN,
Washington, D.C.

DEAR MR. HALPERN: As Co-Chairman of the Student Council Committee for the Disabled at the Brooklyn Center of Long Island University we would like to express our full support for the resolution you sponsored to amend the Civil Rights Act to include the handicapped.

The Council Committee was set up to do what we can for the over 300 disabled students on our campus. Many of the problems that come before us are of the nature of discrimination, because of a disability. Recently it came to my attention that the disabled student is charged more for his books because he receives tuition money from the State.

As far as jobs for the disabled; it was my job as assistant in public relations to handle the famous case of Judy Heumann. As you might remember she was denied the right to teach because of her disability.

Transportation is a very big problem because there are so many sides to it. The city makes no provision for curb cuts so that the disabled can cross the street. Public transportation is off limits to the disabled. If you can get down the steps to the subway; the MTA requires that you have a wheelchair inspection sticker. If you have the $20.–$30. to pay for transportation you cannot take any of this expense of any of the tax returns, be they Federal, State or City.

One can never turn on a TV set and see a disabled person treated equally, or for that seen at all except for ads which depict the disabled as totally useless for anything except as an object of pity to garner funds for the treatment of said disease. The only problem is very little of said aid goes towards rehabilitation, which could help the disabled become usefully employed.

Education is another problem—the disabled does not have to worry about being bused to school he is lucky if there is a school for him. The New York City Board of Education is by far the best in the country but that says nothing because there are just a few schools in the New York area which will even accept the disabled and recently the Board of Education tried to close down some existing classes. For the Homebound student the required time for home teaching is not met. Note: State Education department has a set number of hours that a homebound student must receive. A few years ago the Board of Ed. sought to cut out a telephone program for the homebound called Teleclass. As a student in it I fought for the retentiton of it and after five months it was restored. If you don't remember the case Congressman Celler should because he was involved in restoring the program.

Another aspect of education is the entrance to Universities. No University is required to offer equal treatment or facilities and so he or she is forced out or is not accepted in the beginning. The City and State University is the worst offender. In New York, Long Island University has the most extensive in school and homebound program. Hofstra is another university which has made an attempt to allow disabled students to its campus. It is a national shame that only two University's allow the disabled and they are private ones which set admission requirements unlike the open admissions policy of CUNY.

The disabled cannot petition the government except by letter since most public buildings have no access ways for them. A wheelchair or a person on crutches cannot go up those steps. The City Council and City Hall are off limits to the disabled. I know because I tried, to see Mayor Lindsey on the few times that he stayed in New York. I was later told that there is a back entrance that nobody knows about and by the way the same is true of the building in which Congress meets. If the nation shouts about a bus station having a back entrance so much more should we protest being at arms length from our representatives.

Which reminds me that a disabled person cannot register to vote, someone must go for him. As for voting a disabled person cannot vote by absentee ballot in the primary. I know because I was told that I could not get the ballot.

In ending I would like to think out loud about future employment since I want to enter Public Relations. As of now I represent LIU in radio and TV P.R., but if I had to pay for transportation no wage would be high enough to assure me an equal opportunity with others in the same profession. I cannot appear on TV; I know because I was refused an invation when they found out. I may not be able to find a office building I can enter or needed facilities once entered. I may even be refused employment because I carry a higher insurance risk or it is just against company policy.

Once again as the Student Council Committee on the Disabled we urge passage of H.R. 13009 and as a disabled person I need it!

Thank you.
Sincerely,

SAM EDELMAN,
Sophomore Councilman.

NO JUSTIFICATION FOR WITHHOLDING INFORMATION FROM CONGRESS

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. REID. Mr. Speaker, last week the Subcommittee on Foreign Operations and Government Information was privileged to hear the testimony of former Supreme Court Justice Arthur J. Goldberg on the question of the executive withholding information from Congress.

Justice Goldberg's statement to the subcommittee was in my opinion perhaps the most important statement I have heard in my 10 years in the House of Representatives. Concisely and articulately it challenges the often asserted

right of the executive branch to deny to Congress the information necessary to the performance of its duties.

This fundamental question should be of deep concern to every Member of Congress, for it touches upon the very viability of Congress as an effective participant in our constitutional system of government.

Congress must take affirmative steps to reassert its constitutional prerogatives, which it has over the years tended to abandon in the face of ever-increasing dominance by the executive branch. In the sincere hope that Justice Goldberg's statement will be helpful to my colleagues in pondering this problem, I am pleased to include it at this point in the RECORD:

TESTIMONY OF ARTHUR J. GOLDBERG

My name is Arthur J. Goldberg. I consider it a privilege to respond to the invitation of Chairman Moorhead and the members of this subcommittee to testify on this matter of overriding national concern.

Having previously testified before this subcommittee on June 23, 1971, on the broad question of the problem of withholding information from the press and public generally, I would like today to confine my testimony to the question of the Executive withholding information from Congress.

I commence with the premise that there is no Constitutional justification for denying to Congress the information necessary to the performance of its duties. Under Article 2, Section 3 of the Constitution, the President is required to "give to the Congress information of the State of the Union" and both by practice and tradition this is not confined to the annual "State of the Union" message.

If the people have a *right* to know, their representatives have a *need* to know. Without adequate information from the Executive Branch of government, Congress cannot appropriately perform functions entrusted to it under the Constitution. Moreover, nothing can contribute more to the weakening of Congress and to an undue concentration of power in the Executive than the Executive's recalcitrance in appropriate sharing of information with Congress.

That vital information necessary to Congress in the performance of its duties has been and is being withheld by the Executive, no one can really challenge. Indeed, it can be argued that very often Congress receives the information it requires through "backgrounders" or "leaks" by the Executive Branch to the press rather than through an orderly and considered transmittal of information by the Executive to Congress.

This is a matter which rightly concerns this Committee which is primarily responsible for the enactment of the Freedom of Information Act. (5 U.S.C. 552).

The Freedom of Information Act in Section 1 specifically provides that the authority of the Executive to withhold information regarding matters that are "specifically required by Executive Order to be kept secret in the interests of national defense or foreign policy . . . is no authority to withhold information from Congress."

This reservation was obviously inserted in the law to protect the right of Congress to be adequately advised, even in cases where the Executive was of the view that national defense or foreign policy necessitated secrecy insofar as the general public was concerned

The Congressional sense of frustration in this area demonstrates the widely held view that Congress is being denied information by the Executive and, at the same time is being asked to enact legislation and make appropriations relating to the national defense and foreign policy.

It is an understatement to say that we are witnessing an increasing confrontation between the Executive and the Legislative Branches in this area. We must promptly take all necessary steps to prevent this confrontation from becoming a constitutional crisis.

It is important, in this connection, to note that the recent Executive Order of the President, effective June 1, 1972, dealing with the classification and declassification of national security information and materials, nowhere specifically enhances the flow of information to Congress and, consequently, does not materially ameliorate the situation as it now exists.

The Executive Order itself, however, represents a step forward in protecting the public against overclassification and ensuring earlier de-classification of national security information and material, although, by my lights, it still is overly restrictive in both areas. Perhaps in this limited sense it does ensure more information to Congress as part of the public.

However, the Executive Order, which, by its terms, deals with the general right of the public to know, does not satisfy the need of Congress to have necessary information promptly available for legislative purposes. The restrictive and sweeping provisions for classification and the long time limits for declassification do not eliminate present obstacles to the furnishing of information for timely legislative consideration and action. Furthermore, vagueness of the words "grave danger to the national security" acts as an impediment rather than an inducement and authorization to the Executive to furnish appropriate information to the peoples' representatives in the Legislature as well as to the people at large.

It is my ultimate conclusion that the present system, whereby the Executive Branch itself determines the rules for disclosure of its own documents, is inherently inadequate to keep Congress informed.

It would be in order to serve this purpose for Congress to draw upon the various proposals of its members and others and lay down specific guidelines in carefully considered and well drafted legislation. I have no doubt that Congress is authorized to enact such legislation under the "Necessary and Proper" Clause of the Constitution.

It is true that Article 2, vesting an Executive power of the United States in the President, necessarily implies that certain activities he conducts, either directly or through his staff and the Executive Departments, are privileged. By the same reasoning, under Article 1, certain activities of Congress, either directly or through its staff are also privileged.

I find it rather ironic that the Executive Branch, which strongly insists upon the President's privilege in his dealings with his own staff, should be challenging in the courts the privilege of Congress in relation to Congressional staffs. What's sauce for the goose must also be sauce for the gander.

The time is overdue for Congress to act in this area with due sensitivity for national security and for the protection of the legitimate privileges of the Executive as well as Congress' rights and responsibilities.

Our nation is a nation of laws and not men. In the public information area, except for Constitutional safeguards and the laws which this Committee, by and large, has sponsored, we have been very much a government of men and not laws. It is this reason which prompts me to urge that this Committee now address itself to the formulation of a comprehensive statute dealing with the duty and limitations of the Executive's responsibility to inform the Congress and the rights, limitations and safeguards of Congress to be informed.

I would hope that in drafting such a law, the Executive Branch and the Legislative Branch would cooperate in the interests of both and in the ultimate interest of the public both serve.

RICKOVER THE UNCOMMON MAN

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. HOSMER. Mr. Speaker, about every 50 years an American naval officer appears who has an enormous influence upon the history of his times. It was just about on schedule that Vice Adm. Hyman G. Rickover came along during our times in the role of one of today's very, very, few uncommon men.

Many people are familiar with his responsibility for the nuclear powered naval ships and the development and training of the remarkable men who man them. Some people know of the admiral's influence in matters educational, in the military and elsewhere. But most people, however, as yet fail to appreciate his remarkable grasp of history and the characteristics of the modern day world and the people in it.

An insight to this brilliant facet of that shining mind is found in Rickover's essay on "The Decline of the Individual" which appeared in the March 30, 1963, issue of the old Saturday Evening Post. The admiral listed four major threats to individual freedom in the United States as: replacement of the Protestant ethic by the Freudian ethic; a tendency to permit technology to control man rather than to command it to his service; unrestrained population growth, and, the interposition of giant private and public bureaucracies between man and his government.

The perceptive, nearly 10-year-old article is well worth recalling and rereading. It is reproduced below:

THE DECLINE OF THE INDIVIDUAL

(By Vice Adm. H. G. Rickover)

In recent years a sense of uneasiness has crept upon the American people. We have lost some of our exuberance, some of our faith in ourselves. Many of us are disturbed by the loss of good things we cherish as peculiarly American and by the intrusion of distasteful things we never expected would invade our way of life. These changes have been many and various, but they all have a common root: They stem from factors which have conspired to diminish the freedom and dignity of the individual.

These human values are essential in a democracy; anything that threatens them makes our whole society a little less free, our nation a little less strong. The basic tenet of democracy is respect for the equal moral worth of all human beings and the equal freedom of all men to shape their lives as they see fit, provided only that they harm no one and violate no law. Only the self-determining, independent citizen can make a success of self-government.

Yet these same values can be neither created nor preserved without continuous effort, and that effort must come from the people—or rather from the individual citizen. Self-government will not produce a good society unless enough citizens feel an identification with the fate of the nation. Repeating patriotic clichés is not enough.

Even were it conceivable that we might

prefer things to freedom—perhaps self-indulgence or social irresponsibility or political apathy—the peril in which our country finds itself today forbids such folly. In its struggle with Communism, democracy cannot afford to forgo a single one of the advantages inherent in a free society: the mutual trust that flourishes in freedom, the release of human initiative and energy, the pragmatism and tolerance that prevent enslavement to dogmatic ideology—these are what give democracy flexibility and strength.

Our nation was launched with a system of government containing numerous safeguards to protect individual liberties. Careful reading of the Declaration of Independence shows that our society pivots on the free citizen. Observe the order of precedence: *First* there is the statement that all men are born equally endowed with "unalienable rights," and some of these are listed; *then* the Declaration notes that governments "are instituted among men" to "secure" these rights, and *finally* it is stated that government derives its "just powers" from the governed. Clearly the founding fathers wanted to make certain that Americans never would be ruled by anyone who had not received their express mandate.

Over the years, however, and especially since the coming of the industrial and later the scientific revolution, radical changes have occurred in our way of life, some of them inimical to the free individual in whom our society is grounded.

The first major threat to individual freedom lies in the replacement of what sociologists call the Protestant ethic, which prevailed in this country until the turn of the century, by a new so-called Freudian ethic. Put in simple terms, the Protestant and Freudian ethics stand for two opposite concepts of man. The first sees him shaping his own destiny, being governed by standards he sets himself and by his own conscience, therefore responsible for his own acts. It is the spiritual foundation of democracy. The second sees man ruled by unconscious drives and external pressures, hence not really responsible for his acts. His life is shaped not by himself but by his socioeconomic environment; if he becomes a failure or a criminal, not he but society is to blame.

American egalitarianism reinforces this caricature of Freud's concepts. Mediocrity excuses itself as the normal and healthy state of mankind. The uncommon man who excels thus becomes a sort of unnatural freak. Conformity to the environment in which one happens to find oneself becomes the safe and approved aim. That this shrivels individual autonomy is a fact not always immediately perceived.

The process starts with the "progressive" school and the permissive home. Emphasis is placed on self-expression rather than on self-discipline; on group adjustment rather than on development of the individual's innate capacities; on gaining popularity with the "peer" group rather than on becoming an independent, self-determining adult human being. The educationists' avowed intent to use the school for leveling out human differences strikes me as an assault on the child's basic humanity. Unlike animals who are equipped only for the one kind of life proper to their species—peer group, if you like!—man is infinitely diverse in talents and interests. The higher the cultural level, the greater this diversity; passive adjustment to a group belongs to a more primitive age of man.

Group conditioning in the school makes itself felt in adult life. Increasingly, Americans seek comfort and security through belonging to a particular segment of society. People huddle together in communities populated exclusively by members of some one segment and pattern their personal behavior on group standards. What is particularly disturbing is the resentment that tends to be generated in these closed groups against anyone who thinks independently and who must therefore at times differ from approved "group thought."

All new ideas begin in a noncomforming mind that questions some tenet of the "conventional wisdom." All improvements originate in a critical mind that mistrusts the "image" projected by some powerful organism. The innovator of ideas and the social critic are essential to a free society; they are what makes the society free.

In a democracy there is need for "critics by profession"—commentators, columnists, etc., whose "beat" is the whole of the social scene—but there is also need of "lay critics" who look upon discovery and publication of truth as part of their civic responsibility. The critic who makes himself an expert on some particular subject, so that he may offer the people information not otherwise available, ought surely to be able to count the people on his side. But, all too often, habits of conformity and mistrust of iconoclasts lead the public to take a neutral position, as if they were judging a proceeding in a court of law.

It is a sad comment on the decline of individualism in America that the critic has no friend at court. He is tagged "controversial," the worst that can happen to anyone in a conformist society.

The "controversial" tag makes him by definition a "flawed" personality, not group-adjusted, one-sided, ill-informed, frustrated and motivated by ill will. Epithets may therefore be thrown at him with impunity; he may be misquoted and misrepresented, and what he says may be contemptuously dismissed as requiring no refutation whatever.

A second major threat to individual freedom comes from the impact of technology. The utilization of science for practical purposes has such enormous potential for the good or evil of man and society that our attitude toward it requires careful rethinking. We have here a complex problem that calls for a higher order of intelligence than has so far been applied. Up to now we have left technological matters almost entirely to the management of practical men. I submit, however, that the practical approach to a new scientific discovery is short-range and private; it is concerned with ways to put a discovery to use in the most economical and efficient manner. The scholarly approach is long-range and public; it looks to the effects which the use of a new discovery may have on people in general, on the nation, perhaps on the world, and it considers the future as well as the present.

As an engineer I have a healthy respect for the categorical imperatives of nature, imperatives constantly being disregarded for the sake of short-range benefits. I feel strongly that technology must not be raised to the status of an end in itself, but must always remain a means to an end, the end being the welfare of human beings and of the nation as a whole. In determining whether a given technology conforms to this objective, we need the help of both practical and scholarly experts. But the final decision must rest with the American people.

It disturbs me that we allow ourselves to be pressured by purveyors of technology into permitting so-called technical progress to alter our lives without attempting to control this development—almost as if technology were an irrepressible force of nature to which we must meekly submit. If we but paused to reflect before acting, we should note that much which is hailed as progress contributes little or nothing to human happiness. Everything new is not *eo ipso* good and everything old inferior.

Technology does not automatically render obsolete the principles we found good in the past; they belong to a different order of things. Technology is not concerned with them. Principles have to do with the way we marshal our inner resources, discipline our actions and respond to the promptings of our conscience; with the ordering of our personal lives and of our relations with fellow citizens, both in private and in public life. They apply to human beings.

Technology, on the other hand, deals with material things. Technology can enlarge our powers of mind and body. With it we can improve health, produce material abundance, leisure and comfort, circle the earth with instant communications, etc. But technology does not dictate either the manner in which we put it to use or the specific benefits which we want to derive from using it.

I suggest we reject the notion that man is no longer master of his own and of his society's destiny. Let us put man back in the center of the stage and do some hard thinking about the kind of life that technology is currently creating for us. Only now, for example, are we beginning to realize that careless use of dangerous pesticides and weed killers may poison soil, vegetation, animals and humans. And it took the tragic case of the European thalidomide babies to dramatize the fatal consequences that may result from the hasty use of inadequately tested drugs.

A third threat to individual freedom has been the tremendous increase in the country's population, with all the attendant changes that this has brought. From 1800 to 1850 our population almost quintupled; from 1850 to 1900 it tripled; from 1900 to 1950 it doubled. Natural increase had as much to do with this growth as immigration. Since World War II the growth rate has accelerated so much that when the time comes to celebrate our bicentenary each citizen will have only about one percent of the voting power which individual Americans had in our first national election. A healthy infant born on that day can expect within his lifetime to see our population soar close to the billion mark—unless, of course, we ponder the consequences to the quality of American life and reverse the trend.

Space of itself bestows freedom and dignity; it gives man elbowroom and a chance to find peace and quiet and privacy. When men are scarce each individual becomes important. Today seven out of 10 Americans live in crowded cities, suburbs, and other urban areas, and the country as a whole is more populous per square mile than was Europe at the time of our revolution. It is hard to find quiet and privacy and a spot of unspoiled nature within reach of home. Man-made ugliness presses on the human spirit, and there is no place for our children to play in safety.

As long as a wilderness had to be subdued there was work in abundance, work of a kind that ordinary men with willing hearts and hands could do, vitally needed work that bestowed dignity on the workman. We were a country of independent farmers, artisans and merchants in those days. Now nine out of ten Americans work for others, many for giant organizations where they have little opportunity to feel individually important. Today, moreover, our society is plagued with endemic unemployment, a condition under which it is difficult to hold fast to a sense of human worth. The loss falls most heavily on those—and, alas, there are all too many—who lack the skill and education for which there is demand in a complex modern society. In the past, America offered unique opportunities for social advancement to average men with average competence; today this is less and less true. America once offered steady employment even to men of below-average ability, but job opportunities for them have contracted drastically. Ours is still a land of opportunity, but increasingly so only for the highly skilled and educated.

With the disappearance of preindustrial, rural America we lost a way of life that was congenial to individual freedom and de-

mocracy. Life was simple. Ordinary men could understand the world they lived in; they could manage their affairs without much trouble; they could reach independent decisions on public issues that concerned them as citizens of a democracy. The individual is diminished when he cannot comprehend the problems besetting his nation. I myself think that if we had a first-rate school system, stressing basic education in the liberal arts, many more Americans than now would understand and express their views on public issues.

Serious as is the loss of these natural advantages, however, it need not be fatal to individual freedom or to preservation of a free society. Many of the most civilized modern European countries never had these advantages, yet they were able to evolve out of feudalism and capitalist monarchy into democratic nations where individual freedom is at least as well protected as here—and in some cases better protected. What we need is a new perspective: a recognition that we must now take positive action to create "artificially" the climate in which the autonomous individual and the free society can prosper.

A fourth major threat to individual freedom is the rise of giant organizations which interpose themselves between the citizen and his government. When the nation was founded we did not even have political parties, and there were only seven commercial corporations in all the colonies. We had no labor unions, no vocational or professional associations, no special-interest groups or huge government bureaucracies. The citizen faced his government directly—whether local, state or Federal. With his fellow citizens he shared control over his government on a basis of complete equality.

Today the citizen's wishes may be thwarted if they conflict with the interests of powerful organizations able to bring their immense resources to bear on government. Many organizations, such as labor unions and even women's clubs, have been successful in preventing governmental action they consider harmful to their interests, or in obtaining special government benefits and privileges not vouchsafed ordinary citizens. When society is dominated by powerful organizations the autonomy of the individual is diminished.

Of course, the right to associate with others for the purpose of engaging in joint enterprises is itself an important part of individual freedom. In a huge, populous, technically advanced country such as ours both private and public organizations are indispensable. Enormous good flows from them. Many organizations, furthermore, are exclusively concerned with serving their members and do not seek to influence anyone; others are small and therefore a threat to no one; not a few are big and powerful but exemplary in behavior and performance. These do not concern us here. What does concern us is the threat to individual freedom posed by huge power complexes which dominate our lives but over which we are not able to exercise control. Among these are both public and private organizations.

Large government bureaucracies are as indispensable to modern society as are large private organizations. Many government tasks have to be entrusted to special agencies set up for this purpose. Yet, although they are a part of government, the citizen's influence on them is not as effective as it is on the elected branches of government; nor are the men who run these bureaucracies as accessible to citizens who have legitimate business with them as are elected government officials.

Many large nongovernmental organizations also tend to misuse their power in relations with the public and the government, as when they seek to hold up necessary legislation favored by the electorate or win special favors as a result of past political support—or through the threat of future retaliation at the polls. In some cases, moreover, these organizations develop an autocratic structure which diminishes the freedom and dignity of employees or members, either by needlessly circumscribing their working—and occasionally even their private—lives, or by failure to be responsive to their best interests. Often those "faults of bigness," as one might call them, are not essential to the purposes of the organization or even relevant to their specific tasks. Once we recognize what makes large organization a danger to freedom, we can deal with the problem without interfering with their lawful pursuits. In fact, protection of individual freedoms will benefit any honest organization, since it releases private initiative, one of the great powers for good inherent in a free society.

Organizations act through men. In our country they act through a special category of career men, called managers or administrators. The 18th-century French statesman Mirabeau once remarked that "to administer . . . is to rule." One might expand this to say that administration is a type of authoritarian rule with no constituency and no direct popular mandate. As such it is an anomaly in a democratic society.

In nearly all our large organizations administration stands apart and above production. The men who do the real work of the organization are placed below the administrators who rule them. Administrators may or may not have competence in the organization's special field of work; often they do. Unhappily they often do not. Take education: Clearly the teachers do all the productive work, but it is not they who manage the vast educational enterprise in this country. Teachers are bossed by administrators who quite frequently have not been trained in teaching but only in management of housekeeping, personnel and public-relations chores.

The larger an organization, the more powerful are the managers or administrators. Their source of power comes from being in charge of house-keeping matters, hence of the purse and so in turn of personnel assignment and promotion. As with all rulers, the larger the realm, the more important and better paid are its administrators. This makes them empire builders. It also accounts for a tendency to authoritarianism. Orders flow downward freely, but suggestions rarely rise upward in the hierarchy. This is probably more true of public than of private organizations.

Nevertheless the individual who must work in a large organization, whether private or public, meets conditions of inequality not found elsewhere in our democratic society. Nor is this inequality necessarily a result of unequal human qualities; it comes because one party has behind him the power of the organization and uses it to prevail over the other. This reminds one uncomfortably of the special rights and privileges which once were enjoyed by men for no other reason than membership in a higher estate—as when society was divided into the nobility, the clergy and the third estate.

There is yet another way in which large organizations tend to diminish the freedom of the individual. The founding fathers sought to secure the "unalienable rights" of man by associating the citizen with the business of governing; that is, by making the consent of the people indispensable to the functioning of government. In order to exercise his public functions a citizen must be free to make up his own mind on any public issue, to speak out and to solicit the approval of his fellow citizens; in other words, to be active politically.

Freedom in private life is important, for the citizen needs what Socrates called "a private station" when he engages in public activities. More than invasions of privacy, intolerable in a free society, are therefore involved when organizations presume to meddle in their employee's personal lives. Can a man who must submit to organizational regimentation be a fully effective democratic citizen? Will he feel free to engage in active politics if there is doubt in his mind whether the organization he works for, or the union or association to which he belongs, approves?

Many people have been concerned over the danger of our becoming a state dominated by pressure groups. It has been proposed that the people be given a special department to look after their interests. This misreads the problem. The Government in all its branches is already set up specifically to look after the people's interests and for no other reason. What we must do, I submit, is find ways to curb the illegitimate powers of large organizations, both public and private. Government bureaucracies should be made more responsive to the wishes of the voters; this means bringing them under closer control of our elective bodies. Nongovernmental organizations—labor unions, professional associations, special-interest groups, even business corporations—ought to be held more strictly to the specific mandate of their charters, as well as to "public policy."

We have allowed the freedom of the individual to shrink while permitting the freedom of the organization to expend to a point where it overshadows human liberties. But this nation was founded for people, not for organizations. We need to remind ourselves that organizations—like technology—are not ends in themselves but means to an end. This end is a good society—a strong nation—human beings who in equal measure are assured the right to "life, liberty and the pursuit of happiness."

I have no simple solutions to offer. There are no simple solutions for any of the problems which urgently require our attention today. We can approach these problems from many different angles. I approach them from the point of view that individual freedom must be preserved.

Fortunately, there are now signs that give one hope we have passed the nadir and are slowly ascending toward the more rugged individualism that was so marked a characteristic of earlier Americans. The shock that Sputnik administered to our self-esteem has led us to throw ourselves into an earnest search for flaws in our way of life. I am convinced that once the American people have been shown at what points individual freedom has been weakened they will speedily reinforce these points.

We will be able to do this all the better if we can overcome a general tendency to think of ourselves as unique. A good deal of not-wholly-disinterested propaganda comes our way seeking to convince us that all the good things of the life we associate with American democracy are uniquely ours. There was a time when life in this country differed greatly from life in other Western nations. For more than 100 years we were the model of the free society. But ideas have been moving back and forth across the Atlantic, leaving deposits on both shores. Democracy as a form of government has long since become the Western—not solely the American—way of life. It is well also to remember that its roots go back 2,500 years to Greece and that in evolving the concept of the equal worth of all men every Western nation has played a part.

The greatest glory of Western civilization is that it alone, on its own, came to accept the idea that man as man, individual man, regardless of his particular attributes or possessions, is "the measure of all things" (Protagoras). Since the political corollary of this idea is democratic government, it is not surprising that democracy, too, is a uniquely Western invention.

There is, to be sure, a so-called "Eastern" concept of democracy: pure Marxist double-talk, of course. It defines democracy as gov-

ernment of the people, on behalf of the people, and in the interest of the people.

In areas of the world where the individual has never been held in high esteem, where he derives his status and rights from membership in some group—family, tribe, church, etc.—this parody of Lincoln's famous words is sometimes actually taken as a species of democracy. In a negative way, this illustrates the point I wish to make crystal-clear: Respect for individual freedom, for the autonomous individual, is the foundation of a free society. As soon as you think in terms of "groups," the foundation begins to erode.

Today the true democracies all face similar problems. All are seeking to solve them through the democratic process, and each can learn something from the others without being untrue to itself. There is, I believe, an irresistible trend toward changing government from the "night watchman" to the "service agency" type. Americans could learn something from the way this transition is being made in the most successful of European democracies. Their reasons have been practical, not ideological. What they have recognized and accepted is that modern life is now so complex, so dependent on careful dovetailing of innumerable human activities, that the individual is in greater need than ever of protection by the law against being harmed by his fellow citizens. There can be no valid objection in principle against making necessary changes. The Declaration of Independence states that "it is the right of the people" to alter the powers of government in such a way "as to them shall seem most likely to effect their safety and happiness."

A friendly though critical visitor to our country once remarked that "there is nothing wrong with America that Americans cannot set right." We can, if we will, strengthen the autonomous individual in our free society. In so doing we will make our nation not only stronger but also a better place to live.

DRUGS AND DRUG ABUSE

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. PEPPER. Mr. Speaker, the American Legion has adopted a statement listing 38 major recommendations of policy on drugs and drug abuse. As the chairman of the Select Committee on Crime, I am placing this statement into the RECORD:

MAJOR RECOMMENDATIONS OF THE AMERICAN LEGION STATEMENT OF POLICY ON DRUGS AND DRUG ABUSE

Resolution No. 610 (Convention Committee on Children & Youth) "The American Legion Statement of Policy on Drugs and Drug Abuse" with which is consolidated Resolution No. 52 (Tennessee) "Drug Abuse," Resolution No. 56 (Kentucky) "Drug Abuse," Resolution No. 57 (Kentucky) "Drug Abuse," Resolution No. 102 (Pennsylvania) "Drug Abuse," Resolution No. 153 (Minnesota) "Drug Abuse," Resolution No. 154 (Minnesota) "Drug Abuse," Resolution No. 284 (California) "Drug Abuse" Resolution No. 314 (Vermont) "Drug Abuse," Resolution No. 409 (Illinois) "Drug Abuse," Resolution No. 459 (Idaho) "Drug Abuse," Resolution No. 563 (Delaware) "Drug Abuse."

Whereas, The problems of drugs and drug abuse have reached epidemic proportions and have become increasingly complex and affect all facets of life within America and our servicemen in overseas installations; and

Whereas, The problems of drugs and drug abuse directly affect four major programs of The American Legion; and

Whereas, A comprehensive statement of policy on drugs and drug abuse has been developed jointly and approved by the National Commission on Children & Youth, the National Foreign Relations Commission, the National Security Commission, and the Veterans Affairs and Rehabilitation Commission and the Special Joint Committee on Drugs and Drug Abuse; and

Whereas, The American Legion is the first private national organization to develop such a comprehensive Statement of Policy on Drugs and Drug Abuse; now, therefore, be it

Resolved, by The American Legion in National Convention assembled in Houston, Texas, August 31-September 1, 2, 1971, that it endorses The American Legion Policy Statement on Drugs and Drug Abuse which is a part of this committee report and contains the following major recommendations:

1. The American Legion believes drug abuse per se is only the symptom or physical manifestation of a much deeper psycho/social problem and urges all citizens to look at drug abuse in the larger context.

2. To the extent possible, we will work with the Congress, state legislatures, and state and federal agencies, when, as an organization The American Legion believes changes or additions to our laws or government policies are desirable.

3. We believe we must deal with the realities of the drug environment and avoid scare tactics, emotionalism and over-simplification of a most complex national problem.

4. We believe any programs or efforts to offset abuse must be so designed and so programed as to be easily assessible to all who need help.

5. We favor attacking the drug problem as a whole which includes international relations, law enforcement, education, judicial reform, research, treatment and rehabilitation.

6. We are convinced that one of the most effective ways to eliminate the illicit narcotic traffic in the United States is to eliminate the source of the production of raw opium and the localities of its refinement and smuggling into our country.

7. We urge the World Health Organization to further substitution of synthetics for natural opiates and analgesics.

8. The American Legion does not believe in elimination of economic aid to opium-producing nations and would hope to stress that unity and cooperation offer more prospects of success than blackmail and distrust.

9. The American Legion believes the moment has arrived when each State should examine the wide range of choices available to it in dealing with the narcotics drug traffic and to this end, we favor the adoption by state legislatures of the Uniform Controlled Substances Act which dove-tails with the Federal Comprehensive Drug Abuse Prevention and Control Act of 1970.

10. The moment is here when the matter of judicial reform must be given high priority to speed the administration of justice in drug related crimes.

11. We support the efforts of the Department of Justice and the Bureau of Narcotics and Dangerous Drugs to ferret out the higher echelon violator.

12. The American Legion also favors the expansion of trained personnel, to a point commensurate with the need, in those law enforcement agencies or sections of agencies which deal with the traffic in narcotics and dangerous drugs.

13. We favor a broad education program aimed at informing the public of the dangers inherent in the use of drugs without proper medical supervision, however, drug abuse education cannot be considered a panacea for the prevention of illegal use of drugs but is rather an integral part of a multiple approach which includes eliminating sources of illegal drugs, law enforcement, patient treatment and rehabilitation, and research in all aspects of drug abuse.

14. We believe the prime responsibility for providing drug abuse education should rest with the schools and should commence when a child begins his formal education, however, we recognize that parents and the total community have an important role.

15. Inservice training programs or preservice education classes are essential for all those involved in drug abuse instruction programs.

16. The American Legion urges the federal government to take leadership in the development of effective drug abuse education techniques and federal funding should be provided for the conduct of demonstration projects.

17. We endorse the policy of the Military Services to prevent and eliminate drug abuse and to attempt to restore and rehabilitate members who evidence a desire and willingness to undergo such restoration.

18. An extensive education program must be instituted and extended to all members of the Armed Forces, their dependents, and to civilian employees of the military.

19. Every effort must be made to prevent sociopathic individuals evidenced by past and potential drug addicts, users, and suppliers from entering the Armed Services.

20. The American Legion supports the amnesty and exemption programs that have been established by the Military Services and favors a uniform application of this principle for all components of the Armed Forces.

21. We also favor a review of discharges made prior to the amnesty program to make sure each individual is treated with equity when drug abuse has been involved.

22. We do not approve an involuntary extension of term of service for the sole purpose of treatment and rehabilitation of drug misuse or addiction.

23. We suggest that any military or civilian institutions in which servicemen or other persons are incarcerated should have an adequate program of treatment when addiction is one of the problems of the convicted.

24. The American Legion believes drug and alcohol afflicted individuals must be provided the opportunity for treatment and rehabilitation and commends the Veterans' Administration for its accelerated efforts to provide treatment facilities and personnel. Such comprehensive treatment should be extended to families of those afflicted if necessary for patient benefit and appropriate additions to legal authority of the Veterans' Administration should be provided.

25. As important as it is in our opinion for the Government and the American people to provide treatment for veterans addicted to narcotics and psychotropic drugs, we would not favor any lessening of the on-going program in the treatment of alcoholics.

26. The American Legion is most anxious that both the expansion of facilities and the assignment of staff for alcohol and drug treatment and rehabilitation not be done at the expense of Veterans Administration programs for care of sick and disabled veterans in all other categories.

27. The American Legion believes that no serviceman should be discharged from the military services for drug abuse alone under conditions that would prevent his attaining needed treatment and rehabilitation for his dependence.

28. The American Legion adheres to its studied policy that the serviceman merits the type discharge his service has earned.

29. To assure justice and equity each case should be evaluated individually in determining the type of discharge to be issued.

30. The American Legion would oppose any Veterans Administration program for drug treatment based on civil commitment.

31. The American Legion would look with favor on a contract arrangement between the Veterans' Administration and community health centers, with fee-basis physicians, and with other agencies both governmental and private that are proven by the Veterans' Administration to be equipped to treat and rehabilitate drug victims.

32. While we recognize that it will require the training of additional personnel, The American Legion believes that effective counseling is directly related to the creation of motivation for treatment in drug dependent persons.

33. The American Legion supports the concept of confidentiality of records for drug afflicted veterans, except where sensitive positions of responsibility to the Nation may be involved, or where the agency comes into possession of information concerning the commission of a felony by the individual.

34. The American Legion would suggest that all states examine their laws on marijuana and make sure the penalties for possession or personal use are in proper perspective with scientific knowledge.

35. The American Legion opposes any legalization of marijuana.

36. We favor the investigations of the Commission on Marijuana and Drug Abuse.

37. The American Legion supports additional research in the areas of education, treatment and rehabilitation, as well as research on marijuana and chemical or other causes which lead to addiction and favors federal funding of such research.

38. The American Legion is strongly in favor of a central federal agency to coordinate the many existing programs related to drugs and drug abuse and, hopefully, help us as a Nation not only to better understand the seriousness of the problem, but likewise to help us work in a united effort to the end that a more rapid control of a National emergency of epidemic proportions be accomplished.

A HARD LOOK AT OUR HEALTH CARE SYSTEM

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. CORMAN. Mr. Speaker, only a short time ago I placed into the CONGRESSIONAL RECORD a news story by William Hines of the Chicago Sun Times which told of a father who was so burdened by the cost of his son's open heart surgery that he committed an insane crime involving the hijacking of an airplane. He paid for this with his life.

Now, only a short time later, newspapers report another, similar tragic incident. In this case, it is a sick, 70-year-old man who having been told he could not be admitted to a hospital unless his was an emergency case, made a feeble attempt to rob a bank. Mr. Speaker, I suggest we all need to take a long, hard look at a health care "system" such as ours that drives an old man to such a desperate act.

The article follows:

REFUSED HOSPITAL BED, MAN HELD IN ROBBERY

(By William L. Claiborne and Alfred E. Lewis)

A 70-year-old man who told police he was refused admission to George Washington University Hospital yesterday for a lack of money, was arrested 45 minutes later during a holdup of a nearby bank.

Clarence Christian Hayes, a retired house painter from Mechanicsburg, Pa., was charged with bank robbery in what police said was an attempt to get money needed for treatment of a blood disease.

Detectives said that when Hayes was told he could not be admitted unless his was an emergency case, he told a receptionist at the hospital, "I've got the money, I'll go get it."

Shortly afterward, police said, a thin, aged man walked up to a teller at the National Savings and Trust Co., 20th and K Streets NW., and handed her a note demanding $2,500 in cash.

The man, identified as Hayes, did not get out of the bank before being captured.

An FBI check on Hayes revealed that he had been arrested in a Harrisburg, Pa., hospital on Feb. 5 and charged with a $5,000 bank robbery three days earlier.

Hayes, who was freed on personal bond in that case, had used part of the $5,000 to pay hospital bills in Harrisburg, police said. About $3,500 was recovered.

Detective Sgt. Harry Noone, of the metropolitan police department's bank squad, said Hayes told him yesterday he had been hospitalized off and on over the last four years for a blood clotting condition. He came here by bus early yesterday from Harrisburg to see a physician he knew at GW.

When told the physician was not on duty, Hayes asked to be admitted to the hospital. Police said Hayes was unable to produce evidence of ability to pay hospital costs and said he was not covered by a private health insurance or enrolled in a public Medicare program.

A receptionist, police said, told Hayes that since his admission would be on a non-emergency basis, he would have to prove his ability to pay.

A hospital spokesman confirmed last night that those conditions apply to non-emergency cases. But he said he was unable to explain how Hayes could not be covered by Medicare.

After telling the receptionist he would obtain the money, Hayes walked out of the hospital and was not seen there again. (The physician named by Hayes would not comment on whether he knew Hayes, saying that would violate the doctor-patient relationship.)

Laura Ghaffari, 20, a teller at National Savings and Trust, said that at 10:25 a.m., an elderly, gray-haired and neatly dressed man handed her a paper bag and a note which said:

"Put $2,500 in this paper bag. Do not sound the alarm for five minutes after I leave. If you do, I have a bottle of TNT that I will throw back at the counter, hurting a lot of people . . ."

After handing the man $1,035, Mrs. Ghaffari screamed and two bank employes, William Moffett and Richard Will, chased the robber into an adjacent lobby, where they detained him.

Police arrived and arrested Hayes. Investigators said the bag of money was recovered at the scene.

The FBI said Hayes was arraigned in the Harrisburg hospital on a charge of bank robbery, but was released on $10,000 personal bond. He was discharged from the hospital shortly afterward.

Hayes was arraigned yesterday before U.S. Magistrate Lawrence S. Margolis and held under $10,000 bond for a March 29 hearing. Margolis ordered that Hayes be committed to D.C. General Hospital for medical attention.

Police said that, aside from the Harrisburg charge, Hayes' only other known offense had been an arrest for disorderly conduct in the 1940s.

FREEDOM OF SPEECH IN THE ARMY

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. HARRINGTON. Mr. Speaker, the documents I am inserting in the RECORD at this point illustrate a serious disregard by the U.S. Army for the first amendment rights of servicemen. The case involves a young man who went AWOL from an assignment to Vietnam, and who subsequently turned himself in. While awaiting disposition of the charges against him, this young man, Pfc. Michael Daley, engaged in a series of demonstrations. The target of these demonstrations were unsuitable living conditions at the personnel control facility at Fort Devens and the action of the Army in proceeding against Pvt. Roosevelt Clady, a man who had been inducted despite a bullet wound suffered in his early teens which rendered him physically incapable of Army duty.

The evidence is inescapable, Mr. Speaker, that Private Daley's participation in these lawful and proper protest activities was the reason for his being referred to court-martial. From October until mid-January, no action was taken against him. But on January 17, the first working day after he had participated in the second of two public demonstrations at Fort Devens, he was referred for court-martial. And to make positive a conclusion which this coincidence of timing suggests, the recommendation to deny his subsequent request to be allowed an administrative discharge included explicit reference to his protest activities. The inference is irrefutable that Private Daley is to be punished, not for being AWOL, but for speaking out, as he had every right to do, against unsuitable conditions.

It is important to note that at no time has any official ever suggested that the activities in which Private Daley engaged at Fort Devens were in any way illegal or improper. No charges have been preferred against him for them. Rather, they have been cited in an official document as a reason to proceed criminally against Private Delay in an entirely unrelated matter.

I stress, Mr. Speaker, that the issue in this case is not the propriety of Private Daley's having gone AWOL. His actions in this regard should be dealt with, but on their own merits, and not in an unusually harsh manner to punish him for speaking out as every American citizen has a right to do. Indeed, one of the disturbing aspects of this case is the fact that Private Daley is being given far harsher treatment than most others who have committed the same offense.

As a strong supporter of a Volunteer Army, I believe it is imperative that we make every effort to treat members of the Armed Forces fairly and reasonably, since we will never succeed in attracting sufficient volunteers if we require for-

feiture of basic human rights as the price of enlistment. In combat conditions, obvious restrictions on such rights are necessary; but in peacetime conditions at domestic bases, action such as Private Daley engaged in is entirely legitimate.

I hope that the Army will reconsider its denial of Private Daley's request for administrative discharge.

The documents follow:

MARCH 22, 1972.

Brig. Gen. DEWITT ARMSTRONG,
Fort Devens, Mass.

DEAR BRIGADIER GENERAL ARMSTRONG: I am writing because I believe the Army is about to commence on action that involved infringement on fundamental First Amendment rights. I am referring to the impending court-martial of Pfc. Michael Daley. I realize that Pfc. Daley was AWOL for a considerable period of time, prior to turning himself in voluntarily. But I am seriously disturbed by concrete documentary evidence which shows that Pfc. Daley is being singled out for particularly harsh treatment by the Army because of his participation in a series of entirely lawful and proper activities which focused attention on unsatisfactory living conditions at the Personnel Control Facility at Fort Devens and on the irregularities in the case of Pvt. Roosevelt Clady.

I refer specifically to the recommendation of Lt. Col. Bernard Theriault that Pfc. Daley "should be considered for a punitive discharge." What most disturbs me is the language in Col. Theriault's recommendation disapproving Pfc. Daley's request for an administrative discharge which notes that "Daley has been active in Fort Devens United Front Activities as well as the functions of the Common Sense Bookstore and various agencies in Boston." In the context in which it appears, this statement can only mean that Pfc. Daley is being denied an undesirable discharge as punishment for his participation in the activities to which Lt. Col. Theriault alludes. Yet it is clear from the record that these activities were entirely lawful, since no disciplinary action was ever instituted against Pfc. Daley for his participation in them.

Thus, it appears that the Army has decided to proceed with a court-martial for the offense of being AWOL based not on the merits of the case itself, but on someone's embarrassment over lawful and unrelated activities engaged in by the individual in question.

If this interpretation of the fact of the case is correct—and I am strongly persuaded that it is on the strength of the evidence presented to me so far—then Pfc. Daley's First Amendment rights are being infringed. There can be no justification for treating him more harshly than others who have committed the same offense as he has, simply because he exercised the rights of free expression which the Constitution guarantees him.

It also seems worth noting that the cause of the activities in which he engaged were unsuitable physical conditions in the PCF quarters at Fort Devens. At a time when the army should be making every effort to enhance its attractiveness to recruits so as to be able to secure the rate of volunteers necessary to meet the President's goal of abolishing the draft, it is regrettable that demonstrations should be necessary to prod the Army into making living conditions tolerable.

I would appreciate your immediate attention to the point I have raised, and I would also like to request permission to be represented by an observer at the court-martial, if it is in fact going to be held.

Yours sincerely,

MICHAEL J. HARRINGTON.

DEPARTMENT OF THE ARMY,
Fort Devens, Mass., March 24, 1972.

Hon. MICHAEL J. HARRINGTON,
House of Representatives,
Washington, D.C.

DEAR MR. HARRINGTON: This is in response to your inquiry in behalf of PFC Michael Daley, a member of the Personnel Control Facility, Fort Devens.

The General Court-Martial convening authority decided to refer Private Daley's case to trial by court-martial on charges of absence without leave for a total of 438 days. The charged offense is punishable by a dishonorable discharge, forfeiture of all pay and allowances, reduction to the lowest enlisted grade, and confinement at hard labor not to exceed one year. The decision to refer cases of service members to court-martial at any given level for offenses cognizable under the Uniform Code of Military Justice is wholly discretionary.

Private Daley's protest activities on or away from this installation in no way influenced the denial of his request for discharge in lieu of court-martial. At the time the decision was made to refer his case to trial, the convening authority was unaware of his participation in protest activities, which in any case would not have been an element bearing upon the decision.

While the part of Lieutenant Colonel Theriault's recommendation that Private Daley be retained and tried by court-martial included comments pertaining to Private Daley's protest activities, these comments, although noted, were not a factor in the decision by the Acting Commander in my absence on February 3, 1972 to disapprove Private Daley's request for discharge in lieu of court-martial. None of the comments by the other recommending officials, including that of the Staff Judge Advocate, alluded to Private Daley's protest activities. Nor was any of this material brought to my attention before or at the time of my decision to refer the case to General Court-Martial.

Concerning your request for permission to be represented by an observer at the court-martial, please be advised that pursuant to the Manual for Courts-Martial, military trials are open to the public. Therefore, no permission to observe a court-martial is necessary.

In reference to Private Daley's allegations concerning the physical conditions at the Personnel Control Facility, the custodial personnel share the same Mess facilities and the building is of the same type which houses regular troop units at this and other installations. Due to the age of many of these buildings, frequent repair and maintenance are required to keep them in acceptable condition. These buildings do receive such maintenance, and there is simply no factual basis for the allegation you make that physical conditions at PCF are unsuitable. Nor is there any basis in fact for your allegation about demonstrations prodding the Army.

I trust this answers your inquiry satisfactorily. Thank you for your interest in this serviceman.

Sincerely,

DEWITT C. ARMSTRONG, III,
Brigadier General, USA Commanding.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
March 26, 1972.

Brig. Gen. DEWITT ARMSTRONG III,
Fort Devens, Mass.

DEAR GENERAL ARMSTRONG: Thank you for your prompt reply to my letter on Private Michael Daley. I must note, however, that your letter does not answer my inquiry to my satisfaction, and in fact raises some new questions.

The first question is how you can say with apparent certainty that "the part of Lt. Col. Theriault's recommendation . . . [which] included comments pertaining to Private Daley's protest activities, although noted, were not a factor in the decision by the Acting Commander . . . to disapprove Private Daley's request for discharge in lieu of court-martial."? For what purpose were they "noted," if they were in fact deemed irrelevant to the decision taken? And how, in any case, can anyone be certain that the Acting Commander was able to disregard totally the information presented to him? Why, on receiving a recommendation containing information which you appear to agree was prejudicial to Private Daley, did the Acting Commander not disqualify himself and turn the decision over to another officer who would not have been informed of Lt. Col. Theriault's improper remarks?

Further questions arise in relation to the original decision to refer Private Daley to court-martial in the first instance. According to information presented to me, Private Daley turned himself in October, 1971, yet the decision to refer him to court-martial was not taken until January 17, 1972—the first working day after the second of the public demonstrations in which Private Daley participated. Does not the coincidence of the timing of his participation in public demonstrations and the delayed decision to refer him to court-martial support the inference that the decisions were related? It is my assumption that the protest activities in question attracted a certain amount of attention by yourself and your subordinates, since I assume that this sort of activity is not an everyday occurrence at Fort Devens. I am puzzled, therefore, by your assertion that those who recommended referring Private Daley to court-martial knew nothing about his protest activities. I respectfully request a list of those who participated in the original recommendation that the court-martial occur, along with a list of their duties during the period of the demonstrations. I believe that this would be very relevant to determining whether or not the two decisions could have been made in isolation from each other.

My final set of questions deal with the percentage of men who have committed offenses similar to Private Daley who are referred to court-martial versus those who are allowed administrative discharges. The argument that Private Daley's protest activities played no part in the decision to deny him such a discharge—despite Lt. Col. Theriault's uncontestably improper remarks on the subject in his recommendation—would certainly be strengthened by a showing that he was treated in the same manner as most other men who have been AWOL.

Finally, I am pleased to receive your comments on the physical conditions at Fort Devens. As a strong supporter of a volunteer army, I have consistently worked in Congress for higher pay for enlisted men, and for funds for improving facilities. Your comments on the age and conditions of the buildings at Fort Devens strengthen my view that we must take positive action to improve living conditions if we are to succeed in our common goal of eliminating the draft.

Yours sincerely,

MICHAEL J. HARRINGTON.

AHBPHC–PFC DALEY, Michael R., 1st Ind
078–40–5889 (24 Jan 72)
Subject: Request for Discharge for the Good of the Service.
DA, USA Personnel Control Facility, Fort Devens, Massachusetts 01433.
Thru Commanding Officer, Headquarters Command (Prov) Fort Devens, Massachusetts 01433.

To Commanding General, Fort Devens, Attn: SJA Fort Devens, Massachusetts 01433.

1. PFC Daley surrendered to the military police on 28 Oct 1971 after having been absent without leave from the overseas replacement station at Ft Lewis Washington since 7 Aug 1970.

2. The processing of PFC Daley's case has been delayed by the fact that the overseas replacement station was initially unable to confirm that Daley had ever been AWOL from that station. This fact was confirmed by message from the AG of the replacement station. Subsequently, on 19 Jan 72 the individual's Morning Report entry was discovered at Ft Lewis on the appropriate documentary evidence; and it was provided.

3. PFC Daley states that he has received one prior Article 15 but will not reveal why he was given non-judicial punishment. He also will not state where he attended AIT. This information cannot be gleaned from PFC Daley's reconstructed records.

4. PFC Daley claims that at the time of his induction he submitted a written statement expressing his opinion concerning his personal participation in the Vietnam conflict. He states that at this time he considered his viewpoints to fall under the concept of selective conscientious objection.

5. PFC Daley has been active in the Fort Devens United Front action as well as the functions of the Common Sense Book Store and various agencies in Boston. It would be in the best interests of the U.S. Army to have this man stand trial by court martial. It is the opinion of this command that PFC Daley should be considered for a punitive discharge by the proper judicial authority.

6. Recommend disapproval. EM's offense warrants trial by court martial.

BERNARD R. THERIAULT,
LTC, CE, Commanding.

THE NATIONAL HEART, BLOOD VESSEL, LUNG, AND BLOOD ACT OF 1972

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. SYMINGTON. Mr. Speaker, earlier this month, it was my privilege to join Representative PAUL ROGERS of Florida and most of the members of our Public Health and Environment Subcommittee in sponsoring H.R. 13715, the National Heart, Blood Vessel, Lung, and Blood Act of 1972. The bill would authorize a total of $1.3 billion for research and preventive care. An article that appeared in the St. Louis Globe Democrat on March 10, 1972 provides details of this legislation.

A second article tells of the first heart transplant operation performed in the St. Louis area and of the heart disease research being conducted at St. Louis University.

At this point I insert the articles in the RECORD:

[From the St. Louis Globe-Democrat, Mar. 10, 1972]

A $1.3 BILLION BLOW AIMED AT HEART DISEASE

WASHINGTON.—Congressional authors of the new cancer-attack law introduced a $1.3-billion bill Thursday to intensify the battle against heart, lung and blood-vessel diseases—America's leading killers.

Sen. Edward M. Kennedy, (Dem.), Massachusetts, and Rep. Paul G. Rogers, (Dem.), Florida, said the new legislation is aimed at arresting diseases which annually cause more than half of the deaths in the United States.

Kennedy and Rogers are the public health subcommittee chairmen in each branch who guided the $1.6-billion anti-cancer program through Congress last year.

From both sides of the political aisle, other senators and congressmen promptly joined in signing as co-sponsors of the new legislation to provide a three-year upgrading of federal programs of disease control and research.

"Unlike cancer," Rogers said at a news conference, "we can predict and prevent heart attacks and strokes in many cases."

With full implementation of this legislation, he added, "I feel confident that we can substantially reduce heart disease as the nation's No. 1 killer within the decade," with progress within five to seven years.

Current programs against the diseases receive $232 million this year, Rogers said.

Under the legislation, there would be community-based centers for screening and education as part of a disease-control program; there would be 15 new clinical research and demonstration centers for cardiovascular diseases and 15 new clinical research facilities for pulmonary diseases.

There would be a speedup in the federal grant process, creation of a national heart and lung advisory council to replace the current advisory heart council, and a national plan would be required with annual recommendations to Congress on money and staff levels.

[From the St. Louis Post-Dispatch, Mar. 12, 1972]

HEART EXPERT SEEKING STEP PAST TRANSPLANTS

(By Jerome P. Curry)

Dr. Valee L. Willman, who co-ordinated the St. Louis University team that on Feb. 8 performed the first heart transplant in St. Louis, is a pragmatist who does not like the hoopla that surrounds so-called medical breakthroughs.

"There really is no such thing as one scientific advance," he said. "Each advance (even though one group or one individual might receive credit for it) is predicated on a previous advance."

Willman, professor, and chairman of the Department of Surgery at the St. Louis University School of Medicine, is a pure scientist.

In an interview he said, "I feel that one of the basic services is informing the public of the possibility of health care through research. Perhaps in the past, excessive emphasis was on research. But at present, there is less of a gap between research and delivery of health care."

Willman is an aggressive realist.

"One incident of heart transplant should not be a hallmark," he said.

On the day Vincent H. Dobelman became the St. Louis Area's first human heart transplant patient, Willman told reporters at a press conference: "We don't look at this as any great thing, you know . . . heart transplantation is not a very valuable procedure. But in any large center that is doing a large amount of cardiac procedures, there are a few circumstances where you come to an end point in heart disease. And this, as an experimental procedure, would seem to be justified. And I think it (heart transplant) will continue to be done under very limited circumstances. It does not offer the patient a cure of his heart disease. It is a temporizing measure. The expectancy is limited and it's entered into with that full knowledge."

And Willman is a teacher.

Two years ago, the medical school graduating class voted to give him its Golden Apple Award for excellence in teaching. The award is based on the traditional red apple brought to school for a teacher by an admiring pupil.

As he sat in his office at the St. Louis University Hospitals, Willman talked about science, research and heart disease. He believes the artificial heart eventually will be more useful than transplantation "because transplantation is limited."

It is limited because of supply and because no solid advances have been reported in the search for a way to repress the body's rejection mechanism against the donor heart and still retain the rest of the body's disease-fighting abilities.

Scientists at the National Institutes of Health in Bethesda, Md., are conducting extensive research with artificial hearts in calves. It was reported last week that tests had started with nuclear-powered artificial hearts.

Willman got his medical degree at St. Louis University. He began medical school there in 1947. After interning at Philadelphia General Hospital, be returned to St. Louis University Hospitals for his surgical residency.

He worked under Dr. C. Rollins Hanlon, whom he replaced in 1969 as chairman of the department of surgery. Hanlon became director of the American College of Surgeons that year.

Willman, who joined the faculty in 1957, was named a full professor in 1963 and was appointed Hanlon's vice chairman in 1967.

When still a resident, he began research in open heart surgery on animals. He was a member of the team that did the first open heart operation in the St. Louis area in 1956. Willman's research has centered on the use of the heart-lung machine, circulation in the body's organs, heart transplantation and mechanical assistance to diseased hearts.

Discussing the Dobelman heart transplant, Willman said there was no way to identify all of the doctors, nurses and other hospital personnel who made the operation here possible. At one time, as many as 15 persons were involved. Dr. George C. Kaiser, professor of surgery, probably did more of the surgery, both on the donor and the recipient, than any other, Willman said at the press conference.

The research scientists such as Willman and the cardiac surgery team he leads continue their work. More than 160 heart transplants have been done since the first in 1967. Study continues on the artificial heart. Other scientists search for a cause, a better way, and they run into blind alleys, turn around and start all over again.

Willman was in his laboratory Thursday when the area's first human heart transplant recipient was holding a press conference before going home. Willman was in the laboratory because he believes in science.

"A great effort toward understanding the basic problem in heart disease would be rewarding in the future," he said.

SOVIETS INCLUDE DEFENSE IN PRIORITIES

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. BOB WILSON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following article by Vice Adm. Ruthven E. Libby, U.S. Navy, retired, which appeared in the San Diego Union:

SOVIETS INCLUDE DEFENSE IN PRIORITIES

(By Ruthven E. Libby)

The Soviet government conducts a continuing and completely integrated evolution embracing the entire spectrum of human

endeavor—political, economic, psychological and military.

Obviously the members of the Politburo recognize what many Americans, caught up in debates about "reordering our national priorities," have forgotten: national defense is not on a par with other so-called priorities, but without it all other priorities are meaningless. A society is an organism developed for its own survival.

It follows that the first duty of any government is to assure the security and the survival of its citizens. These can be assured only by reacting to the world as it is rather than as we would like it to be. The requirements of national defense are determined largely by external factors—international power relations, geopolitical considerations, the known capabilities of our adversaries and the like.

Determining purely domestic priorities for federal funds may be the legitimate province of the politicians; but this should not be true of the requirements for national defense. Nor can it be safely overlooked that while an adequate military posture is an essential element of national strength and national security, so also are the economic, political, technological and sociological aspects of our national nature.

Without political, economic, and psychological national strength—without high national morale—there can be no national security, no matter what our military posture might be.

A report by an organ of the United States Chamber of Commerce entitled "National Defense and National Priorities" notes that "a common set of rules . . . is essential for the peaceful and successful functioning of the world's pluralistic societies."

People with different cultural values and conflicting interests cannot live together peaceably without such a set of rules—more binding than the will of any one nation. But to arrive at such a universal consensus will require either a measure of voluntary agreement (the method sought by the West) or world domination by force (the goal of the Communists.)

What we call the Cold War is the clash between the Communist system, built on force, coercion, and power, and Western civilization built on cooperation and voluntary consent.

Securing Communist cooperation in developing a workable concept of international relations acceptable to the free world may well be an attempt to reconcile the irreconcilable. It is, above all, Western civilization's political freedom that is at stake in Sino-Soviet-American competition. And it is the fear of freedom's contagion that makes Communist states shrink from genuine and permanent cooperation with the West.

Nevertheless, increased international cooperation is a must.

Almost 200 years ago Thomas R. Malthus promulgated his famous law which says that population tends to increase faster, at a geometrical ratio, than the means of subsistence, which increases at an arithmetical ratio, and this will result in an inadequate supply of goods supporting life, unless war, famine, or disease reduces the population or the increase of population is checked by sexual restraint.

Today the very survival of civilization is threatened by overpopulation and pollution. At the present rate of population increase, there will be 7 billion people in the world by the year 2000; yet the world cannot support the people already in it.

Pollution results from the increased production activity that results from population growth, and constitutes a menace to the world at large of potentially as great devastation as widespread war.

These two problems are international in scope, unmanageable by any single nation.

It follows that world survival—and world peace—in the last analysis will depend on values and convictions that transcend power relations among the Soviet Union, Red China and the United States. The challenge facing us is to help formulate, and to get adopted, a common set of rules for governing relations within the community of nations, without losing our political freedoms in the process.

It is an inescapable fact that Soviet strength on land, at sea, in the air and in space far exceeds that required for the security of the Soviet bloc. It is the surest evidence that the U.S.S.R. has adopted, as a policy, an offensive global strategy.

Yet, far from rising to this challenge, our own defense expenditures have been drastically reduced in recent years.

Cuts in fiscal years 1969 and 1970 were the heaviest since demobilization following World War II. The actual dollar reduction between fiscal year 1969 and fiscal year 1971 was about $8 billion, but due to inflation, the cut in real terms—dollar purchasing power—was almost $13 billion, or about 16 per cent. Defense spending that year represented the smallest percentage of the federal budget than in any year since World War II, about 37 per cent.

Ten years ago defense took 48 per cent of the federal budget, nondefense (health, welfare, education, etc.), 29 per cent. Last year non-defense rose to 41 per cent.

It is unarguable that by any measure, recent cuts in defense expenditures have been real and substantial. Further, recent pay increases mean that personnel costs have more than doubled since 1965, thus further reducing defense dollars available for research, development and military hardware.

In sum, we have reached the point where our continued viability as a nation demands a reappraisal and a reaffirmation of our foreign policies and of our defense polices and an appreciation that without adequate defense no viable foreign policy will be possible.

A HEROINE TO CHEER

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. YATRON. Mr. Speaker, it is with a deep sense of pride and respect that I commend the actions of Miss Kathryn Kashmer, a courageous 19-year-old who lives in my district. Miss Kashmer, the daughter of Mr. and Mrs. John Kashmer of Tamaqua, was responsible for rousing 17 persons who lived in two buildings that were destroyed by fire. I feel that this courageous act deserves the recognition of all Members of Congress and the public. It is not often that one finds such total disregard for personal safety in the interests of the welfare of 17 neighbors and friends. I would like to ask that the text of two articles, which appeared in the Allentown, Pa., Morning Call, be reprinted in the RECORD at this point. I would also like to commend Miss Kashmer once again for her unselfish devotion to the safety and well-being of others.

The articles follow:

[From the Allentown (Pa.) Morning Call, Feb. 22, 1972]

A HERO TO CHEER

No one wants even to think about what might have happened in Tamaqua early yesterday morning if Kathryn Kashmer hadn't been up early or been concerned about others.

Flames were leaping from the apartment across the street from her home when she heard the fire alarm and looked out the window while dressing to go to work. It took her less than a moment to run out in the near-zero weather, dash from one smoke-filled hall to the other and arouse a dozen adults and four children.

Because she did it, all of them made their way to safety and are alive today.

Miss Kashmer is 19 years old, barely five feet tall, weighing 104 pounds. She is quite shy. All of which proves you don't have to be very old or very big to be a hero. All you need do is think enough about others to risk your own safety and your own life.

SHE'S A "GIANT" TO HER NEIGHBORS

Kathryn Kashmer stands 5 feet 1 and weighs 104 pounds. But she stands very tall in the eyes of her neighbors.

The 19-year-old daughter of Mr. and Mrs. John Kashmer was responsible yesterday morning for rousing 17 persons living in two buildings that were destroyed in a spectacular Tamaqua fire.

She was ready to leave her home at 26 Mauch Chunk St. when the fire alarm sounded from Box 32. She knew immediately the fire was in her neighborhood. She said she looked out her front window and could see flames and smoke coming from the Gus Wood candy store and factory across the street at 23 Mauch Chunk St.

"Oh My God, I must get over there to warn the people in the apartments," she through to herself. She grabbed her coat, ran across the street and first into the Knights of Columbus building and up a flight of stairs.

She said she first knocked on the door of Mr. and Mrs. William Ryan and yelled. "Get out, there is a fire." She then went next door and called to Mrs. Minnie Whetstone, "a wonderful lady and my second mother." She said she knew Mrs. Whetstone did not have to be at work (across the street at Guy's Flower Shop) until 9 a.m. and usually slept late. "She was my main concern."

Miss Kashmer said when she was sure Mrs. Whetstone was aware of the danger, she started up the flight of stairs to the apartments of those on the third floor. "I saw Mr. (John) Clewell and I told him there was a fire and to get Mrs. Caputa and the others (Mr. and Mrs. William Ryan and family) out because of the fire."

She said there was some smoke in the hallway of the Knights of Columbia building when she first got there and it got heavier. She then ran down the stairs and next door to the James building. "I saw Debbie (Mrs. Michael Massar) coming down the steps, and I told her to get the children (Michael and Angela) and get out of the building." Mrs. Massar, who was leaving for work, was unaware of the fire.

Miss Kashmer said the entire incident took about five or six minutes. "It was a terrible experience and I am still shaking," she said some four hours later. "I'm glad it's over. I was frightened."

She recalls that she "didn't see anyone" while dashing across the street. "I must get over there to wake those people up." She said she personally knew her neighbors across the street and she was "worried about the people since a number of them were elderly."

Miss Kashmer described herself as "quiet" and claims she did nothing outstanding at Tamaqua Area High School, from where she graduated in 1970. "I sang in the glee club," she added.

She has been employed at the John E. Morgan Knitting Mills, Inc., Hometown, since graduating and was preparing to leave her home to catch the company bus when the alarm sounded. If the alarm had sounded five minutes later, she would have caught the bus at the Pine Street School, half a block away.

She said it was the first fire in which she

was involved and described it as "a terrible experience."

She has three sisters, Nancy, 14; Marion, 10, and Margaret, 8, and two brothers, John, 23, and Edward 6.

HIGHWAY SAFETY

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. SCHWENGEL. Mr. Speaker, I would like to take this opportunity to call to the attention of the Members of the House what I consider to be one of the major domestic problems of the day—the needless slaughter of human beings on our Nation's highways. Every 10 minutes that we sit here today, another person is killed in a highway crash. Every 15 seconds a disabling injury occurs. It has been estimated that 1 out of every 4 drivers will be either killed or injured during their driving lifetimes.

In the last 2 years, we have experienced a leveling off of the number of highway fatalities at approximately 55,000. At the same time, there are more cars on the roads being driven more miles by more drivers. However, we cannot take comfort from the fact that 55,000 people are still being killed on our highways. We have only begun to make headway. Much more needs to be done.

The recently introduced highway safety legislation will provide many necessary answers to the carnage taking place on our highways. Its goals, aims, and objectives seek a reduction in death, injury, and property damage. But while we work diligently in the House, we must also realize that our Federal highway agencies have been diligently pursuing the cause of highway safety. I would like to note some of their outstanding achievements.

Doug Toms, Administrator of the National Highway Traffic Safety Administration—NHTSA—of the Department of Transportation, and Frank Turner, Administrator of the Federal Highway Administration—FHWA—also of the Department of Transportation, are moving forward on several fronts to curb this tragic toll. In testimony before the Subcommittee on Roads of the Public Works Committee on February 17, Mr. Toms outlined the NHTSA's approach to many of the problems that we must face each and every time we get into a motor vehicle on our roads and highways.

The greatest hazard to safe driving is the drunk driver. Over 50 percent of the highway fatalities are alcohol related. The problem drinker, who represents only a small percentage of our population, is involved in two-thirds of these fatalities. The NHTSA's alcohol countermeasure program is aimed at initiating action toward finding effective solutions to this problem.

The primary thrust of the alcohol countermeasure program is provided by the alcohol safety action projects, or ASAP's as they are called. These are 3-year community-action programs focusing principally on law enforcement, traffic courts, special driver counseling and assistance, and public education. Congress has authorized and funded 35 ASAP's over the past 3 years. Although final reports are not yet available, preliminary results indicate that effective alcohol countermeasures programs can be maintained at the State and community level.

In the research area, some highly innovative equipment has been developed. The subcommittee was given the opportunity to examine a portable breath tester and several types of interlock devices intended to prevent an intoxicated person from starting his car.

The NHTSA is also looking closely at driver licensing as a means of controlling driver behavior. In fact, one of the department's driver examination demonstration projects is located in my home State of Iowa. Special driver testing equipment is used in this project. This is an automated, sophisticated device which allows one examiner to test up to 40 applicants at a time. Not only is this method more efficient than the conventional written examination, but it also incorporates a new self-learning technique.

Enforcement programs are also of utmost importance in correcting driving patterns. Mr. Toms told the subcommittee that in North Carolina where a number of patrol vehicles were equipped with speed measuring devices, not only did the number of speeding citations increase, but the number of deaths in the State dropped by 47 in a 1-year period, a 2.6-percentage reduction, which exceeded the national average reduction of 2 percent.

NHTSA has also initiated demonstration projects called selective traffic enforcement projects—STEP. Preliminary results are encouraging and these projects hold much promise as more future sites are selected.

Driver education and pedestrian safety are other areas of concern that the NHTSA is working on.

Mr. Speaker, an estimated 8,000 persons, alive today, probably owe their lives to the Federal-State traffic safety effort. This may be just a beginning but I think that the Members of this House will agree that we can look forward to saving more lives through more aggressive implementation of these crucial programs. I want to commend Mr. Toms, Mr. Turner, and Secretary John Volpe for their continuing efforts to improve the safety of our motoring public.

SOVIET POLICY TOWARD THE THIRD WORLD IN THE 1970'S

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. HAMILTON. Mr. Speaker, we in the Congress know precious little about Soviet policies toward and activities in the countries of the third world. This issue receives scant attention aside from that given to headline items such as the presence of Soviet technicians in the United Arab Republic and the Soviet-Indian friendship treaty.

This being the case, I urge my colleagues to read the following article by Alvin Rubinstein from the spring 1971 issue of Orbis magazine. Mr. Rubinstein discusses Soviet policy toward the third world and notes that—

> The record of Soviet diplomacy in the Third World is proof . . . that practice transcends and precedes ideology. Soviet behavior toward the developing countries is now determined predominantly by hard calculations of strategic and political advantage, actual and potential.

The article referred to follows:

SOVIET POLICY TOWARD THE THIRD WORLD IN THE 1970'S

(By Alvin Z. Rubinstein)

On June 7, 1969, Leonid I. Brezhnev, General Secretary of the Central Committee of the CPSU, enunciated what is likely to be in the decade ahead the underlying Soviet approach toward the Third World, particularly toward Asia and the Middle East. The occasion was the International Meeting of Communist and Workers' Parties held in Moscow, a meeting Soviet leaders had finally succeeded in convening after almost six frustrating years of cajoling and pressuring foreign communist parties. After ritualistically warning of the continued danger from the forces of "imperialism" (i.e., the West), Brezhnev dwelt on the increased importance of the nonaligned developing countries, noting that "the fighters for national liberation and social emancipation in the countries of Asia and Africa comprise one of the most important and active contingents of the worldwide anti-imperialist front." [1] He observed with satisfaction the "considerable changes" wrought in the 1960's in the "alignment of forces in that part of the world" and the "socialist orientation" of a number of new nations now following the noncapitalist path of development—changes made possible by "cooperation between the progressive young states and the socialist countries."

Turning to the dangers besetting the unity of the international communist movement, Brezhnev, contrary to the expectations of most of the delegates, bitterly attacked Communist China. Denouncing Peking's "splitting activities," its "feverish military preparations" and its "fanning of chauvinistic feelings" hostile to the Soviet Union, he condemned the Chinese communist leadership for pursuing an adventurist policy that threatened not only the unity of the international communist movement but all "peaceloving" nations as well. Brezhnev then made a proposal, yet to be elaborated, whose general susbtance indicated a new Soviet priority in the Third World:

"The burning problems of the current international situation do not conceal from our view longer-term tasks, namely, the creation of a system of collective security in areas of the globe where the dangers of another world war, of armed conflicts, is concentrated. Such a system is the best replacement for the existing military-political groupings. . . .

"We are of the opinion that the course of events is also putting on the agenda the task of creating a system of collective security in Asia." [2]

The timing and the thrust of Brezhnev's speech suggest a major Soviet diplomatic effort to isolate Communist China in Asia. The subsequent absence of any mention of China on the list of countries that might be

Footnotes at end of article.

included in the "system of collective security" must be assumed to be deliberate. Ties between Moscow and Peking have worn thin indeed. Moscow undoubtedly hopes for improved relations after Mao's death (they could scarcely get much worse). However, it does not appear nearly as interested in making concessions to China as it does in enticing Japan economically and in strengthening India economically and militarily while simultaneously improving relations with all the key countries of South Asia; and Soviet strategy in the Middle East and Africa is directed as much to countering the anticipated Chinese challenge in the coming decade as it is to consolidating the political gains of the past decade.

The reaction in Asia has been noncommittal, with each country gingerly interpreting the Brezhnev proposal in the light of its own national objectives.[3] Moscow possibly misread the immediacy of Asian fears of China out of its own obsessive preoccupations; it perhaps underestimated the importance of residual regional animosities. Certainly, Moscow does not intend to push for any formal military pacts—at least not in the near future. The Kremlin is unlikely, at a time when U.S. military alliances in Asia and the Middle East are weakening, to seek to substitute alliances with the Soviet Union for those with the United States, although the aim is an anti-Chinese coalition. Moscow has achieved too much from the loosening of formal alignments to urge ties that would repolarize alignments at this time.

There is yet another dimension to the Brezhnev proposal that is as important as the anti-Chinese one: namely, the USSR's implied readiness to assume additional leadership and burdens should the United States retreat from its massive involvement in the Third World, especially in Asia. What the United States is ready to relinquish, the Soviet Union is willing to assume. The Nixon Doctrine proclaims a diminution of direct American involvement in the world at large:

"Its central thesis is that the United States will participate in the defense and development of allies and friends, but that America cannot—and will not—conceive *all* the plans, design *all* the programs, execute *all* the decisions and undertake *all* the defense of the free nations of the world. We will help where it makes a real difference and is considered in our interest." [4]

In the Third World especially, the Nixon Doctrine and periodic restatements of it have been interpreted to mean that the United States intends to reduce her economic and military commitments and involvements. The Viet Nam war is grinding down, and America's direct involvement is being systematically reduced. Domestic turmoil and problems mean that a larger piece of the governmental pie must be set aside for domestic programs, and no President can now contemplate a major military involvement abroad except in defense of commitments that American public opinion may consider vital. This means lean years ahead for Asia and Africa: U.S. economic assistance will be harder to obtain; military equipment and aid will be distributed with greater parsimony; and pro-Western elites will have to think twice about relying too heavily on U.S. support in local upheavals.

Not unexpectedly, Soviet commentators profess not to see any change in United States foreign policy, dismissing President Nixon's pronouncements as "just a wordy camouflage to cover up the new methods of achieving the same goal of establishing military and economic control over the rich natural and manpower resources" of the Third World. They contend that if there is anything new in the Nixon Doctrine, it is the attempt to foster "more active utilization of other countries for the purposes of achieving the military and political goals of the U.S.A." [5] But behind *Pravda's* measured attacks, Soviet leaders are no doubt assessing the significance of a reduced American presence in Asia, and possibly in parts of the Middle East and Africa. If Moscow is groping for a diversified, low-cost strategy for expanding its presence into areas from which American commitments are being withdrawn, and for reinforcing it position as a major benefactor of key developing countries, the Brezhnev proposal could well be the articulation of its central outline.

A few essentials need reaffirming before we can speculate on Soviet policies in the Third World. Soviet leaders naturally accord primary attention to their core concerns: to national security, especially as it relates to the adversary relationship with the United States; to domestic problems; to preservation of their imperial system in Eastern Europe; to wary participation in moves to improve relations with Western Europe, whose economic progress is both a threat and an attraction; and to the challenge of Communist China. Beyond these broad considerations Soviet policy will be affected by unanticipated opportunities and dilemmas that arise from developments in the Third World, by the state of superpower relationships elsewhere, and by bureaucratic political infighting within the Soviet leadership.

THE CASE FOR A FORWARD STRATEGY

There is every reason to assume that the Soviet Union will pursue a "forward strategy" in the Third World in the 1970's. As with any strategy, it will be the resultant of pressures and projections. The developing countries contiguous or nearly contiguous to the underbelly of the USSR are militarily more salient to the calculations of planners in Moscow than they are to those in Washington. A belt of friendly states on its "southern tier" is not a marginal goal for the Soviet Union. What the West considers as evidence of Soviet globalist aims, Moscow perceives as the proper exercise of its superpower status. A "superpower" can no longer be defined solely in terms of technological and nuclear capability; also implied in the word is the will to maximize its presence in an expanding network of areas and relationships.

Whereas the United States is essentially a status-quo power, the Soviet Union is not, because it believes that it is entitled to a far greater measure of participation in the evolution and management of the nation-state system lying beyond its immediate borders. This belief is nourished by increments in power, by the nature of great power rivalries, and by the economic needs of an expanding industrial society. The Soviet political leaders, the advent of the nuclear and missile age has not made obsolete the time-honored principle of defense in depth. Contemporary international politics may regard classical imperial expansionism as unacceptable, but that in no way diminishes the imperial impetus of the superpowers to cultivate and guide an assemblage of smaller nations with the aim of strengthening their own military, political and economic viability.

The détentist argument makes too much of the absence in the Soviet-American relationship of any unsatiated territorial grievance, which is an important but not controlling consideration; it reduces the rivalry of the superpowers to that of two competing nation-states instead of two imperial systems with global interests and aims that seriously conflict, and it seeks support from the persuasive but dubious notion of "convergence." Historically, competing imperial systems have rarely quarreled merely over real estate. The roots of their conflicts have been deeply set in irreconcilable ambitions and conceptions for organizing and preserving a stable imperium. In a sense, ours is the most fortunate of eras.

Although it is overshadowed by the specter of a nuclear holocaust, there is a greater readiness to attribute a basic rationality to the behavior of one's major rival—an attribution implying that the rival does not want an Armageddon and hence will not push too far into the core areas of the other. But because the parameters of the Soviet and American imperiums are not clearly marked in the Third World, as they are in Europe, and because the alignments and attitudes of key Third World countries are in flux at a time when the superpowers also are reappraising their ambitions and interests, the likelihood of Soviet expansion and American response increases. The Third World is a region in which superpower competition may be waged, with minimum risk of a major war and for marginal advantages that can have important consequences for matters nearer the heart of Soviet-American rivalry, such as the viability of NATO, the future of the SALT talks, and the type of relationship each develops with Japan, China and Germany.

If there is a serious flaw in the assumptions underlying the evaluations of the "détentists," there is also one in the position of the strategists of deterrence. Noting the existence of a condition of general nuclear and missile "sufficiency" between the Soviet Union and the United States, and assuming that neither party could manage a first-strike attack without risking at least equal and intolerable damage in return, the deterrent school places a premium on maintaining this mutual balance of terror. The result is a tendency to dismiss or depreciate the utility of political incrementalism; marginal gains become less salient to policymakers, especially if the outlay required, however modest, is begrudged by inward-oriented leaders, and if the dividends are at best uncertain.

More and more, American policy seems to minimize the value of the politics of incrementalism and to underestimate the danger of thereby contributing inadvertently to the disintegration of alliances and esablished relationships. It is especially difficult to sustain the case for incrementalism when the competition among the various bureaucracies for diminishing allocations is intensifying. However, there are few indications that the leaders in the Kremlin plan to curtail sharply expenditures to key Third World countries.

In the past few years, and particularly since the June 1967 Arab-Israeli war, American planners have been concerned over the Soviet Union's vast program of naval expansion, for which there are, of course, cogent military reasons. For example, a report on Soviet naval capability recently published in Great Britain identified five tasks the Soviet navy has been assigned "to defend the homeland":

"(1) to counter the Polaris submarines; (2) to neutralize the strike carriers prior to aircraft launch; (3) to contribute to the Soviet Union's strategic delivery capability; (4) to gain command of the four fleet areas, particularly the Baltic, Black and Barents Seas; (5) to provide maritime flank support for land operations along the coastal axes.[6]

From Moscow's point of view accomplishment of these tasks would justify the expenditures entailed.

Moreover, the Soviet navy has begun to play a political role in Soviet diplomacy, and it could be used to advantage in establishing a greater Soviet presence in the Persian Gulf, East Africa and the Indian Ocean. In the Mediterranean it has already limited, or at least raised the cost of, American options for intervention. It is also a valuable prop for shaky clients, serving to stiffen the resolve of anti-Western elites who may be emboldened to pursue radical courses they would have been deterred from had Western power predominated in the area. Syria, the Sudan, Libya, possibly even the United Arab Republic and Iraq, are illustrative examples.

Certainly, Soviet propaganda has made much of the benefits to the Arabs of the Soviet naval presence.[7] Moscow is also us-

Footnotes at end of article.

ing its naval power as an instrument of foreign policy to buttress emerging propensities toward less engaged alignments and more obvious nonalignment on the part of previously pro-Western partisans. In a word, the Soviet Union is using sea power in the classic way, as an arm of diplomacy, to attain political goals. If and when the Suez Canal is reopened—and this must be reckoned a prime Soviet aim in the Middle East—it is reasonable to assume that the USSR will become more active in the Persian Gulf and the Indian Ocean. Although current Western assessments rest heavily on the assumption that "the main reason for an increasing Soviet naval presence in the Indian Ocean is primarily not to challenge Western interests but to support India against China and more generally to counter growing Chinese influence in both Asia and Africa,"[8] the leverage can quickly be given an anti-Western twist.

THE DIPLOMACY OF BENEVOLENT SELF-INTEREST

Since 1955 Soviet courtship of the Third World, with few exceptions, has been a skillful blend of opportunism, largesse and salesmanship. Through a readiness to provide military equipment and economic assistance the USSR has established itself as an indispensable benefactor of such key countries as India and the United Arab Republic, and as a welcomed participant in the nation-building activities of such countries as Afghanistan, Syria, Iraq, Algeria and the Sudan (Cuba is perhaps unique and will not be discussed here because Latin America, as a region, is low on the Soviet list of priorities.) Soviet ideologues continually try to cluster recipients and targets of Moscow's attention into ideologically-contrived typologies for reasons appertaining to the dynamics of intra-communist-world politics and the methodolgical compulsions of Soviet Marxist-Leninist political analysis, but Soviet leaders approach opportunities and dilemmas in piecemeal, pragmatic fashion, ever alert to pitfalls and rewards, and with an incisive understanding of *Realpolitik*.

Shrewd opportunism, not ideology, has been the impelling force behind Soviet behavior. Perceiving openings for penetrating the Third World and for exploiting the flaws in the Western network of alliances, Soviet leaders embarked on an ambitious course. Stinting neither on economic aid nor military equipment, they took advantage of Western bungling and the systemic realignments in the Third World. Two purposes underlay Soviet policy: (1) to undermine the Western international system; (2) to intrude a permanent presence into areas which had previously been outside the realm of Soviet capabilities.

The more closely one examines Soviet diplomacy, the more one is impressed by the flexibility and opportuneness of its responses to the peculiarities of each situation. Thus, the inability of Nasser to acquire arms in the West and the unwillingness of the United States to finance the Aswan Dam provided the Soviets with rare opportunities, which they seized, in 1955 and again in 1956 for boldly moving into the Middle East.

The economic assistance extended to India from 1955 on, the welcomed diplomatic support for India's position on Kashmir (until 1966), the alignment with the Indians (after an initial uncertainty) against the Chinese in 1962, the extensive and impressive military assistance given since 1965—all these have served to make friendship with the Soviet Union a cornerstone of Indian foreign policy and to move the USSR, for the first time in its imperial history, into the forefront of developments on the Indian subcontinent. Less dramatic but no less important links have been forged with other key developing countries. Descriptions abound of Soviet economic and military assistance. But we know little about the actual leverage this has given Moscow, despite the abundance of informed speculation.

In general, Moscow has courted three categories of developing countries: first, those that adhere to nonalignment and maintain friendly, even dependent, relations with the USSR, often with a tinge of anti-Westernism congenial to Moscow; second, the swing states that are formally nonaligned but that have shifted, as a result of the vagaries of internal leadership changes, from an obviously pro-Soviet leaning to one more pleasing to the West, and which presumably can one day swing as quickly back to Moscow; and third, those countries that are formally aligned to the West but whose alignment has weakened in ways assiduously encouraged by Moscow. Clearly, any Soviet leadership will strive to improve relations with the countries in the latter two categories in the hope of nudging them into the first category. Congenial neutralization rather than communization is Moscow's aim in the 1970's. In this the Soviet Union is motivated more by traditional balance of power considerations than by ideologically engendered drives, more by its needs as the hub of an established but restive imperial system than by any compulsion to spread communism. Gradualism, not revolution, typifies the Soviet style.

India and the United Arab Republic are foremost among the nonaligned countries in which Moscow has invested heavily. Each is strategically and politically important in a region vital to the USSR. The details of the Soviet courtship have been amply catalogued by Western scholars; Moscow has demonstrated the premium it places on reinforcing its relationship with them. Though of lesser intrinsic significance, Afghanistan and Syria are also prime targets of Soviet attention. Moscow wants them nonaligned, friendly toward the USSR and outside the Western defense system.

Brezhnev's proposal for an Asian collective security system had its antecedents in the Soviet success at Tashkent in January 1966, when Moscow effectively interposed its presence into a situation of delicate balance. If it could improve Indo-Pakistani relations, Moscow could begin to realize its dream of a land route, linking Soviet Central Asia to India via Afghanistan and Pakistan, thereby eliminating the inconveniences and expenses incurred by the closing of the Suez Canal and enormously enhancing its prospects for penetrating the subcontinent.

The chameleon-like character of many nonaligned leaderships makes them politically suspect. They are weak reeds with which to build sustaining political relationships. Moscow has never been comfortable with nonalignment. Despite Khrushchev's official scrapping of the two-camp thesis, and his enunciation of the "zone of peace" concept, with its implicit acceptance of a transitional role for developing countries trying to build "socialism," and despite frequent laudatory statements about the value of nonalignment in opposing "imperialism," Soviet leaders have, in practice, treated nonalignment with reserve and suspicion. There are a number of reasons for this.[9] Moscow does not believe in the abolition of blocs or alliances; it sees nonaligned countries as a vast potential strategical reserve in the global struggle with the West rather than as intrinsically autonomous entities capable of playing an independent role in world affairs; and it has yet to accept the proposition that a country can be both "socialist" (in its parlance, pro-Soviet and with a communist vanguard) and nonaligned.

Nonetheless, Soviet leaders have learned to tailor their tactical relationships with those nonaligned countries whose internal political inconstancies require frequent adjustments. Moscow is apparently willing to sustain a modicum of assistance to insure that these countries remain committed to an essentially nonaligned course, even though they may on occasion veer more toward the West than it would like. But, then, there is always the possibility that such countries as Indonesia, Ghana, Burma and Guinea will again become more pro-Soviet. Moscow has adapted its diplomacy not merely to forestall a full swing to the West, but to safeguard as much of the Soviet stake as possible and to lessen the likelihood of a pro-Chinese orientation developing.

Soviet policy toward Indonesia is illustrative. When Sukarno moved closer to Peking during the 1961–1965 period, relations between Djakarta and Moscow cooled. After the abortive communist coup in September 1965 and Sukarno's subsequent deposal, Indonesia turned to the West, although retaining her nonaligned credentials. Attempts to improve relations with Moscow languished for a while in the wake of Indonesian criticisms of the Soviet occupation of Czechoslovakia. But by August 1970 Moscow and Djakarta agreed on an economic protocol which called for a rescheduling of Indonesia's indebtedness on terms as generous as those offered by the Western countries. There are even signs that Moscow may reinstitute a program of limited economic assistance in the hope of encouraging Indonesia to maintain her nonaligned status and of affording itself some political access and leverage.

Notwithstanding the considerable attention that has been devoted to Soviet policy toward nonaligned India and the United Arab Republic, from Moscow's point of view the Soviet Union has achieved its greatest strategic-political triumph in the Third World in the changed policies of Iran, Turkey and Pakistan—countries still formally aligned with the West but increasingly pursuing a *de facto* policy of nonalignment, including a conscious effort to improve relations with the USSR. In the mid-1950's Moscow vaulted over the alliance system organized by John Foster Dulles to penetrate the Arab world, in part to undermine the West's predominance there, but perhaps even more importantly, as seen in retrospect, to outflank and weaken the network of Western military bases along its "southern tier." Its successes here must be acknowledged as in themselves amply repaying Soviet efforts in the 1960's. Moscow will no doubt persist in its benevolent courtship even more diligently in the 1970's.

The detente with Iran, for example, began in 1962, when the Shah indicated that he would not permit the United States to establish military bases or missile installations on Iranian territory, even though Iran would remain formally a member of CENTO. In 1965, the Shah visited the Soviet Union. A long-term economic agreement with the USSR was concluded in April 1966, and modified upward in April 1967. Under its terms, Iran agreed to provide the USSR with deliveries of natural gas up to a total of twenty billion cubic meters annually, as well as Iranian oil, and to build the trans-Iranian Gas Trunkline (IGAT) from the Agha Jari field in south Iran to Astara on the Soviet border; in return Moscow undertook to build a $350 million steel complex at Isfahan, a $200 million machine tool plant, several grain storage elevators and 250 miles of the natural gas pipeline.[10]

Political suspicions remain, but the USSR has astutely promoted a degree of nonalignment in Iran's diplomatic stance and a level of economic cooperation which would have been deemed inconceivable ten, or even five, years ago. Though less pronounced, tangible measures of Soviet achievement can also be discerned in the cases of Turkey and Pakistan, where prospects must be judged most promising.[11] Certainly, Western planners must anticipate an improved Soviet relation-

Footnotes at end of article.

ship with these countries, with a consequent further deterioration in the utility of CENTO and SEATO.

THE NONSALIENCE OF IDEOLOGY TO BEHAVIOR

During the mid-1950's and early 1960's, as Moscow embarked on its ambitious courtship of the Third World and scored notable successes, there was an upsurge of Soviet optimism concerning prospects for revolutionary socialist transformations. Soviet ideologues had a field day. Through "creative" reinterpretations of Marxist-Leninist tenets, they attempted to set the changes within the Third World in an all-encompassing ideological framework that would both explain the evolving relationships and legitimize, in Marxist-Leninist terms, the course of Soviet diplomacy. Thus, the "zone of peace" concept in 1956 justified support for nonaligned developing countries; and the notions of the "national democratic state" (1960) and the "revolutionary democratic state" (1966–1967) explained the importance to the USSR of the "progressive," anti-Western nonaligned countries which were following a "noncapitalist path of development." These formulations sanctified ideologically the differentiated diplomacy pursued by the Soviet state.

For a time in the early 1960's Soviet ideologues were able to group all the "national democratic states" according to some rough and convenient concordance of internal and external orientation. Ghana, Guinea, Mali, Burma and Indonesia, for example, were regarded as militantly anti-imperialist, pro-Soviet in their foreign policy, congenial (sometimes) to local communists, and following a noncapitalist path of development in building socialism. They seemed promising candidates for the transition to "people's democracies." But internal convolutions and unpredictable nationalism have confounded the ideologists. The formulations remain, and perhaps some new wrinkles will be added as each new Soviet leadership seeks to lay claim to some ideological innovation.

The record of Soviet diplomacy in the Third World is proof, however, that practice transcends and precedes ideology. Soviet behavior toward the developing countries is now determined predominantly by hard calculations of strategic and political advantage, actual and potential. Having shed the confining isolationism of the Stalin era toward the Third World, and having pioneered at considerable cost a strategic presence for itself in the Middle East, Africa and South Asia, Moscow is unlikely to jeopardize its bilateral relationships with developing countries out of any misgivings of an ideological character. It is concerned, as always, with the extension of Soviet influence, to the detriment if need be of prospects for local communist parties. Whatever legitimizing function ideology plays within the Soviet communist hierarchy, and whatever its importance as a medium for communication and conflict within the communist international system, ideology is not central to Soviet policy formulation toward developing countries; it is more a fig leaf of Western imagination than a determinant of Soviet policy in the Third World.

CHINA AS A FACTOR IN SOVIET STRATEGY

Moscow is obsessed with China. Since their quarrel surfaced, the colossi of communism have waged in the Third World an intense competition, bitter and embittering, which has acquired an impetus of its own; it further complicates the dilemmas under which they operate and the difficulties of negotiating an ideological and political cease-fire. The USSR presses a "forward strategy" in the Third World not merely because of U.S. retrenchment or out of a superpower urge to maximize influence, but also because of genuine concern over the challenge from Communist China. The Soviets may well be exaggerating the threat to them of Chinese inroads in Africa and Asia, in much the same way that the United States did the Soviet diplomatic offensive in the late 1950's and early 1960's. But they do view the Chinese threat in the Third World in the 1970's more ominously than do American planners.

To Moscow, Maoism poses a pernicious challenge because it seeks to make inroads in areas where Soviet diplomacy has established strong beachheads. Whereas the Chinese stridently press a militant anti-Western and anti-bourgeois line, which appeals to radical "out" groups in developing countries, the Soviets must steer a course between anti-Westernism and revolutionary irresponsibility that is acceptable to the "in" groups, which not only are not communist but which, in many cases, are firmly anti-communist in their internal affairs; whereas the Chinese can with impunity call for an "anti-capitalist" line, the Soviets find themselves supporting regimes that maintain strong economic ties to Western countries and that, although professing "socialism," are far from adopting a sociopolitical system Soviet ideologues can grace with such a descriptive; whereas the Chinese encourage armed resistance splinter groups in the Middle East, Africa and South Asia, the Soviets are constrained by their superpower status from unequivocally supporting such activities; and whereas the Chinese, in general, seek to overthrow the status quo, the Soviets have a vested interest in its essential preservation.

THE LIMITS OF SOVIET INFLUENCEBUILDING

It would be difficult to devise a credible scenario improving on Moscow's current position in the Arab world, the "southern tier" and South Asia. Yet there are gnawing dilemmas. The Soviet Union no longer enjoys the advantages it had as a newcomer to the Third World in the late 1950's and 1960's: its hands are no longer without imperialist taint, having been sullied in quests for power in the Congo, Guinea, Ghana, Iraq, Kenya and Syria; its aid is still sought, but with mounting debt repayment schedules and innumerable "red elephants," the paeans to Soviet generosity and efficiency are heard less frequently; its feat of industrialization is widely admired, but there are few Third World leaders who retain any illusions about the applicability of the Soviet model to their own situation; its reserve toward nonalignment has occasioned heightened sensitivity to its brand of anti-Westernism; and its involvement in Third World politics has forced it to take sides in residual regional disputes, to the detriment of Moscow's capacity for expanding its influence. The period of the initial accumulation of influence having passed, Moscow now finds that future yields are costly, difficult and uncertain. The more it tries to exercise influence over the behavior of its beneficiaries and clients, the more it arouses nationalist resentment and resistance.

The Soviet Union faces serious problems in the coming decade in its relations with the key developing countries. But that it remains committed to a course of influence-building should not be doubted. Moscow has derived considerable benefits from its diplomacy in the Tihrd World; it sees others within reach. The bars to further successes are many, and they inhere as much in the rigidity and authoritarianism of Soviet institutions and practices as in the resolve of Third World countries to remain independent. Nonetheless, ambition makes Moscow a formidable factor in the international affairs of the Afro-Asian world.

FOOTNOTES

[1] *International Affairs* (Moscow), July 1969, pp. 20–21.

[2] *Ibid.* In retrospect we can identify instances where other Soviet officials made remarks that presaged the Brezhnev speech: for example, on March 19, 1969, New Delhi Radio reported P. Reshetov, a visiting member of the Soviet Peace Committee, as suggesting, in response to a question, the formation of a common front "of the peaceloving peoples of the Soviet Union, India, and Burma against the adventurist policies of the Chinese government"; on May 30, 1969, Premier Alexei Kosygin said during a visit to Pakistan that he would like "to see Pakistan, Afghanistan, India and the other states of this region developing relations of friendship and constructive cooperation with each other. For its part, the Soviet Union will do everything in its power to encourage this."

[3] Peter Howard, "A System of Collective Security," *Mizan*, July-August 1969, pp. 199–204.

[4] *United States Foreign Policy for the 1970's: A New Strategy for Peace.* A Report by President Richard Nixon to the Congress, February 18, 1970, p. 5.

[5] *Pravda*, February 19, 1970.

[6] *The Times* (London), October 13, 1970.

[7] A not untypical commentary: "What is the reason for this clamor among the ranks of the imperialist naval sharks? The fact is that they know the presence of Soviet ships in the Mediterranean will paralyze the attempts of the United States Sixth Fleet to carrry out its designs against the Arabs." Moscow Radio in Arabic, October 12, 1968.

[8] *The Times* (London), September 15, 1970.

[9] See Alvin Z. Rubinstein, *Yugoslavia and the Nonaligned World* (Princeton: Princeton University Press, 1970), pp. 307–309.

[10] See *Middle East Economic Survey*, April 21, 1967, p. 1, and September 12, 1969, pp. 1–2; and *The Financial Times*, October 30, 1970.

[11] Japan, which is outside the purview of this essay, is another key country whose links to the Western alliance system Moscow seeks to weaken in the years ahead. The Soviets hold out the allure of enormous economic opportunities for the exploitation of Siberian resources, but they are hampered by an unwillingness to return the islands of Kunashir, and Iturup, north of Hokkaido, which the Soviet Union seized in 1945.

HATS OFF TO TEENAGERS

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. DUNCAN. Mr. Speaker, sensational news stories too often brand all of our young people as a burden to our society. Those of us who take pride in our young citizens know that such articles unfairly indict the many outstanding teenagers who comprise a majority of our young generation.

I am particularly proud of our teenagers in Knoxville, Tenn., and rightly so. Recently over 6,000 Knoxville teenagers participated in a campaign to raise funds for St. Jude's Children's Research Hospital in Memphis.

The following Knoxville Journal article will bear witness to the fact that Knoxville teenagers are among the finest young people in the Nation.

The article follows:

HATS OFF TO LOCAL TEENAGERS

Knoxville can take great pride in its teenagers. Thousands of them—maybe six thousand or more—devoted last Saturday to a grueling 18-mile hike through the city to raise funds for St. Jude Children's Research Hospital in Memphis.

The vast majority of these young people will never need the services of St. Jude Hos-

pital, which is one of the world's leading centers for research and treatment of catastrophic childhood diseases—leukemia, cancer, malnutrition and others. Almost two thirds of the hospital's operating funds come from public donations, and this was the first St. Jude campaign in Knoxville.

It will be a couple of weeks before all of the pledges are turned in and counted. But even before it is known how much money was raised the drive can be considered a sound success from the standpoint of enthusiastic participation by Knoxville teenagers.

True, Mayor Kyle Testerman and several other local officials hiked the full route and raised a substantial sum in the process. This was highly commendable on their part. But it was the army of young people, marching an exhausting circuit through the drizzle, cold and mud, that captured the admiration of bystanders.

Some of the young people will receive prizes. Some of their schools also will get material or honorary awards. Most of the teen-agers, however, will receive only the satisfaction of knowing they have contributed greatly to one of the nation's most worthy humanitarian causes.

Our hats are off to these Knoxville teenagers. They're tops.

CONGRESSMAN CRAIG HOSMER'S WASHINGTON NEWS NOTES

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. HOSMER. Mr. Speaker, each month I publish a newsletter called "Washington News Notes," which highlights some of the recent activities in Congress and in Washington. The text of the April edition follows:

CONGRESSMAN CRAIG HOSMER'S WASHINGTON NEWS NOTES

A SEAT ON THE 50-METER LINE?

After years of study, the question of whether or not the U.S. will adopt the metric system now appears headed for consideration by Congress. If adopted, the change will be gradual, as this major innovation in our way of measuring things will require new equipment and devices.

Principally, the change would see us dealing in liters (about a quart), the kilogram (about two pounds), the meter (a bit over a yard and 60 kilometers-per-hour equals 36 mph), and a temperature scale where zero is freezing and 100° C. is the boiling point of water. The change would put the U.S. in line with the rest of the world's measurement practices.

HIT 'EM IN THE TAXES

The Nixon Administration is trying an old weapon in its war on drug traffic. Some 413 suspected heroin dealers in 31 states have been marked by IRS for special income tax audits. This "Capone" plan, first used against organized crime, is expected to put many pushers out of business even though narcotics agents do not have sufficient evidence to prosecute under drug laws. Some 273 tax agents are involved.

SEAL BEACH REFUGE MAY BE SET UP THIS YEAR

Following House subcommittee hearings last month, Congress Hosmer is hopeful that the Seal Beach National Wildlife Refuge can be in operation before the end of this year. Sens. Cranston and Tunney are co-sponsoring the legislation on the other side of Capitol Hill.

Interior Dept. testimony proposed a $300,000 visitor center, adjacent to the refuge on Pacific Coast Highway. It would have observation facilities and parking to permit the public to enjoy this valuable natural resource. But it must be done carefully, Hosmer warns, since the refuge is within the Naval Weapons Station.

CONSUMER INFORMATION

Mrs. Virginia Knauer, Special Assistant to the President for Consumer Affairs, says that a new publication called "Consumer News" is now available. It contains rules and regulations proposed by the Federal Government on consumer products, and news about action by the Office of Consumer Affairs. The publication can be obtained by sending $1 for a year's subscription to: Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

IT'S THE SIGN OF THE TIMES

In 1968, thefts and vandalism forced the pastor of St. Peter's Catholic Church in Washington, D.C. to close and lock its doors during the day except during services. This story attracted national attention because St. Peter's is only two blocks from the U.S. Capitol.

The church has now reopened its doors again for daytime worship, a tribute to the Nixon Administration and its campaign to reduce crime in the Nation's Capital. All seven of the city's police districts reported declines in total crime during January 1972 compared with 12 months earlier. Washington's crime rate is now at its lowest in five years.

WHO GIVES MOST TO THE U.N.

What country makes the highest per capita contribution to the United Nations? If you said the United States, you're wrong.

While the total U.S. payment is the highest by far ($276 million compared to the $48 million from second-placed Great Britain), on a per capita basis, Denmark gives most. The Danes contribute $4.53 (in U.S. dollars) to the U.N., compared to $1.34 for U.S. citizens. Oh yes, the Soviet Union generously chips in 17¢ a head.

THE REAL WELFARE CHEATS

The Lancaster (Pa.) *New Era* reports on a set of contract "demands" from the state welfare workers union. They want a 30% pay raise for a work week reduced to four days, 24 paid holidays, a month's vacation and a month sick leave, 2½ hours "personal time off" each day and another 2½ hours to discuss "work situation problems." They also demand retirement at full pay after 20 years, fully paid life, disability—and automobile—insurance, six months maternity leave and 10 days paternity leave. And they would handle only two cases per day. Looks like we're in the wrong business.

OK, FOLKS, BREAK OUT THOSE TENNIS SHOES

According to the New York *Times* book reviewer a new issue called "The Almanac of American Politics," written by three Harvard grads, gives this description (in part) of California's 32nd Congressional District:

"The 32nd, as much as any district in California, is personified by the little old lady in tennis shoes. And the district's congressman, conservative Republican Craig Hosmer, is a man of kindred spirit."

That's ridiculous. Hosmer doesn't even own any tennis shoes.

BYELORUSSIAN INDEPENDENCE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. DINGELL. Mr. Speaker, March 25, 1972, marked the 54th anniversary of the independence of the Byelorussian National Republic.

Unfortunately, the new Republic did not enjoy its freedom and independence for long, because the Soviet Communist army ruthlessly overran the country despite a gallant and courageous resistance. To this date the people and the country, now known as the Byelorussian Soviet Socialist Republic, remain a political and economic colony of the Moscow regime.

The Byelorussian people have continued to be restive under the Russian domination. Several armed insurgencies have taken place, including those of 1920, 1922, 1926, and 1944. During the latter year, the Second All-Byelorussian Congress was convened in Minsk and reaffirmed the desire of the Byelorussian people for complete political independence.

March 25 is a day which serves as the symbol of a dynamic spiritual force for Byelorussian independence which unites all Byelorussians wherever they may be. The fight for Byelorussian independence also is a fight for the emergence of all captive nations.

I join the Byelorussians throughout the world in their hope that freedom and liberty will be restored to their country.

GROUP LEGAL SERVICES—A NEW CONSUMER TOOL

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. MOSS. Mr. Speaker, group legal services has become a common household word to many Americans. Because of the growing interest in this new consumer legal tool, I am inserting in the RECORD an article which appeared in the January 1972 issue of the AFL–CIO American Federationist, entitled "Legal Services as a New Union Benefit." The article follows:

LEGAL SERVICES AS A NEW UNION BENEFIT

(By John A. Grimes)

Until his mule wandered out on a Louisiana road one night, Clevon Cain had never thought much about lawyers.

The trouble was, a truck hit Cain's mule—and he was faced with the possibility of paying a $250 fine and going to jail for 30 days on charges of violating a law prohibiting livestock from roaming free.

But Cain, in addition to owning a mule, is a member of Laborers Local 229 in Shreveport, whose members are covered by a prepaid legal insurance plan. So he utilized the plan to seek legal advice about his problem.

The result: Shreveport lawyer Lewis Weinstein, a member of the city's bar association, which is cooperating with the union in the operation of the pilot plan, went to court and won dismissal of the charge on the grounds that the mule had appeared on the highway through "an act of God" rather than negligence on Cain's part, because lightning had knocked down the fence surrounding Cain's small farm. All fees were paid by the plan.

The local's legal program which came to the rescue of Cain is but one of many now fast cropping up, in different forms, among organizations the breadth of the country, including cooperatives, student groups, church

groups, homeowner associations and the like. But the trade union movement has been in the vanguard of the development of the program, one of the most promising group plans since group medical programs were started to help solve the health crisis of soaring costs and inadequate care.

One of the most recent plans, scheduled to go into effect in January 1972, is by the Chicago Joint Board of the Clothing Workers. It is paid for by voluntary payroll deductions to a supplementary insurance program formed previously to fill in the gaps in the medical and health insurance programs negotiated in ACWA contracts.

The Teamsters union has put a legal aid plan in operation for its members in Toledo. Teachers groups in Los Angeles and in Florida now have or soon will have such plans in operation; others in New York and Michigan have them under consideration, as do the Auto Workers and the Steelworkers. Active interest is being expressed by various locals of the Retail Clerks, the Chemical Workers, the Sheet Metal Workers, the Communications Workers and a host of others. Other organizations are either expressing interest in the plans or already have them in operation.

While the plans may differ in some detail, the principle behind them is simple: Group legal services are programs through which organized groups, such as unions, provide legal assistance as a benefit of membership. By pooling prepayment amounts, members of the group are provided with legal assistance of a quality and at a price which would not be available to them as individuals. Regardless of details which vary from plan to plan, they are generally referred to as "group legal services."

The concept is not a new one. But the recent revival of interest in group legal services has stemmed from the growing awareness of a twofold problem: The bulk of middle-income Americans, a substantial portion of them in the wage-earning class, are increasingly beset by problems whose solutions require legal assistance in one form or another. These can, and often do, include such problems as disputes with landlords, conflicts over debts in an increasingly credit-card economy, battles with financing companies, troubles with auto or appliance warranties, the complexities of the sale or purchase of a home or even the drafting of a will.

Yet this segment of the population seldom, if ever, thinks of obtaining a lawyer to help handle these problems; many do not have much idea of where to get a lawyer or how he could and should help them if they did. And most often, the cost of retaining a lawyer is enough to stop them.

The other part of the problem is the lack of an effective system of delivery for legal assistance to these middle-income Americans—a problem more and more freely admitted by members of the legal profession.

Jules Bernstein, associate general counsel of the Laborers and one of the trade union movement's pioneers in group legal services, points out that "it has become apparent that for the majority of Americans—not only the perceptibly poor—the existing method of distributing legal services is woefully inadequate. Today's ordinary citizen is cast in a variety of roles, including that of consumer, taxpayer, voter, employe, parent, investor, lessee, as well as accident victim or cause. While each of these identities is beset with legal implications, too often they are undertaken without any legal advice." He also notes that "to a significant extent, the unmet need for legal services is tied to costs. Even under the 'minimum fee' schedule of many local bar associations, recommended hourly fee rates are usually no lower than $25 per hour" and specific, albeit simple, services can entail stiff flat rates.

He notes that "some evidence the public is deeply disturbed with the existing situation is indicated by the popularity of several recent books which provide 'do-it-yourself' legal advice."

The rich have always been able to afford proper legal care, and in recent years, the very poor have at least had some attention concentrated on their lack of proper legal service. This awareness has resulted in increasing availability of legal services to those in the poverty level, through neighborhood offices funded by the Office of Economic Opportunity, and through other legal aid and defender programs.

But there's a far larger group of "have nots" in between—the middle-income Americans. A study not long ago of California professions in the $10,000 to $15,000 income bracket showed that fewer than 15 percent of those who thought they had a legal problem had taken it to a lawyer—and that fewer than one in three had actually retained an attorney. Other studies by the legal profession have come to the conclusion that as much as 70 percent of the population could be lumped into the middle-income category—a group which has the largest number of legal problems in the nation, yet remains largely lawyerless.

The group legal service which rescued Cain from his troubles with the errant mule is the first of its kind and was established under unique circumstances.

The American Bar Association, concerned with the problem of making lawyers' services more readily available to middle-income groups, appointed a special committee which focused its study on the concept of prepaid legal cost insurance, according to a recent article by Henry A. Politz, chairman of the Shreveport Bar Association. A further study concluded the idea held enough promise to warrant a controlled experiment. A canvass of states showed the Louisiana insurance commissioner in favor of such an experiment; the Shreveport Bar Association was chosen to implement a prepaid legal plan and Laborers Local 229 undertook the pilot project.

The Laborers local, which consists of some 500 members—about 2,000 insureds when families are counted—agreed to contribute 2 cents an hour for all hours worked to the group legal fund. The national ABA appropriated a considerable sum and the Ford Foundation made a grant for the test-run period of two years, starting in January 1971.

Under the Shreveport plan, members of the local and their families get $100 worth of legal consultations, or about four or five sessions with a lawyer; $250 worth of conference, negotiations and research, for which the individual must pay the first $10; $515 worth of such expenses as preparations and filings of pleadings and briefs, attendance at hearings or trial, court costs, witness fees and out-of-pocket expenses, for which the individual must pay the first $25 if he is the plaintiff. After that first $515 of court expense, the participant also gets 80 percent of the next $1,000 if he is the defendant.

The individuals in the plan can retain any Shreveport lawyer of their choice. The plan does not purport to set attorneys' fees; that is up to the lawyer and the client. But the plan is geared to provide all or a substantial part of the usual fee. Also, the plan is monitored by the Shreveport Bar, whose governing board reviews the charges and can reject unreasonable claims.

As described by Politz, one of the hopes for the plan is to discover why middle-income Americans are reluctant to seek legal assistance—and to help overcome the "foe" image of the lawyer.

"Many students of the problem are convinced that the fear of the cost of legal services has acted as a very real deterrent for a large segment of the public" in engaging the services of a lawyer, Politz says. "The average wage earner has . . . little financial reserve. He usually has great difficulty handling unanticipated expenses. Too often this person is propelled into the attorney's office by overwhelming outside forces too late for an effective assistance. It is believed that this client, in many instances, did not secure timely, advance legal advice because of his fear of the cost. It is not suggested that persons believe that the cost will be more than they can afford. This belief . . . must be reckoned with."

As for one of the benefits hopefully to be derived from the plan, Politz says "it is believed that the potential client who possesses an 'insurance policy' to cover all or a substantial portion of his legal services. And he will seek such services before the crisis stage is reached . . . the law will therefore prove to be his 'friend' rather than his 'foe.' Inherent in this will be a 'humanizing' of the bar's image. . . ."

While experience from the Shreveport plan so far is limited, some conclusions are beginning to be drawn. The run on the bank that some feared has not developed; no epidemic of legal hypochondria has broken out.

The claims for legal work have run well below the most conservative estimates. Designers of the plan were prepared to pay legal fees for as many of three-fourths of the some 500 workers in the local union at a cost of perhaps $103,000 during the first year. The conservative estimate was that about 30 percent of the workers would use the plan, at a cost of $34,500. But claims have been running at about an annual rate of 100, involving some 15 percent of the covered families and about $20,000 in legal fees.

Most of the claims involve motorist cases, domestic relations and credit problems. The participating lawyers say it's a slow process to convince the group that the lawyers are there to be used even when there is no immediate problem before the union members. They concede that getting the workers to avail themselves of legal advice before trouble occurs is going to take some education; as a result, a series of lectures is being conducted to explain this feature of the plan.

But the plan also has some highly practical, though somewhat invisible, benefits just by its existence. An added feeling of security is undoubtedly enjoyed by the local's members just because the plan is there. And, according to one union official, one big asset of the plan is that "the word has gotten around that Local 229 men now have attorneys. It has caused a lot of the pressure to get off our men—especially from the small loan companies."

The Clothing Workers plan in Chicago, which is structured somewhat differently, grew out of the experience of a social service department founded in 1969 to meet the special needs of the workers in a time of a declining national economy.

According to Murray Finley, an ACWA vice president who was instrumental in putting the plan together, the new department quickly learned that about one-third of the problems reported were on legal matters, but were not job-related.

In planning the program, Finley said prior experiences dictated they start small and work up; it was thought that members would sign up for a deduction of 50 cents per month. With 12,000 active and 3,000 retired members, they projected participation of between 8,000 and 9,000 members and a budget of about $48,000 to $54,000 per year.

Initially, criminal and traffic cases will be excluded and benefits will be limited to civil matters. The social services department will screen requests, so that only those needing the skills of a lawyer will be forwarded and, conversely, cases involving protracted litigation or appeals will be avoided. Out-of-pocket costs and filing fees will be paid for by the members. If the first year proves successful, the contribution will probably be increased to $1 per month so that benefits can be expanded.

These and similar plans have stirred some enthusiasm among both members of the bar and union officials. The interest in group legal services has been great enough that the American Bar Association has been conducting conferences around the country at which attorneys, union officials, insurance industry representatives and other interested parties exchange information. One such conference has been scheduled for Washington, D.C., in late April 1972.

F. William McCalpin, head of the special ABA committee on prepaid legal insurance, voices the opinion that these plans "will be the forerunners of legal cost insurance that will be available to people on a wide-scale basis in the not-too-distant future." Indeed, where two years ago they didn't show a a flicker of interest, some large insurance concerns—among them the Insurance Institute of America—are either closely studying or working up their own insurance plans.

Obviously, one of the avenues for the spread of group legal services is through the trade union movement, which has so far been the most active in its interest and efforts to establish new plans. A proliferation of programs can be expected as unions begin to bargain them into their contracts. A group legal service plan was on the bargaining agenda of the postal unions, which got the promise of a study of the proposal by management. Other unions, too, have made moves to include it in their bargaining agendas—the Longshoremen among them.

Officials who have worked on the plans foresee several major advantages from tying them to the collective bargaining process. The group purchasing power of union members can insure that high quality legal service is provided at the lowest possible cost. Secondly, legal service programs can be linked to labor's existing community service efforts, thereby expanding their scope.

They are also hopeful that the passage of national health insurance will ease the way for negotiating other fringe benefits, such as group legal services.

But some inhibitions—which many union attorneys are confident will prove only temporary—are still present.

One is the Taft-Hartley Act. The law specifically provides for some specified fringe benefits, such as hospital, vacation and child care, and group legal plans are not among those enumerated. And present Internal Revenue regulations don't appear to provide the necessary tax exemption for trust funds set up to finance the group legal plans.

Legislation has been introduced in Congress which would eliminate at least some of these obstacles. Support of the legislation is expected from both the trade union movement and the organized bar.

The road to the Shreveport plan and other group legal service programs was not a simple one, however. As did the medical societies in the face of prepaid group health plans, the bar associations—despite their more recent support of some experiments—fought the concept with all the force at their command, which was considerable.

Such plans, in the view of the bar associations and the courts which aided and abetted the bar in its opposition, were "unethical" and hence illegal. Mainly, the bar and the courts leaned on an interpretation of Canon 35 of the ABA's Canons of Professional Ethics. Canon 35 says that, while a "lawyer may accept employment from any organization, as an entity," this employment "should not include the rendering of legal services to the members of such an organization in respect to their individual affairs." In the bar's view, the use of an intermediary organization—such as a union—as a bridge between lawyer and potential client carried with it the possibility that the lawyer's allegiance might be directed more to the organization than to the client.

It was on the basis of this and similar interpretations that the bar vigorously fought early efforts to establish group legal services of a wide variety.

Starting in 1963, however, four U.S. Supreme Court decisions involving separate group legal service plans had a dramatic impact on bar thinking and attitudes—so much so that some elements of the bar still have not recovered from them. Indeed, the legal profession is badly split as a result of the court decisions which exploded Canon 35's seeming prohibition against group legal plans. So wide is the split that many prominent lawyers fully expect some segments of the bar to continue to engage in writing new interpretations designed to throw further barriers in front of prepaid group legal services.

The first case came on a slightly unexpected front. In 1956, the Virginia state legislature passed a law forbidding the solicitation of legal business. This was during Virginia's period of "massive resistance" in its attempt to halt the integration of schools and other public accommodations—in defiance of the Supreme Court decision that such efforts were illegal.

The NAACP, seeing the statute as a threat to its efforts to win integration, began in 1957 to solicit potential plaintiffs to designate NAACP staff attorneys to represent them in desegregation proceedings.

The NAACP bore the cost of the litigation and paid its staff attorneys on a per diem basis—setting up a direct challenge to the 1956 state law.

Virginia's highest court held that the NAACP was guilty of "fomenting and soliciting legal business in which they are not parties and have no pecuniary right or liability and which they channel to the enrichment of certain lawyers employed by them, at no cost to the litigants. . . ." This was held as a violation of the state law and the bar's canons.

The U.S. Supreme Court struck down the Virginia law, holding that the NAACP's activities were protected by the First Amendment.

The bar felt the repercussions of that decision; but the Supreme Court was not finished.

The next ruling involved one of the oldest of group legal plans, that of the Brotherhood of Railroad Trainmen, now part of the United Transportation Union. Indeed, much of the evolution of group legal aid has involved the BRT.

BRT members work in small groups, often away from home, and by and large they live in small towns along the railroad right of way. As a result, their community contacts are limited, as is their access to the railroad lawyers in the big cities.

The BRT legal plan, established in 1930, was designed to overcome these problems for a member in a work injury case. In basic operation is unchanged from the earliest days: The union selects attorneys to represent workers in cases under the Federal Employers Liability Act. Officers and members of the BRT are instructed to refer injured members or the survivors of deceased members to these regional counsels. Fees were agreed to in advance, although each lawyer-client relationship was individual.

The plan was not long in coming under attack. While the suits were generally brought in the name of the bar, they were usually initiated by the interested railroad or the American Association of Railroads, which in the large financed the prosecutions.

In California in 1950, the state supreme court ruled in a case initiated by the state bar that the regional counsel for the BRT had violated rules of professional conduct by participating in the plan. As a result of this ruling, the American Association of Railroads in the 1950s succeeded in having bar proceedings instituted against BRT regional counsels in seven other states.

One of them, a Virginia case, reached the Supreme Court, which overturned the Virginia ruling as a violation of the first Amendment. The Supreme Court specifically refuted the claim that the BRT's legal aid program was a scheme of solicitation. The court said:

"What the State of Virginia has sought to halt is not commercialization of the legal profession which might threaten the moral and ethical fabric of the administration of justice. It is not 'ambulance chasing.' The railroad workers, by recommending lawyers to each other, obviously are not themselves engaging in the practice of law, nor are they or the lawyers whom they select parties to any solicitation of business. . . . We hold that the First and Fourteenth Amendments protect the right of the members through their Brotherhood to maintain and carry out their plan for advising workers who are injured to obtain legal advice and for recommending specific lawyers . . . and of course, lawyers accepting employment under the constitutionally protected plan have a like protection. . . ."

Later, in a 1967 case between the Mine Workers and the Illinois State Bar Association, the Supreme Court reinforced and extended the rulings in the NAACP and BRT cases. The UMW had employed, since 1913, a lawyer on a salaried basis to represent members and their dependents with claims for persons injured or killed under Illinois' workmen's compensation law. In the BRT plan, the injured member was personally responsible for payment of the lawyer's contingent fee, but in the Mine Workers' plan, the lawyer was compensated directly and solely by the union on a salary basis.

It was this difference which the Supreme Court sanctioned and which was the major importance of the case. "We do not think our decisions (in the NAACP and BRT cases) can be so narrowly limited," the court said. "We hold that the freedom of speech, assembly and petition guaranteed by the First and Fourteenth Amendments gives petition the right to hire attorneys on a salary basis to assist its members in the assertion of their legal rights."

The fourth Supreme Court decision was handed down in April 1971 in a case involving the Michigan bar and, again, the United Transportation Union. It was also the third time the majority decision was written by Supreme Court Justice Hugo Black.

The language was quite strong: "The Michigan State Bar brought this action to enjoin the members of the Brotherhood of Railroad Trainmen from engaging in activities . . . to protect themselves from excessive fees at the hands of incompetent attorneys," the court said in the opening paragraph.

"The common thread running through our decisions is that collective activity undertaken to obtain meaningful access to the courts is a fundamental right within the protection of the First Amendment. However, that right would be a hollow promise if courts could deny associations of workers or others the means of enabling the members to meet the cost of legal representation," the decision concluded.

Robert Connerton, general counsel of the Laborers, sees the court decisions as a natural adjunct to other progressive breakthroughs of the 1960s. "In the past decade, we have come a long way," Connerton said. "We witnessed a veritable revolution brought about by decisions of the Supreme Court and acts of Congress which have resulted in widespread acceptance of the principle that citizens have a right of access to competent counsel, in fact. First, the court ruled that the Constitution requires that indigent defendants in criminal proceedings be provided with legal representation.

"During this same period, the Congress enacted legislation which included provisions for free legal services as an essential weapon in the war on poverty," he said. "Since that

time hundreds of thousands of poor people, through neighborhood legal service, and other federally financed plans, have been provided with decent legal representation and given a stake in the system they never possessed before."

Connerton also sees a far-reaching cumulative effect of these and related decisions. "It has long been commonplace in our society that the rich received adequate legal representation—that corporations, merchants and the like obtained the best legal help—but that the middle class and the poor could not afford proper counseling and suffered much in consequence," he said.

"Surely, in our system it was not the tenants who drafted the model landlord-tenant laws, the insured who drafted the insurance contracts, the debtors who drafted the installment contracts. Nor could they afford proper representation when disputes arose concerning the application of such instruments."

Legal assistance for the impoverished and accessible legal services for the wage earner through group plans could be major steps in correcting this imbalance in the future, Connerton said.

Court rulings have all but eliminated the previous barriers to the formation of group legal services—as far as objections of the bar are concerned. But while they have been greeted with dismay by some within the ranks of the bar and some local and state bar associations may continue to oppose group legal plans, they also have created some hope that the bar will now take a more realistic attitude toward the formation of such plans and indeed assist in this formation.

To some extent, this is being done. In 1968, the bar began serious exploration of prepaid legal service systems, appointing a committee to explore the field thoroughly and launch appropriate pilot programs which would allow the client a free choice of a lawyer in his community. And, as previously noted, the bar association is one of the Shreveport sponsors.

Indeed, some of the legal profession's most prestigious spokesmen are bluntly telling their brethren that group legal services plans are the coming thing and that if the bar members don't get into the research, planning, sponsorship and participation, they are going to be left out—to the detriment of the entire profession.

Robert W. Meserve, president-elect of the ABA, had some advice for the legal profession in the November issue of the ABA Journal in an article titled, Our Forgotten Client: The Average American.

"Fundamental changes in the mode of practicing law will be determined to our disadvantage" if lawyers do not make intense efforts to help provide better legal services to the persons of moderate means, he said. "We know from old and new public opinion polls . . . that a lawyer is generally regarded by the public as a necessary evil rather than as a helping hand" and that they have "a far from winsome public image," Meserve said.

Group legal service plans, he warned, are becoming more and more widespread. "The figures from California, Florida and Missouri show that somewhat more than 200 group arrangements exist in those states. If one visualizes the familiar iceberg concept, he can guess that there may be about 4,000 of these plans in the country," Meserve said.

Noting that many of these came about through activities of the union and include the preselection of lawyers, he adds that "while we may properly complain about the preselection feature of these group arrangements, the simple truth is that the profession itself has not given the trade unions any viable alternative to their closed systems. Our lawyer referral systems, no matter how well staffed and equipped with competent and available lawyers in special areas, do not respond fully to the demand for prepaid service."

Simply, he is telling the legal profession it has not handled this challenge; it has ignored the potential client of moderate means.

Obviously, legal insurance for the consumer, not just in trade unions but in the community and perhaps the country at large, could potentially have a tremendous impact on society in general.

Such legal insurance would make it economically feasible for a greatly displeased group of consumers or stockholders to put considerable pressure on large institutions. The man who regards a corporate action as an outrage is more likely to bring suit if he can afford the lawyer's bill. Amassing thousands of premiums would increase in the consumers clout tremendously.

"Whatever form they take, group legal service programs clearly offer an enormous potential for providing needed legal service to millions of Americans who otherwise could not afford it," says Bernstein.

As yet, however, not enough experience with the group legal plans has been compiled to show what should be the range of benefits provided and what would be a reasonable cost and system of payment. Not many of the beginning plans are yet self sufficient; the Shreveport plan is, as mentioned, a subsidized one with 2 cents per member per hour worked coming from the union. It's figured roughly that 7 cents an hour would fully support the plan.

Other plans are running at a loss while a "track record" is being compiled and estimates are made on what the total cost would be if the deductibles, such as in the Shreveport plan, were removed. One estimate is that a plan to pay all legal expenses involved in such matters as civil proceedings, felony trials, wills or divorces would cost nearly $10 a month per member, with an additional $4 if the family is included.

"We are now at the same historical stage of development with prepaid legal plans as medical plans were 25 years ago," Connerton says. "Unless unions participate now at the formative stage to use their mass purchasing power to insist upon quality services at a reasonable cost, then the same mistakes and waste which occurred in the medical service field will come to pass here."

The early returns also are encouraging in their efforts to persuade more workers to seek out lawyers and use their services. Group legal service holds the promise of becoming an important future development in collective bargaining as well as in other, more widely-based plans designed to bring the benefits of legal services to the forgotten middle American—and at a price he can afford.

ARE MEAT PRICES OUT OF LINE?

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. ZWACH. Mr. Speaker, there has been a good deal of talk, statements in the press and advertisements urging people not to buy beef because the price is too high.

In the last 20 years, the farmers' cost of production has doubled, wages for farm help have doubled, farm real estate taxes are 3.6 times higher, and they are paying twice what they had to pay for farm machinery.

At the same time, farmers are receiving approximately what they received 20 years ago for their products while wage earner's salaries have increased 340 percent.

Twenty years ago the consumer spent 23 percent of total income for food, today it is 16 percent.

But now that the farmer is getting prices that he received 20 years ago, especially for beef, advertisements are taken out against the farmer but nothing is said about the processing and the packaging that is done from the time the product leaves the farm until it is sold over the counter.

The record must be set straight and the consumer must understand who is to blame for higher prices. It must be placed squarely on the processors and the same food stores which are now asking cussumers to buy substitutes for "high-priced" meat.

CHAIRMAN CATHERINE BEDELL SPEAKS ON ROLE OF TARIFF COMMISSION IN THE 1970'S AND BEYOND

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. MINSHALL. Mr. Speaker, our esteemed former colleague, the Honorable Catherine Bedell, is doing a magnificent job as Chairman of the U.S. Tariff Commission. This comes as no surprise, certainly, to those of us who had the privilege of working with her during her service in the House of Representatives. This attractive, energetic lady has one of the keenest minds in the Nation's Capitol, combined with charm, wit and tact.

Mrs. Bedell was the keynote speaker at last week's Cleveland World Trade Conference, discussing the role of the Tariff Commission during this decade and later in an address that faces boldly and imaginatively the challenge of our present and future trade problems.

This is an important address which deserves the attention and consideration of all in the Congress:

THE ROLE OF THE TARIFF COMMISSION IN THE SEVENTIES AND BEYOND

It's a pleasure to be with you this morning to discuss the role of the Tariff Commission in the 1970's and beyond. As your keynote speaker, I find this a fitting subject within the context of your conference theme: "World Marketing—One Upmanship."

Under the sponsorship of the Cleveland World Trade Association you're devoting this day to concentration on some of the important aspects of international trade. As suggested by the Conference theme, your discussions will be dealing with how to cope with the new and complex problems resulting from rapid changes and shifts in trade patterns.

You are to be congratulated for focusing attention in this area. Every citizen of this nation has a big stake in this game, for if we come up with more wrong answers than right ones, we run the real risk of becoming a second class economic power.

At the U.S. Tariff Commission we bear a heavy responsibility to help both the Federal government and the private sector find the right answers, for economic intelligence can reduce the risk of one upmanship. Our statu-

tory charter gives us the capability as a bipartisan fact-finding agency to assemble and provide this vital intelligence on which Congress and the President can make sound policy decisions affecting world trade.

Before telling you something about the Tariff Commission, there are a few things I hope you will keep in mind as you pursue your discussions today.

With the President's announcement on August 15, 1971 of major changes in his domestic and international economic program, we, as a nation finally faced up to the facts of life in terms of the economic situation at home and abroad.

In the best American tradition we had believed ourselves to be the world's foremost economic power. Somewhat simplistically we assumed we'd always remain so. This complacency over the past decade has lulled us into the feeling we need not change or review our policies and the implications of their impact on the world of international economics.

We were not alone. The rest of the world assumed that since we had been an economic superpower we would always remain one. In addition, everyone assumed the international monetary and trade system, created after World War II, which had worked well would continue to do so.

At home after years of seemingly unending success, we were lulled into neglecting productivity, quality, research and development and export marketing. We consistently ignored the warning signals only to hit an inflation rate of more than 6%, and a balance of payments deficit of more than $8 billion. A negative trade balance stared us in the face for the first time in almost 80 years. The handwriting was on the wall and strong measures were necessary to brake and reverse our declining trade position. President Nixon took them.

In the President's recent *Report to the Congress on Foreign Policy for the 1970's* he pointed out that world trade affects the standard of living and the welfare of citizens the world over. For this reason, the removal of barriers to the free exchange of goods in the international market has been a major cornerstone of U.S. policy since the 1930's.

The results have been impressive. Since World War II, tariffs of industrialized countries have been reduced one-third. Between 1950 and 1970, U.S. exports quadrupled from $11 billion to $43 billion. U.S. workers, farmers, and businesses have gained greater access for their products abroad while Americans at home have benefited from an increasingly wide variety of products from other nations. The postwar prosperity experienced by us and our trading partners has been enhanced by a growing trade between us which provides a solid underpinning for our strong political bonds.

In recent years however, international trading relationships have changed. The European Community and Japan are now centers of economic power and strong international competitors. The European Community today is the larger trading area in the world. Japan has made rapid advances in productivity and become a vigorous exporter.

These changes have focused greater attention on discriminatory trading arrangements which are assuming greater importance. Nontariff trade barriers have been erected, and past reductions in tariffs have exposed other barriers to trade which have not been dealt with adequately. Our problems at home have been complicated by the fact that these barriers in many cases, unwarranted and outmoded, are detrimental to our exports. They have been focal points of political friction and have held back growth in employment in specific U.S. industries.

As a nation, we are now taking strong measures to reverse our declining trade position.

The President's trade policy objectives in 1971 were:

To curb inflation and realign exchange rates, thereby increasing the competitiveness of American products;

To seek removal of specific barriers to U.S. exports;

To set the stage for further international negotiations leading to a more fundamental attack on trade barriers;

To strengthen the export competitiveness of American industry;

To facilitate adjustment of domestic industries to the pressures of excessively rapid import increases, and to assist in some cases with measures to cushion the impact of these pressures;

To broaden and increase opportunities for trade with Communistic countries.

The Administration has made progress in resolving a number of trade issues which will result in the removal of certain restrictions against American exports. It is working towards agreement with our trading partners to bring about multilateral negotiations in 1972 and 1973 with a view to a removal of barriers and an expansion of world trade.

Now with this background and the Administration's announced goals in mind, let me review with you what the Tariff Commission does and the implications of its work on trade policy and international economics.

If you've been wondering why you possibly don't know much about the Tariff Commission, let me assure you that you are not alone. You have lots of company, for the Commission seems to have been one of Washington's best kept secrets.

The Tariff Commission is a rather unique creature of government. It consists of six members, three Democrats and three Republicans appointed by the President, normally for six year terms. It reports directly to the President and Congress.

As you may recall from school days, the tariff has been a burning issue down through our nation's history. Through creation of an independent bi-partisan fact-finding agency Congress hoped to minimize politics in tariff matters.

The Commission was formally established on September 8, 1916. Its main objective as a fact finding body was to collect and analyze information on commodities entering in international trade—particularly competitive production costs and the effects of imports on domestic production.

In 1922, new legislation expanded the Tariff Commission's work four different ways.

1. The President could adjust, either up or down, individual tariff rates but only after completion of a Tariff Commission investigation.

2. It provided for investigations into unfair methods of competition as a means of safeguarding American industry.

3. The Commission was empowered to investigate any discrimination of any foreign country against U.S. commerce.

4. It was also empowered to investigate the cost of production and international competition.

These provisions, slightly modified by the Tariff Act of 1930, provide the legal basis for much of the Commission's work today.

The Commission is also directed or authorized to conduct investigations under provisions of the Trade Expansion Act of 1962, the antidumping Act of 1921 and the Agricultural Adjustment Act.

It also undertakes research and special studies relating to significant aspects of the commercial policy and international trade of the United States. These studies may be requested by the Congress, the President, or undertaken on the initiation of the Commission itself.

In recent years, as domestic industries, firms and workers have begun to feel the impact of foreign competition, and possible injury, the workload of the Commission has drastically increased. This past fiscal year. the Commission completed 86 of these investigations. Our case load increased four times over fiscal year 1970, and this year we've already started 53 investigations since July 1, 1971. The number continues to grow.

Section 301 of the Trade Expansion Act of 1962, authorizes the President to take measures to assist segments of the U.S. economy which are being injured or threatened with injury as a result of trade concessions. Under these provisions the President, subject to the findings of the Tariff Commission, may increase duties or impose other import restrictions. He may authorize assistance to industries, firms or workers. He may also take a combination of actions. However, the Tariff Commission must first determine that (as a result, in major part, of trade agreement concessions) an article is being imported in such increased quantities as to cause, or threaten to cause, serious injury to an industry or firm, or the unemployment or underemployment of a group of workers.

It is important to note that under the existing law the Tariff Commission must find injury within a narrow criteria. Here many industries and workers fail to understand that unless imports are due *in major part* to duty concessions, there is nothing the Commission can do even though imports may have increased substantially. There is no relief at present for the victim injured by imports which result from any other reason.

In addition to formal investigations, the Tariff Commission is also empowered by law to conduct in depth studies. At the request of two of our major "clients"—the President and the Congress—we have embarked on five significant studies that will require two years and thousands of man hours of work by Tariff Commission experts—studies that you will recognize as having tremendous implication for some of the most crucial trade decisions the United States must make in the seventies and beyond.

These studies include a multi-faceted approach to analyzing the competitiveness of American industry in the world of today.

Of prime importance is a study of the implications of multinational firms on world trade and investment. Also underway is a study on tariff and nontariff barriers among principal trading nations, a study of the nature and extent of tariff concessions granted in U.S. trade agreements, and a study of the customs valuation procedures of U.S. and foreign countries.

Now, these studies, coupled with our investigation load, have provided motivation to the Tariff Commissioners in another area. With the encouragement of the President and the Congress, we're spending a lot of time on a revaluation of the day-to-day administrative operations of the Commission itself. There are several things we are trying to do.

First, our initial preoccupation is the strengthening of the Commission staff which historically has been known for its excellence. In order to assume the role assigned to us by the Congress we must add experts from all fields—young people, and creative minds from the legal and economics professions. Quality must not be compromised.

Second, the Commission is broadening its scope of work. There's more to its role than an analysis of imports, and there's a wealth of information to be gathered abroad. We must find ways to pursue this problem more aggressively.

Third, the Commission must develop further sophistication in its work. It must find the most effective and accurate ways of utilizing automatic data processing techniques to greatest advantage. As an independent agency which must utilize statistical information from a wide variety of sources—public and private. I believe the Tariff Commission must provide leadership to improve the quality of foreign trade statistics and eliminate duplication of effort.

Our goal is still that set by the Commissions first Chairman, Dr. Frank Taussig who put it rather succinctly when he said, "We will proceed with care and method that we shall be accurate, painstaking, discriminating. We shall refrain from guess, rumor, exaggeration, vague and untested general statements. We will proceed in a scientific way if we gather all the information we can, sift it with care, present it clearly, and apply it intelligently".

In 56 years of Tariff Commission history there have been periods of controversy and even question for its need. Those questions are not being raised any more. With the advent of recent shifts in the world trade situation has come a wide spread appreciation of the need for sound fact finding based on one essential ingredient—objectivity. This is essential in the development of our nation's trade policy. There are other reasons.

First, a commission can develop a staff of high expertise. As an independent, bipartisan, fact-finding agency it is less susceptible to divergent forces in our domestic economy. It is less affected by the bias and prejudice of partisan controversy, and last but not least it provides continuity. Executive agencies change—so does the Congress!

Second, over the years the Tariff Commission has earned the trust of industry, as no other government body has, because it has respected and preserved the confidentiality of the information supplied it by business concerns and associations.

Perhaps the most important statutory role the Commission has is the authority to initiate research studies on its own motion. Through such an effort we can develop instructive and believable information that will be applicable and useful in the light of today's situation.

My fellow Commissioners and I are devoting more and more thought to this problem. We are concerned about what we should be preparing for, and how the Commission can be more responsive to the needs of Congress and the President. It can and should provide important insight into critical trade problems and issues as they develop rather than react to a crisis.

As Secretary of Commerce Peter Peterson pointed out in a recent speech before the White House Conference on the Industrial World Ahead, we spend many millions and even billions on defense intelligence and research in support of our international political and security relation ships. It seemed to him we should devote more governmental effort to a kind of world-wide economic intelligence effort, and he went on to say. "Getting a better handle on where we stand, and stand relative to others, is but a first step in developing a strategy for the future". I agree!

In this area what are the specific kinds of improvement and positive action that the President or Congress may wish to consider? How does this affect the Tariff Commission?

For example, a number of trade bills are now before Congress and the Administration will undoubtedly introduce additional proposals in the near future. As in the past, the Commission will be called upon for supporting information and assistance. It must be ready to respond.

In another instance, the elimination of unfair and deceptive trade policies in connection with the importation of foreign products is an objective that could be achieved through strengthening the Tariff Commission. Section 337 of the Tariff Act of 1930 contains a little known, and seldom used, provision that says in effect:

"Unfair methods of competition and unfair acts in the importation of articles into the United States, or in their sale—the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States, or to prevent the establishment of such an industry, or to restrain or monopolize trade and commerce in the United States, are—unlawful, and when found by the President to exist shall be dealt with, . . ."

The second paragraph of this section goes on to say:

"To assist the President in making any decisions under this section the Commission is hereby authorized to investigate any alleged violation hereof on complaint under oath or upon its initiative."

The basic authority to support the Commission's vital role is on the statute books. It must look ahead, and again I emphasize, it must provide the facts on which the President and Congress can act. As we serve these two highly important clients more effectively our role at the Tariff Commission can minimize injury from imports, facilitate reciprocal trade, and thereby strengthen the nation's economy.

What does all this mean to the Federal Government? What does it mean to business and labor? And how does it affect world marketing?

First, good solid economic facts are the basis for second trade policy decisions. A revitalized and strengthened Tariff Commission will mean the availability of objective information on a more timely basis so we as a nation will have the facts on which to act.

Second, the Commission will hopefully develop new and more sophisticated means at getting at this information that will benefit industry, labor and government.

Third, through new initiatives and studies the Tariff Commission can provide the supporting information on which Congress and the President can forge a trade policy for the 1970's. A policy where foreign importers must compete fairly according to the dictates of our laws, where American products are once more competitive here and abroad, and where we have expanded reciprocal trade.

If government in partnership with business and industry can succeed, we will have helped to reduce the risk of one upmanship in world marketing. The way will have been paved for meaningful and aggressive trade expansion. Through increased exports you as world marketeers can reverse the balance of payments problem, broaden our economy and strengthen our position as a leading exporter in the world.

I wish you well.

PRESIDENT'S ECONOMIC STABILIZATION PROGRAM

HON. BEN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. BLACKBURN. Mr. Speaker, the President's Economic Stabilization Program has come under a great deal of criticism because of the departure of certain labor members from the Wage Board and the increase in prices. It has always amused me that the press tends to report only the adverse side of the President's program. Little coverage has been given to the success of the Committee on Interest and Dividends, which is headed by Federal Reserve Board Chairman Arthur Burns.

The Committee on Interest and Dividends—CID—was created by Executive Order 11627, dated October 15, 1971. The purpose of this Committee is to formulate and execute a program for obtaining voluntary restraints on interest rates and dividends as part of the President's post-freeze Economic Stabilization Program. The members of the Committee are the Chairman of the Federal Reserve Board—Chairman—Secretaries of Treasury, Commerce and Housing and Urban Development, and the Chairmen of the Federal Home Loan Bank Board and the Federal Deposit Insurance Corp.

With respect to dividends, the executive order of October 15, 1971, was promulgated pursuant to the President's earlier announcement of a comprehensive stabilization program in which he stated that "holding the line against inflation means holding all of that line." The Committee on Interest and Dividends regards the restraint of dividends as an important aspect of an effective stabilization policy, helping to assure that any increase in dividend income will be equitably related to increases in other types of compensation and contributing to healthy economic growth.

The CID was the first of the several organizations comprising the post-freeze economic stabilization program to issue a numerical guideline for 1972. Those Guidelines for Dividend Payments in 1972, issued on November 15, 1971, are the core of the dividend restraint program. As a general principle, the guidelines provide that payment of dividends in 1972 should be restricted to 4 percent above the base year. Other provisions defined the coverage of the guidelines and stipulated that the dividend freeze imposed in mid-August was extended through 1971. The Committee had since issued seven amendments that have modified the original dividend guidelines.

Since assuming responsibility for the dividend restraint program from the Cost of Living Council—COLC—the CID has reviewed thousands of dividend declarations by the approximately 7,000 U.S. companies now covered by the guidelines. As of early March 1972, dividend declarations by 17 companies were found by the CID to be inconsistent with the voluntary programs, and all 17 companies agreed to rollbacks or offsetting arrangements. The COLC had found an additional 12 companies to be inconsistent with the program and all 12 of these companies also had agreed to rollbacks or offsetting arrangements.

In the interest area, the Committee on Interest and Dividends is developing a program to obtain voluntary restraints on interest rates. At the outset, particular attention has been focused on interest rates that closely affect American families, including residential mortgage and consumer credit rates. Mindful that some other rates have been sluggish in adjusting to movements in overall market rates, the committee had under surveillance the rates charged by a variety of institutions.

The interest program of the CID consists of three parts: First, surveillance of interest rate developments; second, reports of developments to the Cost of Living Council and the public; and third, contracts with lending institutions and other organizations knowledgeable about interest rates.

NEW SECURITY CLASSIFICATION EXECUTIVE ORDER PERPETUATES CENSORSHIP AND SECRECY

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. MOORHEAD. Mr. Speaker, on March 21, 1972, I inserted in the CONGRESSIONAL RECORD (E2774) a section-by-section comparison and staff analysis of the old Executive Order 10501 and the new Executive Order 11652, scheduled to become effective on June 1, 1972, entitled "Classification and Declassification of National Security Information and Material."

In my introductory remarks, I summarized the major defects of the new order, its technical errors, and its shoddy handling of the administrative details involved in the important security classification area. I asserted that, despite the eloquent description of the shortcomings in our present system contained in the President's statement accompanying the new order, our careful analysis of its contents shows that it is a very restrictive document. In subsequent testimony before the Foreign Operations and Government Information Subcommittee, former Ambassador Arthur Goldberg called it "overly restrictive." Moreover, the analysis showed glaring loopholes, too many savings clauses, and procedures that would have the very opposite effect from that claimed by the President in his announcement statement. In my judgment, it is a document written by classifiers, for classifiers, that will only perpetuate the security classification management bureaucracy—without dealing with the real problems of the system as a whole.

Mr. Speaker, I was pleased to note an article about the new Executive order, written by Mr. William G. Florence, that appears in the current issue of the Federal Times. His article confirms, in large part, the serious shortcomings in the new order that are described in the subcommittee staff analysis. Mr. Florence is one of the outstanding experts on the security classification system in the United States. He served for some 43 years in military and civilian capacities in our Government and assisted in the policy preparation of Executive Order 10501 and its implementing directives. He retired from the Air Force last summer and was a witness before the Foreign Operations and Government Information Subcommittee at our hearings in June 1971, in which we most recently examined the deficiencies of our security classification system in connection with the publication of the so-called Pentagon papers.

Mr. Speaker, Mr. Florence's article clearly illustrates the major deficiencies of Executive Order 11652 and again points up the urgent need for Congress to consider a legislative alternative to remedy the important problems inherent in attempting to deal with security classification matters by Executive orders. The text of the aricle follows:

NEW SECURITY CLASSIFICATION EXECUTIVE ORDER PERPETUATES CENSORSHIP AND SECRECY

(By William G. Florence)

Executive Order 11652, subject: Classification and Declassification of National Security Information and Material, was signed by the President March 8, 1972. Effective June 1, 1972, it will replace Executive Order 10501, subject: Safeguarding Official Information in the Interests of the Defense of the United States, November 5, 1953.

In his statement announcing the new order, the President expressed awareness of the fact that "the system of classification which has evolved in the United States has failed to meet the standards of an open and democratic society." He condemned "the controls which have been imposed on classification authority" as having "proved unworkable," and stated that "the many abuses of the security system can no longer be tolerated."

The issuance of Executive Order 11652 was described by the President as an action "designed to lift the veil of secrecy which now enshrouds altogether too many papers written by employees of the Federal establishment." He acknowledged that "we cannot be assured of complete success," since "we must rely on the good judgment of individuals." However, the President stated: "I believe that our new approach does provide a basis for considerable optimism."

The Assistant Attorney General (Office of Legal Counsel) and the Department of Defense General Counsel testified in detail March 8–14, 1972 about Executive Order 11652 before two committees of Congress. They expressed the view that the new order would increase the flow of information to the public. It was their contention that (1) unnecessary classification would be reduced, and (2) declassification would be accelerated.

This writer has studied Executive Order 11652 in the light of his experience as a security policy officer in the Federal Government for 26 years and a security consultant to government contractors since retirement in May 1971. Comments regarding the new order follow.

TYPE OF SYSTEM

The system for classifying information as top secret, secret, and confidential is outdated. It is substantially the same as the Army and Navy used before World War II to classify a very small volume of military information as secret or confidential. The system cannot work in a gigantic bureaucracy of millions of employees with millions of classification stamps.

SCOPE

A major improvement in Executive Order 10501 was substitution of the narrow terms "national defense" and "defense information" for the broader terms "national security" and "security information" that were used in Executive Order 10290. Reinstatement of the vague term "national security" in Executive Order 11652 invites wider classification coverage. (Also, the order is at variance with laws using the term "national defense.")

PREAMBLE

The claim that information classified under the order is exempted from public disclosure by the Freedom of Information Act is false. Exemptions are *permissive*, not mandatory. Also, the order misrepresents any "wrongful disclosure" of classified information as being a crime and subject to prosecutive action under the Federal Criminal Code. The truth is that there is no basis in law for an Executive order to threaten the press, members of Congress or anyone else for wrongful disclosure of information.

NUMBER OF CLASSIFICATIONS

Multiple classifications invite confusion, promote uncontrollable overclassification, and reduce the effectiveness of the security system. But the new order keeps three classifications. According to the Department of Defense General Counsel, adoption of a single classification was rejected because (1) NATO has a multi-category system, and (2) a top secret clearance would be expected for everybody, which would be too expensive. He did not reflect the fact that (1) we eliminated the restricted classification in 1953 after NATO had adopted it, and (2) clearances for access to classification categories are virtually worthless. Anyway, an individual's duties determine whether to permit him access to a given item of classified information.

CLASSIFICATION CATEGORIES

The top secret category in the new order is at least as broad as it is now. The secret category could include more information than at present. Programs need not be of vital importance any longer. The new confidential criterion "expected to cause damage to the national security" includes as much information as the existing "prejudicial to defense interests of the nation."

AUTHORITY TO CLASSIFY

Under Executive Order 10501, classification authority may be exercised only by a department head and such other persons as he or his representative designates. The delegation "shall be limited as severely as is consistent with the orderly and expeditious transaction of Government business." The *new* order only requires that (1) the head of a top secret classification department designate other persons who may classify as top secret, and (2) that the head of a secret classification department designate other persons who may classify as secret. In the top secret classification departments, *whoever* is delegated top secret classification authority may in turn designate *any or all* of his subordinates to classify as secret. In both the top secret and secret classification departments, *whoever* is delegated secret classification authority may in turn designate *as many* "officials" as he wishes to classify as confidential. The new order will eliminate existing controls and proliferate classification authority far beyond that envisioned by Executive Order 10501.

DECLASSIFICATION

Executive Order 10501 states that when classified information or material *no longer* requires protection, *it shall be declassified*. Heads of departments were directed to establish effective declassification programs on a continuing basis. Executive Order 11652 only states *who* shall *exercise* declassification authority. It does not require or even suggest any declassification of *current* information. The people could be getting *less* information in the future to use in making their decisions.

SCHEDULE FOR AUTOMATIC DECLASSIFICATION

Administration spokesmen have represented the new 10–8–6-year *automatic* declassification schedule in the new Executive order for top secret-secret-confidential information as the answer to the public's right of access to *historical* material. But the various authorizations for exemptions from automatic declassification will permit at least as much information to be kept classified as at present. For example, the following exemption in the new order is as broad as its counterpart in the existing order: "Classified information or material disclosing a system, installation, project or foreign relations matter the continuing protection of which is essential to the national security."

DISSEMINATION CRITERIA

The existing order limits dissemination of classified information to persons for the performance of *official* duties in the interest of promoting the national defense. The new order *expands* the dissemination criteria to

persons whose access "is necessary for the performance of his duties." The limitation to official purposes has been eliminated. This reflects the wider scope of the new order as compared with Executive Order 10501.

SPECIAL ACCESS PROGRAMS

The new order broadens the authority of departments to establish "special access" programs, with special stamps to keep the people from knowing about them. The additional restrictions exist only because the effectiveness of classification markings has been ruined by wide abuse. Evidently, improvement is not foreseen.

FORMER OFFICIALS

The new order will permit former Presidential appointees to have access to any classified material which they signed or approved, or which came into their respective offices. This unjustifiable special privilege policy could only have been adopted in anticipation of continued massive unnecessary classification and massive unnecessary exemption from declassification.

POSSIBLE SANCTIONS

The new order, for the first time, requires that a person who abuses the classification process be told that he has violated a Presidential instruction. "Repeated abuse" will be grounds for a possible administrative reprimand. This has been hailed as a step forward in controlling overclassification. But the requirement will have no effect on the blanket application of classification assigned by departmental regulations or classification guides for specified programs. And there really is no basis in language such as "repeated abuse" to assume that individuals will be reprimanded. However, anyone unfortunate enough to be accused of mishandling documents with a counterfeit classification will probably get punished severely.

SEPARATE INSTRUCTIONS

Additional instructions will be issued by the President on access, marking, safekeeping, accountability, transmission, disposition and destruction of classified information and material. The procedures will control the effectiveness of the new order. Unquestionably, the reason that they were not published with the other instructions was that the people who drafted and staffed the order could not agree on what was needed. When the procedures are issued they will reflect the different purposes and operations of the participating departments. The basic principle that security is the responsibility of command will surely be sacrificed for committee compromise.

INTERAGENCY CLASSIFICATION REVIEW COMMITTEE

A committee of representatives of the Departments of State, Defense and Justice, the Atomic Energy Commission, the Central Intelligence Agency and the National Security Council, plus a chairman, will be established. Its functions will be (1) to oversee department actions to ensure compliance with the new order, and (2) to review complaints and suggestions made by anyone and assure that affected departments take appropriate action. But, in truth, no committee of employees can require that a department head do anything that he does not choose to do.

If the people want unnecessary secrecy eliminated regarding Executive branch operations, they must look somewhere other than Executive Order 11652 for the answer. The President changed the number and some of the language in the existing order. But he re-established the same system for administrative classification and censorship that he condemned as having failed to meet the standard of our open and democratic society.

It is clearly the responsibility of Congress to correct the abuses of administrative power being exercised under Executive Order 10501. Along with other action now being considered, legislation could be enacted to define the national defense data that must be protected. Responsibility for administration of the law by the Executive branch would be determined by Congress, not the President.

A BRIEF LOOK AT ENVIRONMENTAL CAUSES OF ACTION

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. WILLIAM D. FORD. Mr. Speaker, an excellent article on environmental law written by Mr. James W. Moorman, a member of the District of Columbia bar, recently came to my attention. This article, which appears in the Janary 1972 edition of the Practical Lawyer, provides a clear and concise summary of the theories of actions under which lawsuits may be brought to protect our environment.

It is based on a paper delivered at an ALA–ABA Course of Study on Environmental Law in Washington, D.C., cosponsored by the Smithsonian Institution, and it contains a wealth of information for all of us who are committed to protecting our environment. I was especially pleased to note Mr. Moorman's reference to Michigan's new environmental protection act which allows citizens to bring suits for the protection of the environment.

Mr. Speaker, at this point I would like to insert this article, entitled "A Brief Look at Environmental Causes of Action," into the RECORD for the perusal of my colleagues:

A BRIEF LOOK AT ENVIRONMENTAL CAUSES OF ACTION

(By James W. Moorman)

This article will provide a brief survey of the theories of actions under which lawsuits may be brought to protect the environment. These suits fall into three general categories. The first two will be mentioned in passing, with greater attention being devoted to the theories and pleadings concerning the third.

GOVERNMENT AS ENVIRONMENTAL PROTECTOR

The first category consists of lawsuits in which the Government, either as plaintiff or as defendant, is on the side of environmental protection. There are many such cases, and they were, up until 1970, probably the most important environmental lawsuits.

To some extent, actions in which the United States seeks to protect the environment involve claims or causes of action that are not available to the private party.

Government as plaintiff

Examples of this category where the Government is plaintiff are suits under:

The Refuse Act [Rivers & Harbors Act of 1899, § 13, 33 U.S.C. § 407. See, e.g., *United States v. Standard Oil Co.*, 384 U.S. 224 (1966); *United States v. Republic Steel Corp.*, 362 U.S. 482 (1960)];

The Federal Water Pollution Control Act [33 U.S.C. § § 1151–75; *United States v. City of St. Joseph*, 1 Environmental Law Reporter [cited, E.L.R.] 10124 (W.D. Mo. 1960)]; or

The Clean Air Act [42 U.S.C. § 1857–1858a; *United States v. Bishop Processing Co.*, 287 F. Supp. 624 (D. Md. 1968), *aff'd*, 423 F.2d 469 (4th Cir. 1970), *cert. denied*, 398 U.S. 904 (1970)].

Government as defendant

When the Government is protecting the environment as the defendant, it is usually because some private party is attempting to overturn an administrative decision. A recent prominent example is the case of *Zabel v. Tabb* [430 F.2d 199 (5th Cir. 1970)], in which the Corps of Army Engineers denied a permit to dredge and fill navigable waters.

Another case is the *Nor-Am* decision, in which the Court of Appeals for the Seventh Circuit *en banc* upheld the decision of the Department of Agriculture to suspend registrations of poisonous mercury fungicides. *Nor-Am Agricultural Prod., Inc. v. Hardin*, 435 F.2d 1151 (7th Cir. 1970).

An unusual case is one such as *Udall v. Federal Power Commission* [387 U.S. 428 (1967)], which involved a suit by a government officer against a government agency, in which the Court itself pointed out the environmental protection factors with little assistance from either party.

SUITS BETWEEN PRIVATE PARTIES

A second category of suits consists of those brought by private parties against private parties. This is an intriguing group, because it includes two distinct subcategories, one crumpled and perhaps ready for the junkyard, the other so new and shiny that it is virtually unassessable.

The old subcategory consists of the common law causes of action in nuisance, trespass, and negligence. These causes of action have some life in them yet, but they have not saved our environment. The author has found them uninteresting and hard to use effectively in practice.

Statutory causes of action

The second subcategory involves statutory causes of action, which are for the most part very new, but in one case involves a revival. It is far too early to tell whether any of them will be significant.

Of greatest interest is Michigan's new Environmental Protection Act, which allows citizens to bring suits "for the protection of the air, water and other natural resources and the public trust therein from pollution, impairment or destruction." MICH. COMP. LAWS ANN. §§ 691.1201–07 (1970). (Similar statutes have recently been enacted in Massachusetts and Minnesota.)

Another cause of action is provided in section 12 of the Clean Air Amendments of 1970, which amends section 304 of the Air Quality Act to allow citizens to enforce emission standards and orders related thereto and other duties under the Act. Pub. L. No. 91–604, 84 Stat. 1676, 1706.

In addition, some lawyers have seen a cause of action in section 101(c) of the National Environmental Policy Act, which states:

"The Congress recognizes that each person should enjoy a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment." 42 U.S.C. §4321(c).

Finally, there is an old idea that has recently been revived: The *qui tam* action under the Refuse Act of 1899 [33 U.S.C. §411], whereby the citizens sues to collect one-half the penalty provided by that statute. See HOUSE COMM. ON GOV'T OPERATIONS. QUI TAM ACTIONS AND THE 1899 REFUSE ACT: CITIZEN LAWSUITS AGAINST POLLUTERS OF THE NATION'S WATERWAYS, 91st Cong., 2d Sess. (1970).

So far *qui tam* actions have not been notably successful. Seen e.g. *Durning v. ITT Ray-onier, Inc.*, 1 E.L.R. 20040 (W.D. Wash. 1970); *Bass Anglers Sportsman Soc'y v. United States Steel corp.*, 324 F. Supp. 412 (S.D. Ala. 1971).

All these statutory causes of action, new or revived, are still unproven. Complaints

have been filed, but it is not yet the time to assess the results.

PRIVATE SUITS AGAINST THE GOVERNMENT

The third category of suits are those by private citizens against federal officers or agencies to protect some environmental value. The last two years have produced a sensational crop of these cases.

To name some of the prominent cases:

The Sierra Club/Disney fight over Mineral King. *Sierra Club v. Hickel*, 433 F.2d 24 (9th Cir. 1970), *cert. granted*, sub nom. *Sierra Club v. Morton*, 91 S. Ct. 870(1971).

The Alaska Pipeline case. *Wilderness Society v. Hickel*, 1 E.L.R. 20042 (D.D.C. 1970).

The Cross-Florida Barge Canal case. *Environmental Defense Fund, Inc. v. Corps of Engineers*, 324 F. Supp. 878 (D.D.C. 1971).

The DDT cases. *Environmental Defense Fund, Inc. v. Hardin*, 428 F. 2d 1093, 1 E.L.R. 20050 (D.C. Cir. 1970); *Environmental Defense Fund, Inc. v. Ruckelshaus*, 439 F. 2d 584 (D.C. Cir. 1971).

The East Meadow Creek case. *Parker v. United States*, 309 F. Supp. 593 (D. Colo. 1970), *aff'd*, 448 F. 2d 793 (10th Cir. 1971).

The Hudson River Expressway case. *Citizens Committee for the Hudson v. Volpe*, 425 F. 2d 97 (2d Cir. 1970); 302 F. Supp. 283 (S.D.N.Y. 1969).

The Overton Park case. *Citizens to Preserve Overton Park v. Volpe*, 91 S. Ct. 814 (1971).

Importance of citizen suits

There are probably several reasons why this type of suit has been so prominent recently. In the first place, the common law causes of action have not been adequate. Second, suits under the new statutory causes of action have not yet ripened. Third, the Government has been slower lately than the citizen groups to attack environmental problems.

Activity by the Government is increasing, however, and the citizen suit against federal officers may lose its dominant position soon. For the time being, at least, citizen suits are the most important. It is, therefore, worthwhile to consider their elements.

Federal contact or action

The first prerequisite of such a lawsuit is that a federal contact or action must be involved. This can mean a federal project, such as the Cross-Florida Barge Canal. It may, on the other hand, simply involve a federal grant of money or a federal permit.

For example, a suit in Virginia involved the placement of a penitentiary in an historic district. *Ely v. Velde*, 1 E.L.R. 20082 (E.D. Va. 1971). There the federal contact was a grant by the Law Enforcement Assistance Agency, a branch of the Justice Department.

Violation of statutory duties

Second, the federal action in question must be in conflict with a statute designed to protect the environmental value in question. There are many such statutes: the Federal Insecticide, Fungicide, and Rodenticide Act [7 U.S.C. §§ 135–135k], the Wilderness Act [16 U.S.C. §§ 1131–36], the Air Quality Act (above), and so forth. See Moorman, *Primer for the Practice of Federal Environmental Law*, 1 E.L.R. 50001 (1970).

Far and away the most important act now on the books is the National Environmental Policy Act [42 U.S.C. §§ 4321–47], which covers most federal actions.

To put it another way, a federal officer must take unlawful action or fail to do his lawful duty. In the pleadings, the statutory duties violated should always be alleged with specificity.

Standing to sue

Third, the plaintiff must have standing to sue. For this purpose, the latest rule is set forth in *Association of Data Processing Organizations v. Camp*, [397 U.S. 150 (1970)]. In view of the Ninth Circuit's recent decision in the *Mineral King* case (above), it is wise to plead the basis of standing in the complaint.

Jurisdiction

Fourth, the court must have jurisdiction to review the action of the government official. There are several jursdictional bases. 28 U.S.C. § 1361 provides jurisdiction for relief in the nature of mandamus against the officer who fails in his duty.

Generally, review under the Administrative Procedure Act [5 U.S.C. §§ 701–06] is available, either in the District Court, or in a court of appeals under a special review statute. There is a dispute over whether or not the APA is a jurisdictional statute, but it appears that the weight of authority holds that it is. One must also consider whether the decision involved is a reviewable decision. In this regard, every lawyer here should be aware of Justice Harlan's opinion in the case of *Abbott Laboratories v. Gardner* [387 U.S. 136 (1967)] and its progeny, including *Citizens to Preserve Overton Park v. Volpe* (above).

Section 12 of the Clean Air Amendments of 1970 provides its own jurisdictional base for suits under section 304 of the Clean Air Act [42 U.S.C. § 1857h–2]. Also, in all these cases, one must consider the problem of the sovereign immunity of the United States to injunctive relief, which is still alive in certain circumstances.

Exhaustion of administrative remedy

Fifth, you must be sure you have exhausted your administrative remedy. This can present quite a serious problem and may require a bit of foresight and planning. You may have to begin with a petition to the administrator, or attempt to intervene in an administrative matter. The recent DDT cases are instructive in this regard. See *Environmental Defense Fund, Inc. v. Hardin*, above. An example of the problems that can occur are evident in the case of *Audubon Society v. Johnson* [1 E.L.R. 1709 (S.D. Tex. 1970)] and *Sierra Club v. Hardin* [Civil No. A–16–70 (D.C. Alaska, Mar. 25, 1971)].

Equitable relief

Sixth, the problem must be suitable for equitable relief. You will not be seeking relief. You will not be seeking damages, but injunctive or mandatory relief. Thus, you must be able to stop action or reverse a decision.

Once the action is taken you are usually without remedy, although there are exceptions. Generally you cannot get an order taking the bridge down, so to speak. Thus the art of the preliminary injunction is one that must be studied with some care.

Merits

Finally, you must have a pretty good case on the merits. There is a general presumption that administrators are doing the right thing. The judge will usually want a clear indication that you are right before he will rule for you.

A LOST BATTALION

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. DERWINSKI. Mr. Speaker, this week, as we commemorate National Week of Concern for Prisoners of War and Missing in Action in Southeast Asia, I am pleased that an outstanding publication serving the constituents in my district has produced a meaningful and timely editorial which puts the proper emphasis on this subject.

The editorial was carried in the Homewood-Flossmoor Star of Thursday, March 23.

The editorial follows:

A "LOST BATTALION"

The Viet Nam conflict, as everyone knows, is gradually "winding down," and it is expected that before long all combat operations in that part of the world involving United States troops will cease altogether. But even after this happens, the hardships now being endured by a large group of Americans may not end. They are the estimated 1,500 U.S. servicemen imprisoned or missing in action in Southeast Asia, some for as long as eight years.

By now most people know something of the reports of inhumane treatment that has been accorded U.S. POWs, but few can fully appreciate the depth of anguish and despair that these men experience daily. The North Viet Nam government and its allies in South Viet Nam and Laos have consistently refused to release sick and wounded prisoners, or even to identify all the men they hold.

Captives of the Viet Cong and the Pathet Lao are not allowed to write to their families, and no enemy POW camp has yet been opened to impartial inspection.

In order to focus attention on the plight of these POWs, the Congress and President Richard Nixon have proclaimed March 26–April 1 as National Week of Concern for Prisoners of War and Missing in Action in Southeast Asia.

As part of the observance, the National League of Families, which is composed of relatives of POWs and includes south suburban residents, is urging all Americans to join in efforts to induce the Hanoi government:

To treat prisoners-of-war humanely.

To release an official list of POWs.

To provide information about U.S. servicemen known to be dead.

To release the seriously sick and wounded.

To allow a free flow of mail to and from POWs.

There is evidence that Hanoi and its allies will respond to public opinion—but they cannot hear the silent majority. All of America should speak out. This can be accomplished by writing to the appropriate foreign governments, particularly the president of the Democratic Republic of Viet Nam, Hanoi, North Viet Nam, letting them know that on this crucial issue the American people are united. Air mail postage to Hanoi is 25 cents per one-half ounce.

Whatever the differences among Americans, there is no room for dissent on the subject of fair treatment of our prisoners.

AGAINST ARBITRARY FEDERAL DECISIONS

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. HOGAN. Mr. Speaker, there is only one word to describe some Federal Government bureaucrats—unbelievable.

Somehow they get themselves all burrowed in on a top floor with a nice view and pretty soon they begin to forget that their decisions affect real people and not just statistics.

A prime example of this insensitivity and disdain for local prerogatives is what happened recently to the city of Greenbelt which is in my district.

The owner of Marshall Hall Amusement Park appeared before a Senate subcommittee and calmly announced that he

had made a deal with the National Park Service whereby he would exchange Marshall Hall's land for some 400 acres in Greenbelt adjacent to the city of Greenbelt.

After reading the letter of agreement with the National Park Service, the entrepreneur went on to promise that he would not use the land for an amusement park, as originally intended, but rather to develop a golf course, skating rink, and the like.

Luckily, because of my prior and continuing interest in the Marshall Hall property and its proposed acquisition for Piscataway National Park, one of my staff members was attending the subcommittee hearing.

We immediately called the mayor of Greenbelt and learned that the city had never even been contacted about the deal.

There had been no notification, no public hearings, no opportunities for Greenbelt or surrounding communities to give their views on the proposed swap—nothing. Just a closed door meeting between Park Service officials and the owner of Marshall Hall.

We and the city of Greenbelt's officials swung into action, strongly protesting the fact that no local officials had been consulted and demanding an opportunity to be heard.

The next day a representative of the Department of the Interior appeared before the subcommittee and said no such land swap would be allowed. And today it appears to be a dead issue.

But the whole experience demonstrates, I think, how vulnerable local communities can be to the arbitrary decisions of some Federal bureaucrats who have forgotten what Federal service is all about.

In this same context, I met recently with Winfield Kelly, chairman of the Prince Georges County Council, and Councilman Francis White to discuss the possibility of legislation to give local government a greater voice in Federal construction projects.

I am investigating the possibility of legislation which would require a Federal agency that wishes to construct a Federal building to submit a statement to Congress that:

One. The proposed construction conforms to locally established land use patterns, or

Two. A satisfactory resolution of possible conflicts in the proposed use has been ironed out following public hearings, or

Three. No satisfactory resolution of the conflict could be reached despite public hearings.

CONGRESSMAN DANIELS PAYS TRIBUTE ON BYELORUSSIAN ANNIVERSARY

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. DANIELS of New Jersey. Mr. Speaker, March 25 marked the 54th year since the people of Byelorussia proclaimed their status as an independent democratic state. The first all-Byelorussian Congress proclaimed the independence of the Byelorussian Democratic Republic on March 25, 1918. Ten million citizens enthusiastically embraced this first assertion of independence after years of tyranny and oppression by an assortment of colonial powers.

However, this celebration of spirit was short lived. On January 1, 1919, the Soviet leaders annexed the territory of the Byelorussian state and initiated a dictatorship of its people. Hundreds of thousands of Byelorussians died as a result of this outrageous act of aggression by the Communist power.

Although Lenin proposed for all non-Russian nations previously conquered by the Russian empire the right for self-determination including separation from Russia, the Soviet Government has continually disregarded even the existence of these people. Like millions of other oppressed victims of Communist imperialism, the people of Byelorussia have been deprived of the right of self-determination and remain the unwilling captives of tyranny behind the Iron Curtain.

The issue continues to be one of freedom. Time and time again, Byelorussians have openly declared their desire to be free to live as they choose.

It is clear that continual efforts by Communist puppet leaders have failed to eradicate the national spirit of the Byelorussians who have not forsaken their desire for the restoration of democratic government as embodied by the Republic which the Soviets overthrew. This spirit of independence is maintained by these brave people despite the fact they are not allowed to speak their own language, practice their religion, or to have political representation. Byelorussia's acceptance as a charter member of the United Nations demonstrates the fact that its people are recognized as a separate and distinct nationality by the rest of the world.

It is only fitting that we join with free people everywhere who support the hope that the day will come when Byelorussians will be able to live free and independent lives.

IS A VIABLE NATIONAL TRANSPORTATION POLICY EMERGING?

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. ROSTENKOWSKI. Mr. Speaker, the problems of financing urban transportation have received a considerable amount of attention in the past few months. Hearings have been held in both the House of Representatives and in the Senate on the issue of subsidies for urban mass transit; and most recently the question was again raised by the Department of Transportation's suggestion of a single transportation trust fund.

Because of the current interest in this topic in both Houses of Congress, I would like to insert in the RECORD, the remarks of Milton Pikarsky, commissioner of public works, of the city of Chicago which he recently made at the annual conference of the American Society for Public Administration in New York City.

Commissioner Pikarsky, a nationally known expert in the field of transportation planning and construction, stressed the need for a comprehensive approach to the problem if we are ever to realize the goal of a truly national transportation policy.

The remarks follow:

IS A VIABLE NATIONAL POLICY ON URBAN TRANSPORTATION EMERGING?

Good afternoon Mr. Chairman, fellow panelists, ladies and gentlemen:

The issue under discussion is whether there is a concerted effort toward developing a national policy that would not only cure the ills of urban transportation, but will also foster a better urban life.

I am sure all of us will readily agree that there is a need for a national policy on urban transportation as much as a policy on housing, employment, education, or welfare. Most of us will also agree that such a policy does not exist today, and what does exist is not a "viable" one, as evidenced in the multitude of urban transportation problems observed by experts and average citizens alike. But our task today is not to discuss the "status quo." What we hope to do is to look at the future, in relation to the present, to see whether there has been enough groundwork to indicate that such a policy will soon appear in the horizon.

Let us set the proper framework for the task: What is a policy, and what makes it viable?

First of all, the general goals and derived specific objectives must be identified;

Secondly, the present and future needs must be determined in both qualitative and quantitative terms, and an order of priorities must be set in relation to the objectives; and

Thirdly, strategies must be developed to fulfill the objectives.

This completes the cycle for policy development. But, the identification of strategic objectives as policies will not complete the ultimate task. It must be followed by a set of concrete programs which should include the proper allocation of physical and financial resources to ensure their implementation. Unless this final step is carried out, a policy statement will be no more than a series of platitudes which will exist on paper while the transportation systems of this nation will continue deteriorating.

Before we despair, let us test the urban transportation picture against our general framework. First of all, it must be recognized that we must have general urban goals and general transportation goals in order to define the urban transportation goals. We will contend that recent emphasis on these areas has produced a set of goals and objectives that are generally agreed upon and stated as follows:

As a service, transportation must provide maximum mobility to all; and

As a tool, it must enhance the urban environment by creating desirable land-use and social patterns.

Until recently, the identification of needs has followed a short-term and fragmented approach. The 1972 national transportation needs study is the first large-scale effort to document nationwide needs for all modes and for different time horizons. Local agencies have participated in this effort with hopes that it will not remain as a statement

of needs but that it will form the basis for choosing strategic objectives and developing programs that would be responsive to the needs. With such hopes, we will assume that the second step of our policy development cycle is being carried out in a rational manner.

Even if we accept that objectives and needs have been identified, there has been little to indicate that a national policy is in the making. It is granted that certain concepts have received sufficient breadth of support to pave the way for meaningful development.

To name a few: The concept of balanced transportation, provision of mobility to the disadvantaged, the development of systems that are compatible with the environment. These are ideas that have caught the public's attention and have been endorsed by urban experts and government leaders at all levels.

I will single out the concept of balanced transportation for discussion. Everybody has been talking about it, at the federal level all of the modal administrators have endorsed it, even the state highway departments have subscribed to the principle that it is the only way to reduce highway costs. Yet, in all honesty, one will have to say that very little is being done about it. Programs are still administered in a piecemeal fashion, funds are still appropriated in gross inequities among the modes, and public transportation is still faced with deterioration. In fact, even the modest sums that have been appropriated under the Urban Mass Transportation Act of 1970 are being obligated at a pace that is far from being desirable. The current program is further crippled by the exclusion of operating subsidies.

There is no need to elaborate on the inequities in resource allocation. The highway trust fund has produced the interstate system, the largest single public work project in history since the great wall of China. The use of highway funds for complementary work in public transportation is just beginning to generate support from highway interests, although there is still a great deal of resistance from many, including those who subscribe to the theory of balanced transportation. A very encouraging sign is the recently announced program which has been submitted to Congress by Secretary Volpe. Under the bold proposal, monies from the highway trust fund will be made available to urban areas for use in *capital* improvement in any form of transportation. This will be a major breakthrough since it will enable local units to develop the most needed segments of their transportation systems. In his usual fair manner he has acknowledged that his proposal is by no means final and complete. There are serious questions as to funding adequacy and as to recipient agencies. Volpe's step is already finding resistance from certain highway interests. But even if an enhanced program is adopted, it will still fall short of existing needs since the Secretary's proposal fails to include essential assistance for operating expenses without which the much talked about "balanced transportation policy" will not be achieved.

Of course, there are other factors, outside the field of transportation, that make it difficult to achieve a balanced transportation system. The most critical factor is the pattern of land development. We all know that low densities resulting from urban sprawl are conducive to the automobile. The urban planner blames the highway engineer, while the highway engineer says that his roadway contributions merely serve the planned land development. And the story of "which came first, the chicken or the egg?" continues. We must realize, once and for all, that this is a process of cumulative interaction, and that if we are to have a sound urban transportation policy, it must be accompanied by a compatible urban land policy. At the present, neither one exists, and—ironically—this absence of public vis-a-vis public transportation has been a major contributor to the unbalanced transportation system existent in our Nation.

I would like to mention another transportation policy which has received theoretical support but not the proper action. The current UMTA program wants to help the disadvantaged in providing them mobility and job accessibility. Yet, what do we see in actual practice? The programs do not support operating expenses, and since public transportation operators are caught in the spiral of costs, the public transportation carriers keep increasing their fares. As a result, the poor and the disadvantaged are faced with the fact of having to support the fare box at ever increasing levels. They do this, out of their social security and welfare payments. Is this a viable policy?

It can be argued that it is our social programs that are failing, and not our urban transportation policies. But, it does not help to blame another element of government services. What is needed is a comprehensive set of policies that properly relate the transportation programs to social goals, as with the case of urban land development.

Another missing element of urban transportation policy is the absence of well-defined governmental responsibilities and institutional framework. The Federal role vis-a-vis the State or city roles is not very clear. While there is a stated policy for increased local decision-making, in practice this is contradicted by increased "strings" that are attached to the programs. Obviously, this is not in line with a sound policy in urban transportation.

In conclusion, we are beginning to recognize the deficiency of a national transportation policy. The urban transportation Assistance Acts of 1964 and 1970 were major achievements.

However, one would have to be very optimistic to say that a national transportation policy is rapidly emerging. What is needed is comprehensiveness in envisioning goals, setting priorities, and developing programs for implementation. This comprehensiveness is required at three levels: Firstly, it must be related to other national policies and other urban policies; secondly, it must be a total package embracing all modes; and thirdly, it must assure necessary and equitable financing of each mode through all phases of the system which includes planning, development, and, of critical importance, operation.

UNCLE SAM FEEDS OVER 30,000,000

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. COLLIER. Mr. Speaker, during the remarks I made on the floor earlier today, I referred to the fact that more than 30,000,000 Americans are receiving food from the Federal Government. This food, which is provided under programs that are administered by the Department of Agriculture will cost the taxpayers in excess of $3.020 billion during fiscal 1973, an increase from $2.806 billion for fiscal 1972.

A tabulation which I am inserting in the RECORD describes these programs in detail and should be of interest to those who would like to rebut the misinformation that is being disseminated on the subject of hunger. The tabulation follows:

FOOD AND NUTRITION SERVICE

[In thousands of dollars]

Child nutrition programs	1971 actual	1972 estimate	1973 estimate
Cash payments to States:			
School lunch program	225,761	225,018	225,000
Special assistance	203,686	237,047	237,047
School breakfast program	11,448	25,000	18,500
Nonfood assistance program	15,716	16,110	15,000
State administrative expense	1,590	1,500	1,500
Nonschool food program	20,338	37,775	20,775
Commodity procurement	64,010	64,325	64,325
Nutritional training and surveys	750	1,150	1,671
Operating expenses	5,060	6,318	6,394
Total program costs, funded	548,359	614,243	590,212
Change in selected resources	−222		
Total obligations	548,137	614,243	590,212

Expansion of these programs in fiscal 1973 is being funded by an increase in the special feeding program section 32 funds, which more than offsets decreases in the direct appropriation. The child nutrition programs have been greatly strengthened and expanded by Public Law 91–248, which became law on May 14, 1970. This law clearly established that priority shall be given to reaching needy children, and provided for the establishment of a national minimum eligibility standard for free and reduced-price meals, and a maximum price which may be charged for these meals. The law emphasizes that access to the school lunch program shall be available to children in all schools. Nutritional training as related to workers, cooperators, and participants is authorized by the act. Public Law 92–153, enacted November 5, 1971, increased Federal support for the national school lunch program by mandating a minimum 40-cent rate in special assistance—section 11—for free lunches, and a lesser minimum rate for reduced-price lunches. In addition, the law authorizes an average rate of reimbursement of 6 cents per meal within each State.

Cash payments to States. The programs are operated under an agreement entered into by the State educational agency and the Department. Funds are advanced under letters of credit to State agencies for use in reimbursing participating schools and child-care institutions. Sponsors make application to the State agency and, if accepted, are reimbursed in accordance with the terms of their agreement.

School lunch program. Assistance in the form of both funds and food is provided to the States, as defined in the National School Lunch Act, for serving lunches to schoolchildren. Each State's portion of the section 4 general assistance funds available is determined by a

statutory formula. The formula takes into account the participation rate in the State, and the relationship between the per capita income of the State and the average U.S. per capita income. States must match the Federal cash grant from sources within the State at a 3-to-1 ratio. For States with below-average per capita income, this ratio is decreased. In 1971, sources within the States contributed to this program $1.815 billion, most of which came from children's payments. In 1973, the States are required to provide at least 4 percent of the matching requirement from State revenues.

The program during the peak month in fiscal 1971 provided lunches daily to about 52 percent of the approximately 47,100,000 children in daily attendance. The number of lunches served increased approximately 8 percent over fiscal 1970. Participation in the program in May 1971 reached a daily average of about 24,700,000 children in 79,800 schools and a large increase is expected in 1972.

Special assistance. Under the legislation, special cash assistance may be provided to any school which has needy children in attendance. The statutory formula for apportionment of funds to States relates to children from families with incomes of less than $4,000 per year. Increased funding provided a Federal average cash reimbursement rate of 31 cents per free or reduced-price meal, in addition to the average of 6 cents per meal from section 4 funds in fiscal 1971. A daily average of approximately 6,200,000 children were served 1,004,800,000 free or reduced-price lunches. At the end of the 1970–71 school year 7,300,000 children were receiving free or reduced-price lunches. Based on the higher mandatory reimbursement rates in Public Law 92–153, the increases for fiscal 1972 should provide lunches for a daily average of 7,900,000 needy children this school year.

School breakfast program. The Child Nutrition Act of 1966 authorized a school breakfast program for 2 years on a pilot basis to assist States through grants-in-aid and other means to initiate, maintain, or expand nonprofit breakfast programs in schools. Public Law 92–32, approved June 30, 1971, extended the breakfast program through 1973.

Funds are apportioned to States by a statutory formula. While the basic payments are limited to food assistance, in circumstances of severe need, financial assistance may be authorized up to 100 percent of the need for additional assistance.

The program is operated in schools drawing attendance from areas in which poor economic conditions exist and where a substantial portion of the children enrolled travel long distances. In fiscal 1971, an average of 756,000 children were served 123,000,000 breakfasts in 6,562 schools. About 76 percent of the breakfasts were served free or at token charges to children. In fiscal 1972 it is estimated that a daily average of 1,275,000 children will participate.

Nonfood assistance program. The Child Nutrition Act of 1966 authorized a permanent program to assist the States through grants-in-aid and other means to supply schools in low-income areas with food service equipment, other than land or buildings. Under the Public Law 91–248 amendments, 50 percent of the funds for equipment assistance will be apportioned among the States on the same basis as the section 4 apportionment, with the remaining funds apportioned on the basis of children enrolled in schools without a food service. Priority is being given to the latter schools under recently issued regulations. These schools must agree to take part in the national school lunch program or the school breakfast program.

Applicant schools are required to justify their need for assistance on a project basis and submit a detailed description of the equipment to be acquired, including their proposals for its use in meeting the nutritional needs of children. In addition, State and local sources must bear 25 percent of the cost of equipment or facilities financed under this authority.

In fiscal 1971, a total of 15,156 schools with a total attendance of over 7,400,000 students received equipment assistance of over $37,000,000. This included special section 32 funds and provided assistance in all 50 States, the District of Columbia, Guam, Puerto Rico, and American Samoa.

State administrative expenses. The Child Nutrition Act of 1966 provides for advances to each State educational agency for administrative expenses. These funds are used for supervising and giving technical assistance to the local school districts and service institutions for additional activities undertaken by them to reach more children under the school lunch, special assistance, school breakfast, nonfood assistance, and nonschool food programs.

Nonschool food program. The National School Lunch Act was amended in 1968 to authorize a pilot program for 3 years to assist States to initiate, maintain, or expand nonprofit food service programs for children in service institutions where children are not maintained in residence. Public Law 92–32, approved June 30, 1971, extended the nonschool food program through 1973. Preschool children receive year-round assistance in child day-care centers. These programs also reach school-age children from areas of economic need and from areas with a high concentration of working mothers during the summer months in settlement houses, neighborhood houses, and recreation centers.

Each State may receive a basic grant of $50,000. The remaining funds are apportioned by a formula determined by the ratio of the number of children, aged 3 to 17 inclusive, from families with income under $3,000 per year in each State, to the total number of such children in all States. Up to 80 percent of the total cost of meals served may be paid in cases of severe need, and not more than 75 percent of the equipment costs may be paid to the institutions. All meals served must meet minimum nutritional standards as a condition for receiving assistance.

In fiscal 1971, 107,500,000 meals were served to a peak of 573,000 children in the 1970 summer program and to 224,000 children on a year-round basis. At an average cost of about 40 cents per child per day, it is estimated that this program will reach about 1,300,000 children in fiscal 1972. With each child receiving an average of approximately two meals per day, it is expected that about 197,500,000 meals will be consumed.

Commodity procurement. Commodity procurement under section 6 of the National School Lunch Act provides additional commodities to schools to supplement foods purchased locally or otherwise made available for the lunch program. As amended by Public Law 91–248, these commodities may also be used to supplement the school breakfast and nonschool food programs. Section 6 procurement helps to insure nutritionally adequate meals and appreciation for quality foods. It also broadens agricultural markets. Commodities are purchased by the Department on the basis of their nutritional value and acceptability to schools and service institutions.

Protein items of chicken and meat accounted for about two-thirds of the purchases in fiscal 1971. The remaining one-third consisted of fruits and vegetables. In fiscal 1972 frozen ground beef, chicken, and fruits and vegetables are being purchased.

Commodities acquired under price support and surplus removal programs are also available to schools and child-care institutions. The volume of surplus commodities distributed depends upon market conditions.

During 1971, over $1,400,000,000 worth of agricultural commodities and other foods were used. About 20 percent of this amount represented commodities contributed under section 6 and the Federal surplus removal and price support programs. Approximately 80 percent was purchased through local suppliers.

Nutritional training and surveys. Up to 1 percent of the total funds available may be used for nutritional training and for studies and surveys of food service requirements, as provided for in Public Law 91–248. In fiscal 1972, the principal area of concentration is on managerial workers at the supervisory, school system, and local levels to assure effective delivery of nutritionally adequate meals to children.

Operating expenses. Administrative and technical assistance is furnished to State agencies, participating schools, and child-care institutions. Policies, procedures, and standards are developed for administering the programs and determining eligibility. The programs are administered directly in private schools where the State educational agency is prohibited by law from disbursing funds, and in child-care institutions where no State agency has assumed the responsibility for administering the program.

Participation in the programs from 1970 through 1973 is as follows:

CASH PAYMENTS TO STATES

	1970 actual	1971 preliminary	1972 estimate	1973 estimate
Total, school lunch:				
Lunches served (million)	3,565.1	3,850.0	4,110.0	4,470.0
Children (average; million)	21.9	23.7	25.2	27.5
Average Federal reimbursement (cents)	8.4	13.9	19.3	19.3
School lunch, sec. 4: Lunches served (million)	3,565.1	3,850.0	4,110.0	4,470.0
Average Federal reimbursement (cents)	4.7	5.9	6.1	6.1
Free and reduced-price lunches:				
Lunches served (million)	738.5	1,004.8	1,275.0	1,375.0
Children (average; million)	4.6	6.2	7.9	8.4
Average Federal reimbursement (cents)	17.9	30.8	42.8	42.8
School breakfast:				
Breakfasts served (million)	71.8	123.0	207.0	254.0
Children (average; thousand)	442.0	756.0	1,275.0	1,562.0
Average Federal reimbursement (cents)	15.1	16.4	15.0	13.0
Nonfood assistance:				
Schools equipped	7,974	15,156	4,000	4,000
Average contribution per school	$2,091	$2,453	$4,025	$4,025
Nonschool food program—Meals served (million):				
Year-round	38.4	79.8	115.0	150.0
Summer	11.9	27.7	82.5	82.5
Total	50.3	107.5	197.5	232.5

SPECIAL MILK PROGRAM

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Cash payments to States	92,640	103,284	93,284
Operating expenses	657	716	716
Total program costs, funded	93,297	104,000	94,000
Change in selected resources	−3		
Total obligations	93,294	104,000	94,000

Cash payments to States. This program is designed to increase the consumption of fluid milk by children in nonprofit schools of high school grade and under, child-care centers, summer camps, and similar nonprofit institutions.

Funds are provided under letters of credit to State agencies to reimburse eligible participants for a part of the cost of the fluid milk consumed. Beginning in fiscal 1968, available funds were apportioned among the States on the basis of payments made to schools and child-care institutions for program reimbursement during the preceding fiscal year. In especially needy schools, reimbursement payments may be made for the full cost of this milk for children who are unable to pay.

Program activities for 1970 and 1971 are as follows:

	1970 actual	1971 actual
Outlet participation	97,234	97,584
Half-pints of milk reimbursed (millions)	2,902	2,570
Average reimbursement rate per half-pint (cents)	3.49	3.55

Operating expenses. Administrative and technical assistance is furnished to State agencies, participating schools, and child-care institutions. Policies, procedures, and standards are developed for administering the program and determining eligibility. The program is administered directly in 6,661 outlets where no State agency has assumed the responsibility for its administration, or where such agencies are prohibited by law from disbursing funds to such participants.

FOOD STAMP PROGRAM

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Program costs	1,556,387	2,066,314	2,314,505
Operating expenses	17,851	20,994	21,418
Total program costs, funded	1,574,238	2,087,308	2,335,923
Change in selected resources	2,700		
Total obligations	1,576,938	2,087,308	2,335,923

The food stamp program provides increased nutrition to households with limited resources. Programs are inaugurated in counties and other project areas at the request of State welfare agencies which are responsible for certification and coupon issuance. Food coupons are then issued to needy households that qualify.

Cash paid by participants for the coupons is periodically forwarded to a designated Federal depository. Authorized food stores accept the stamps from recipients and, in turn, forward them to a commercial bank for cash or credit for their face value. The coupons then flow through regular banking channels to the Federal Reserve banks where they are redeemed.

The Department determines the allotment of coupons for a household unit based on income, food needs, and other factors. Participants are charged for coupons, based on income and family size. The supplement or bonus coupons permit the family to afford a nutritionally adequate diet by expanding its food purchasing power.

On January 11, 1971, Public Law 91–671 was enacted, resulting in new regulations which: Establish uniform national income and resource eligibility standards, increase the allotment of food stamps for recipients, provide free food stamps for the very poor, provide for the variable purchase of the coupon allotment, provide for meals on wheels for the elderly who are unable to prepare their own meals, redefine income and resources, and set a new definition of households. These new regulations will become effective during 1972.

On October 29, 1971, the designation of 192 new areas in 26 States was announced. Two of these areas had no family food programs previously.

Outreach-education efforts were accelerated throughout the country. Presentations were made to volunteer family assistance organizations, local poverty groups, and business and professional meetings. Nutrition education efforts were coordinated with the Extension Service. During fiscal 1971, 276 new projects entered the program in 46 States; the national average participation increased by approximately 4,000,000 people; and an additional 34,500 retailers and wholesalers entered the program.

Efforts were directed toward improving the overall administration of the program. An experimental withholding project was begun in five States. This operation permits the recipient to voluntarily have the purchase price of his stamps withheld from his public assistance grant. The results of this pilot operation are being studied prior to the implementation of a nationwide public assistance withholding program. Simultaneously, increased emphasis was placed on the safety of cash and coupons at local issuance offices. Suggestions were made to State and local agencies as to methods they might adopt to improve their security practices. In an attempt to monitor the activities of authorized outlets, the control of retailer-wholesaler redemption certificates is now being automated. At the close of fiscal 1971, areas containing some 91,000 retailers have been included in the automated system. The overall impact of these and other improvements is to provide better benefits to program participants at a lower Federal cost.

The following table reflects increased coverage, participation, and costs for the past 3 fiscal years:

[Dollars in millions]

	1969 actual	1970 actual	1971 actual
Number of areas by yearend	1,489	1,747	2,026
Number of participants at yearend	3,222,212	6,469,946	[1] 10,539,159
Total value coupons issued	$603.2	$1,090.6	$2,711.6
Amount paid by participants	$374.5	$539.6	$1,188.6
Value of bonus coupons issued	$228.7	$551.0	$1,523.1
Federal costs:			
Program	$240.0	$564.7	$1,559.1
Administrative	$10.3	$13.3	$17.8

[1] Preliminary.

A POLICEMAN ADVOCATES FREE HEROIN CLINICS

HON. DON EDWARDS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. EDWARDS of California. Mr. Speaker, in a remarkable article which appeared in the New York Times on Saturday, March 25, 1972, Police Lt. Albert J. Carhart, of the Linden, N.J., police force, advanced the establishment of free heroin clinics as a response to the problem of narcotic-motivated crime. This proposal, from a veteran police officer, is not couched in the language of the physician, sociologist, or psychologist, but it mixes the sensitivity for the human problem of addiction found in these disciplines with the hardheaded reality of the police professional who daily observes the damage which drug-related crime is doing to our social fabric.

Mr. Carhart's proposal deserves attention, whether or not we agree that heroin should be given to addicts in Government-supervised clinics. The problem of addiction in our society is so grave that we cannot afford to shut our minds to this proposal on so-called moral grounds. It is certainly not moral to choose inaction and thereby perpetuate the status quo of ever-increasing addiction and drug-related street crime. Likewise, it is folly to believe that increased law enforcement efforts and international agreements to curtail opium supply will in themselves end narcotic addiction and drug-related street crime. We need to think of approaches that deal with the needs of the narcotic addict as a person and to develop programs that will assist the addict to move from his addiction toward a socially productive life.

Mr. Carhart's proposal embodies this approach. It should be read carefully by every Member of this body.

The article follows:

[From the New York Times, Mar. 25, 1972]

MAYBE THE ANSWER TO THE CRIME RATE IS THIS: FREE HEROIN CLINICS

(By Albert J. Carhart)

LINDEN, N.J.—Take the profit out of heroin. Give injections of heroin by a qualified physician in a government clinic, free of charge to any addict that walks in and asks for one. Have a federally funded, city-run neighborhood clinic staffed by a qualified physician, a registered nurse and a police officer. The heroin confiscated from the pushers and suppliers would be tested in a laboratory and marked, bagged in envelopes, and issued to clinics daily. A doctor's signature would be required.

Our problem is not junkies using heroin but the demand and supply of heroin. If there is no demand then it naturally follows that there will be no supply. The arrest of suppliers and pushers is not the answer. When this happens these people usually do not get a jail sentence or the trial is so far in the future that it borders on the ridiculous. If they do get a jail term, one of their underlings immediately takes over and the business usually increases. Most pushers are addicts themselves, but if a supplier sees that the thousands of per cent of profit is no longer there he will cease.

If you want to cut your crime rate by better than 50 per cent, decrease your jail overcrowding, stop 95 per cent of your bailed addicts from jumping bail and tieing up the court system, put a stop to plea bargaining or even a suspended sentence, create such a narcotic program. Put thousands of policemen on the street fighting crime instead of chasing junkies.

No overdoses, no deaths, no hepatitis, reduction in crime, suppliers out of business, millions of tax dollars saved, people even taking an evening walk.

Methadone is not the answer. It is a habit-forming morphine, only used as a brake until the addict can get his $100 a day habit back down to $15. It also has caused deaths of addicts and children. It is being black-marketed in New Jersey to a large extent by doctors who are either not aware of its potential (they give the prescriptions) or are money hungry.

If an addict needs a fix he can go into any neighborhood government clinic and get one, two, three shots a day if he needs them and the doctor confirms this by a test. If the addict after a short time wishes to participate in a rehabilitation program of employment or vocation instructions he need merely request the assistance. An addict has to get away from addicts if he wants to beat the needle.

In a work program the addict gets to meet his peers of yesteryear, pre-heroin. He talks about work problems, ball games, television. He knows he can get his shot whenever he needs it at the clinic. Much to his surprise, after a few weeks he even forgets that so many hours have passed and he did not feel the euphoric need for a pick-up. He solved his problems by engaging in problems and decisions that are made daily by all of us. The criminal acts of addicts are not caused by the addiction. The need for money to get the drug causes the addict to commit criminal acts. If he was given as many free fixes a day as he needs to cope with his problems, he would not need to commit criminal acts.

Heroin addiction is a peer-group, gregarious action. The first step in treatment is getting the addict away from his influences and solving some of his problems, such as the need to struggle for the procurement of the fix and what to do with his free time. Show him his capabilities. Teach him a vocation. Keep him under close supervision and away from his "friends." His "friends" will get him back on the needle quicker than it takes you to read this article.

Many addicts are not heroin addicts in the true sense—they are needle addicts satisfied with such a low percentage amount of heroin that it could not possibly give them a euphoric feeling. These addicts are more addicted to the challenge of the struggle or the hustling of the next fix than to the fix itself. In plain English, their joy is in the hunt, not in the result.

Who would be for clinics?

The addict, of course. He would be free of worry, about his next fix. He need not spend every waking minute conniving or taking chances that could land him in jail. He could lead an almost normal life and eventually he would become a normal average citizen.

All members of law enforcement organizations and the courts. They would no longer have to spend days and weeks at the impossible job of making useless arrests of persons we all feel are not criminals.

The doctors and hospitals. They would not fear robbery and theft of narcotics by addicts. The time spent on addicts because of overdoses to themselves and others could be spent on physically sick patients.

What should be started in the United States or in one of the more progressive of the fifty states is a Civilian Conservation Corps not unlike the C.C.C. in the nineteen-thirties. These hundreds of thousands of our American youths need our help now. Set up camps away from the cities. There is plenty of conservation work to be done in this country: erosion repair, tree planting, fire trails, etc. A year's service could lead to a trade for an addict. A year's wages when he leaves can help him to become a productive member of society. Better a supervised work camp, doing constructive work for the betterment of the country, than a guarded prison camp at the expense of taxpayers.

CONSULTATION ON SOVIET JEWRY

HON. ROBERT F. DRINAN
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. DRINAN. Mr. Speaker, I attach herewith an extraordinary and most important statement issued by the National Interreligious Consultation on Soviet Jewry that met in Chicago on March 19–20, 1972.

This statement of conscience was issued from a very broadbased group made up of representatives of every religious denomination in the United States.

The statement follows:

STATEMENT OF CONSCIENCE OF THE NATIONAL INTERRELIGIOUS CONSULTATION ON SOVIET JEWRY, MARCH 20, 1972, CHICAGO, ILL.

"Thou shalt not stand idly by while the blood of thy brother cries out to thee from the earth."

"Let justice roll down as the waters, and righteousness as a mighty stream."

The National Interreligious Consultation on Soviet Jewry, meeting in unprecedented deliberation on March 19 and 20 in Chicago, Illinois, calls upon the conscience of mankind to make known its profound concern about the continued denial of the free exercise of religion, the violation of the right to emigrate, and other human rights of the 3 million Jewish people of the Soviet Union and of other deprived groups and nationalities.

For believing Christians and Jews, the denial of the spiritual nature of man and his right to nurture and to perpetuate the spiritual life is to deny the creative power of God in whose image He made man. The discrimination against the Jews by the Soviet Union gives us all reason to believe that, under the pretext of being anti-Zionist, it is the very contribution of the Jews to humanity which is under attack. It is precisely the Jewish testimony in the world that man's identity and freedom are not granted primarily by any state or constitution but are found in the nature of man himself. That is why each human being is threatened in his fundamental right to freedom of conscience when the Jews are persecuted.

Realizing our own failures in racism and in other areas of human rights, we nevertheless cannot remain silent as long as the Soviet Union continues to hamper or strangle the spiritual and cultural life of the Jewish people through extreme and special acts of discrimination. We appeal to the Soviet authorities to grant religious rights to Russian Jewry—the establishment of religious, educational, and cultural institutions for the perpetuation of Judaism and Jewish culture; the lifting of the prohibitions against publishing Hebrew Bibles and prayerbooks and the production of religious articles; the permission to train rabbis and Jewish teachers both in Russia and in seminaries abroad; the creation of a representative body of Soviet Jewry with freedom

to communicate and associate with their co-religionists abroad.

We appeal to the Soviet authorities—let them live as Jews or let them leave to be Jews. This consultation is gratified to know that the Soviet government has heard the pleas of millions in many lands and has permitted several thousands of Jews to leave the country for Israel and elsewhere. We urge the Soviet authorities to relent, and to continue to allow the thousands of others who have sought exit visas to emigrate to the countries of their choice—which is their right under the United Nations Declaration.

This consultation is deeply disturbed by the reports of growing acts of harassment, intimidation, arbitrary arrests, and confinement of Jews and dissenters to mental institutions. We appeal to the Soviet government to end this policy of wanton oppression and fear.

Ths consultation protests against the continued imprisonment under ruthless conditions of prisoners of conscience—Jewish and non-Jewish—and we urge that they be released and be shown clemency.

This consultation protests against the government sponsored campaign of anti-Semitic and anti-Zionist propaganda which constituents an incitement to hatred and violence in contravention of the United Nations Declaration on Human Rights.

This consultation resolves to commit itself to a program of continuous watchfulness and unrelenting efforts in demanding and in championing freedom for all of Soviet Jewry, of Christians, and of intellectuals—of all who suffer for their courage and their struggle for human dignity.

This National Interreligious Consultation on Soviet Jewry consisting of Protestants, Roman Catholics, Eastern Orthodox, and Jews, authorizes a direct appeal to President Nixon, as the representative of the American people, to convey in clear and forthright terms to the Soviet authorities during their forthcoming conversations in Moscow the expectation of the American people—Christians and Jews, black and white, liberal and conservative—that these discriminations and denials of Soviet Jewry and others be stopped now, and that fundamental human rights be granted—now. We seek the relaxation of international tensions and conflicts between the United States and the Soviet Union, and the surest test of the genuineness of the commitment of Soviet authorities to the cause of universal peace and justice is the granting of justice and freedom to the Jews and other deprived religious groups and nationalities.

I was privileged to speak to the National Interreligious Consultation on Soviet Jewry in Chicago on March 20, 1972. I attach herewith the text of my address on that occasion:

EXCERPTS FROM ADDRESS OF CONGRESSMAN ROBERT F. DRINAN AT NATIONAL INTERRELIGIOUS CONSULTATION ON SOVIET JEWRY HELD AT THE CENTER FOR CONTINUING EDUCATION, UNIVERSITY OF CHICAGO, MONDAY, MARCH 20, 1972, AT NOON LUNCHEON

The year 1972 will bring unique and unprecedented challenges to the citizens of Israel and the Christians of America and every nation of the earth. The thousands of Soviet Jews who will emigrate to Israel will signalize an important turning point in the history of Soviet anti-Zionism. This same migration will challenge everyone who believes in the Judeo-Christian ethic to support Israel with the problems that have already resulted from this new wave of refugees.

THE ORIGINS OF SOVIET ANTI-SEMITISM

The relative absence of anti-Semitism under the regime of Lenin in Russia was ominously reversed shortly after the Hitler-Stalin pact. Soviet propaganda echoed the Nazi point of view.

After the war Stalin opened a frontal assault on every aspect of Jewish culture in the Soviet Union. Stalin supervised the systematic campaign to extinguish Jewish culture by the closing of schools, the suppression of publishing houses, the abolition of theater companies and the banning of newspapers.

What Stalin commenced Khrushchev finished. In short, the Soviet government during the years 1939 to 1967 carried out the destruction of Jewish cultural life.

As a consequence of the Six-Day War in 1967 and pursuant to Soviet commitments to Arab countries anti-Semitism in Russia became anti-Zionism. Under Brezhnev anti-Zionism and an official anti-Israel policy were unleashed. The bitter defeat of the Soviet-supported Arab armies in the Six-Day War prompted the Soviet Union to carry out a relentless campaign of anti-Israel and anti-Zionist propaganda.

The last few weeks and months have seen a remarkable and dramatic change in Russia's policy towards its almost 3 million Jewish citizens. The pressure of worldwide opinion which caused the Kremlin to retreat from its resolution to execute the persons involved in the Leningrad highjacking trial in December 1970 seems to have been so intense and continuous that now the U.S.S.R., for reasons which are not entirely clear, is granting exit visas to Jewish applicants on a relatively liberal basis.

During 1971 Jewish emigration from Russia reached a record level of about 15,000. About two-thirds of the 1971 emigrants came from Soviet Georgia and the Baltic states of Latvia, Lithuania and Estonia.

The jump from about 1,000 immigrants from Russia in 1970 to the figure of 15,000 in 1971 has led to speculation that, if the easing of visa restrictions continues, as many as 200,000 or even 300,000 Soviet Jews may migrate to Israel.

It seems clear that the future of Soviet Jews and the prospect for any large scale emigration depends upon the continuing pressure of world opinion on Moscow as well as the quality of the absorption and adjustment of Russian immigrants in Israel.

THE ROLE OF THE U.S. CONGRESS IN THE EMIGRATION OF SOVIET JEWS TO ISRAEL

The Soviet Jews Relief Act of 1971, cosponsored by 124 Congressman and 34 Senators, was designed to create up to 30,000 non-quota visas for Soviet Jews to come to the United States. This bill, introduced on March 4, 1971, clearly brought a good deal of pressure upon Attorney General John Mitchell and the Department of State. Finally in early October the Attorney General indicated that the Nixon administration would be willing to extend to the Soviet Jews the privileges extended to more than 30,000 Hungarian refugees after the 1956 revolution and to over 10,000 Czechoslovakian refugees in 1968 as well as to the more than 565,000 Cubans who have migrated to the United States.

Clearly the pressure brought by the introduction of the Soviet Jews Relief Act of 1971 both on American officials and on the Soviet Union combined to bring about the easing of visa regulations in Russia so that in 1972 some 40,000 Jews from Russia will in all probability arrive in Israel.

It must be said that the Nixon administration during 1970 and 1971 appeared to default on the pre-election promises of Mr. Nixon. Prior to his election Nixon told the Conference of Presidents of major American Jewish organizations that it was "important to create world opinion, as well as document all the facts, in order that through diplomatic and other channels the concern of the American people for the cultural and religious freedom of Soviet Jews may be firmly communicated on many levels to the leaders of the Soviet government."

CONGRESSIONAL PROPOSALS TO HELP ISRAEL ABSORB NEW IMMIGRANTS

During the last few weeks the Congress has turned its attention to the furnishing of assistance to Israel to absorb the anticipated 40,000 new immigrants who in all probability will arrive from Russia during 1972. Legislation proposed to give $85 million to Israel for this purpose takes into consideration the staggering fact that 166,176 immigrants have arrived in Israel since the conclusion of the Six-Day War. This figure brings the total number of persons who have immigrated to Israel since 1948 to 1,436,771. Israel's Jewish population has qaudrupled since the state's establishment—from 650,000 to 2,560,000. Half of today's population came in one of the many waves of immigration which have broken upon the shores of Israel in the last 23 years.

The Soviet Jewish Refugee Assistance Act of 1972, co-sponsored by a bipartisan group of 62 Members of the House and some 40 Members of the Senate, would help Israel to cope with its new exodus. The figure of $85 million amounts to about $2,000 per refugee based upon the anticipated influx of slightly over 40,000 refugees this year.

Most Soviet refugees arrive in Israel with no funds. A visa out of the Soviet Union currently costs them about $1,000. The Israeli government this year allocated a record $650 million to provide for immigrants.

The enactment of the Soviet Jewish Refugee Assistance Act of 1972 (H.R. 13002) is absolutely essential if the United States is to help Israel with its most recent problems. The Migration and Refugee Assistance Act of of 1962 can no longer be utilized since the superseding Foreign Assistance Act of 1972 contains a provision requiring specific Congressional authorization for any appropriation for the Secretary of State for any fiscal year commencing on and after July 1, 1972.

The Congress, furthermore, must act since it is becoming clear that the Department of State will not act in any way commensurate with the tremendous need in Israel. In a letter from the Department of State dated February 7, 1972 to a Member of Congress it is stated that "No U.S. aid, direct or indirect, is granted to any of these refugees in Israel . . . nor has it been decided whether any programs will be initiated in Israel".

It seems likely that the new Soviet immigrants will constitute a unique and difficult problem for Israel. Each wave of immigration in the past presented a different set of problems for Israel. The North African Jews, for example, who composed the largest group of immigrants in the late 1950's and early 1960's were generally unaccustomed to living in a modern industrialized society. Jews from Yemen pose similar but even more complex problems.

The thousands of immigrants from the Soviet Republic of Georgia will pose new problems in that most of the Georgian Jews speak neither Hebrew nor Russian but only the language of Georgian which very few people in Israel understand.

It is to be hoped that the Congress will continue to realize that the State of Israel is absolutely unique in the entire world both because of the very large number of immigrants which it must absorb and also because of the very wide diversity among the different groups of immigrants who come to Israel.

THE NEW CHALLENGES TO CHRISTIANS IN ISRAEL'S EMERGING PROBLEMS

The relatively small amount of assistance extended to Israel over the past generation by the Christians of Europe and America is hardly an encouraging demonstration of the solidarity which should exist between all of those who worship the God of Abraham, of

Isaac and of Jacob. The new emigration from Russia, once a Christian nation, poses again the spectacle of an entire country and culture making life so impossible for people of the Jewish faith that they prefer or even feel compelled to depart.

What should be the response of Christians in America as President Nixon prepares for an unprecedented visit to Russia in mid-May of 1972? It seems to me that Christians and others in America should strongly recommend to the President that:

1. He insist in every way during his visit to Russia that the United Nations Declaration of Human Rights, subscribed to by the Soviet Union in December 1948, contains a very clear assertion of the right of every person in the world to emigrate to the country of his choice.

2. The oppression of Jewish cultural institutions by the Soviet government is clearly contrary to Articles 124 and 125 of the Constitution of the Soviet Union.

3. The people and the government of the United States will continue to arouse world opinion unless the Soviet Union guarantees categorically and openly the religious and cultural freedom of the Jewish people who reside in the U.S.S.R.

The new crises in Israel which will result because of immigration from Russia have induced me to accept the invitation of the National Interreligious Consultation on Soviet Jewry to go to Israel in the near future to evaluate these problems and to report on them to interested individuals throughout America. Tentative dates for my trip to Israel will coincide with a short recess of the Congress from May 25 to May 31. These dates will be shortly after President Nixon has returned from his conversations in Moscow.

After my return from Israel I hope to be able to alert all of the leaders who have participated in this historic conference on Soviet Jewry at the University of Chicago. I hope that the information which I will bring to them will be radiated by them to every concerned person in America. I have the hope that American Christians will be aroused at the injustices being inflicted on persons of the Jewish faith in Russia. I hope also that Christians in America will as never before recognize and act upon the acute and profound problems which confront Israel because by its very nature it is an ongoing ingathering of exiles and refugees.

I have the hope that I along with all of those of the Christian faith with whom I will communicate will recognize as never before that Christians must more fully understand the meaning of the profound statement made by Reinhold Niebuhr, the famous Protestant theologian, who told us that no one can be a good Christian until first he is a good Jew.

WATER QUALITY: WE CANNOT AFFORD ANY EXCUSES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. RANGEL. Mr. Speaker, as a sponsor of the clean water package designed to strengthen the proposed Federal Water Pollution Control Act Amendments of 1972, I believe it is imperative that the House of Representatives pledge itself to total, uncompromising commitment to preserve and restore our water resources.

We must not let the ring of the corporate cash register deter us from a zero discharge goal. And we must not allow the fears of selfish commercial interests—too long free to despoil and exploit our environment—to persuade us to restrict citizen suits to protect our water.

We will be offering a series of amendments to the committee bill to plug some of the loopholes which would undermine this critically needed legislation. We cannot afford any excuses, Mr. Speaker, for enacting anything but the strongest bill possible.

Today, 8 million gallons of raw sewage are pouring into the Harlem River. Today, hundreds of millions of gallons of raw sewage are being dumped into the waterways of New York City. Today, Lake Erie and the Potomac River are considered so contaminated that we are warned not to even touch the water. And the record of the Public Works Committee hearings on this legislation—3,400 pages of testimony and statistics—describes in frightening detail the national extent of the water pollution crisis.

Mr. Speaker, America's water is irreplaceable. If we destroy it, the entire Nation will wither and die. This is not the time for halfway measures or indecision. This is not the place for wavering or hedging. This is the showdown and our survival is at stake.

ADMIRAL McCAIN'S CONTRIBUTION

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. BOB WILSON. Mr. Speaker, within the next few months one of the Navy's great admirals will be leaving the service. Adm. John S. McCain will be retiring upon completion of a 4-year tour as commander of the U.S. forces in the Pacific.

Those of us who have followed his distinguished career are grateful to him for his years of outstanding service to the Navy and to our country. I know our colleagues will be interested in reading the following editorial that appeared in the San Diego Tribune for March 20, 1972.

The editorial follows:

ADMIRAL McCAIN'S CONTRIBUTION

The appointment of Vice Adm. Noel Gayler as new commander of U.S. forces in the Pacific represents, we trust, no diminished awareness of military dangers that continue to confront us in Asia.

As director of the National Security Agency, Adm. Gayler certainly knows the inherent strength of Soviet and Chinese power moves and the need to offset them as well as Adm. John S. McCain, the present commander.

McCain, who will retire this summer, clearly sees the Soviet naval buildup as part of an overall strategy for world influence. He has spoken repeatedly on the urgency for maintaining a corresponding U.S. presence in the Pacific.

But neither McCain's firsthand knowledge of Communist power in Asia nor his warnings on its potential danger were decisive. Congress, prompted by public disillusionment over our Vietnam involvement, has evidently given little weight to the admiral's pleas for strengthening our defenses.

Given the tenor of the times as shown in the persistent clamor for weakening our military posture, it's difficult to see how Adm. Gayler, or any successor, could prove more persuasive.

Adm. McCain at least approaches retirement knowing that he has done all in his power to apprise the Congress and the nation of the Asian dilemma and the hard choices that are mandatory to resolve it.

His distinguished career, capped by four years of Pacific command, leaves nothing wanting in duty or service to his country.

REVITALIZATION OF RURAL ROADS WILL HELP RELIEVE URBAN CONGESTION

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. HAMMERSCHMIDT. Mr. Speaker, a major effort is underway at various levels of Government, from various interest groups—to open the Highway Trust Fund to uses not directly related to highway development.

Many words have been said pro and con. Words with which I agree wholeheartedly and unequivocally—to keep the trust fund for highway purposes only—were spoken plainly in a recent appearance before the Roads Subcommittee of the Public Works Committee by Mr. Clark McClinton, chairman of the board of the National Limestone Institute. Clark McClinton is from Fayetteville, Ark., in my congressional district. I know him to be a concerned citizen and sound thinker.

If the expenditure time frame of the highway trust fund is to be shifted in light of changing times and priorities then I totally agree with Mr. McClinton that the ABC program—primary roads—would be the logical area to receive additional funding.

I commend to my colleagues his statement which reflects the commonsense approach to meeting our transportation needs:

STATEMENT OF CLARK C. McCLINTON

Mr. Chairman and members of the committee, it is a real privilege to have been allotted this time to appear before you today.

I am Clark C. McClinton, President of McClinton Brothers Company, Fayetteville, Arkansas. I am also Chairman of the Board of the National Limestone Institute, a national trade association of more than 570 members in 33 states. For myself and for all of those whom I represent here, I thank you sincerely for permitting me to express our position on the subject of transportation systems for this Nation of ours.

Several of you distinguished gentlemen can recall, I'm sure, the occasion back in April 1956 when Mr. Fallon, then Chairman of this same subcommittee, reported out the Federal Highway Act of 1956. At that time he said:

"There are two basic facts which are recognized and agreed upon by all concerned. First, the whole economy of the United States is directly dependent upon motor vehicle transportation. Secondly, we are failing to keep our highway systems adequate to meet our needs and the backlog of deficiencies required to be overcome has been and is constantly piling up at an alarming degree."

Gentlemen, I suggest to you that those

words apply just as aptly to circumstances prevailing today as they did when Mr. Fallon spoke them 16 years ago. Highways today are essential and fundamental elements of American economy. They alone provide almost limitless new freedom, speed and safety to the movement of people, goods and services. Production, assembly, and distribution lines of commerce and industry would be impossibly fragmented were it not for Interstate routes.

New and improved highways are every bit the direct stimulus to the economy of an area that they were in 1956. There's a lot of talk these days about revitalizing rural America. I agree with those who say that this revitalization boils down to providing non-farm ways for people to earn a decent living without departing the country and moving to the city. Good roads and highways can let people get from home in the country to work in the city. And good roads will let city dwellers travel to the countryside to work at new manufacturing jobs in new plants outside the limits of the big cities. But gentlemen, there won't be job building away from big cities without fast, fully modern highways to serve production, assembly and distribution requirements.

Mr. Chairman, nearly everyone in this country knows of the fantastic job we have done in building our Interstate System. All of us who travel by car—and most of us do—marvel at how much faster we can get to places than we could before we started this outstanding program. But I can't understand why every person in this Nation isn't pounding on the doors of this committee room demanding that we bring the ABC and Urban Extensions up to similar standards. Out where I come from, we are driving on roads that were engineered and built forty and fifty years ago. We need good roads between Fayetteville and Harrison and other areas of Arkansas. In Minnesota, there are thousands of miles of roads that are not surfaced yet. In fact, there are hundreds of miles which aren't even graveled. And I am sure that there are similar areas in every state. There are 200,000 miles of obsolete primary routes alone which have been allowed to deteriorate too long. We are not keeping up with requirements right now, and unless we do something now, unmet needs will continue to pile up as Mr. Fallon warned in 1956. We recommend very strongly that a billion dollars a year be added to ABC authorizations so that we can commence now to attack this most serious deficiency with our primary systems. To get this one billion dollars more for primary roads, we suggest extension of time for completion of the Interstate and annual Interstate System funding of $3 billion until completion.

Let me digress here for a moment. It's too easy to talk in terms of billions as I just did. People really don't understand the meaning of the word, but it scares them. And I suspect that fright is part of the opposition to roadbuilding—too free talk about billions of dollars. So I want to talk about the Federal-aid Highway Programs from my position as an Arkansas businessman. In fiscal year 1973, about $7.25 million in Federal funds is to be spent on our primary system. This will be matched on a 50/50 basis by the state, making a total of $14.5 million available. Now we have 10 highway districts in Arkansas, so this $14.5 million boils down to an average of less than $1.5 million per district. Gentlemen, the most upgraded primary road you can get anywhere in Arkansas for $1.5 million is five or six miles, and in most cases that would be only a two-lane road. So what sounds outrageously large here is pitifully small out where it's to be used.

We in the Limestone industry firmly believe that all segments of the country's transportation systems should have strong viable programs. But we believe it is a serious mistake to take any action which will mitigate against reaching the kind of highway system our experts say we need by 1990, because the highway is the one vital link in the total system. If highways are inadequate, any total system will be inadequate. Instead of tapping the Highway Trust Fund for other programs—important as they are—this Trust Fund should be kept intact until the purpose for which it was established is fulfulled. Two separate studies—one by the Department of Transportation, the other by the Highway User's Federation for Safety and Mobility—show we will need about $600 billion between now and 1990 to meet the highway needs required by our citizens. Only about one half of that is going to be available, as it looks now. We can't afford to reduce that already inadequate amount by diverting Trust Fund monies.

We are aware of the knee-jerk reactions of some elements of our society to roadbuilding. For example, there is the myth of paving over the country. New Jersey is one of the most congested large areas on any continent if we consider it statistically. But more than half of that state is virtually undeveloped right now—several million acres of land in the southern part are essentially as unpopulated as when Columbus landed, I'm told. And among the barrage of untruths rampant today which you gentlemen have to put up with is the one about excess money in the Trust Fund. I have seen issues of the *Washington Post* and the *Washington Evening Star* with strong anti-highway articles and editorials. Certainly no one wishes to deny any person the right to their opinions, but when the Washington *Sunday Star* publishes a cartoon, as they did last Sunday, and prints statements like ". . . highways have more money than they need, and urban transit less", someone must set the record straight. No one who takes time to look at the complete picture can claim that the Highway Trust Fund has more money than we need for our highway needs.

People are more concerned today with pollution than ever before. The automobile and highways are looked on by some as the principle culprits causing polluted air around our cities. There are millions of citizens concerned, and rightly so, about highway death tolls. These folks don't seem to realize that we have the know-how to cut pollution by 80 percent and traffic deaths in half. All we need is authorization and financing to bring all roads up to the same relative condition we have attained on the Interstate System.

The Federal-aid Highway Act of 1956 inisectors. Continuing major emphasis on highway program that may rank as one of the greatest peacetime construction programs of all times. In spite of the accomplishments to date, however, we still don't have a highway system adequate to meet our economic, defense, and general population needs. There is no question that we are faced with the challenge of providing more efficient transportation systems for the public and private sectors. Continuing major emphasis on highway construction is essential to meeting that challenge. To build those highways, we must have comprehensive, cooperative and continuing long-range planning and appropriate implementing machinery. To that end, I ask you distinguished gentlemen to enact legislation this year which will insure continuity of long-range planning, funding and execution of highway building programs. In this regard, the key to success in these areas has been the assured source and quantity of financing provided by the Highway Trust Fund. Other conditions necessary to meet these objectives are longer term authorizations, single apportionments of full authorizations without delays or cutbacks.

The interested and concerned businessmen whom I represent here urge you to make a commitment this year to start priority work toward upgrading our primary road system. Pay for this priority effort by decreasing Interstate System authorizations by $1 billion—to $3 billion—annually until finished, and add the $1 billion to authorizations for ABC Systems. Make provisions for four-year authorizations rather than the biennial authorization, and see to it that planning is not further hamstrung with quarterly apportionments. We encourage continued reliance on Trust Fund financing of transportation systems, but with each mode having its own Trust Fund. To that end, we urge you to enact a bill which will make sure that every cent paid by motorists will be used for better and safer highways without cutbacks or delays or executive impoundment.

HORTON CALLS FOR BYELORUSSIAN INDEPENDENCE

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. HORTON. Mr. Speaker, 54 years ago, a tormented and ravaged people declared that they alone would decide their own destiny without interference from any outside power. The Byelorussian Democratic Republic had been born out of six centuries of invasions by Mongols and Teutonic Knights as well as Polish, German, and Russian territorial oppression. Since the unification of Byelorussian lands in the 13th century, there had been no opportunity for self-government or peace in Byelorussia. The people experienced a continuous nightmare of subjugation and death. But as their enemies stumbled through World War I, the country immediately shed all indications of foreign rule and, on March 25, 1918, formed a government based on personal liberty and democracy.

Joy in the Byelorussian Democratic Republic was short-lived. Six months later, on December 10, 1918, the Russian Army invaded Byelorussia. After the Treaty of Riga was signed in 1921, ending the war between Russia and Poland, the two countries arbitrarily divided the nation. One third of the country, 3,500,000 people, were forced to become a part of Poland while the rest was incorporated into the new Soviet empire. Through this "settlement" the goals of self-determination and independence were brutally suppressed and the peoples turned into oppressed colonies.

Since that time there have been many courageous uprisings by the Byelorussian peoples against Russian rule. The Communists launched a bitter campaign against Byelorussian democratic forces. The first to be arrested were political figures, prominent scholars, writers, teachers, students, and other intellectual leaders. Hundreds of thousands of Byelorussians were deported to forced labor camps in Siberia and elsewhere, and thousands of persons were brutally executed.

Byelorussia today is a member of the Union of Soviet Socialist Republics. Although it holds membership in the United Nations, it is not in fact an independent nation. It is ruled exclusively by the Soviet government. Only Russians are permitted to occupy key positions in the

Byelorussian Soviet Socialist Republic. Industrial development is directed toward the successful Soviet colonization of Siberia and Central Asia. The written and oral use of the Byelorussian language has been eliminated from administrative use as well as the schools and has been replaced by the Russian language. In addition, the annihilation and deportation of nationalists as well as the neglect of incorporated non-Russian nations in order to facilitate the growth of military might and empirical expansion has taken its toll from the Byelorussian people.

The Soviet government has forced the denationalization of the country as well as the people. The old monuments of distinctive Byelorussian architecture have been destroyed. In their place the government has erected modern Soviet-designed buildings of uniform architecture totally unrelated to the fine Byelorussian heritage. The towns and streets of the country have been renamed after heroes of Soviet Russian history: Lenin, Puskin, Suvorov, Kutuzov, and so forth.

There indignities and oppressive tactics have failed to extract from the people the determination for personal liberty and self-determination. Fifty-four years after the founding of the Byelorussian Democratic Republic, the struggle continues.

I have watched with satisfaction the increased communication between the U.S.S.R. and the United States within the last several months. I would hope that America, as a freedom-loving nation who has fought against oppression since its establishment almost 200 years ago, will take every opportunity to encourage the Soviet Union to allow freedoms and self-determination for all its peoples.

TIME FOR REFORM

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. ZWACH. Mr. Speaker, ever since I have been in Congress, I have been voting against increases in our national debt limit. Our country just cannot afford to keep piling up deficits.

The Edgerton Enterprise, edited by Carroll Fey, recently carried some very good suggestions in its editorial column on ways to combat this increasing debt.

With your permission, I would like to insert editor Fey's editorial in the CONGRESSIONAL RECORD. I think it contains some very good food for thought for every Member of this body:

TIME FOR REFORM

Analysis of the President's budget for fiscal 1973 shows that there will be an expected deficit of $38.8 billion this year and $25.5 billion next year. The government is engaged in alarming budgetary brinksmanship.

What is needed is a firm ceiling on expenditures (the President suggests his budget estimates of $246.3 billion), greater budgetary control of credit and lending activities, and establishment of spending priorities based on need and effectiveness.

Another long-over-due reform would consolidate all appropriations into two measures: one for defense and national security, and one for all other federal expenditures.

Also, the President now has the choice of accepting or rejecting an entire appropriation bill. He should have a limited power to veto particular items.

Five-year cost projections should be required and used to discourage Congress from approving programs costing modest amounts the first year, but committing future Congresses to spending billions.

Washington now budgets for a push-button economy with quill-pen techniques. As a result, the country is in a serious budgetary bind and Congress should move quickly to adopt needed reforms.

EQUAL TREATMENT FOR BAYONNE AND JERSEY CITY

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. GALLAGHER. Mr. Speaker, tomorrow, when this body gives further consideration to H.R. 11896, the Federal Water Pollution Control Act Amendments of 1972, I plan to offer an amendment which is essential to give proper equitable treatment to two cities in my district—Bayonne and Jersey City.

Both cities were in the forefront in responding to the needs of their citizens in the water pollution field. Each initiated a sewerage treatment facility well before June 30, 1956, which is the cutoff for eligibility to receive Federal reimbursement for expenditure of State and local funds under H.R. 11896.

Bayonne initiated its treatment facility in November 1952—and Jersey City did likewise in September 1954.

In both cases these cities responded to governmental pressures to start work on modern sewerage treatment facilities in advance of the rest of the country. The Interstate Sanitation Commission applied the pressure, and its rulings were made mandatory by court order.

It is, of course, a boon to the people of these two cities and the nearby waterways that these new sewerage treatment facilities were planned and constructed in the early 1950's. But by the same token Bayonne and Jersey City are being penalized for being early birds in the water pollution field. Because of their public spirit, which was reinforced by governmental mandates, Bayonne and Jersey City stand to lose the benefits of Federal reimbursements under section 206(b).

The object of my amendment is to put Bayonne and Jersey City on equal footing with other cities around the country which built sewerage treatment facilities between June 30, 1956, and June 30, 1966. It would do this by establishing a category for facilities initiated between June 30, 1952, and June 30, 1956, as the result of governmental pressures. To my knowledge only Bayonne and Jersey City are affected.

The financial impact of this amendment would be marginal. H.R. 11896 is budgeted at $24.6 billion; $750 million of that is available under section 206(b). My amendment would add the comparatively small amount of $17 million to the funds otherwise available under section 206(b), representing 30 percent reimbursement of project funds spent by Bayonne and Jersey City.

There is another factor that points toward relief for Bayonne and Jersey City. Both cities are the hosts for Federal installations, and their tax bases are diminished accordingly.

Bayonne and Jersey City had to finance their sewerage treatment facilities with bond issues which, with interest, costs more in the long run. Cities with artificially diminished tax bases are especially in need of Federal reimbursement for public works projects such as sewerage treatment plants.

Apart from this amendment, I shall offer legislative history tomorrow to establish that there should be reimbursement under section 206(b) for funds spent after June 30, 1956, on sewerage treatment facilities initiated before that date. I have in mind specifically $4.4 million spent after June 30, 1956, for the sewerage facility in Jersey City.

An examination of the language of 206 (b) is instructive. This section does not talk in terms of projects "initiated" after June 30, 1956, but rather in terms of projects "constructed or eligible for—assistance" between June 30, 1956, and June 30, 1966. This suggests strongly that the legislative intent was to finance both projects and segments of projects—financed after the June 35, 1956, cutoff.

The text of my amendment is as follows:

AMENDMENT TO H.R. 11896 AS REPORTED

Page 254, immediately after line 12 insert the following:

"(e) Any publicly owned treatment works in a State on which construction was initiated after June 30, 1952, but before June 30, 1956, as a result of a court order, or a ruling by an interstate agency, or both, shall qualify for payments and reimbursements of State or local funds used for such project from sums allocated to such State under this subsection in an amount which shall not exceed the difference between the amount of such assistance, if any, received for such project and 30 per centum of the total cost of such project. There is authorized to be appropriated to carry out this subsection not to exceed $17,000,000.

A LOUISIANA PUBLIC WORKS DIRECTOR ON PROPOSED CREATION OF DEPARTMENT FOR COMMUNITY DEVELOPMENT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. RARICK. Mr. Speaker, Mr. Ray Burgess, director of public works for the city of Baton Rouge, the capital city of Louisiana and the largest city in my district, recently testified before the Subcommittee on Legislation and Military Operations of the House Committee on Government Operations.

Mr. Burgess spoke in behalf of the American Road Builders Association in opposition to the inclusion of the Federal Highway Administration and the Urban

Mass Transportation Administration in the proposed new Department for Community Development.

I include Mr. Burgess' testimony along with his cover letter of transmittal to me in the RECORD at this point:

BATON ROUGE, LA.,
March 20, 1972.

Subject: Proposed Creation of Department for Community Development.

Hon. JOHN R. RARICK,
House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE RARICK: Attached is one copy of my statement before the House Sub-Committee on Legislation and Military Operations, representing the American Road Builders Association in opposition to the inclusion of the Federal Highway Administration and the Urban Mass Transportation Administration in the proposed new Departments for Community Development. Even though I represented the American Road Builders Association at these hearings, the sentiments expressed in the attached statement also represent my personal feelings and the fear that is prevalent within me whenever there is mention of melding a successfully operating department into the mass of social and housing programs presently administered by the U.S. Department of Housing and Urban Development.

Please be aware of the movement by the Administration to relegate the Federal Highway Administration to a lesser role than it now enjoys. It is my fear that should the creation of this department be accomplished in the manner as proposed, not only will the functions of the Federal Highway Administration and the Urban Mass Transportation Administration be made secondary to the social and housing functions of H.U.D. but the trust fund monies which now support the highway program will also be mixed up in the same pot, thus making less monies available for highway purposes.

Your consideration of this request will be appreciated.

Your very truly,
RAY W. BURGESS,
Director.

STATEMENT OF THE AMERICAN ROAD BUILDERS' ASSOCIATION PRESENTED BY RAY W. BURGESS

Mr. Chairman and members of the committee, my name is Ray W. Burgess, and I am director of the Department of Public Works for the city of Baton Rouge, Louisiana. I am privileged to be here today as a spokesman for the American Road Builders' Association, accompanied by the Executive Vice President of ARBA, Burton F. Miller.

The American Road Builders' Association has its headquarters here in Washington, D.C. ARBA is composed of transportation construction contractors; public officials at the Federal, State and local levels of government; manufacturers and distributors of transportation construction equipment; consulting firms who plan and design engineering projects; materials producers and suppliers, and civil engineering educators. The primary objective of ARBA is to support, through responsible activity, sound and adequate development programs for highways, airports and urban public transportation.

Our diversified membership is bound together by its common interest in transportation construction programs. All of our members, in one way or another, are involved in one or more of the programs administered by the Federal Department of Transportation. We are concerned primarily with the programs of the Federal Highway Administration, the Federal Aviation Administration and the Federal Urban Mass Transportation. To a lesser degree, we are also involved in the activities administered by the National Highway Traffic Safety Administration.

ARBA's professional staff, headed by Mr. Burton F. Miller, is in contact with officials of the Department of Transportation, at all levels, on virtually a daily basis. This is due primarily to the fact that the interests of our members closely parallel the interests of DOT.

This does not mean, however, that ARBA is always in full accord with DOT policies and programs. We disagree quite frequently. In a matter of particular relevance to these hearings, we have frequently expressed our concern about the proliferation of "red tape" in the Department of Transportation. In our opinion, the progress of transportation construction programs has been seriously impeded by numerous bureaucratic requirements imposed by Federal agencies. We have spent much time and effort in attempting to bring about a reduction in this "red tape."

It is encouraging to note that the Executive Branch of the Federal Government is deeply concerned with its administrative deficiencies and is seeking various ways to alleviate this problem. The proposed departmental reorganization is by far the most sweeping of the many reforms which have been suggested.

It would be presumptuous of the American Road Builders' Association to come before this Committee with any views on the general restructuring of the Executive Branch. We certainly have no objection whatever to the general thesis that functions of government which are inter-related should be grouped together in one administrative agency.

This was, in fact, the intent of the Department of Transportation Act of 1966 (Public Law 89-670). This law established a Department of Transportation "to assure the coordinated, effective administration of the transportation programs of the Federal government; to facilitate the development and improvement of coordinated transportation service" and for other similar purposes.

We have examined the record of Congressional hearings leading to the establishment of the Department of Transportation. This record includes statements by representatives of the Executive Branch which have a familiar ring, in the context of the present hearings. President Johnson, in his transportation message of March 2, 1966, said:

"We must coordinate the executive functions of our transportation agencies in a single coherent instrument of government. Thus policy guidance and support for each means of transportation will strengthen the national economy as a whole."

In expanding this idea in Congressional testimony, Charles Schultze, then Director of the Bureau of the Budget, said:

"We must modernize and streamline executive branch organization. Today, transportation responsibilities are widely diffused throughout the Government. The lack of central leadership significantly handicaps the development of unified transportation policies and a fully effective execution of Federal transportation programs."

Alan S. Boyd, who was then Undersecretary of Commerce for Transportation, addressed the American Association of State Highway Officials on November 29, 1966. At that time, he explained to the highway officials that the new Department of Transportation would be "a logical framework for coping with complex technical, economic and social relationships, and a vital ingredient to our future prosperity."

The point need not be labored. It is quite clear that the Department of Transportation was conceived as very much the kind of "goal-oriented" department which is contemplated by the President's Departmental Reorganization Program.

As proposed in H.R. 6962, the Department of Community Development would be a "goal-oriented" department. This new department is intended to stimulate patterns of balanced growth linking together opportunities for housing, jobs, education, recreation, culture and basic social services. Without question, adequate transportation is important to the attainment of balanced growth.

Recognizing the enormous requirements of the transportation system, is the goal of obtaining adequate transportation facilities best approached by abolishing the Department of Transportation? The American Road Builders' Association thinks not. Although it is quite obvious that the organization of a Department of Transportation is, in itself, no magic touchstone for transportation progress, it seems equally clear that the fragmentation of transportation responsibility has many serious disadvantages.

The President's Departmental Reorganization Program, if adopted in its entirety, would result in the abolition of the Department of Transportation. Highways and urban mass transportation would be transferred to the new Department of Community Development. These functions would be divorced from the policy-planning function, which would become an entity of the proposed new Department of Economic Affairs.

The airport program would also be transferred to the Department of Economic Affairs. This, in our opinion, is a glaring deficiency in the proposed plan. The location and planning of airport facilities is one of the major factors in stimulating balanced community growth and should not be separated from other transportation functions such as highways and urban public transportation.

As proposed in H.R. 6962 and elaborated in supporting documentation provided by the Administration, the Department of Community Development would include an Administrator for Community Transportation. This Administrator would be responsible for highway and urban mass transportation development. H.R. 6962 also provides for an Associate Administrator for Highways, with the responsibility to administer the Federal-aid highway program.

In his testimony before this Committee on November 3, 1971, Secretary Romney described the proposed field organization of the Department of Community Development in considerable detail. At that time, he outlined a hypothetical structure that is not provided for in the legislation.

Insofar as the highway program is concerned, the field organization plan advanced by Mr. Romney has one great advantage. It would insure, on paper at least, a continuation of the present Federal-State highway partnership. We think that this relationship is extremely important.

Since the beginning of the Federal-aid highway program in 1916, Federal aid for highways has always been channeled through the State highway departments. These departments, fully organized and professionally staffed, are well qualified to plan, design, construct and maintain highways. The Federal Highway Administration deals, in effect, with 52 clients, representing the 50 States, the District of Columbia and Puerto Rico. A modification of the program structure to permit by-passing the State highway departments would be, in our opinion, disastrous to the highway program.

We emphasize this point because the field organization plan which Mr. Romney and his associates presented is without legislative force and is subject to revision at any time. A merging of the current highway program field force into the Department of Community Development area level field force would result in management chaos, with respect to administering the Federal-aid highway program.

The general philosophy is that like functions of government should be grouped together. However, there has been very little justification advanced for moving the high-

way and urban mass transportation programs out of the Department of Transportation. The clearest rationale is contained in Secretary Romney's testimony of November 3, 1971. At that time, the Secretary made these points:

1. "Highway and urban mass transportation programs are more intimately related to community planning and to housing and community facilities than they are to the bulk of the other programs now in the Department of Transportation. Few day-to-day relationships exist between highways and the marine and seaway functions of the Department of Transportation."

Comment: The Secretary's point is somewhat strained. There is a very close relationship between highways and airports, between highways and high speed ground transportation, between urban mass transportation and railroads, between highways and a national transportation policy. In each of these cases, one member of the pair would remain in DOT and the other would be split off.

2. "Unless a highway is planned and executed in coordination with a community's overall development plans, many things can go wrong. . . . We are all familiar with examples out of the past of the damage that highways can do, sometimes upsetting a city's master development plan and sometimes, as in New Orleans, threatening a unique and historic quarter."

Comment: From my own personal experience, the Secretary's example is not well chosen. The French Quarter Freeway in New Orleans, whatever its merits or demerits may be, was in fact a part of the master development plan fully approved by the local government in New Orleans. The proposed freeway was stopped by the Federal Department of Transportation which took, I assume, precisely the kind of action Secretary Romney would expect from the Department of Community Development.

Possibly a better example can be found to illustrate Mr. Romney's point. However, Federal highway law and regulations and administrative procedures have made it increasingly unlikely that a major highway or urban public transit project can be advanced when it is not inconformance with local planning decisions.

3. Mr. Romney said that "overcrowding" was one of the causes for a Detroit riot in 1967. He blamed the overcrowding on "the uncoordinated relocation of persons displaced from other parts of Detroit by highway construction and by urban renewal."

Comment: Whatever the porblems may have been in 1967, subsequent laws and regulations have provided very strong requirements that Federal-aid highway projects not be built, until and unless suitable replacement housing is made available able to displaced families and individuals. The 1970 Federal-aid Highway Act provides that the cost of acquiring, rehabilitating or constructing replacmeent housing can be charged to the cost of constructing the highway project.

In short, it seems to us that very tenuous reasoning has been advanced to justify the transfer of the highway and urban mass transportation programs. In our opinion, that reasoning breaks down altogether when it is moved from the theoretical level to the level of practical application. In summary, the position of the American Road Builders' Association is:

1. The transfer of the highway and urban mass transportation programs from the Department of Transportation to the proposed Department of Community Development would, at best, be of no advantage. At worst, it could lead to a serious disruption of the total transportation progress.

2. The severance of the highway and urban mass transportation programs from other related DOT programs, such as transportation policy planning and airport development, would not be in the public interest. Related transportation programs and activities should remain within the same department.

Mr. Chairman, we appreciate this opportunity to present our views on this subject to your Committee.

BUDGET PROVIDES START FOR MODERNIZING FORCES

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. BOB WILSON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following article by Lt. Gen. Ira C. Eaker, U.S. Air Force (retired). which appeared in the San Diego Union:

BUDGET PROVIDES START FOR MODERNIZING FORCES

(By Ira C. Eaker)

President Nixon outlined his defense policy in his State of the Union speech to the Congress on Jan. 10 in these terms:

"We will maintain a nuclear deterrent to meet any threat to the security of the United States or of our allies.

"We will help other nations develop the capability of defending themselves.

"We will faithfully honor all of our treaty commitments.

"We will act to defend our interests whenever and wherever they are threatened any place in the world.

"But where our interests or our treaty commitments are not involved, our role will be limited:

"We will not intervene militarily.

"But we will use our influence to prevent war.

"If war comes we will use our influence to try to stop it.

"Once war is over we will do our share in helping to bind up the wounds of those who have participated in it."

This is a clear and succinct preamble—statement of purpose—to govern defense and foreign policy, subject only to confirmation or change by a Democratic controlled Congress.

Defense budgets implement defense policy. An examination of the '73 defense budget recently submitted to Congress will disclose whether this new defense policy is political rhetoric or a realistic guide for our defense programs and plans for the future.

These are pertinent facts disclosed from a study of the '73 defense budget:

It totals $83.4 billion in new obligational authority, an increase of $6.3 billion over the current '72 budget. But it is planned to spend less than $1 billion more next year. The difference between requested funds and actual expenditures flows from the time lag between orders for new weapons and when they are delivered and have to be paid for.

About $4.1 billion of the increase, or 65 per cent, is for increased salaries for military manpower due to wage hikes voted by Congress last year in an effort to discontinue the draft and substitute a volunteer Army.

The most significant increases in military strength are $1.2 billion for strategic forces, $1 billion more for research and development, an additional $600 million for the National Guard and the reserves.

The Army's share of the new budget is $20.6 billion; the Navy gets $22.3 billion and the Air Force $22.5 billion. This represents a $2 billion decrease for the Army from last year, due largely to the wind down of the Vietnam War. There is a considerable increase for the Navy to accelerate the undersea long range missile system, while the Air Force budget is about the same as last year.

In military manpower, the '73 budget funds 841,000 for the Army, 602,000 for the Navy, 198,000 for the Marine Corps and 717,000 for the Air Force. This represents a 20,000 loss for the Army over the current year and a 13,000 decrease for the Air Force, while both the Navy and the Marine Corps will retain exactly their present manpower.

In civilian defense personnel the '73 budget provides for 1,036,000, a cut of 5,000.

The '73 defense budget clearly indicates that the unilateral disarmament of U.S. strategic forces, initiated by prior administrations (the McNamara era) and continued for the first three years of the Nixon Administration, is now halted and a modest beginning will be made on modernization of our deterrent strategic forces.

The research and development increase of more than $1 billion is a realistic response to the fact that the Soviet Union has for several years been spending about twice our outlays for new weapons with obvious and dangerous implications for our security.

BIG SPENDERS CACKLE AFTER CRACKING THE GOLDEN EGG

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. BURKE of Florida. Mr. Speaker some of us who for years have been talking about the need to cut deficit Government spending, have been treated to some astounding statements from some of the big spenders in the U.S. Congress in recent weeks.

The plight of a possible $45 billion deficit in the fiscal year 1972 budget has raised the heckles of the bigtime spenders and others, including myself, but I wonder if it is not a little late for the liberal spenders to note this dilemma. It appears that "the chickens have finally come home to roost, but only after the golden egg has been cracked into little pieces."

Even before I became a Member of Congress, I felt it my responsibility to speak out against the irresponsibility of our Federal spending programs by both the administration, and the Congress. I never thought I would see the day when the big spenders, who over the years voted for programs which put us so deeply in debt, now start thinking about the dangers of these bloated Federal budgets.

It was interesting to note in one of my past speeches against the evil of deficit spending that liberal spending habits increased total Federal spending in the decade of the 1960's by 112 percent. This massive increase drove the Government to borrow at record rates as outgo far superseded income.

During that decade, our Nation went into the financial hole by $55 billion which was equivalent to a man chucking out the window a $1,000 bill every 6 seconds day and night for the entire decade.

This wild spending forced the Congress to repeatedly increase the national debt ceiling, and just recently, Congress again lifted the ceiling by $20 billion to a record high $450 billion.

Today, with the present $400 billion-plus debt staring our Nation in the face, it takes 12 cents out of every tax dollar to just pay the interest on this sum. This will increase as the debt reaches $450 billion, which it is expected to do by midsummer.

I voted against the debt ceiling increase and intend to continue doing so. I am proud to have been honored by various groups for my votes to bring economy and commonsense back to Government since my election to Congress.

I have introduced in this Congress the Economic Stabilization Act which calls for a full scale study of ways and means through which our national debt can be reduced and our dollar can once again be stabilized. If the big spenders are really intent on helping to save our economy and the Nation with it, maybe they will join me and other cosponsors in this effort, but alas, they cackle about the red ink and still vote to increase the national debt.

I suspect the rhetoric of the big spenders is a temporary illusion and shortly after November 1972, I suspect they will be pushing for a $500 billion debt ceiling. I hope I am wrong, but as you probably know, chickens, like most fowl, do not sit in one place for too long a period of time.

DEPENDENTS OF ALABAMA POW'S AND MIA'S GET FREE EDUCATION

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. DICKINSON. Mr. Speaker, I want to commend the Alabama Legislature for being the first State in the Nation to assure wives, children, and other dependents of captured and missing American servicemen a free education. During the recent special session the legislature passed and the Governor signed a bill providing tuition-free education at trade schools and institutions of higher learning to dependents of POW's and MIA's from Alabama. Although similar legislation is pending in other States, Alabama is the first to enact such a law.

There are approximately 60 families in Alabama that have servicemen either missing or held prisoner in Southeast Asia, and some 33 Alabama children have fathers captured or missing. The children will remain eligible for free tuition to Alabama institutions after the return of the servicemen.

Mr. Speaker, I would also like to commend State Representative James D. Harris, Jr., of Montgomery, my hometown, for sponsoring the bill and guiding it through the legislature. I would hope this will serve as an example for all States.

AMERICAN SOCIETY FOR PERFORMANCE IMPROVEMENT

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. GUBSER. Mr. Speaker, for a long time I have been most interested in a program participated in by defense contractors and the Department of Defense which has been labeled as "Zero Defects." The purpose of this program was to promote excellence in manufacturing and to improve quality.

Such improvement not only saves dollars but it could do much to restore the pride in workmanship which made American industries so successful over the years.

The name Zero Defects has been changed to the American Society for Performance Improvement. This society publishes Performance magazine, which is dedicated to better service, product quality, reliability, and cost awareness. The society has also just issued a Performance Improvement Handbook. Because I am so interested in quality improvement, I would like to insert background information along with excerpts from two press releases issued by the organization and commend them to the attention of my colleagues:

BACKGROUND INFORMATION—AMERICAN SOCIETY FOR PERFORMANCE IMPROVEMENT

A misplaced screwdriver ten years ago served to create the American Society for Performance Improvement. The society currently numbers 1176 business executives throughout the United States and nine foreign countries.

The screwdriver disappeared at a Cape Kennedy launch pad. It was found in Marietta, Georgia. When the tool was reported missing a launch countdown was in progress. The rocket shot was scrubbed and the missile returned to Lockheed Marietta for disassembly.

Philip B. Crosby, a Martin Company engineer at the time, decided to put together an organization to study causes of human error and do something effective toward elimination. He established society tenets and objectives.

Membership in the society was on an informal basis initially. Response to the society's basic precept, "regardless of the job, do it right the first time," was so enthusiastic, demand for information so great, the society was formally chartered under the laws of the State of New Jersey in June, 1966. The name at the time was the American Society for Zero Defects. This was recently changed to the American Society for Performance Improvement by the group's board of directors. The action was regarded as necessary to more clearly reflect the broadened scope of society activities.

Human error in industry costs lives, money and time. It is handmaiden to inflation and waste. Recognizing this, America's major corporations have supported the aims of the society from its inception. There has always been a free-exchange of information on the subject nationally and internationally.

The society publishes a periodical, Performance magazine, and provides free advice to companies and organizations actively seeking to reduce costs and improve the quality of performance improvement.

In the formulative years much of the work of the society was channeled into the aerospace effort. Millions of parts, manufactured by thousands of suppliers, had to be fabricated and assembled. They had to work right the first time. The principles learned from the space effort have since been successfully applied to hospitals, insurance companies, even to toy making.

National ASPI officers for 1972 are:

President, Gene Peretti, motivational programs manager, Boeing Company, Seattle, 1st VP, Robert Vincent, director quality systems, ITT, New York, 2nd VP, Bill S. Bailey, manager special projects, HITCO, Defense Products Division, Los Angeles.

The formal mission of the society is: "To promote and further the advancement of the knowledge, application and motivational approach to the elimination of defects attributable to human error."

That's how a lost screwdriver became a worthy objective.

FOR IMMEDIATE RELEASE

The American Society for Zero Defects, a group that believes perfect is possible, has located a defect in its own organization. They found their title was confusing and has a "wide variety of interpretations."

So, ever on the lookout for improvement, the society's board of directors voted unanimously to change the name to the American Society for Performance Improvement.

The board also took time to caution business management that today's employees are demanding to know what's going on. The contemporary workforce does not labor for bread alone, they said.

Poor workmanship, high absenteesim, disinterest in the job and low productivity are direct results of management's old fashion concepts of how to get things done.

The board said "we are on the threshold of an era of greater understanding and more effective utilization of our productive capacities. We must broaden the scope of this effort to make it work in all industrial and service areas."

IMMEDIATE RELEASE

A complete system for improving performance of men and machines is now available. Based on the experience of executives and engineers over a 10-year span, the system is designed specifically to provide better products and services through management awareness and error-cause removal.

Heart of the system is the newly printed Performance Improvement Handbook published under the auspices of the American Society for Performance Improvement. Coauthored by 11 men who have instituted and directed performance improvement programs for their own companies, the handbook provides practical, realistic guidance to cost reduction and work attitude improvement.

Foreign competition, rising domestic costs and public criticism of its products has placed American industry in a perilous situation. In the overall view of the authors of Performance Improvement Handbook, the products of industry today simply "are not good enough."

"Those products that work trouble-free do so because of an investment in test, inspection, and service completely out of proportion. Many companies spend 10, 15 or even 20 percent of their sales dollar on scrap, rework, warranty, service and inspection."

The cause of this waste, the authors state bluntly, is directly attributable to personnel in the plant, both employees and management.

From there they go on to examine the cause and effect and creation of realistic measurement standards to improve job performance.

The theory is that the defect that is prevented doesn't need repair, examination or explanation.

How to go about putting theory into practice in a contemporary society that raises its children to consider 30 percent error acceptable, comprises the main thrust of the 80-page text.

The experience and opinions of the authors, executives with ITT, Boeing, RCA, General Dynamics, Pontiac, Vought, HITCO, Westinghouse and the Federal Government, represents the most informed approach to practical job performance improvement available in the United States.

The system the authors advocate is highly flexible. It can be effectively tailored to the operation of a two-man hot dog stand as well as to a large multi-product manufacturing company. They present the program, the shopping list, and the reader selects the items that will best take care of his requirements.

HOME RULE

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. BROYHILL of Virginia. Mr. Speaker, on March 8, the Committee on the District of Columbia was privileged to have one of the District's most distinguished citizens, the Honorable F. Joseph Donohue, former President of the Board of Commissioners of the District, appear as a witness against certain so-called "home rule" bills currently before the Congress.

Mr. Donohue's testimony, based on years of experience with and in the District Government, so impressed me, that I asked his perimssion to make it a part of the CONGRESSIONAL RECORD before the full hearings have been concluded. He gave permission to do so, and I therefore insert the full text of his testimony at this point in the RECORD:

STATEMENT OF HON. F. JOSEPH DONOHUE, FORMER DISTRICT OF COLUMBIA COMMISSIONER

Mr. DONOHUE. Thank you, Mr. Chairman.

I want to make it perfectly clear that I am speaking only for myself, and as a property owner in the District of Columbia who, in spite of the Mayor's repeated escalation of the real estate tax, is still trying to hold on in the hope that I may continue to be a property owner.

I come here because I love the District of Columbia, and I owe it much. I have been here 53 years and I came here as a young boy, recently discharged from World War I military service to go to school, and I have been here ever since, and the District has been good to me. I have made an excellent living here.

As the Chairman suggests, I have been privileged to serve as the President of its Board of Commissioners and out of that sense of responsibility and duty I come here to make what I hope may be permanent comments about the matter pending before this Committee.

I knew when I came here, because I had been a student of political science and I'd been a student of the Constitution, so I did know when I came here that this was a company town. It was a one-company town, and that one company was my government, the government of the United States, and I accepted the fact when later in the process of my education here I determined to remain in the District of Columbia.

I knew that to do so would require the surrender on my part of some of the privileges of citizenship which I would have enjoyed, and I returned to my native Massachusetts, but I was quite willing to make that sacrifice because I felt that the only justification or excuse for the District of Columbia is the comfort, safety and convenience of the federal government, whose interest must be paramount and whose interest must be protected and served by somebody.

My distinguished predecessor, the General, talked about problems of riots more recently in the District of Columbia and I, as a young first lieutenant in the Marine Corps Reserve was on duty at the corner of John Marshall place and Pennsylvania Avenue to protect a platoon of Marines, a Marine Corps supply depot filled with ammunition when General MacArthur, on horseback, with his entire Chiefs of Staff, rode down Pennsylvania Avenue to meet my comrades of World War I who had come here seeking a bonus and had rioted, burned and destroyed.

So I understand the problem of the federal government, as I understood why they were chased out of Philadelphia, York, Pennsylvania; Annapolis, Maryland; New York City; and finally came to their haven here.

Now I do not believe that I should be required to surrender all of the privileges of a citizen because I live here in the nation's capital, and I would briefly like first to point out what I think we ought to have.

If I had my druthers, which I do not, I would have retained the Commission form of government. I was one of the few voices who came here to oppose the re-organization of the District government under the administration of, I believe, President Johnson.

I recognized that for nearly one hundred years the Board of Commissioners satisfactorily governed, under the guidance of the Congress, the affairs of the District of Columbia; never a scandal in the history of one hundred years, and I am glad to say that in the short time that I served as a member of the Board of Commissioners—I did not complete my term because I had the first appointment with President Eisenhower as President of the United States and submitted my resignation to him although I had thirteen months to serve because I felt I was a political appointment of a Democratic President and that President Eisenhower should appoint his own successor and subsequently of course he did—but during the two and a half years that I served as a member of the Board of Commissioners we never had an increase in the budget and we didn't borrow any money.

The budget, as I recall it, was about $150,000,000, and my friends in the Congress at that time frequently complained because I constantly referred to the fact that the Congress was cheating us because we were only getting eight or nine percent of that total budget from the Congress of the United States, $9,000,000, $10,000,000 and $11,000,000.

I was amazed when I heard Mr. Hubbard, no, Mr. Willard on the television Sunday, a member of the City Council, a distinguished Washingtonian, and he said that this year, the municipal administration will spend $1,400,000,000, obviously mostly in grants-in-aid which we didn't have in my time, and that of the total amount of $1,400,000,000 spent the District of Columbia would raise $450,000,000, so practically a billion dollars of that amount of money will come from the taxpayers of the United States, not the taxpayers alone of the District of Columbia.

Now, I'm sure that my distinguished friend, the Delegate from my community to this Congress, and I am proud to have him here, would say to me, why I remember you as a very active member of the home rule movement in the District of Columbia, and so I was but I've changed my mind.

I've changed my mind because Washington has changed. We are no longer a viable community. We cannot live and grow by ourselves.

Why? Well, I'll cite two reasons. When Herbert Hoover was Secretary of Commerce in the administration of Calvin Coolidge, he called to be built the Commerce Building at Fourteenth and Pennsylvania Avenue in the city. When completed it was the largest office building in the world. It runs from Fourteenth to Fifteenth, Pennsylvania to Constitution Avenue, and what did they call it? Hoover's folly, because they said the government of the United States would never grow big enough to fill it.

Now, I ask you to consider what has happened to the rest of the south side of Pennsylvania Avenue from Fourteenth Street to the Capitol, where businesses paying taxes to the District of Columbia and contributing to its support existed. They're all gone.

As I best can figure it, and I'm not in the position now to get the statistics that I used to be able to get, but as I figure it now, about one-half of one percent of the land area of the District of Columbia is annually removed from the tax rolls.

In my day, I think the percentage was about 44%. It is 54% or higher right now. How long can a community remain as a separate political entity with a superior authority gradually withdrawing from the tax rolls taxable property?

We have destroyed downtown. If you want to feel badly, drive an automobile north on Eighteenth Street from Massachusetts Avenue to Columbia Road. Now forget Fourteenth Street and Seventh Street and H Street, northeast.

This city is dying, and all you have to do is go around and see it.

Now, I remember during World War II when British pilots would take German fliers who had been shot down over London and who had not been killed on a tour. The German pilots had been told that London had been destroyed by the German Air Force, and the British were in a situation of chaos, but a British pilot would take a captured German flier and drive him around London and he would never see the site of a bomb. It took a little skill to do it.

I could take a visitor around this beautiful city and show them only the beauty, but I could also take them to where they would say, can this be my capital city? But it is.

So, we are not a viable community, number one, because we are shrinking in size and fifty years from now I can just envision what will happen.

This city will be occupied almost completely by federal institutions and by the various groups which must be located in the federal capital, with living accommodations perhaps only for those who necessarily must be here, and visitors.

Your community, sir, and your community, sir, in Maryland, will be the bedroom for the District of Columbia. There will be very few people, including you. There will be very few people living in the District of Columbia.

Now I point to another reason why we are not a viable community. We are losing population. In the last two censuses, 1970 and the one preceding, in 1960, we have lost a total of—well, you can quarrel with figures—but somewhere between 75,000 and 100,000 people.

Our total population is being diminished, and the nature of our population is being diminished. The medium and upper-income people, black or white, are exercising their prerogative to leave the city, this decaying city of ours, and go out into the suburbs.

So when we talk about home rule, home rule for what? The District of Columbia will lose its identity as a political unit and be as it was intended to be, a haven for the District government.

Now, what would I do if I could? I would re-establish the Commission form of government, if for only one reason, and that was

pointed to by the Chairman: the loss of the Engineer Commissioner has been a tragic blow to the District of Columbia.

The contribution of a senior engineering officer from the Corps of Engineers of the United States Army, one of those who served just after my time, General Clark, was honored by being made the Chief of the Corps of Engineers. That's the kind of man we had, General Robinson, who served with me, the Deputy Chief, and three talented assistants.

Our streets aren't dirty, they are a great contributor to the success of the automobile repair industry because they are full of holes. Our whole city is dying, particularly in its physical plant, and the loss of the Engineer Commissioner was a loss we ought not have sustained.

But I know that you can't turn the calendar back. That's gone forever.

I think that as a citizen of the District of Columbia I am entitled to have representation in the Congress of the United States. I think the Constitution should clearly be amended so that I may have more than a vote, but a voice in both the Senate of the United States and in the House of Representatives.

I think it is tragic that our delegate is permitted to participate in the debates that affect us, as they affect all Americans, and yet is not permitted to vote. I think we should have representation in the House and the Senate. I might even be willing to compromise because of the shrinking character, geographically, of the District of Columbia, and because of the decrease in population.

I might be willing to concede that we are to have only one Congressman elected by our people with a full power vote, and only one United States Senator.

We're not like California that has to have a representative in the Senate from Northern California and one from Southern California. Why, it's only a whistle-stop across the entire District of Columbia.

I think, with respect to local self-government—and it's a fantasy; there's no such thing as local self-government for the District of Columbia—it ought not to be classified as a city.

We are a federal territory. Our chief executive officer ought to be associated with the governors, not with the mayors.

I think we should have a chief executive who ought to be called the governor of the District of Columbia and who ought to be appointed by the President to represent the federal interest in the District of Columbia with an absolute power of veto over an elected governors' council of eleven, twelve, fifteen—call the number as you will.

That should be the structure of our local government with, of course, a continuing constitutional restriction on the power of any governors' council or legislative assembly in the District of Columbia to pass any bill which doesn't meet the approval of the Congress.

Now that's my view. It's a strange thing, looking through some old records, I found an open letter to the President of the United States in the Washington Post, April 20, 1952, at which time I was President of the Board of Commissioners, and the Budget Bureau had presented President Truman with a reorganized form of government for the District of Columbia, the same except warmed over a little bit kind of government, which they sold the Congress in 1967 and under which we now operate.

This full page ad is signed by the presidents of every important organization in the District of Columbia, including the signature of my distinguished friend and successor on the Board of Commissioners, John B. Duncan, as president of the then Federation of Civic Associations, bankers, lawyers, businessmen, veterans' organizations, all joined in asking the President to preserve the Commission form of government.

What's happened since then I don't know. Why we didn't have the same unanimity of spirit in 1967 when the present Reorganization Act was passed by Congress, or approved by the Congress, I will never know.

I know that my friend, the Commissioner, or the Mayor of Washington, is doing everything that he can. The Council is busy so they must be trying to do something, but what disturbs me is that every time I get a monthly publication from the Board of Trade, when I read the number of D.C. government employees for the month of November 1971, the latest figure available, and the number is 48,200.

That's about one person for every thirteen and a half or fourteen people in the District of Columbia. Now that's the burden we have assumed.

I thank you for the opportunity to appear here today.

Mr. McMILLAN. Thank you, Mr. Donohue. I think you made a wonderful statement.

TRIBUTE TO AMERICA'S FIGHTING MEN

HON. SPEEDY O. LONG

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. LONG of Louisiana. Mr. Speaker, I have just received a little booklet written by a retired Methodist minister, the Reverend J. H. Nichols of Lake Charles, La., which pays tribute to America's fighting men in a most sincere and modest fashion, one that might well be studied by Americans everywhere, and especially by Members of Congress.

In order to share the Reverend Nichols' thoughts with my colleagues, I insert his brief essay in the RECORD.

The essay follows:

WE, THE PEOPLE, OWE THE SOLDIER BOYS A DEBT OF DEEP LOVE AND GRATITUDE—FOR THEY HAVE SUFFERED, BLED AND DIED FOR OUR FREEDOMS.

(By J. H. Nichols)

WHEN IS THE WAR OVER WITH BOYS WHO STOOD IN MUDDY TRENCHES AND HEARD THE SCREAMS OF SHRAPNEL BURSTING OVER THEIR HEADS AND THE ROARING OF CANNONS AND THE SCREAMS OF DYING AND WOUNDED SOLDIERS? NEVER!!

I have never been on a battle field in action. Going to an army camp, I can still hear the bugle call "cannot get him up in the morning". The call "fall out," "attention," "forward march". These war songs have made an indelible impression on my heart that neither time nor eternity will erase. Reading about war is like looking at the shadow of bugs around an electric light. To see the little duck trying to eat shadows and the old mother duck standing off quacking, thinking how silly and ignorant her children are to think they can get fat on the shadows of bugs. I have had some experience and been on the drill field enough to give me some idea what it means to be drilled in a sham battle to know what a real battle on the front lines means to the soldiers on both sides. The cause that starts a war may be one-sided. It takes two sides to have a battle and fight, win or lose. Now, watch my story. At the close of World War I, many soldier boys came home and went back to college. Many of these red blooded Americans did not go to war to fight and die; they went to fight and run the risk of living. Some made it, some fell on Flanders Field and their bodies are buried where the poppies bloom row on row. What did we get out of this first World War? The soldier boy can answer your question: a military cemetery and a big debt that we had to pay in loss of life and destruction of property. I would be the last man on the face of the earth to throw one drop of cold water on a teacher. Good teachers who have given their lives as a sacrifice in the school room have always been underpaid. This is not even a debatable question. Teachers who are a misnomer in a school room are the most expensive people who ever were paid for holding a school with taxpayers' money. A degree from a college or university will not make a teacher; neither will it make a preacher. Teaching and preaching go hand in hand; they are both a calling and not a profession. See? You may disagree with me, but pragmatic tests will prove this statement right.

I'm ready to put the icing on the cake. All wisdom is not in schoolrooms; neither in the pulpit. In many cases there is very little practical experience in either. Hand me down information can mean anything or nothing. Experience is tailor made, and the man with experience knows whereof he speaks? See? This thought was impressed upon me in college when some of the teachers found everything they knew in the library. They handed down information and nothing gained from actual experience. There was a teacher who related a battle as depicted in a book she once read. One student stood it as long as he could and asked "where did you get that information?" She had to admit she was like a parrot, repeating what some ghost writer had said. He said, "I was in that battle and have twenty-two shrapnel shell scars on my body." He rolled up his sleeves as proof of what he had said. Up to that time, no one suspected this boy had even been in the army. A flow of beautiful language from fiction writers will not stand the acid test when someone has the scars on his body from the battle. He did not only have first hand knowledge of the harrows of war, but had scars on his body to prove he was there. Nothing will take the place of experience in this life. Neither flowery words nor handed down knowledge from books. We need fiction writers, they write of things which can happen; but many times their imagination is not based on what did happen. Will Rogers, that great humorist, God bless his memory, would say, "all I know is what I read in the papers." He was too wise to say, "I know everything I read in the paper is true." He knew everybody else knew all that goes in papers is not so. No comment from me. See?

Some of the greatest experiences of human behavior have never been written. The undertaker buried the manuscripts with them. Their life story was never written. Now you have the answer between fact and hear say. Courts will not accept hear say as evidence of truth. No drugstore cowboy can sit in the shade of the tree and read a western novel and be a bronc buster. No bronc rider can stay on all the broncs and some will leave their picture in the sand. No horse can throw all the riders. The man who has ridden the most broncs of life has the experience which will keep him on that many more, without being thrown. The historical record is the answer to what they have done. Buger Red was a world-wide champion in rodeo shows, riding outlaw horses. The horse knew he was a champion and so did the crowd. I am telling you these stories to show that a man who fights and wins needs no defense thereafter. The congressional record will show several of my writings. See?

Men who have done good and great things in life seldom have a big head, and never are arrogent, silly or high handed. They have all been humble and quiet. A boy who attended the same college with me was willing to be quiet and never tell the class what a wonderful soldier he was. He was modest and sat there with the horrors of war in his heart, wishing he could forget it. He had the scars

as evidence where he has been and what it cost him to be there. I am not writing a fictitious story, but writing out of heart of my own experiences with my friends to reinforce what I have said on the realities of life. I can tell fiction from experience. A rabbit will cross and recross his trail in the snow. If you know the nature of animals, you can tell where he has been. Truth is truth, if it never gets in print. A lie is a lie whether Drew Pearson or Ripley said it or not. Truth will stand when all other sayings fade out. The story of John Bunyan in that old dirty Bedford jail in London, England has been a blessing to the coming generations. He had time for God to speak to his heart and he wrote the "Pilgrim's Progress." Two of the greatest things he said was to bear the cross patiently and obey God rather than man. This thought was incorporated in the ten commandments. To my way of thinking, this saint made one of the most remarkable statements of any man in or out of jail. Great and good men have blessed this world have paid a dear price in suffering for their faith in God to bless humanity. Check the record. None of them slept on the flowery bed of ease. They have all been tested in the fire of God's love. The hotter you heat gold, the purer it will be. The test in life is the answer to a good life.

I have noticed in these automobile races, when no one is killed or hurt, the next day, the crowd will fall off eighty per cent. Then we can ask the question to the other eighty per cent. Do they think if they stay home they will miss seeing a wreck and someone hurt or killed. The value of sports is not to kill people but to show their skill. Probably the most brutish and inhuman show ever put on is a bull fight. I have never seen one, but have seen pictures in movies to show how brutal a bullfighter can be when he is spearing the helpless bull to entertain a crowd which would not be there were it not the most brutal and bloody show that can be put on in an arena to show which one will win, the bull or the bullfighter. Someone has said that when the bull kills the man, the crowd will cheer the bull like they do the man when he kills the bull. This goes to show that human flesh is on the same level in a fight with a bull, and the crowd is just as happy to see the bull win the fight as they are when he loses the fight. Now you have the answer to people on the sideline who go to see a bullfight. "They are looking for a thrill regardless of what the cost is to the fighter to show he has had a spill with the roaring of a bull that sent him to a premature grave. The other man can have it, I don't want to take his place to fight a bull.

This has been a strenuous message for me to write. I am for the right and against the wrong. Right is right if no one does right. Wrong is wrong if everybody does wrong. Wars are never fought to end wars. They are breeding grounds where the smoke of one war is scarcely cleared when another is fought over the same battlefield. Some soldiers have fought in two wars over the same battle ground. Sergeant York, who was the world's hero in bringing the first world war to a close thought he was fighting a war to end all wars. This was the promise to the soldier boys by our leaders. The fathers, when they saw their boys dying on the same battle fields they fought and died over, knew that their serving in a war just a quarter of a century ago did not end wars. This world-wide hero lived to see another war where he barely escaped with his own life and saw his son die on a battlefield. The story about a hungry, tired and sleepy soldier staggering to camp and sitting down on a bank, a captain tapped him on the shoulder and said, "this is reserved for officers." He replied, "where I came from was not reserved for officers." This would answer the question if the men who start wars had to fight them, they would never start.

As I bring this message to a close my heart is heavy, my eyes are moist with tears that trickle down my cheeks. As a loyal American, with my prayers for peace, the Lord has turned these tears to sparkling diamonds. When we see or hear the peace feelers being handed out, and we think the dove of peace is flying low, and the circles are getting smaller, our hearts rejoice to believe our boys will soon be home. We hope and pray this is not the political scheme for another campaign to end the war, and it will continue to drag on until we have our treasure drained and we will have our economy wrecked with promises that cannot and will not be fulfilled. If the whole world would join hands and hearts together and pray for a universal peace on earth and good will towards men, then the prophesy of Isaiah would come true and men and nations would beat their swords into plow-shares and their spears into pruning hooks. Then we could sing we will study war no more. Pray for peace and believe God will send the peace and we will be free from the scourge of war. Praise the Lord for a full salvation.

HOLDING TANKS ON BOATS STOP POLLUTION OF LAKES AND STREAMS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. FRASER. Mr. Speaker, the William Ford amendment permits States to completely prohibit the discharge of sanitary waste from boats.

It is sometimes claimed that standards which prohibit the discharge of sewage are impractical because no facilities are available to pump out boat holding tanks. While that contention may have been true at one time, the picture is changing rapidly.

For example, last year in Michigan, only 75 pumpout facilities served the boating industry. This year, 175 pumpout facilities are available—enough according to the Michigan Department of Natural Resources to service that State's recreational fleet quite adequately.

It is interesting to note that most of these facilities were built by private entrepreneurs and only about three dozen pumpout stations utilized some government funding.

In my own area, close to my summer place on the St. Croix River, 10 pumpout facilities currently, serve from Prescott, Wisc., to Stillwater, Minn. They include three pumpout stations at Prescott, Wisc., two each at Hastings, Afton, and Stillwater, Minn., and one at Hudson, Wis. With that kind of service available, I see no reason to permit use of flow through treatment devices that have proven inadequate and that have often degraded our water. I certainly do not want, and I am sure you do not want our kids to water ski or swim in waters where sewage has been allowed to flow through devices that frequently malfunction so badly that the suspended solids are not macerated, but are still recognizable as solids.

Pumpout stations for recreational boating cost between $600 and $3,000 depending upon whether or not storage or septic tanks are used in conjunction with the pumps. Many pumpout stations are run on the coin-operated serve-yourself principle and require no permanent attendant.

CHARGE FOR PUMPING OUT HOLDING TANKS

Individual boaters pay between 50 cents and $7 each time their holding tanks are pumped out. The average fee is about $3. The average boater will need a pumpout roughly once every 2 weeks. So during an average boating season of 12 to 14 weeks the total cost would range from $3 to $49.

Some holding tank systems do not need to be pumped out because they are portable and the boater may remove the tank from his boat and dump the waste in any on-land restroom.

COST OF HOLDING TANKS

The price of holding tanks is comparable and often cheaper than the cost of treatment devices. Holding tanks or recirculating toilets range in price from $35 to $300. Over 250,000 boats already have retention systems. In Minnesota, for example, there already are almost twice as many retention systems—1,191—as there are discharge units 680.

COMMERCIAL VESSELS

We must also stop pollution from commercial vessels. Commercial vessels require larger holding tanks and therefore, larger pumpout facilities. A commercial vessel may not want to curtail cargo space to install large holding tank systems. But that problem is solved easily because our technology has developed toilets that recycle water and enable three or more flushes on the water normally used for one flush. These water recycling systems and incineration devices can reduce the holding tank size on commercial vessels. In addition, these vessels can be pumped out in midcourse while they are taking on food and fuel from midstream services like those that operate on the Mississippi.

Some have solved the pumpout problem by hiring pumpout trucks to come to the port and service ships. The Port of Duluth has such a truck and will use it until more permanent facilities are installed. And Ford Motor Co. now hires a truck to pump out the tank on its fleet about once every 2 weeks.

In addition the number of on-shore pump-out stations for commercial vessels is growing continuously. Twin City Barge and Towing in St. Paul for example, has just completed a pump-out facility.

The prohibition of discharge from boats has already been studied by the National Academy of Sciences. They conclude:

> . . . the environmental goal seems attainable without inordinately jeopardizing the viability of the maritime segment of the national economy.

Since this National Academy study says the goal is attainable and since it says that quality flow through treatment will be too expensive for 95 percent of the marinas, the only reasonable thing to do is to allow States to prohibit all discharge. We can do that by passing the William Ford amendment and allowing 20 States to continue implementing their strong programs.

TREATMENTS WITH METHADONE PROBED AT BUFFALO HEARING

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. DULSKI. Mr. Speaker, the Subcommittee on Public Health and Environment of the House Committee on Interstate and Foreign Commerce held hearings and on-site investigations in my home city of Buffalo, N.Y., last week on the issue of methadone treatment for heroin addiction.

The treatment is well known and widely used, but there is considerable disagreement about many facets of the effort. There is agreement that methadone has worked as a treatment for heroin addiction although methadone itself is an addictive drug.

I compliment my neighboring colleague, the Honorable JAMES F. HASTINGS, of New York, for arranging the Buffalo sessions and I appreciate fully the helpful cooperation of another subcommittee member, the Honorable PETER KYROS of Maine, as well as the Honorable JACK KEMP of New York, a member of a task force on drug abuse.

Just 2 weeks earlier, in the same city, my own investigations subcommittee held 2 days of hearings on another aspect of the drug problem, the nagging question in many families as to whether the suspicious substance they find in their children's possession is in fact a dangerous drug.

There are many aspects to the massive drug problem and we must make every effort to deal effectively with each of them.

Mr. Speaker, as part of my remarks, I include three news stories on the Public Health Subcommittee's hearing, also the text of a statement which I submitted for the record because official business in Washington prevented my accepting the kind invitation to take part in the sessions:

[From the Buffalo Evening News, Mar. 22, 1972]

REPRESENTATIVE HASTINGS CHARGES COUNTY IS BALKING AT METHADONE PROBE

WASHINGTON.—The Erie County Laboratory reportedly has refused to give its complete cooperation to federal narcotics agents investigating the area's methadone-related deaths, Rep. James P. Hastings (R., Allegany) said today.

The congressman said he was informed in a telephone call from the Bureau of Narcotics & Dangerous Drugs (BNDD) that an unnamed representative of the laboratory, "acting on the advice of the Erie County attorney," refused to give BNDD investigators the names of the toxicology reports on the area individuals who reportedly died of methadone overdoses.

An aide to Mr. Hastings said the federal agents last week were given information on "the number of people who died, whether they were male or female, and that's all. That's something BNDD could have got from the press.

"BNDD has no idea why they refused," the aide explained. "But the level of refusal was very basic. They refused to provide information to help BNDD get their investigation started."

Mr. Hastings last month requested BNDD and the Food & Drug Administration to "take a good look" at the methadone dispensing operations in Erie County.

Methadone is used in the treatment of heroin addicts.

He said his request stemmed from an article in the Feb. 26 Buffalo Evening News which reported that methadone had caused nine deaths in the county within the preceding 11 months.

Mr. Hastings said he also was informed that the county officials "specifically indicated" to the federal agents that they would continue to refuse to provide additional data on the cases unless the U. S Attorney obtained a Federal Court order requiring them to comply.

"This is highly unusual," Mr. Hastings said.

The disclosure came on the eve of tomorrow's hearings by the House Commerce Subcommittee on Public Health & Environment in the Federal Office Bldg. in Buffalo on the possible need for new federal legislation to improve controls on methadone distribution.

Mr. Hastings, who is a member of the subcommittee and will preside at the hearings with Rep. Peter N. Kyros (D., Me), said:

"We are going to develop this tomorrow at the hearings. I don't understand it yet. It just seems inconceivable to me.

". . . This is no witchhunt. We are truly concerned about this problem of methadone diversion . . . The county officials may have their reasons for refusing to co-operate and we will develop those reasons at the hearings tomorrow."

[From the Buffalo Evening News, Mar. 23, 1972]

WITNESSES ARE AT ODDS ON METHADONE SECURITY AT HOUSE HEARING HERE

(By Mildred Spencer)

Spokesmen for Erie County agencies agreed today that methadone maintenance is an effective treatment for heroin addiction, although methadone itself is an addictive drug.

But they disagreed strongly as to the security provisions that should be observed in treating patients.

At a public hearing of the Congressional Subcommittee on Public Health & Environment in the new federal building, the differences were brought into the open.

Two of the three units funded to date for methadone maintenance programs strongly oppose letting addicts under treatment take methadone home for between-clinic visit use.

Dr. Arthur Goshin of the Lackawanna Health Center, where 17 addicts are now under treatment, and Fredrick Willis of the DART program, which has not yet admitted its first addict, believe clinics should operate 7 days a week.

Clinic hours, they indicated, should be arranged so that addicts whose heroin habit is under control can receive their daily dosage of methadone at an hour that will not interfere with attending school or holding a job.

Sister Mary Charles, Administrator of Sisters Hospital, testified that requiring a patient to report daily at a clinic once he has proven himself "responsible" would "destroy the rehabilitation aspect of the program."

FIRST BUFFALO CLINIC

Sisters Hospital, she said, which now treats 240 persons and was the first methadone clinic in Buffalo, lets patients take up to a 3-day supply of the drug home for use between clinic visits.

Dr. D. Seymour Joseph, deputy commissioner for special programs of the State Narcotics Addiction Control Commission, goes even further. He believes that addicts who have been wooed away from heroin and are conforming to all of the requirements of a methadone program should be able to visit a clinic once a week and take a 6-day supply of methadone home for between-visit use.

Rep. James F. Hastings (R., Allegany), who presided at the hearing, asked about controls that should be written into proposed federal legislation to minimize the diversion of methadone to illegal channels.

He pointed out that such diversion has been increasing and called attention to a recent report in The Buffalo Evening News of methadone deaths in Erie County.

Sister Mary Charles admitted that one such death was a patient enrolled in the Sisters Hospital program who apparently took "a massive dose of methadone in addition to that administered daily at the hospital."

"WORTH IT ALL"

"There are tensions, pressures, obstacles, disappointments and unanswered questions about methadone maintenance," she declared, "but of one thing I am sure—it is worth it all to watch a man become a man once again."

She cited letters which the hospital has received from grateful addicts and their families testifying to happier family lives, regular employment and fewer problems in general.

Mr. Willis of the DART program, in urging stricter methadone controls, warned that it is "as bad as heroin" when it gets into the illegal market. Methadone, he said, is already "on the streets" in Buffalo.

"If a guy leaves the center with a three-day or more supply of methadone," he said, "some of that methadone, in some instances, can get into illegal channels. Other supplies are coming in from New York."

Robert Stanley, DART's senior counselor of social service, warned that even methadone maintenance programs aren't foolproof.

Others sitting with the Rep. Hastings for the subcommittee hearings included Rep. Peter Kyros, (D., Maine), a member of the committee, and Rep. Jack Kemp, (R., Hamburg) a member of a Republican task force on drug abuse.

Subcommittee members will visit Buffalo methadone maintenance programs tomorrow before returning to Washington.

[From the Buffalo Evening News, Mar. 23, 1972]

PROBE INTO METHADONE: COMMUNICATIONS LAG?

A communications lag between federal and local officials is behind charges that Erie County officials are refusing to co-operate in a federal investigation of area methadone-related deaths, a spokesman for the county attorney's office said today.

First Asst. County Atty. William E. Staub told The Buffalo Evening News he advised Federal Bureau of Narcotics & Dangerous Drugs investigators Feb. 29 that toxicology reports they had sought from the county laboratory could not be released without a court order.

"I advised the investigators and the U.S. attorney's office in Buffalo on that date that we were bound under state law to receive a court order before the reports could be released," Mr. Staub said.

"Since that date we have heard nothing further on the matter from federal authorities until the charges came out of Washington," he added.

Rep. James P. Hasting (R., Allegany) said Wednesday that federal officials had informed him that the Erie County Laboratory had refused to give its complete co-operation to federal narcotics agents investigating area methadone-related deaths.

"Justice Department Personnel approached the director of the county lab on Feb. 28 and demanded written reports concerning nine

alleged methadone deaths in the county," Mr. Straub said.

When Mr. Straub was notified of the original request, he said he advised labor personnel to withhold the reports until he could speak with the investigators.

"I met with the investigators the next day in my office and told them the county was ready to aid in any way it could with the investigation, but that we were bound under state law on the release of written reports of county medical examiners."

Mr. Straub said the law stipulates that such reports, which are not public documents, may be released to "other parties" only after the State Supreme Court issues a written order.

"I advised the U.S. attorney's office in Buffalo that we would be willing to waive all formal motions to get them that order as quickly as possible, but we never heard from them again on the matter," Mr. Straub said.

STATEMENT BY CONGRESSMAN THADDEUS J. DULSKI BEFORE SUBCOMMITTEE ON PUBLIC HEALTH AND ENVIRONMENT, BUFFALO, N.Y., MARCH 23, 1972

Mr. Chairman, I appreciate your extending to me this opportunity to appear before the Subcommittee on the operating procedures for methadone maintenance programs in Erie County.

Just two weeks ago, I conducted hearings in our city regarding the possibility of persons using the mails to send suspected dangerous drugs to government agencies for analysis purposes only.

I don't presume that these hearings now make me an instant expert of the drug problem or of the ways in combatting this menace. I have barely scratched the surface.

Yet, I feel that our hearings have afforded us an invaluable first hand insight to the problem.

We were fortunate to have discovered some witnesses who were willing to come forward and tell their story—people who have lived with this dreaded curse, either as addicts or as parents with addicted children.

They appeared at great personal sacrifice and anguish. The fact that they wished to remain anonymous, for obvious reasons, in no way dilutes the value of their testimony.

Their stories bear directly on the subject matter of the hearing today. Therefore, I will be happy to make available for the subcommittee in its deliberations copies of the transcript of our hearings as soon as they are printed.

I would like to cite one example. We heard from a young girl, a former addict, who had turned to prostitution to support her habit. She has been on a methadone program for three months, during which time she has stayed clear of drugs. She said, "I hope with methadone, I may be able to get rid of the habit."

I do not wish to imply that our hearings have given us conclusive evidence that methadone is the complete answer to the drug problem. What I am saying is that we received some testimony that the methadone program has helped in a most meaningful way.

I also realize that while there have been successes with methadone treatments, there have also been problems. For example, the recent deaths of nine persons in Erie County were related to the use of methadone. There have been reports of methadone addiction of babies born of mothers who were under methadone treatment. Other reports of so-called "methadone addiction" as a result of its availability "on the streets" have also been made.

Yet, the benefits derived from this program should not be minimized because of these setbacks. Further, at least at the present, it appears that methadone is the most effective chemical remedy for relieving heroin addiction.

Therefore, the answer would seem to lie in effectively controlling the dispensing of methadone, not in its curtailment.

These controls, however, should not be so overbearing with the result that methadone treatment would become virtually non-existent. Yet they must be made sufficiently effective to eliminate the ancillary problems that have arisen.

In conclusion, I wish to commend the subcommittee, and especially my colleague from Western New York, the Honorable James F. Hastings, for arranging these hearings.

I am confident that your efforts will be of significant assistance in our fight against drug abuse.

VIEWPOINT—DRUG PROBLEM WORSENS

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. RODINO. Mr. Speaker, as you know, I have long been deeply concerned about the perilous drug problem which has engulfed this country. We are beyond doubt confronting a crisis situation, for narcotics addiction has reached epidemic proportions.

I am delighted that President Nixon has acknowledged the urgency of this problem, for the lives and futures of America's young people are at stake. I think we must be absolutely sure that every penny of the funds approved for narcotic programs is properly and effectively expended and I intend to continue to follow closely all governmental activities. In this connection, I would like to bring to the attention of my colleagues another "Viewpoint" from a recent Newark Star-Ledger:

VIEWPOINT—DRUG PROBLEM WORSENS

In tragic human terms, the nation's hard core drug program has worsened despite public avowals by elected officials to fight an unrelenting war against addiction and heroin peddling.

But it should be apparent, even at this late date that political rhetoric is not going to be enough to turn the ominous swelling tide of narcotic addiction in this country.

The nation is moving at an agonizingly slow pace in dealing with the addiction problem in a full and responsible manner. President Nixon, in his latest declaration on the social scourge of addiction, called for "total war," characterizing the problem as the nation's domestic "public enemy No. 1."

It is a realistic priority, calling for a broad governmental commitment that will require a substantial allocation of resources if any appreciable headway is to be made in resolving the problem.

The states no longer can continue to underwrite the sizable effort required. New York State, for example, has expended several hundred million dollars, and Governor Rockefeller grimly conceded that the results have been highly discouraging.

Although Mr. Nixon has taken strong public stands on addiction, the fact is that the governmental effort has not yet approached the President's resolve and determination by either results or performance. Admittedly, the drug problem is awesome and difficult to resolve, or even abate, but it is going to require a lot more time, energy and resources than have been committed to date.

It is apparent that the war on narcotics is still way short of "total" and priorities set by the Administration have not until recently began to match the urgency required.

The Nixon Administration has now embarked on a three-pronged drive—moving to cut off foreign sources of supply, setting up an office for drug abuse prevention and, more recently, concentrating a tighter enforcement. These approaches would have considerable potential if they are carefully coordinated under one administrative umbrella. But this does not appear to be the case under the Administration's hydra-headed concept.

On balance, however, the new federal narcotics law is a decided improvement in comparison with the feeble efforts of the past. With $1 billion in funding, the attack on the drug problem should be much more effective than previous governmental efforts.

STATEMENT BY ASSEMBLYMAN PETER J. COSTIGAN

HON. JAMES R. GROVER, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. GROVER. Mr. Speaker, today I attended a conference of State legislative representatives from the northeast States. One of the legislators present was our outstanding assemblyman Peter J. Costigan from Suffolk County, N.Y., whose remarks reflect the opinion of the vast majority of my constituents.

The statement follows:

STATEMENT BY ASSEMBLYMAN PETER J. COSTIGAN AT A MEETING OF THE LEGISLATIVE DELEGATIONS OF THE NORTHEAST ATLANTIC STATES

Ladies and Gentlemen:

As an Assemblyman from the State of New York, and appearing in behalf of the Speaker of the New York Assembly—Perry Duryea—I am here today to voice the concern of millions of people who fear that offshore drilling along the Atlantic coastline ultimately will lead to severe economic and environmental consequences.

The other purpose of this statement is to call upon the United States Department of Interior:

To clearly delineate what the national policy is toward offshore drilling;

To enlighten us as to improvements—if any—in the technology of controlling and preventing oil spillage and seepage;

And finally, to fully disclose the nature of oil and gas drilling operations contemplated particularly in the vicinity of Long Island.

Certainly we in New York do not wish to stand in the way of progress. Yet change brought about by technology does not always mean progress. It seems to me that progress occurs only when governments at all levels—federal, as well as state and local—plan wisely and choose well in their efforts to better the living conditions of the people.

While we recognize the nation's future need for oil and gas reserves, we would question the wisdom of the Federal Government allowing marine exploration of the Atlantic Outer Continental Shelf, especially at this time when the petroleum industry obviously lacks sufficient technology to control, and more importantly, prevent the spillage and seepage of oil, not only from drilling rigs but also tankers.

We have had enough of biological wastelands—of beaches blackened with oil and strewn with bodies of dead or dying water fowl. After all, Long Island is a sizable chunk of territory. If you were to pull its coast into a straight line, it would stretch all the way to Savannah, Georgia. That's about 1,700 miles of coastline—and I'm sure no one here would want to see it become the Santa Barbara of the Atlantic.

Moreover, aside from environmental considerations, the economic value of our shorelines and coastal waters cannot be overestimated. In fact, our wetlands serve as a breeding ground for the nation's fish supply. Latest available statistics show that in 1970, the Long Island catch amounted to 16.4 million pounds of fish valued at $2.38 million and 15.8 million pounds of shellfish valued at $13.7 million. And, our recreational bays, harbors and beaches pour millions of tourist dollars into the State's economy.

It therefore should be understandable why reports that the U.S. Interior Department may issue permits for offshore drilling have caused considerable apprehension among my colleagues in the New York State Legislature, and a lot of vocal reaction from our constituents that may or may not be justified.

Surely no one will dispute the fact that the people of Long Island have the right to some straightforward answers. The people have the right to demand full disclosure as to the precise intentions of the Interior Department. The people have the right to know the findings of any geological studies that the Department may have conducted in compliance with the National Environmental Policy Act. And, the people have the right to hear all petroleum companies applying for an offshore lease publicly attest as to the safety of their drilling and production procedures.

Not only do New Yorkers have the right to know, but so do the people inhabiting all of the Atlantic Coastal States—for once oil spreads, it knows no boundaries. In the words of Assembly Speaker Perry Duryea—"Where our States share a portion of the Atlantic coastline, they likewise share the problems involving that coastline."

This is why Speaker Duryea recently joined with Assembly Speaker William Ratchford of Connecticut in creating a Bi-State Legislative Committee on Coastal Marine Resources—of which I am Co-Chairman.

Our Committee is charged with the responsibility of reviewing pollution, dumping and drilling problems relating to the Atlantic Coastline and Long Island Sound, and transmitting corrective programs, if necessary, into the respective State Legislatures for action. Such a mission makes it all the more imperative that we keep closely attuned to the plans of the Interior Department and other environmental agencies at the Federal level.

In New York State, we have a number of programs before us at the current session of the Legislature, which are designed to protect our marine resources from the devastating threat inherent in offshore oil and gas drilling. For example:

The Assembly already has passed a bill banning the drilling for oil or gas anywhere within the three-mile statutory limit of the Long Island shoreline.

A resolution has been introduced memorializing the Congress of the United States to set up firm offshore oil drilling prohibitions applying both to domestic and foreign interests.

The State's Attorney General has prepared legislation designating our coastal waters fronting the Atlantic Ocean and Long Island Sound as a marine sanctuary, and absolutely forbidding the extraction of oil or gas from the submerged lands under these waters. Violators would face stiff penalties, and also would be held liable for damages if they caused a discharge of oil or other pollutants originating from outside of the State's waters.

And, my colleagues in the New York Legislature also are studying a proposal to create a State Commission on Marine Resources—a sort of watchdog with subpoena power so that polluters and would-be polluters no longer could escape the law.

I cite these actions to demonstrate to you that we in New York mean business. We must move vigorously—for Long Island officials, conservationists and scientists all predict environmental disaster in the uncontrolled sinking of wells offshore.

They point to the instability of the ocean bottom, the inevitability of spillage induced by human error, and the inhospitality of the climate itself because of rough seas in winter and the constant danger of those notorious "nor 'easters." In addition, there's always the likelihood of blow-outs, and the prevailing wind currents are such that oil spills would be taken directly to shore.

But even if the ecology of the Atlantic Coast, including Long Island Sound, was not so fragile, the lesson of Santa Barbara and similar mishaps off the Gulf Coast teaches us that no drilling operation is absolutely safe. Indeed, the technology of offshore drilling is so undeveloped that no one can give assurance that there will not be a major accident such as spillage or seepage, nor is anyone clear as to the effect on the environment if there is an accident.

Estimates indicate that more than one million tons of oil are spilled each year in oceans and harbors throughout the world. This figure includes spills from drilling rigs, shipping losses, accidental spills in port, and illegal cleaning of tankers at sea.

And, we haven't seen anything yet! With world-wide offshore petroleum production expanding at a rate of 10 per cent a year, presumably so will the spills and seepages. Like poison in water, once oil enters, the damage is done.

As I observed at the beginning of this statement, change catalyzed by technology undeniably has resulted in a higher standard of living for the people of New York State and elsewhere in America, but at the same time it has posed new, serious threats to the very existence of our society. Now I say it's high time that technology was used to eliminate these threats. Only then will we have true progress.

This is the challenge I throw out to the oil companies. Until they achieve the technology required to effectively control and prevent spillage and seepage—until they show as much zeal for protecting the environment as they have for exploiting it—government must be ever vigilant.

Government must insist on full exercise of its enforcement powers to shield our precious environment from the toxics emitted by offshore drilling. And, government must not be led astray by huckstering that minimizes the extent of oil pollution.

For, if government isn't on its guard, man in the process of despoiling his environment will destroy himself.

THE 54TH ANNIVERSARY OF BYELORUSSIAN INDEPENDENCE

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. BROOMFIELD. Mr. Speaker, March 25 was a day of great significance for citizens of Byelorussian descent. It was on that day, 54 years ago, that the independence of the Byelorussian Democratic Republic was proclaimed.

Prior to World War I several European nations began establishing a firm foundation for democracy. Those nations hoped to protect themselves from outside aggression through an organizational congress.

The Byelorussian State withstanding military pressure from Russian forces, was secretly preparing for the opportune moment to break from their oppression. It was during the Bolshevik Revolution of 1917 that the moment of freedom arrived. The Byelorussian Congress gained control of their government on February 19, 1918. On March 25, 1918, the Congress declared itself a nation, independent and democratic.

It was in late 1918 when the Russian armies again invaded the Byelorussian territory. On December 10, 1918, a Soviet government was reestablished which destroyed the self-governing Byelorussian Congress.

Today, however, the 8 million Byelorussian people still hope that they will once again have the opportunity to regain their independence among the free nations of the world.

Mr. Speaker, let us pay homage to the people and once proud nation of Byelorussia on their 54th anniversary.

Let us hope and pray that one day soon, we can truly celebrate the independence and freedom of Byelorussia as we did briefly in 1918.

WHAT WAS PURPOSE OF SOVIET MANEUVERS?

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. BOB WILSON. Mr. Speaker, I include in the RECORD, the following article by Irving Salomon which appeared in the March 5 San Diego Union:

WHAT WAS PURPOSE OF SOVIET MANEUVERS?

(By Irving Salomon)

Twice, the veil of secrecy that traditionally hangs over the training and maneuvers of the Soviet armed forces was temporarily lifted; and each time, the formidable colossus of Soviet publicity and the Soviet propaganda machine was brought to bear upon these ground forces maneuvers.

The exercises were not the first in the history of the Soviet ground forces. In 1936, the Red Army, in the course of maneuvers near Kiev, invited large numbers of representatives of the capitalist powers to watch a demonstration of a large-scale parachute drop. It was the first time in history that so great a number of troops had been dropped on one occasion.

Looking back at that occasion over an interval of 36 years, one is struck by the fact that it was all very important for the Soviet Union, at that particular moment, that the foreign visitors should be mightily impressed.

The USSR was militarily not very strong. The armaments programs set up by the five-year plans had not yet made their effect felt. When the Kiev maneuvers were held, many of the weapons planned for the use of the Army were still on the drawing-board and not yet available for use. So the Red Army tried to by make itself look more formidable than it was.

Actually, the parachute drop demonstrated at Kiev was incapable of application in a real war. To be capable in a major conflict, far larger numbers of men would have had to be transported; and, moreover, after they had been dropped, they would have to be supplied. The Soviet air force of the time did not

possess the planes or the equipment to do either.

Nevertheless, the Kiev maneuvers were strikingly successful; they persuaded the foreign visitors that the Red Army was ultramodern, very highly mechanized and very formidable.

Coming to the current situation, it is interesting to note that the Soviet government did not invite any western representatives to the recent exercise.

They avoided any publicity on it in the West.

However, numerous groups came from the other Socialist countries to see the maneuvers. Also, the urban population of Kiev were present by the thousands. Soviet inhabitants in general were unable to attend, but were reached in an extensive way by the Soviet press, radio and television. Much publicity was accorded the exercise in the USSR so that the ordinary citizens could be acquainted with the current exploits of the Soviet armed forces.

What is the reason the West was excluded this time?

Was it because it was on such a large scale?

It is interesting to note that eleven divisions and ancillary units participated; also, more than 1,000 tanks. Also, the personnel engaged was not only the regular army. A large number of reservists were called up to take part. It is interesting to note that few came from several Soviet republics and the Warsaw Pact countries, though their media was bombarded with stories of the exercise.

What could have been the Soviet reason for exhibiting their military prowess to their own citizenry?

NEWS BULLETIN OF THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. WHITEHURST. Mr. Speaker, I am inserting into the RECORD the weekly news bulletin of the American Revolution Bicentennial Commission—ARBC. I take this action to help my colleagues keep informed of bicentennial activities and programs across the Nation. The bulletin is compiled and written by the ARBC Communications Committee staff. The bulletin follows:

BICENTENNIAL BULLETIN—MARCH 27, 1972

During its meeting on March 21, the ARBC Executive Committee received reports and placed under study positions on a national Bicentennial theme; a policy for recognition of non-profit and commercial projects; the Coins and Medals program; and the feasibility study of the Bicentennial Parks concept. In addition, a presentation by New York City officials was made in behalf of the New York South Street Seaport Project.

The Philadelphia Bicentennial Corporation presented on Tuesday, March 21, plans for hosting an International Expo for '76. Chairman John Bunting made the presentation to Secretary of Commerce Peter Peterson, ARBC Chairman David J. Mahoney and representatives of other federal departments and agencies. Mr. Bunting was joined by Pennsylvania Governor Milton Shapp, Philadelphia Mayor Frank Rizzo, U.S. Senator Richard Schweiker, Congressmen Byrne, Eilberg and Williams (ARBC member), and several other state and city officials from Pennsylvania and New Jersey. The Expo plan will be taken under advisement and study for a joint report to President Nixon by Commerce, the Office of Management and Budget and the ARBC.

At the ARBC Communications Committee meeting on March 22, action was taken to provide for Advisory Panels on Ethnic Media and to include ethnic representation on the Committee. The Committee also unanimously recommended a national Bicentennial theme and sent its recommendation to the ARBC Executive Committee. Also on the agenda was a presentation for recognizing non-profit and commercially sponsored communications projects and a review of current ARBC Communications and Audiovisual Programs.

The directors of Washington, D.C.'s Metro Authority, WMATA, recently pledged an all-out drive to meet the Administration's request that at least 24 miles of Metro rapid rail line be operational for the '76 Bicentennial. In a resolution approved by Metro directors top priority consideration will be given to extending service to Dupoint Circle, Silver Spring, National Airport and Stadium-Armory stations by May 1, 1976.

The Year and the Spirit of '76 by ARBC Commission member Ann Hawkes Hutton is to be published by Franklin Publishing Company, Philadelphia on April 3rd. All proceeds will go to the Washington Crossing Foundation. Additional information may be obtained by writing the Foundation, Washington Crossing, Pa. 18977.

Mr. Robert A. Hickman, member of the South Carolina Bicentennial Commission, said recently that the State Commission is planning to establish three interpretive centers for visitors for the Bicentennial. One is to be located at Charleston and others at the sites of the Battles of Cowpens and King's Mountain.

A recent article appearing in the Lansing (Mich.) Journal states that Michigan's participation will emphasize the historical development of transportation in the U.S., but will also feature several varying statewide observance with the assistance of several local historical societies. The State Historical Commission, the article says, is urging construction of a new Museum of Michigan History "as a lasting reminder of the Bicentennial celebration."

Following are some recent State Bicentennial developments reported to the ARBC:

Mr. Arnie Stenseth has been named Director of the South Dakota American Revolution Bicentennial Commission. Mr. Stenseth will have his office in the State Capitol Building in Pierre.

Mrs. William S. Curry of Casper, Wyoming has been named Chairman of the Wyoming Bicentennial Commission. Mr. Charles W. Margolf of Buffalo, Wyoming has been named Vice Chairman and Mrs. Jim Hendry of Lost Cabin, Secretary-Treasurer of the twenty-member Commission.

Dr. Robert E. Cecile has been named Chairman of the Ohio American Revolution Bicentennial Advisory Commission. Mr. Cecile is the Assistant to the Governor for Education.

Following are additional comments on Bicentennial Parks:

"Open land and the great frontier are the bases of American history. Indeed, they made the country. We cannot think of a more meaningful birthday celebration than a network of parks demonstrating, among other things, wholesome recreation and the best use of land. But why wait until 1974 to get the job going?"—Miami, Fla. *Herald* (3/4)

"Many states and cities already are well along in their Bicentennial planning. For those that are lagging behind—and that includes Wisconsin—the Bicentennial Park announcement should prove to be a spur for greater activity."—*Commonwealth Reporter* (Wisc.) (2/25)

"This could be the spark that could put the bicentennial on the road and unite this nation as never before."—Rapid City, S.D. *Journal* (3/2)

"Scattering a series of novel new parks across the country seems at first glance like a dramatic way of enhancing the 1976 observance of the nation's 200th birthday. . . . The commission concedes problems. Some states might not want one of these new parks if they are going to have to take over operating costs. (Presumably Wisconsin would not be that shortsighted, given our great need for more parks nearer urban centers.)"—Milwaukee, Wisc. *Journal* (3/1)

"The idea has merit if for no other reason than it allows flexibility. States would not be required to participate, and those who did could select their own architect to play variations on the central theme."—Lancaster, Pa. *Journal* (3/6)

"The network of 50 bicentennial parks proposed by the American Revolution Bicentennial Commission would be a creditable permanent reminder of the national pride Americans should feel in 1976."—Winchester, Va. *Star* (3/8)

TO HONOR A REVOLUTION—PARKS FOR THE PEOPLE

(By Wolf Von Eckhardt)

The American Revolution Bicentennial Commission has finally come up with an idea.

It is a good one, I think.

The Commission would have us celebrate the 200th anniversary of our independence in 1976 by opening a Bicentennial Park—a "peoples' park," as it were—in every state of the Union. They would be built on federal surplus land, such as obsolete military installations. And most of them would be built in or near big cities, where popular recreation and cultural attractions, indoor and out, are most sorely needed.

These parks would not be mere fairgrounds, such as Philadelphia is still thinking of building for the 1976 celebration.

Nor would they be city parks in the traditional sense, such as New York's Central Park or Washington's Rock Creek Park. The old parks were created in more leisurely times and thought of as great, bucolic open spaces within the city, a bit of rural landscape transplanted to a place where city people could easily get to them for outdoor play, strolling, sunning and seclusion. We need that, too.

But the new, Bicentennial Parks would also be places where things happen, that invite, to use the fashionable sociologese, "involvement and participation." There would be excitement, diversion and inspiration, a variety of activities and events by day and by night, summer and winter.

As a major attraction, the Bicentennial Commission suggests that each park have a Bicentennial Pavilion for historical exhibits and the display of arts, crafts and special films as well as an amphitheater for all kinds of theater, music and dance performances. In front of them would be a Bicentennial Plaza for public ceremonies.

The parks would furthermore feature a variety of restaurants, some offering hot dogs and beer, others fancy dishes and wine. There would be dance pavilions and puppet shows, market stalls, carousels and fun rides, a botanical garden and ecology center, children's playgrounds and picnic areas.

Some parks might still have room for games and sports and many would include water for swimming and ice skating and perhaps even fishing and boating.

Most importantly, perhaps, the parks would invite spontaneous events and "happenings," such as people themselves will generate, given half a chance. Thomas P. F. Hoving, now the director of the Metropolitan Museum of Art, successfully sparked such happenings in Central Park when he was New York City's Park Commissioner.

The Bicentennial Commission asked archi-

tects Davis, Brody and Associates to design a prototype for such parks. They came up with an interesting model, showing a world's fair-type, innovative cable structure and all sorts of neat architectural baubles.

But never mind the steel net, plastic-coated megastructures that scare us into future shock. What matters here are not structures but people. And to show what these parks could do for them, the Commission may be better advised to show pictures of some of the existing urban parks and how people enjoy them.

The most famous and attractive one, perhaps, is Copenhagen's Tivoli. Another delightful one is Moscow's Maxim Gorki Park. Each major East European city, in fact, has a "people's park" at the end of a street-car that keeps families entertained for a whole day without having seen and experienced all its attractions.

The most delightful cultural, recreation and amusement park in this country, I should think, is the Seattle center, a happy remnant of the 1962 Century 21 exposition in that city. Some years ago New York was about to build a similar park on the site of the 1939 and 1964 world's fairs out at Flushing Meadows.

Designed by landscape architect Lawrence Halprin with architects Marcel Breuer and Kenzo Tange, Flushing Meadows was to be a permanent bright spot in the city, a place full of action and vitality, a park that had just about everything—except the money to build it.

That was also the fate of the Anacostia Park here in Washington which Lawrence Halpern designed for Mrs. Lady Bird Johnson's beautification effort. Its most exciting feature was to be Kingman Lake, a stretch of the Anacostia River just below the Kennedy Stadium, that was to be de-polluted by filtering the water so that 30,000 people could swim in it at the same time. The cultural and amusement park was to be built on both sides of the lake and its sandy beaches.

Here, then, in New York and in Washington, are the makings of these Bicentennial Parks. There are surely similar potentials in all our big cities.

The Bicentennial Commission is now investigating these potentials and the feasibility and desirability of a string of such parks. It hopes that the next President will submit a well designed national program to Congress in January 1973, which will just barely be enough time to get them built by 1976.

Some people might call these parks a mere frill, a place for firecrackers, fun and games. But the President might well make them part of his program of dealing with the urban crisis because recreation, diversion and happenings that bring people together are just as important as housing and public transportation.

The Bicentennial parks, in short, could help a great deal to bring our stagnating cities to life again.

GROUNDWATER AMENDMENT TO WATER POLLUTION CONTROL ACT AMENDMENTS OF 1972

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. ASPIN. Mr. Speaker, our distinguished colleague the Congressman from Massachusetts (Mr. CONTE) and I plan to introduce tomorrow an amendment to the Water Pollution Control Act Amendments of 1972 which would restore groundwater to its rightful place in this legislation and would eliminate a glaring loophole for the oil industry.

Below I include the text of the amendment which we will propose tomorrow. It follows:

AMENDMENT TO H.R. 11896, AS REPORTED

(Proposed by Mr. ASPIN and Mr. CONTE)

Page 227, line 3, after "navigable waters" insert "and the ground waters".

Page 277, line 4, after "such" insert "navigable and ground".

Page 278, line 3, after "navigable waters" insert "and ground waters".

Page 278, line 6, after "such" insert "navigable or ground".

Page 281, line 8, after "navigable waters" insert "and ground waters".

Page 372, line 14, strike out "water," and all that follows down through and including "(C)" on line 22.

Page 372, line 24, strike out "(D)" and insert "(C)".

Page 373, line 21, after "navigable waters," insert "ground waters,".

Page 374, line 4, strike out the period and insert in lieu thereof a comma and the following: "(C) any addition of any pollutant to ground waters from any point source."

FORCED BUSING

HON. DAVID E. SATTERFIELD III

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. SATTERFIELD. Mr. Speaker, some of the strongest advocates of forced busing have been saying that court ordered busing has nothing to do with seeking racial balances in public schools. Some allege that they do not read the court decisions as seeking racial balance. Obviously they have not read the recent "consolidation" decision rendered earlier this year by Judge Robert R. Merhige, Jr., judge of the U.S. District Court for the Eastern District of Virginia at Richmond.

An editorial in the March 21 issue of the Richmond News Leader demonstrates just how wrong these observations and opinions are. I invite the attention of my colleagues to that editorial with the hope that those who agree with these statements by busing advocates will take the time to read it.

[From Richmond News Leader, Mar. 21, 1972]

THIS ONE DOES

We all have our myths that protect us from reality, and the pro-busing people are no exception. Elliot Richardson, Secretary of the Department of Health, Education, and Welfare, is one of three Nixon Administration officials who advised the President on the matter of compulsory busing. Secretary Richardson never has been known for his opposition to compulsory busing. In perhaps the first public statement indicating the new myth in which the pro-busing people are wrapping themselves. Secretary Richardson said recently: "We do not read the court decisions (about busing) as seeking racial balance." And sure enough, it wasn't long before Roger Mudd of CBS and editorial writers for the New York Times were saying the same thing.

We have some news for these people: They ought to read the opinion and order delivered two months ago to the citizens of the Richmond area by Federal District Judge Robert R. Merhige, Jr. On pages 324–325 of his opinion, Judge Merhige disclaimed his desire to bring about racial balance in the public schools, to wit: "All parties are admonished that it is not the intention of (this) court to require a particular degree of racial balance or mixing." But it is an empty disclaimer. On probably half the other pages of Judge Merhige's opinion, he discusses various pupil-assignment plans in terms of the percentage of racial mix it did—or would—achieve.

Judge Merhige's opinion is filled with phrase after phrase suggesting that racial balance is indeed what he seeks. For example: "The marked racial disproportion between the city and each of the county systems has progressed rapidly in recent years." Schools with a racial composition that "departs significantly from the community parity . . . are perceived by parents, teachers, administrators, public officials, pupils, and the community at large as facilities designed and operated for one race or another." "Generally (according to educationist experts), schools attended under these circumstances by disproportionate numbers of black students are perceived as inferior." Etc.

Now, you can disclaim a desire for racial balance until you are blue in the face. You can avoid use of the word "balance." But if you write an opinion using such synoymous phrases as "racial disproportion," lack of "parity," and "disproportionate numbers of black students," there can be little doubt that you are talking about the need for racial balance—parity, more satisfactory proportions. And if you conclude your opinion with 12 pages of tables and charts showing pre-school racial breakdowns, in percentages, in every school in Richmond, Henrico, and Chesterfield, then, sir, you are talking about racial balance.

In his order requiring the consolidation of school districts in the Richmond area, Judge Merhige said: "The State Board of Education and the (State) Superintendent of Public Instruction shall, with the assistance of the acting superintendent . . . take all necessary steps to implement the desegregation plan presented to this Court by the School Board of the City of Richmond . . ." The city school board's plan drawn up primarily by assistant superintendent Thomas Little, is a 151-page stack of computer printouts based—essentially—on racial percentages. The print-outs presume to provide the precise racial breakdowns that would prevail under the city's plan at each of the public schools in the three jurisdictions.

Of 118 schools, only 10—most of them in Chesterfield—would have proportions of blacks below 25 per cent; none would have a black proportion below 17 per cent. Of the 118, only six would have black proportions above 40 per cent; none would have a black proportion above 41 per cent. So 102 of the 118 schools (86 per cent of the schools in the three jurisdictions) would have a black percentage in the 20 per cent to 40 per cent range that Judge Merhige concluded is most desirable; in no school would blacks be in the majority. Do not tell any Richmond area resident that such results under the city school board's plan approved by Judge Merhige would be pure coincidence. Rather, such results would be the intention of a judge seeking to bring black-white ratios into what he regards as satisfactory proportion—if you will, into satisfactory "balance."

Secretary Richardson, the people at CBS and the Times, and their equally mythologized myopics throughout the country owe it to themselves to read Judge Merhige's opinion and order. Thereafter, gentlemen, please: Do not tell us that the decisions of the Federal courts do not seek "racial balance." We defy anyone to deny that this one does.

WATER RESOURCE COUNCIL'S PROPOSALS REQUIRE REVIEW

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. SHRIVER. Mr. Speaker, there is understandable concern in my State of Kansas, as well as other States across the Nation, regarding the Water Resource Council's proposed principles and standards for planning water and related land resources. I have joined in requesting the council to especially reconsider its proposals which would increase the discount rate for Federal water projects and which would require reevaluation of authorized projects which are not underway within 5 years.

Preliminary assessment of the impact of implementing the proposed principles and standards in Kansas indicates it will remove from consideration the planning and construction of approximately 50 percent of the watershed projects in planning or approved for planning and virtually all of the major reservoir projects not yet under construction, but now in the Kansas water plan.

Mr. Speaker, this means that approximately 4 million acres cannot be provided watershed protection and 10 major projects are unlikely to be built in Kansas. This could be a serious blow to land and water conservation efforts which are essential to Kansas agriculture and urban development.

Without adequate water supply or protection from floods the potential for industrial and agricultural development in Kansas will certainly be damaged.

The environment of Kansas has been substantially improved by flood control and land and water conservation projects of all types.

Citizens of my State do not want the return of the dust bowl days in Kansas, nor to the disastrous floods of 1935, 1951, or 1965.

The interest-discount rate must be kept low enough to assure the continuing development of the Nation's water resources.

Under the leave to extend my remarks in the RECORD, I include an editorial from the Wichita, Kans., Eagle which highlights the serious impact of the Water Resource Council's proposals. In addition, I include a resolution recently adopted by the Kansas State Senate urging that the Federal interest rate used in computing cost-benefit ratios be maintained or decreased. The editorial and resolution follow:

WATERSHED CHANGES NOT IN PUBLIC INTEREST

Watershed control projects worth half a billion dollars in Kansas are in danger because of proposals to change federal rules for building water resources structures.

Involved are feasibility specifications for federally funded water projects.

Of particular concern are proposals which would increase the discount rate for federal water structures and which would require reevaluation of authorized projects which aren't under way within five years.

The discount rate, in this case, refers to the ratio of pay-back per year that a water resource project will yield for federal dollars spent. Yield might be flood control, recreation, water supply or a combination of these.

The current discount rate is 5⅜ per cent, but the new proposals would raise this to 7 per cent right away and to 10 per cent in five years.

This would knock out a number of Kansas projects. Thirteen would fall at the 10 per cent discount level, and about 50 per cent of the state's water projects would be lost immediately at the 7 per cent level.

An example is the proposed Kendall Dam near Garden City. This facility is needed for recreation, irrigation and other uses as well as flood control on the Arkansas River. This dam has been under study since 1963, but would be killed immediately by the new discount rate.

Other projects affected would be Douglas Dam on the Walnut River; Towanda Dam on the Whitewater; Hillsdale Dam near Paola; Big Hill Dam, Labette County; Grove Dam near Topeka; Onaga Dam in Pottawatomie County; Tomahawk, Wolf Creek and Indian Creek Dams in Johnson County; Round Mound Dam at Hays; Cimarron Dam near Liberal, and the West Walnut Project encompassing more than a million acres west of Great Bend.

The restudy requirement is a waste of money because planning often takes three to four years. If construction isn't begun immediately, a re-evaluation would be required, costing more money.

A council comprised of six members of the President's Cabinet and the chairman of the Federal Power Commission recommended these changes.

They would not be in the best interests of Kansas and other states, and they should not be adopted.

SENATE RESOLUTION NO. 34

A Resolution memorializing the federal water resources council of the office of management and budget to maintain or decrease the federal interest rate used in the formula for computing cost-benefit ratios for water resource development projects.

Whereas, The state of Kansas has been recognized as one of the leading states in watershed development since the inception of public law 566; and

Whereas, Water resource development under this program has proved to be highly beneficial in reducing flood damage, enhancing wildlife habitat, improving environmental quality, providing needed recreational facilities, abating stream and river pollution, and improving the economic stability of the state; and

Whereas, The state of Kansas is presently actively pursuing rural development through resource conservation and development projects; and

Whereas, Any substantial increase in the interest or discount rate as used in determining economic feasibility would make strutural works of improvement difficult or impossible to justify: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we hereby petition the federal water resources council of the office of management and budget to maintain or decrease the federal interest rate used in the formula for computing cost-benefit ratios for water resource development projects.

Be it further resolved: That planning assistance be continued or accelerated on all water resource development projects currently authorized for planning, and that no restrictions or time limits be established for completion of such planning operations; and

Be it further resolved: That the secretary of the senate be directed to send enrolled copies of this resolution to the Federal Water Resources Council, 2120 L Street Northwest, Washington, D.C., and to each member of the Congressional delegation from the State of Kansas.

CYPRUS—THE PROBLEM IN PERSPECTIVE

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. PUCINSKI. Mr. Speaker, often we become so involved with today's events that we fail to pay attention to history—to place today's events into proper perspective.

Mr. Ernest J. Vardalas, vice president of the Chicago Council of Justice for Cyprus, has performed an outstanding public service by highlighting the history of Cyprus from B.C. to the present.

I would commend this most interesting work to my colleagues.

The excellent analysis by Mr. Vardalas follows:

CYPRUS—THE PROBLEM IN PERSPECTIVE

(By Ernest J. Vardalas)

HISTORICAL BACKGROUND

Cyprus is the third largest island in the Mediterranean Sea, with an area of 3572 square miles. It lies in the northeastern corner of the Eastern Mediterranean basin at the meeting point of three continents—Europe, Asia and Africa—and this fact added considerably to the island's importance and development through the ages.

The island has a population of 650,000 (1970), of which 530,000 (82 per cent) are Greeks and 120,000 (18 per cent) are of Turkish origin. It has a mild Mediterranean climate and a wide variety of landscape, from the pine and cedar-clad mountains of its two ranges to the bare and dry plains between them.

The island has had an adventurous history which was mostly the result of its geographical position. It appeared for the first time in the history of civilization in the 6th millennium B.C., during the Neolithic Period. This period, which occupies three millenniums, was followed by the Bronze Age which lasted until 1500 B.C. when for the first time, the Mycenaean Greeks came to Cyprus as merchants and emigrants. A little later on, in the 13th century B.C., the Achaean Greeks arrived and settled in Cyprus.

They introduced the Greek language and culture, both of which have been preserved to this day. At the end of the 4th century B.C. Cyprus became part of the empire of Alexander the Great. During the first century B.C., it became a province of the Great Roman Empire and remained as such until the 4th century A.D. when it was attributed to the Eastern part of the Roman Empire. This marks the beginning of the Byzantine Period which lasted until the 12th century A.D. when, during the Crusades, Richard the Lion Hearted conquered the island but soon handed it over to Guy de Lusignan who established a French dynasty lasting to the end of the 15th century. In 1480, Cyprus became part of the Republic of Venice until 1571 when it was conquered by the Ottomans. It remained part of the Ottoman Empire until 1878 when it was sold to Great Britain which ruled it until 1960 when, following a war of independence, the island was declared an Independent Republic.

A long list of conquerors passed over the island throughout its multi-faced history. However, in spite of the complexity of its history and the variety of its many foreign rulers, Cyprus and its people managed to maintain their Greek character until today, behaving through the ages as an integral part of the Greek world, even if at times the island was under foreign rule. The language of the population remains the Greek language,

and the religion the Greek Orthodox (with the exception of the Turkish minority whose language is Turkish and religion Moslem).

Cyprus was under Ottoman rule together with the Greek mainland and other Greek island which, however, following the 1821 uprising and the liberation struggle that followed, managed at least partly to attain independence in 1821. Cyprus also participated in the Greek War of Independence and a great number of Cypriots had fought and fallen during this war, particularly in the battle of Athens in 1828. (A the beginning of Greece's Independence War in 1821, a number of Bishops in Cyprus were hanged by the Turkish occupation Authorities, having been accused of supporting the Revolution). The question of the incorporation of Cyprus in the Greek State was raised soon after 1830, but it had not become possible and Cyprus remained under Ottoman rule until 1878.

In that year the expansionist policy of Tsarist Russia led the Turks to cede Cyprus to Britain which promised to help Turkey in the event of an attack by Russia on certain bordering provinces. The Turco-British agreement was concluded in complete disregard of the wishes and interest of the Cypriot people, who, as mentioned above, had all along been demanding incorporation of their island to the rest of the Greek trunk.

On the outbreak of the First World War, Cyprus had been annexed to the British Empire, and in 1925 it had formally been declared a British Crown Colony. By that time, Turkey had, under the Treaty of Lausanne of 1923, Article 16, renounced any right or title over Cyprus and by Article 27 of the same Treaty divested itself of the exercise of any power or jurisdiction in political, legislative or administrative matters over the nationals of Cyprus. When Cyprus was declared a British Crown Colony, the Turkish population of the island—descendants of members of the Turkish occupation force and expatriates from Turkey—had been invited to choose between repatriation to Turkey or permanent settlement in Cyprus, and a number of them had elected to remain in Cyprus. At that time, it had never been intended or expected that the Turkish minority would become the arbiters of the country's destiny; from the date of British occupation to April, 1955, when the struggle for independence from the British rule was started by the Greeks, the Turks in Cyprus had intermingled with the Cypriot people and lived in peace and harmony with them.

In 1955, after a constant but unsuccessful struggle to attain their freedom by peaceful methods, the people of Cyprus had taken up arms against the colonial power, and the United Kindom Government, in its effort to thwart the Cyprus people's aspirations for self-determination, had exploited the presence of Cyprus of the Turkish minority and had sought assistance from Turkey itself in obstructing the natural trend of events in Cyprus. After some hesitation, the Turkish Government accepted the invitation to intervene in Cyprus, in defiance of its solemn undertakings under the Treaty of Lausanne, and a certain section of the Turkish minority in Cyprus became the instrument both of United Kingdom colonialism and of a new expansionist tendency in Turkey.

The United Kingdom Government which in 1954 had declared that Cyprus would "never" attain independence modified its position and had threatened that if self-determination were ever to be applied in Crypus, the result would be the partition of the island, since the Turkish minority would be offered the right of self-determination separately. That threat might have been intended to discourage the Cypriot people's struggle for freedom; but its consequences had been quite different. Instead, the partition of Cyprus had become an objective of Turkish foreign policy, and a number of Turkish Cypriots had taken up arms against the Cypriot freedom fighters, while the so-called Turkish leadership had advocated either partition or the continuation of United Kingdom colonial rule.

At the beginning of 1959 in Zurich and London, agreements were reached between Greece, Great Britain and Turkey. The solution so decided was practically imposed upon the people of Cyprus. As a result of this agreement, Great Britain, Greece and Turkey were granted rights of interference and intervention into the internal affairs of Cyprus. Moreover the Turkish Cypriot minority of the island (18 per cent) was given rights disproportionate to its size. It obtained 30 per cent in the civil service, 30 per cent of seats in the Parliament, and 40 per cent in the police and the army; the Vice-President of the Republic who had to be a Turkish Cypriot was granted a veto right on various vital matters.

On the basis of the Agreements, a Constitution was drafted and Cyprus was proclaimed an independent State on August 16, 1960. It was often asserted that the Zurich and London agreements had been freely signed by the representatives of the Cypriot people, but the truth was that the Cypriot people's representatives had signed them only because the sole alternative would have been the continued denial of independence and freedom, continued bloodshed and, possibly, the forced partition of Cyprus.

The Constitution provided for under the Agreements had divided the people into two communities on the basis of ethnic origin. The President had to be a Greek Cypriot elected by the Greek Cypriots and the Vice-President a Turkish Cypriot elected by the Turkish Cypriots. The Vice-President was granted the right of a final veto on any law of the House of Representatives and on any decision of the Council of Ministers concerning foreign affairs, defense and security. The Council of Ministers was composed of ten Ministers, three of whom had to be Turks and be nominated for appointment by the Vice-President.

In the House of Representatives, the Turks though only 18 per cent of the population, were granted 30 per cent of the seats and their Representatives were elected separately by their own community. The House could never modify the Constitution in any respect insofar as it concerned its Basic Articles, and any other modification required a majority of two-thirds of both the Greek and the Turkish members. Any modification of the Electoral Law and the adoption of any law relating to municipalities or any fiscal laws required separate simple majorities of the Greek and Turkish members of the House. Thus 8 Turkish members of the House could defeat a bill voted by 35 Greek members and 7 Turkish. In fact, in the year 1962 when the fiscal laws, according to Article 78 of the Constitution, expired, the 15 Turkish members defeated an Income Tax Bill voted by the 35 Greek members, thus depriving the State of one of its main sources of income.

The highest judicial organs, the Supreme Constitutional Court and the High Court of Justice, had to be presided over by neutral Presidents—neither Greeks nor Turks—who by virtue of their casting votes were supposed to maintain the balance between the Greek and Turkish members of the said Courts. Whereas under the colonial regime Greek and Turkish judges, without any complaint ever having been made, tried all cases irrespective of the origin of the litigants, it had been provided by the above Agreements that disputes among Turks were to be tried by Turkish judges only, disputes among Greeks by Greek judges only, and disputes between Greeks and Turks by mixed courts composed of both Greek and Turkish judges. Thus for a petty offense which involved a Greek and a Turkish citizen, two judges had to sit and try it. This procedure, apart from being unnecessarily expensive, was conducive to creating a biased judiciary.

In addition to the above provisions which proved to be both unreasonable and impracticable, there were created separate Greek and Turkish Communal Chambers with legislative and administrative powers in regard to educational, religious, cultural, sporting and charitable matters, cooperative and credit societies and questions of personal status.

One cannot avoid mentioning two Treaties which constituted an infringement on the independence of the Republic of Cyprus and which became part and parcel of the package deal agreed upon in Zurich:

1. The Treaty of Guarantee between Cyprus on the one hand and Greece, the United Kingdom and Turkey on the other, whereby the said three powers were given the right of joint or even unilateral intervention for the purpose of re-establishing the state of affairs created by the London and Zurich Agreements, and

2. The Treaty of Alliance between Cyprus, Greece and Turkey entitling Greece and Turkey to station contingents of their own forces on the Cyprus soil. It should be noted, however, that these treaties were never presented to the House of Representatives for ratification, as the House would not ratify them and thus an impasse would have been created as from the early days of the birth of the Republic.

As a result, the proper functioning of the State had become virtually impossible through a constitutional structure conceived at a time of tension and suspicion, and based on notions aiming at division rather than cooperation and unity.

The Zurich and London agreements had been in direct conflict with the basic principles of international law and morality, with the principles of the United Nations Charter and with the right of every State to full sovereignty and independence; they had authorized foreign powers to intervene to an unprecedented extent in the domestic affairs of an independent State, Member of the United Nations; and they had violated the internationally accepted principles of democratic government, majority rule and equality among citizens. The United Nations Mediator on Cyprus, Dr. Galo Plaza, in paragraph 163 of his report which he made to the Secretary-General in March 1965, had described the 1960 Constitution, created by the Zurich and London agreements as, "a constitutional oddity"; and in paragraph 129 he stated that difficulties in implementing the Treaties signed on the basis of those agreements had begun almost immediately after independence.

Nevertheless, the people of Cyprus had done their best to ensure the smooth functioning of the new State; but their efforts had been doomed to failure. In November 1963 the President of the Republic, Archbishop Makarios, in a sincere desire to improve the situation, suggested thirteen amendments to the Constitution, amendments not involving any of the radical changes which had been necessitated by subsequent events but designed rather to remove some of the more obvious causes of friction. Those amendments had been submitted to the leaders of the Turkish minority in Cyprus, but before the latter had a chance to consider them, the Turkish Government—to which they had been communicated simply for information—had dismissed them as unacceptable, thus compelling the Turkish Cypriot leader to follow suit. In December 1963, there had been a more ominous reaction from the Turkish Government—the rebellion against the State launched by the Turkish underground organization in Cyprus, and threats of invasion and acts of aggression by Turkey itself, which had seized the President's proposals for amending the constitution as an excuse for putting into effect

its long-prepared plan for the partition of Cyprus.

The Vice-President, the three Turkish Ministers, the Turkish members of the House, as well as Turkish Public servants, withdrew from the Government to head the rebellion against the State, the Vice-President publicly declaring that the Republic of Cyprus had ceased to exist. On the false and outrageous pretext that the Government of Cyprus and its forces were about to annihilate the Turkish minority, the agents of Turkey in Cyprus, controlled by Turkish officers from Turkey, had resorted to the forcible movement of sections of the Turkish population—not for their protection, as had been hypocritically asserted at the time, but in order to create compact Turkish areas and bring about a geographical separation of the Turkish minority from the Cypriot people, in preparation for eventual partition. The Turkish contingent stationed in Cyprus under the Treaty of Alliance had assisted the rebels by moving out of its barracks and illegally deploying north of Nicosia in hostile occupation of Cyprus territory, and it is still so deployed.

LONDON CONFERENCE—RECOURSE TO THE U.N.—MEDIATION EFFORTS

In January 1964, in view of the serious situation resulting from the fighting in Cyprus, the threats and acts of intervention and aggression from outside and the forcible movements of population, the United Kingdom Government had called a conference in London to deal with the problem. But a few days after the conference had started, it had become clear that its purpose was to persuade the Cyprus Government to agree to the dispatch to Cyprus of troops from various countries friendly and allied to Britain and Turkey for the ostensible purpose of maintaining law and order, and to the establishment of an intergovernmental committee to issue directives to the troops.

Whatever might have been the motives and intentions of the various countries submitting that proposal, the representatives of Cyprus had realized that it would inevitably result in the occupation of Cyprus by foreign troops and in the replacement of the authority of the Cyprus Government by that of the so-called intergovernmental committee, which would have made it easier for the Turks to pursue their plans for the geographical separation of the Turkish minority. In fact, that was precisely what the Turkish representatives had demanded at the opening of the London conference, but the representatives of Cyprus had opposed that plan and all similar plans submitted to them, and the Cyprus Government had finally brought the matter before the United Nations.

To do so, it had had to resist pressure brought to bear from several quarters. At one point, it had even been told that an appeal to the Security Council would be sufficient reason for Turkey to invade Cyprus; and during the entire period the threat of Turkish invasion had been constant, with Turkish military aircraft flying over Cyprus, and Turkish war material and trained officers and men clandestinely landed on the island. All these culminated in the bombing by Turkish jets of Cypriot villages and towns in August 1964. The number of people killed or injured and the damage caused was considerable.

The Cyprus Government, under the pressure of Turkish threats about an imminent invasion of the Island brought the matter before the United Nations.

The United Nations repeatedly dealt with the Cyprus issue, both in the Security Council and in the General Assembly. In March 1964 under Security Council Resolution 186 (1964), a U.N. Peace Force was sent to the Island (originally for three months, but following repeated extensions, it is still in the Island), to help restore peace and normal conditions. A mediator, originally Mr. Tuomioya of Finland and later Dr. Galo Plaza of Ecuador were appointed by the Secretary General to study the question and make recommendations as to its solution. The latter's report was submitted to the Secretary General in March 1965.

In his report, the Mediator stated that the problem of Cyprus cannot be resolved by attempting to restore the situation which existed before December 1963 but that a new resolution must be found which must be consistent with the provisions of the United Nations Charter. In particular, he recommended that the solution must be capable of satisfying the wishes of the majority of the population and at the same time of providing for the adequate protection of the legitimate rights of all the people. This report, which could form a reasonable basis for the solution of the problem, was rejected by Turkey again; this had brought Dr. Plaza's mediation efforts to an end.

The Turkish Cypriots with encouragement and compulsion by Turkey have in the last years attempted to achieve a "solution" to the problem aiming ultimately at the island's division. This was sought by proposals for direct partition or for "federation" envisaging removal of populations and the setting up of two distinct administrations.

The drawbacks of partition of federation particularly for a small country like Cyprus with limited and intermingled population are so obvious as not to need any comments. "Federation" as a system of Government has never been applied in any country where it involved removal of population for the purpose of creating separate national and racial areas. Where federal systems have been introduced, there had already been in existence separate territorial entities which were brought under a federal system for the purpose of creating a single State.

The argument is sometimes used that the Turks of Cyprus must be treated differently from other minorities because their language, religion, customs and national aspirations are different from those of the Greeks of Cyprus. This, of course, is not a valid argument since those differences are the very characteristics of a minority in any country. Nor is the existence of a minority in close proximity with the country from which it derives its ethnic origin a peculiar phenomenon of Cyprus, creating rights to special political privileges.

The Turks say that they seek division in Cyprus in order to create conditions under which Greeks and Turks may live in peace in the Island. But far from bringing about peace, such a solution, by keeping the two elements of the population separated instead of bringing them together, would, for many reasons, including administrative difficulties, be a source of constant friction between them which might develop into antagonism and fanaticism and be a source of perennial trouble.

The impartial observer can reach no other conclusion than that any form of separation would not be practicable in the case of Cyprus and that, were it to be applied, it could only lead to incalculable distress for both Greeks and Turks and for their economic and social stagnation.

The idea of federation in Cyprus was examined as long ago as 1956 when the Island was still a British Colony by no less an eminent constitutional expert than Lord Radcliffe who, in his "Constitutional Proposals for Cyprus," came to the definite conclusion that federation for Cyprus was out of the question for the simple reason that there were not the prerequisites for such a form of government.

The United Nations mediator, Dr. Galo Plaza, was also categorical about it. In his report, he stressed:

"To my mind, the objections raised (against federation) also on economic, social and moral grounds, are in themselves serious obstacles to the proposition. It seems to require a compulsory movement of the people concerned—many thousands on both sides—contrary to all enlighted principles of the present time, including those set forth in the Universal Declaration of Human Rights."

Dr. Plaza further said:

"It is essential to be clear what this proposal implies. To refer to it simply as 'federation' is to oversimplify the matter. What is involved is not merely to establish a federal form of government, but also to secure the geographical separation of the two communities. The establishment of a federal regime requires a territorial basis, and this basis does not exist. In an earlier part of this report, I explained the island-wide intermingling in normal times of the Greek-Cypriot and Turkish-Cypriot populations. The events since December 1963 have not basically altered this characteristic; even the enclaves where numbers of Turkish Cypriots concentrated following the troubles are widely scattered over the Island, while thousands of other Turkish Cypriots have remained in mixed villages."

Taking cognizance of the fact that the Republic of Cyprus is a duly recognized member of the world organization, the United Nations Security Council and General Assembly have repeatedly called upon member States (which includes Turkey who has threatened Cyprus with aggression) to respect the sovereignty, unity, independence and territorial integrity of the Republic of Cyprus, and to refrain from any intervention directed against it, and further recommends the continuation of the work and efforts of the U.N. mediator in conformity with the U.N. resolutions on Cyprus.

CURRENT DEVELOPMENTS

Since June 1968, following recommendations by the U.N. Secretary-General, talks have been going on between the Greek Cypriots and the Turkish Cypriots to find a solution to the Cyprus problem.

The holding of the intercommunal talks had become possible due mainly to the unilateral normalization measures taken by the Cyprus Government in 1968. Despite security dangers involved, His Beatitude's Government lifted all restrictions and abolished all checkpoints. Thus the Turkish Cypriots are completely free to circulate all over the island but the Turkish Cypriot leadership has not responded to these measures and still prohibits Greek Cypriots from entering the areas under armed Turkish control.

This attitude on the part of the Turkish Cypriots does not contribute to the normalization of the situation but is still creating obstacles in the way of cooperation among the whole population of the island. The Turkish Cypriot leadership further caused division by setting up a so-called Turkish Cypriot Provisional Administration in the areas under its control, in defiance of the U.N. Secretary General and the Cyprus Government.

Despite this, however, the Cyprus Government proceeded with its normalization program and as a result of the calm climate that came about through these conciliatory gestures by the Government of Cyprus, the intercommunal talks came into being.

At the start of the talks, there had been signs justifying optimism for progress leading to a peaceful settlement. Written proposals were exchanged on such agenda items as pertaining to the Judiciary, the Police, the Legislature, Local Government, and the Executive.

As the talks progressed, with the Turkish Cypriot negotiator taking many months of leave to consult with the Turkish Government in Ankara, the attitude of the Turkish Cypriot side became such that impaired

the climate of optimism created in the beginning of the talks. The Turks submitted views on the Local Government issue which were incompatible with the mutually accepted concept of a Unitary State and tended to create a State within a State, which is firmly opposed by the majority of the people of Cyprus and their Government.

The Greek Cypriots followed by certain conciliatory proposals, but after a five-month delay (during which time they consulted with Ankara), the Turks came back with their own counter-proposals which aimed at further division not only on the subject of Local Government but also in all the other subjects—Executive, Legislature, Judiciary and Police. These Turkish counter-proposals introduced new divisive elements and ideas which were entirely unacceptable to the Cyprus Government as they would have been unacceptable to any civilized government in the world.

The Cyprus Government has all along advocated close cooperation of the Greeks and Turks of Cyprus and unity in all aspects of the functioning of the State. To this end, its proposals aim at:

(a) a Unitary, Sovereign and Independent State with a Constitution adopted by the people of Cyprus and based on democratic principles and the principles of the United Nations Charter;

(b) ensuring that all citizens of the Republic should enjoy equal rights irrespective of race, community or religion, and that human rights for all citizens should be incorporated in the Constitution:

(c) ensuring autonomy to the Turkish Cypriots with regard to matters appertaining to education, culture, religion, and personal status.

After more than three and a half years of negotiations, the intercommunal talks recessed in a deadlock, where they stand today. During all this time, the Turkish Cypriots, taking their orders from the Turkish Government in Ankara, placed one obstacle after another in the way of reaching any agreement at all. The Turks have become more obstinate, intransigent and belicose in their attitude and behavior until no reasonable agreement can be reached except on their terms, which are aimed at the political division and physical partition of Cyprus, and eventual incorporation of part of Cyprus with Mainland Turkey.

Irrespective of difficulties to be encountered in the future resumption of the talks, the sincere desire and goodwill of President Makarios and his government to secure as early as possible a peaceful and just solution remains unchanged. At the same time, the Cyprus Government will not abandon its firm determination to protect, with all means at its disposal, the independence, sovereignty and territorial integrity of the Island Republic.

NATIONAL FUTURE HOMEMAKERS OF AMERICA WEEK

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. BOGGS. Mr. Speaker, I wish to call to the attention of my colleagues the observance of National Future Homemakers of America Week.

The theme of Future Homemakers Week this year is "Profiles in Youth," and I cannot imagine a more fitting, or more appropriate description of this fine organization.

In towns and cities throughout our country, Future Homemakers of America are planning and carrying out programs to illustrate the activities of their organization and the vocational opportunities awaiting young people in the home economics field.

There are 426 members of the 12 Future Homemakers of America chapters in the Second District of Louisiana. To them, and to their sister chapters throughout the country, I extend my warmest congratulations on a job well done.

VIETNAM: IF THE COMMUNISTS WIN

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. CRANE. Mr. Speaker, there are many who urge an immediate withdrawal of American men and material from Vietnam. In many instances, it appears that those who advocate such a policy have not carefully considered its results. When longtime observers of Vietnam argue that such a precipitous withdrawal would lead to an eventual bloodbath and the slaughter of those men and women who have relied upon the American commitment, this idea is rejected as "pessimistic" and "without foundation."

The fact is, however, that there is a great deal of evidence to support such a conclusion. Recently, the U.S. Senate Internal Security Subcommittee issued a document entitled "The Human Cost of Communism in Vietnam."

This document provides the reader with some indication of what would happen if the United States took the advice of those who advocate such an immediate withdrawal. It draws upon the leading sources in this area and provides a compendium of articles, statements, and studies.

Col. Tran Van Dac, a North Vietnamese officer who defected after 24 years in the Communist movement, informed the press that the Communists, if they win, will slaughter up to 3,000,000 South Vietnamese who have resisted them so bitterly for so many years.

Douglas Pike, author of the definitive work, "The Viet Cong," who made an in-depth study of the organized mass killings carried out by the Communists during the brief occupation of Hue, concludes his study with these words:

The meaning of the Hue Massacre seems clear. If the Communists win decisively in South Vietnam, what is the prospect? First, all foreigners would be cleared out of the South, especially the hundreds of foreign newsmen who are in and out of Saigon. A curtain of ignorance would descend. Then would begin a night of long knives. There would be a new order to build. The war was long and so are memories of old scores to be settled.

Mr. Pike continues:

All political opposition, actual or potential, would be systematically eliminated. Stalin versus kulak, Mao versus landlord, Hanoi Communist versus Southern Catholic, the pattern would be the same; eliminate not the individual, for who cares about the individual, but the latent danger to the dream, the representative of blocs, the symbol of the force, that might someday, even inside the regime, dilute the system. Beyond this would come Communist justice meted out to the "tyrants and lackeys." Personal revenge would be a small wheel turning within the larger wheel of Party retribution. But little of this would be known abroad. The Communists in Vietnam would create a silence. The world would call it peace.

One of the important articles included in the Senate study is by Prof. P. J. Honey, of London, who lived for a number of years in Vietnam and is the author of a major work on the North Vietnamese regime, "North Vietnam Today." He is a widely recognized scholar and is considered one of the free world's foremost authorities in the field of Vietnam studies.

In his article, entitled "Vietnam: If the Communists Win," Professor Honey notes that if we wish to understand how the Vietnamese Communists would act if they assume power in the south we only need to observe how they acted when they assumed power in the north.

He notes that—

Some idea of the scale on which the murders were carried out is apparent from the disclosure by Nguyen Manh Tuong, in his address to the National Congress of the Fatherland Front in October, 1956, that the slogan used by the Communists throughout the campaign was, "It is better to kill ten innocent people than to let one enemy escape." No official figure has even been divulged by the Communist authorities of the total number killed during this orgy of butchery."

If Americans want immediate withdrawal, such a policy should be pursued with full knowledge and understanding of its results. I wish to share with my colleagues Professor Honey's important article, and insert it into the RECORD at this time.

[Excerpted from Southeast Asia Perspectives]

VIETNAM: IF THE COMMUNISTS WON

(By P. J. Honey)

Professor P. J. Honey of London lived for a number of years in Vietnam, is the author of a major work on the North Vietnamese regime, "North Vietnam Today," and is widely recognized as one of the Free World's foremost scholars in the field of Vietnam studies, especially as they relate to North Vietnam.

1. VIETNAMESE COMMUNISM—THE FORMATIVE YEARS

Communism in Vietnam was the achievement of a single individual, Nguyen Tat Thanh, better known to the world by the alias he later adopted, Ho Chi Minh. He learned his trade of professional revolutionary at the University of the Toilers of the East in the Soviet Union during the early days of the Stalin era, and first applied his newly acquired skills in Canton, where he worked on the staff of the Russian Consul Mikhail Borodin. To understand Ho's political philosophy and methodology, one must begin by examining his thinking at that time and the techniques he employed, for he inculcated both into his disciples by word and example.

* * * * *

At the time of Ho's arrival in Canton during 1925, a Vietnamese independence movement already existed in southern China, organized and led by the greatly respected

nationalist leader Phan Boi Chau. The organization would have proved a formidable rival to Ho's intended Vietnamese Revolutionary Youth Association, not least because Chau's fame and prestige far overshadowed that of Ho. The latter therefore resolved to liquidate the movement together with its illustrious leader, and did so in the following way.

Having arranged with the French Security Service to deliver Phan Boi Chau for a reward of one hundred thousand piastres—a very large sum indeed at that time—Ho invited Chau to a meeting in Shanghai. The unsuspecting nationalist leader, who had failed to remark that the meeting place was just inside the boundary of the French Concession,[1] went to the house and was immediately arrested by French police. Ho's ally in this plot was Phan Boi Chau's own representative in Hong Kong, Nguyen Cong Vien, who was at that time using the name Lam Duc Thu, and the two divided the reward equally. Chau was brought back to Vietnam, tried, and sentenced to death for his revolutionary activities.[2]

Some of Ho's followers subsequently reported that he had given them the following reasons for his act of treachery:

(1) Chau was too old to be of any further use to the revolution.

(2) The upsurge of patriotism that would inevitably follow Chau's trial and condemnation, would create a favorable revolutionary climate in Vietnam.

(3) The reward money would help to finance the training of new recruits.

The first of these reasons is an obvious attempt to minimize Ho's guilt, but the second and third reasons provide a revealing insight into the callous pragmatism that was to become the hallmark of Ho's later political activities. The ruthlessness, the total disregard for human life and suffering, were always present in Ho's actions, though he frequently disguised these characteristics behind gentle words and a benign exterior.

Ho again used Nguyen Cong Vien to subvert and destroy Phan Boi Chau's nationalist movement. It was the practice of the movement to bring young Vietnamese patriots to China for revolutionary training, and the young men selected were required to send two photographs of themselves to Nguyen Cong Vien before their departure. Those of them who, during their political and military training at Whampoa Academy,[3] had shown themselves receptive to Ho's communism and had joined the Revolutionary Youth Association were returned secretly to Vietnam.

The rest, who rejected communism and remained faithful to the nationalist cause, were arrested when they crossed the frontier into Vietnam by a French Security Service official, who invariably possessed a copy of the photograph they had sent to Hong Kong. Nguyen Cong Vien, when informed by Ho of the impending return of an "unsuitable" student, provided the French Consulate at Hong Kong with details of the route and a photograph, for which he received a monetary reward. The arrested nationalist students were imprisoned, so that contact between the nationalist movement in Vietnam and its organization in Canton was progressively weakened and ultimately broken altogether. Those nationalists whose suspicions were aroused by the unfailing arrest of "unsuitable" colleagues did not dare to return to Vietnam, but instead enlisted in the Kuomintang Army. . . .

These early examples of Ho Chi Minh's working methods illustrate the extent of his dedication to the accomplishment of his ultimate goal, and the extreme nature of the measures he was prepared to use. The goal he had set himself, even at that early date, was unquestionably the establishment of a Communist regime in Vietnam. Convinced that he must first bring about a bourgeois democratic revolution before proceeding to the Communist revolution, he took considerable pains to conceal his ultimate aim from all but his fellow Communists; for communism would certainly have failed to attract support from those bourgeois elements essential to the realization of the first stage.

Nevertheless, he remained ready at all times to destroy any non-Communist person or group, however much these might have supported him in the past, should he consider them a threat to the success of his future plans. The two classes of persons he was most concerned to eliminate were potential enemies of communism, and potential rivals who might at some future time attract to their own political movements supporters who would otherwise have accepted Ho's own leadership.

2. THE BOURGEOIS DEMOCRATIC REVOLUTION

At a later stage of his revolutionary progress, in August 1945, Ho Chi Minh was present inside North Vietnam as the leader of the Viet Minh movement he had himself created. At his disposal he had a small military force, weapons supplied by the World War II Allies, and a network of Communist Party cells throughout the country. * * *

The very great majority of Vietnamese knew little or nothing about communism or the Viet Minh. But all were perfectly well aware that the French were in prison, that colonial rule had, for the moment at least, ended, and that a Vietnamese government was once more in control of Vietnam. Popular rejoicing was nationwide. Ho and his Communist comrades, who were unquestionably masters of both the Viet Minh and the Provisional Government, were everywhere regarded as liberators and patriots. It is instructive, therefore, to observe Ho's actions on assuming power because, although the Communist Party was then smaller, less experienced, and less organized than it now is, little change has taken place in the top leadership and there is no reason to suppose that the Party's behavior pattern at that time was markedly different from what it would be today.

Firstly, the political groups which had collaborated with the Japanese in the hope that they might prevent the return of French imperial power to Indochina, the Dai Viet Party in particular, were outlawed and their leaders arrested. Simultaneously, the Viet Minh seized control of all information media, requisitioning the radio station at Bachmai, all printing and publishing houses, and all stocks of paper. Almost at once, it published its own newspapers and took direct control of all broadcasting, thus acquiring a monopoly of news dissemination. Then the revolution commenced in earnest. The following is a description of what took place, published in the book "Histoire du Viet-Nam de 1940 à 1952" by Philippe Devillers, a French writer well-known for his sympathetic attitude towards the Vietnamese Communists:

"In the villages and towns (Vietnamese) notabilities and officials in their hundreds were singled out, molested, arrested, and even massacred by unrestrained groups led by agitators who were frequently unknown (locally), without provoking any reaction from the populace, itself generally terrorized but, on occasion, consenting. All the prisons, all the jails, thrown open at the same time, poured out on the country political and common law prisoners drunk with the thought of freedom and revenue."

"People soon gave up counting the number of beatings, seizures, extortions of money, and "confiscations of goods belonging to bourgeois fascists and counterrevolutionaries," arbitrary arrests and assassinations after (or even without) a farcical trial by hastily assembled "peoples courts."

"Footnote.—The Communists gave the impression of coolly executing a systematic program of eliminating those who would eventually oppose them. That is the reason why they were to execute numbers of well-known people belonging to conservative classes or simply to political parties offering an alternative to the Indochinese Communist Party. One could name, among so many others, *Pham Quynh* and Ngo Dinh Khoi,[4] both arrested and executed by order of the Liberation Committee on August 23rd close to Hue . . . ; the Trotskyists leader Ta Thu Thau, executed in Quang-ngai while returning from Hue to Saigon; the elderly Bui Quang Chieu of the Constitutionalist Party; the leader of the Independence Party, Ho Van Nga. Others suspected of sympathy for the 'colonialists,' that is to say of 'treason' were to be imprisoned or interned and condemned, men such as Nguyen and Tien Lang, the protégé of Governor Robin, etc."

The above extracts, it should be pointed out again, were written by a man widely known over many years for his sympathetic attitude towards the Vietnamese Communists, and who still supports their cause with the spoken and written word today. The eyewitness accounts of these events given to the present author by Vietnamese who lived through them are even more detailed and horrifying. * * *

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A year later, in mid-1946, the communists had disposed of all the organized resistance to their regime in North Vietnam with the sole exception of the Viet Nam Quoc Dan Dang (VNQDD, the Vietnamese Nationalist Party). In July, General Giap moved his forces against these remaining opponents, and the following extract from the same book of Philippe Devillers describes the action:

"After bloody clashes, its (that is, the government's) forces retook control over the towns of Vinh-yen, Viet-tri, and Phu-tho, completely clearing the Phu-tho—Tuyen-quang—Ha-giang axis. In the Cao-bang—Lang-son region they consolidated their positions. Their successes were less clear-cut in the Red River Valley; Lao-kay, on the frontier, was nevertheless occupied.

"But it was in Hanoi that the great blow was struck. A succession of police raids on VNQDD centers during July 11th, 12th, and 13th led to the arrest of about 120 people, and to the seizure of arms, documents, and materials for forging money. The offices of the newspaper *Viet Nam*, principal organ of that party, at 80 Grand Bouddha Street, were taken; far from being suspended, the newspaper reappeared six days later, but under new management and under the control of the censors . . .

"At the end of July, therefore, the Viet Minh Government had consolidated its strength. It had practically eliminated its rivals. It no longer faced adversaries capable, without external help, of overthrowing it."

Thereafter, the ascendancy of the Communist-controlled United National Front was unchallenged, and Ho Chi Minh was able to lead the movement into a war against the now returned French on December 19, 1946, with the approval and support of the great majority of the Vietnamese people. From then until the end of 1950, the resistance movement conducted its "anti-imperialist" struggle relatively harmoniously and with only minimal internal dissension. At the beginning of 1951, however, the Communist leadership decided the moment was opportune to shift to the "antifeudal" phase of the struggle, that is to say, to change the objective of the revolution from simple overthrow of colonial rule to the twin objectives of defeating colonialism and establishing communism.

The Indochinese Communist Party, ostensibly dissolved in November 1945 lest non-Communists be dissuaded from supporting the resistance, reappeared under the changed name of Dang Lao Dong Viet Nam, or Viet-

Footnotes at end of article.

namese Workers Party. A new slogan was adopted, "The antiimperialist and antifeudal fights are of equal importance"; and communism became the overt controller of the revolutionary movement.

* * * * *

During the years 1951 and 1952, Communist Party control over every area of activity in the resistance zone was strengthened and consolidated in preparation for a campaign that might strain the Party to the utmost but which would eliminate, once and for all, the possibility of further internal challenge to the Communist regime thereafter. That was the agrarian reform campaign, an operation of some complexity for which minute and careful preparations had to be made. In February 1953, when both peasants and traders had been reduced to a state of penury and debt by the impossibly high taxes imposed on them, a campaign of terror was unleashed by order of the Communist Party Central Committee.

It lasted for fifteen days, two terrible weeks in which no single person was safe from denunciation, torture, arrest, or assassination, when indiscriminate violence raged unchecked and the Party authorities made no move to intervene. After the campaign had ended, as abruptly as it had begun, by personal order of Ho Chi Minh, every citizen was aware of, and overawed by, the might of the Party. But the two weeks of terror proved to be no more than a demonstration of what the Party could do. It imbued all with the desired dread of the Party and ensured instant compliance with Party wishes, but much worse was to follow.

* * * If the objective of the Communist leaders had been simply to acquire ownership of the land in order to redistribute it more equitably, or to create agriculture cooperatives, nothing would have been easier than to promulgate a decree confiscating all land. By insisting on the creation of "people's courts," however, whose members were themselves too terrified to do anything other than agree to pass the frightful sentences demanded of them, the Communist authorities obliged the whole people to accept responsibility for these atrocities. Moreover, lest anyone should entertain any doubts about what was being done, all executions were carried out in public and everybody was obliged to be present to witness them.

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* * * Some idea of the scale on which the murders were carried out is apparent from the disclosure by Nguyen Manh Tuong, in his address to the National Congress of the Fatherland Front in October 1956, that the slogan used by the Communists throughout the campaign was, "It is better to kill ten innocent people than to let one enemy escape." No official figure has even been divulged by the Communist authorities of the total number killed during this orgy of butchery, and none is ever likely to be * * *.

* * * * *

* * * The 1954 Geneva Accords legitimized such domination by the Communists in North Vietnam, which is why a million North Vietnamese availed themselves of the opportunity to flee to South Vietnam. Such evidence as is available suggests that the numbers of those leaving North Vietnam at that time would have been very much greater if the Communists had honored the terms they accepted at Geneva and permitted all who wished to do so to leave the country unimpeded. In the event, however, they prevented large numbers from going, which forced some of those whose intentions were frustrated to resort to such desperate measures as putting out to sea on flimsy, hastily constructed bamboo rafts. A few were picked up by passing ships, but the numbers of those who drowned or starved can never be known.

The mass exodus from North Vietnam following the Geneva Accords was a very important propaganda setback for the Vietnamese Communists, because it proved to the watching world the falsity of their claims to the support and approval of the Vietnamese people as a whole. The refugees undoubtedly caused grave offense to the Communists. If they already believed themselves in danger from the Communists in 1954, and believed if firmly enough to abandon their homes, lands, and ancestral graves, they are convinced that the danger is still greater today.

That is why the North Vietnamese who have settled in South Vietnam are inflexibly opposed to a Communist military victory, a coalition government in which some portfolios are held by Communists, or the establishment of any Communist bridgehead in South Vietnam. These people have learned from bitter personal experience how a numerically tiny Communist Party can, by dint of its disciplined, organized and total ruthlessness in pursuit of its objectives, impose itself on a whole people.

4. SOUTH VIETNAM

* * * The insurgents [Ed: Viet Cong in the early 1960's], for their part, were largely dependent on South Vietnamese assistance. Since this was not afforded voluntarily, they were obliged to take what they needed by means of armed force or terrorism. At first they employed selective terrorism, killing or abducting officials, educated persons such as teachers, and men of influence. When they wished to assassinate someone publicly, as an exemplary punishment designed to cow others into submission, they tried to select victims whom they knew to be unpopular or corrupt. As the fighting spread, however, and their needs became greater, the insurgents resorted more and more to indiscriminate violence.

Hanoi recognized that this would inevitably prove counterproductive, and large numbers of captured documents bear strictures along these lines from Hanoi to commanders in South Vietnam. These criticized their political indoctrination campaign for its ineffectiveness, and pointed out that armed terrorism would antagonize the South Vietnamese people at a time when their willing cooperation was desperately needed. Other documents, sent from South Vietnam, argue that the political cause was itself too weak to motivate people; and since cooperation was essential, there was no alternative to enforcing it by terrorism. In the course of time, the brutality and cruelty of Viet Cong methods progressively antagonized the South Vietnamese * * *

5. THE TET OFFENSIVE AND ITS CONSEQUENCES

By the end of 1967, it had become clear to the Communist leaders in Hanoi that their military strategy was disastrously wrong. If persisted in, it would lead to the early destruction of their forces fighting in South Vietnam. A change had to be made, and this took the form of massive surprise attacks on all the cities and towns of South Vietnam simultaneously. Not only would armed assaults be mounted, but every effort would be made to induce the South Vietnamese people to abandon their own government and proclaim support for the Viet Cong. Surprise would be achieved by commencing operations during a period of truce agreed to by both sides for the occasion of the lunar new year, or Tet. To assemble sufficient troop strength for the execution of such a grand offensive, known now in the West as the Tet Offensive, the Communists were obliged to denude the countryside of cadres.

In the event, total surprise was achieved, but the rest of the plan went hopelessly awry. The Communists had completely misunderstood the mood of the South Vietnamese people, failed to bring about any popular uprising against the government, and were eventually driven out of all the places they had entered, suffering huge losses in the process. Had it not been for the wildly inaccurate and alarmist reporting by the foreign press corps in South Vietnam, the Tet Offensive would have been an unrelieved failure for its authors.

As it was, the panic of the press correspondents was communicated to the American public, which brought irresistible pressure to bear on the President to change his policy in Vietnam. In response, President Johnson first restricted, and then ended, American bombing in North Vietnam in return for Communist agreement to participate in talks to be held in Paris. Thus, the only advantage to accrue to the Communist side from the Tet Offensive came, not from their own efforts, but from the hysteria their attacks induced in the American and other foreign correspondents. Rarely in the history of modern warfare has any nation been so ill-served by its own press.

Yet it was the Tet Offensive that finally destroyed Vietnamese Communist hopes of military victory in South Vietnam. In cities and towns throughout the nation, the brutal killing of defenseless civilians by the Communist soldiers dispelled any expectation, still nurtured by some individuals, that they might contrive to reach an acceptable accommodation with the Communist side. From that time onwards, it was clear to all that the Communists were not prepared to consider individual cases but would deal only with categories and classes, seeking to eliminate those they imagined to stand between them and their ultimate objectives. Generally speaking, the Communists failed to seize and hold for any appreciable time the targets of these attacks, but the behavior of their troops in the course of the fighting was such as to inspire abhorrence and dread in the civil population.

The one exception to the general military pattern was the Central Vietnamese city of Hue, whioh was occupied by the Communists for more than three weeks. * * *

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7. COMMUNIST VIEWS OF HUE

The prevalence of famine, disease, and flood in many parts of Asia has made premature, violent death all too common a phenomenon, and engendered in the people a stoical acceptance of what cannot be avoided. The fatalism of Asians in the face of frightful disasters never fails to amaze Westerners. But despite this inbred tolerance of adversity, the systematic and unfeeling massacre of so many ordinary residents of Hue struck horror and revulsion into the people of South Vietnam. Those Hue citizens questioned by this writer professed, in addition, incomprehension; they simply did not understand how Vietnamese people could behave in so brutal a fashion to their compatriots.

For them, the massacre provided incontrovertible proof that the Communist insurrection had abandoned all pretense of seeking to liberate the people of South Vietnam, and was undisguisedly attempting to establish an oppressive and intolerant Communist dictatorship. Defectors from the Communist side were not similarly puzzled, though they encountered considerable difficulty in explaining their reasons to a person who had not experienced years of regimented existence under a Communist regime, isolated from outside contacts and subjected daily to the psychological pressures of Party press and radio.

Two of the most lucid former Communists interviewed by this writer were senior army officers, Colonel Tran Van Dac, who defected to the government side in April 1968, and Colonel Nguyen Thanh, who defected in May 1970. Neither had participated in the events at Hue, but both had taken part in the attack on Saigon during the 1968 Tet Offensive. Being military men, they could tell only of their own state of mind conditioned by their experiences as Communist soldiers serving in South Vietnam.

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The colonels both accepted that their behavior during the years of military service appeared horrific in retrospect, that they had been living in an unreal, nightmare atmosphere created by the Party; but strongly affirmed that they had remained unaware that this was so. Both men also stated that if they had massacred civilians, even needlessly, they would not have been punished by their superiors. Should the bloodshed subsequently be judged unnecessary, or even damaging to the Communist cause, they would have had to confess that their judgment had been faulty, and promise to make efforts to improve their understanding; but they would have received no punishment. If, on the other hand, they had avoided a massacre of civilians for humanitarian reasons and thereby failed to accomplish their mission, they would equally certainly have been denounced for "sentimentality," for "lacking a solid political base," and for indiscipline, and they would have risked serious punishment.

* * * * *

* * * All the defectors—they include men such as Dr. Pham Thanh Tai, a former Professor of Political Science at Hanoi University; Vo Thank Tong, a specialist in banking; Captain Le Phat Nguyen, who earlier worked in the General Staff Headquarters in Hanoi; Vo Ngoc Co, an intelligence agent; and so on—cited precedents and official Communist statements to support their unanimous conclusion that a massacre would be inevitable. Members of successive South Vietnamese governments, civil servants, military officers, policemen, religious figures, intellectuals, politicians, and professional men would be among the first to be killed.

All political parties would be destroyed, and the office holders in them executed. Nor was there any disagreement over the elimination of the refugees who had fled from North Vietnam or of defectors from the Communist forces including, of course, the speakers themselves. Disagreement did arise over the fate of the bourgeois classes—the businessmen, landowners, shopkeepers, and so on. While it was generally agreed that all would be arrested, tried, and sentenced to death, not everybody agreed that all would necessarily be killed immediately. Some the speakers pay continuous attention to consolidating the repressive apparatus of the people's democratic state, the people's army, the people's police, the people's control institute, the people's tribunal, and so forth."

The same radio station, broadcasting on March 21, 1968, said: "All citizens are bound to take an active part in denouncing counterrevolutionary elements, in providing dictatorial organs with evidence and documents, in supervising punishment . . . of counterrevolutionary elements." North Vietnamese press and radio have referred to all in South Vietnam who have opposed the Communist insurrection as "hooligans," "lackeys," "exploiters," "counterrevolutionaries," and the like, and have repeatedly mentioned the "blood debts" such persons have incurred. Solemn promises are constantly made that full payment of those debts will be exacted. Historical precedent and recent example make it impossible to doubt that the Communist leaders intend to keep their word.

8. CONCLUSION

Should the Vietnamese Communists win undisputed control of South Vietnam, either by military victory or through a "coalition government" in the fashion of some countries of eastern Europe, they will act exactly as they have done in the past. They will seize control of all South Vietnamese information media and use them for their own purposes. They will expel the foreign press corps and all other foreigners, and will then close the frontiers of the State. Once all non-Vietnamese witnesses have been removed, they will proceed to exact payment of the "blood debts." In a deliberately created atmosphere of terror, they will establish thousands of *ad hoc* "people's courts," before which will be arraigned all those individuals and groups the Party has decided to eliminate.

Those unfortunates will be accused of "crimes" which have no existence in civilized societies. They will face charges of being "counterrevolutionaries," "enemies of the people," "exploiters of the people," and a host of similar meaningless things, and they will be found guilty by jurors too terrified to do anything but obey the orders of Party cadres. All believed to pose a threat, real or potential, to the Communist regime will be killed at once, and some of the remainder may be permitted to postpone execution as long as they continue to work as unpaid slave laborers. Calculated on the basis of past Communist deeds, and given the size of South Vietnam's population, the minimum number of those to be butchered will exceed one million and could rise to several times that figure.

While the massacre is in progress, the outside world will know nothing of it, for foreigners will have been expelled and no mention will be made by the Communist information media. Because the battles will be over and the big guns will have ceased to fire, peace will be said to have returned once more to Vietnam.

FOOTNOTES

[1] An area within Shanghai formerly administered by the French authorities under the old "unequal treaty" system.

[2] EDITOR'S NOTE.—The threatened execution of Phan Boi Chau produced such ominous rumblings of nationalist dissent that the French authorities, fearful of the political consequences of his martyrdom, commuted his death sentence and placed him under continuing house arrest. He died while under house arrest.

[3] The military academy established by Chiang Kai-shek in 1924 to train politically-minded officers for the Kuomintang Army.

[4] The older brother of Ngo Dinh Diem, who later became President of the Republic of (South) Vietnam.

CAREER EDUCATION

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. BROYHILL of Virginia. Mr. Speaker, a longtime friend and constituent of mine, who is also one of this Nation's finest educators, Mr. Earl C. Funderburk, director of the NEA Office of Supervisory Administrative Services, member of the National Advisory Committee on Career Education, and who was for many years superintendent of schools in Fairfax County, Va., recently addressed the Virginia Association of Realtors on the subject of career education.

Earl's speech so impressed those who heard him that they asked that I insert the text in full in the RECORD so that all who are interested in vocational and career education may benefit from it. I insert the speech at this point:

CAREER EDUCATION

(By Earl C. Funderburk)

The public school system of America is in trouble and in many ways the trouble stems from success. No nation in history has ever approached such a massive investment in the education of its people. We increased our investment from $6 billion in 1947 to $65 billion in 1972. As a result, the American labor force now possesses more than 12 years of education as compared to 10 years in 1940; ¾ of our youth complete high school, over 50% go on to college, but only ⅕ graduate from college. In other so-called advanced countries about 3% of youth enter higher education. At the turn of the century 80% of our high school graduates went to college because high schools were exclusively preparatory for college. Now that high school is mass education, the system has changed very little.

Most high schools still track students in college preparatory or general curriculum in far too many schools is preparation for nothing. Dr. Marland, U.S. Commissioner of Education, has said, "Almost all of the shocking high number of unemployed youth are products of the general curriculum, and we can expect small improvement until the general curriculum is completely done away with in favor of a system of high school education with but two exits—continuing education or employment—and nothing else."

"The first attitude that we should change is our own. We must purge ourselves of academic snobbery. Education's most serious failing is its self-induced, voluntary fragmentation, the strong tendency of education's several parts to separate from one another, to divide the entire enterprise against itself. The most grievous example of these intramural class distinctions is, of course, the false dichotomy between things academic and things vocational. Let's adopt the term 'career education'. Every young person in school belongs in that category at some point, whether engaged in preparing to be a surgeon, a bricklayer, a carpenter, a mother, or a secretary."

Nearly 2.5 million students leave our formal education system each year without adequate preparation for careers. In 1970–71, there were 850,000 elementary and secondary school dropouts; 750,000 graduated from high school with no skills and did not attend college while 850,000 high school students who entered college in 1967, and should have graduated in 1971, dropped out without a degree or a skill.

The era in which we live in is an era of change and of revolution (political, social, economic, physical). In another context, our position of leadership in the free world demands a strong econmic base which, in turn, requires new skills and increased levels of efficiency and productivity if we are to survive in world competition. In these competitive times of management by objectives, accountability, performance contracting, and the efficiency cult, it is easy to forget that in our free society the individual is paramount. The problem, then, becomes one of balancing the requirements of society with essential freedom for individuals.

Large numbers of high school and college graduates as well as recipients of doctoral and masters degrees are unemployed and everyone is asking why—students, parents, employers, and policy makers, each with their own personal and institutional interests. The implications for human resource development are staggering.

To the best of my knowledge, there are no ready-made panaceas or shortcuts to resolving the educational implications of these problems. But we do have an idea to present that shows promise as a "new way of orienting and deploying our educational resources"; a new vigorous sense of purpose and mission for the school enterprise. Technology has multiplied man's other meager powers but has disestablished, and even threatened, his life. Yet it has spread abundance, but has left so many behind unable to compete in such a complex society. The same technology which landed man on the moon can be directed at his own destruction.

In 100 years we have gone from an agrarian society where wealth and prosperity depended upon an abundance of natural resources, through an industrial stage depending on capital resources and with emphasis on production and distribution beyond even a service-oriented society to a post-industrial one stressing production, processing, dissemination of information and dependent upon human resources. Our recognition of our dependence on human resources expanded our education expenditures to $65 billion. But education still has little relevance to the world of work.

We have found some solutions and yet these solutions created more problems. But our investment created a breathtaking intellectual and scientific achievement in the wealthiest society the world has ever known. And there emerged a dichotomy—a gulf between the home, the school, and the world of work, between academic and vocational education and between preparation for work and preparation for life. And so the school faces criticism because it has not solved all the problems that society expects. The boredom of youth finding no useful role in life, the frustration, violence, crime, delinquency, drugs, riots, of which the schools are not the cause, but perhaps could have done more to cure. At least the parents and voters often think so and lash out in criticism or negative votes in school bond elections. We have to admit our failure to educate for meaningful careers.

But in frustration over the schools' inability to solve all of society's problems, people overlook its impressive achievements. Some would cut back the school's budget, and some would even totally scrap the present educational system. Others would pursue major reforms through performance contracts, voucher systems, or other administrative experiments. But we have overlooked a simple basic fact. The majority of people spend most of their adult lives and devote much of life's energies to careers whether as an employer, employee, or homemaker. The quality of our lives is heavily dependent upon the income we earn and our major social contributions are directed through the economy at the market place. Failure or dissatisfaction then can taint every aspect of life. Far be it from me to say that the American school system has failed. It has been highly successful, much more successful than in other lands. But education is supposed to prepare one for a particular society. We have already pointed out societal changes. In 1917 we came out with the seven cardinal principles of secondary education.

1. Health.
2. Command of the fundamental processes.
3. Worthy home-membership.
4. Vocation.
5. Citizenship.
6. Worthy use of leisure.
7. Ethical character.

In the middle 40's the Education Policies Commission came out with three objectives of education—namely, self-realization, economic sufficiency, human relationships and civic responsibility. The new objectives of the Educational Policies Commission only reiterated the seven cardinal principles. In the early 60's President Kennedy came out with the New Frontier, and we all remember President Johnson's theme—The Great Society. President Nixon in his inaugural address in 1969 called for reform in public education. Are we prepared to reform and are we ready for that great society in which we now find ourselves?

What I am going to present to you now is not just one innovation but a major one that will cut across all education. It will reform education. Let me emphasize it is not a new idea. Many of us have had it for years but the time has come in our history for this idea to be recognized and implemented. In introducing this subject let me ask this question. Isn't our schools' major shortcoming the failure to educate for meaningful careers? The answer is yes and so we suggest that one of the major objectives of education be career education. Let me emphasize this is not the U.S. Commissioner's idea or any one person's idea or the federal government's idea. It has been aborning for a long time, but now is the time. All of the chief state school officers have endorsed it. President Nixon endorsed it in his State of the Union message. At the 1972 American Association of School Administrators' Convention Vice-President Agnew's speech, almost in its entirety, was devoted to career education. The U.S. Chamber of Commerce and all the major organizations in the United States have joined in the avalanche of approval.

What is this career education which promises so boldly a better social, personal, and economical return on the educational investment? It does not expect to swallow up all of education and become the only objective but it does promise to make preparation for a successful career the primary emphasis of the educational system. The broad concept is that all educational experiences, curricular instruction and counseling should involve preparation for economic independence, personal fulfillment, and an appreciation for the dignity of work. Dignity of work is something that seemingly has been lost, and let me quote here from John Gardiner: "An excellent plumber is infinitely more admirable than an incompetent philosopher. The society which scorns excellence in plumbing because plumbing is a humble activity and tolerates shoddiness in philosophy because it is an exalted activity will have neither good plumbing nor good philosophy. Neither its pipes nor its theories will hold water."

Quoting from Dr. Calvin Grieder of the University of Colorado in the March 1972 issue of *Nations Schools* "Career education is in dire need of massive and prolonged support, not merely financial support, but also, and even more importantly, philosophical, moral and intellectual support. Industry, business and labor must also be prepared to end extensive aid and assistance in other ways than financial. American attitudes toward workmanship and craftmanship have taken a nose dive to unprecedented low levels. Pride in doing something well is rarely found today, and thus the mastery of skills necessary for good work is held in low esteem. Assembly line procedures for mass production may well be largely responsible but undoubtedly other causes also contribute. The attitude of doing only enough to 'get by' is widespread in all kinds of employment—white collar as well as blue collar, if such terms still have any meaning. The standard of workmanship in the United States is now at a low ebb. With some exceptions, the quality of goods is shoddy—from motor cars to plastic toys to clothes. They are not intended to last. Americans rarely repair—they replace".

Under the career education idea every student no matter what his capacity or ability, leaves school with a salable skill—a minimum of an entry into the market if he leaves at or before the end of high school, and a more advanced skill if he continues his education in a technologically or academically oriented post-secondary institution. There will be no such thing as "drop-outs" as we know them, we just call it "temporary leaving" so he can return if his skills become outdated, or if his skills need to be upgraded or changed. It is not only the youth but the adults who need to upgrade their skills, up date their knowledge and/or retrain for a new job.

Career education is not synonymous for "vocational" education, or for "general" education, or for "academic" education. It does not exclude college education; rather it is a blending and restructuring of all these to an entirely new curricular emphasis with preparation for a vocational or successful working career playing a key role. Let us face reality. A youth today is marching to a different drumbeat—a different rhythm—than you and I did at his age. All of them are simply not concerned about the economics but have a sincere devoted concern for service to others. Career education should become a part of the student's curriculum from the moment he enters school.

Career education introduces a new polarity and sense of purpose into education. Some view it as the new paradigm for education—that of career planning and preparation. Career education incorporates a view of the curriculum as a systemic, integrated, and cumulative series of experiences designed to help each student achieve (1) increasing power to make relevant decisions about his life and (2) increasing skill in the performance of his life roles.

Career education is designed to capacitate individuals for their life roles: economic, community, home, avocational, religious, and esthetic. It recognizes the centrality of careers in shaping our lives. Careers determine or limit where we work, where we live, our associates, and other dimensions that are significant in defining our life style. It should be viewed as lifelong. It is pervasive, permeating the entire school program and even extending beyond it. It is designed for all students.

Career education is a systematic attempt to increase the career options available to individuals and to facilitate more rational and valid career planning and preparation. Through a wide range of school and community-base resources, young people's career horizons are to be broadened. Their self-awareness is to be enhanced. The broad framework for accomplishing this consists of the phases of career awareness, career exploration, career preparation.

The program is to be sequenced and postured to optimize career development and will provide as broad a base of understanding of self and the world of work as possible. It is to be designed so youngsters will, in fact, have two options at several levels: continuing education or employment.

In the vernacular of the day, career education "puts it all together." It is designed to strengthen and achieve student self-actualization. It builds upon the strong motivating force of career interest, career development and preparation. It provides a means of making other elements of the school relevant to life purposes and stimulates student interest and participation in these "supporting areas." Subject matter is not an end, but rather a means of assisting individuals to optimize their career development. Knowledge is viewed as applicative not merely descriptive.

Career education relates to three R's to the many ways in which adults live and earn their living. As the student progresses through school, the skills, knowledges, and above all the attitudes necessary for work success are stressed. It is integrated into every subject, not just in one special class designed for those who are "going to work." Career education recognizes that man is more than a working machine, and so strengthens the student's sense of personal and individual work. It helps him lead a more fulfilling life by broadening the options available to him in school and after he leaves school. It leads to a new sense of cooperation among parents, teachers, counselors, the business community, and students. Again we emphasize that many young people are not necessarily impressed with the economic advantages implicit in work. Career education covers this because he will be better able to serve his fellow man whether

qualified as a skilled artisan, a mechanic, a brick mason, a beautician, a teacher, or an environmental technician.

Career education is not limited to the classroom but relates to all learning environments and learning experiences from early childhood into the production life of the individual. In early childhood (kindergarten) it provides an awareness of the nature of the world of work as well as the importance of work itself in our society. As the student moves through the school years, he must increasingly become familiar with the world of work and acquire the knowledge necessary to obtain meaningful employment upon leaving school no matter at what stage he leaves. The important thing is that he can resume his schooling at any time, not only for capacity to meet changing job requirements, but to enlarge his personal life. It demands no permanent bondage to a career goal but reveals to him all the great range of occupational options and, more important, enables him to develop positive attitudes towards work.

Career education will enable nearly all people who complete secondary school to qualify for immediate employment or to go on to some formal post-high school education. Placement services in the school system will assist every student, especially if he leaves before he completes 12th grade, to plan the next step in his career development. Entrance and exit requirements will be flexible enough to make education a preparation for work with work itself, and again I repeat the term "drop-out" will cease to have the ominous meaning it has today. Under the career education concept, every child gets the same educational bill of fare up to about the 6th grade. Besides learning how to read and write and compute, the career education student studies history, languages, and the physical and social sciences. In all of these subjects he is exploring simply a model of a great variety of occupational clusters such as:

1. Transportation and health occupation.
2. Agri-business and natural resources.
3. Business and office.
4. Communication and media.
5. Consumer and homemaking education.
6. Construction (house building project).
7. Environment.
8. Fine arts and humanities.
9. Hospitality and recreation.
10. Manufacturing.
11. Marine science.
12. Marketing.
13. Distribution.
14. Personal services.
15. Public services.
16. Health occupations.

In the middle grades, 7 through 9, the student examines those clusters in which he is most interested. By the end of the 10th grade, the student, who wishes to do so, is provided with an opportunity to develop entry job interest skills that can, if necessary, be used if he fails to complete the 12th grade. If he does complete the 12th grade, he is prepared both to enter the world of work and continue his education in an institution suitable to his needs. The important thing here is that the choice is not irrevocable, and he has had an opportunity to learn from all types of students because he has not been segregated as we do now in segregated vocational schools or classes for vocational education. In career education every student will have the opportunity to participate in some actual work during the high school years. This can only be accomplished through cooperative arrangements with business, industry, and public institutions.

It is esesntial that each student master the skills required to live with whether these schools are labeled academic or vocation. The point is that he will be prepared to live this life as a fulfilled human being. If he decides to live his life with machines, he must know how to use them. If he chooses to live with slide rules and computers, he must understand their magic. He must keep in mind that he must always continue in some phase of education. Now as we look back through history, we see that many fine promising ideas in education have fallen by the wayside because the idea was not correlated with substance or long-range planning. If career education is to work, everyone must be convinced of it and be ready to sell it—the parents, the custodian, the secretary, the lunchroom workers, the teacher, the principal, the superintendent, everyone. School board members and the general public will have to make some fundamental decisions because career education's initial installation costs could increase school budgets substantially in the beginning years, but as a school system has been retooled and converted to a career education program, the costs of maintenance and operations will decline. Some of the things necessary will be to employ more counselors, paraprofessionals, and others. There must be retraining of existing administrators, teachers, and paraprofessionals. The teacher training institutions must be retooled. Not only will different instructional materials be needed, but we must learn to use the resources now available in our own communities.

Teachers and guidance counselors will have to make substantial changes in their personal attitudes. They will have to broaden their own experiences with the world of work.

Remember that career education involves no one-and-for-all decision nor ceiling or locked doors, it offers a salable skill at any port of entry to the job market. It keeps the door open to return either for upgrading or for career direction. It is not an alternative to college education nor to vocational education. It encompasses and integrates both. It allows the individual to choose his occupation, and rechoose through a lifetime as another occupation becomes more appropriate. No community or school system should be told precisely how to do it. Each must decide. The mathematics teacher can use vocational arithmetic without watering down the mathematics course. The principles of physics can be taught for an occupational application. The teacher must show that a carpenter marking and cutting a rafter is applying trigonometry. If the salesgirl cannot operate the cash register without conventional arithmetic, where better can she learn it except through experience?

A truly career-oriented education would differ from the present in so many ways. It seeks to preserve all that is sound in our present practice of career preparation. It will require new structuring innovations and a new relation between what is now classified as academic, general, and vocational in education. But, above all, it will differ in results. The change in relationship between man and machine is changed by definition of work, and it will require more inner action between home, school, and community. Career education goal is to make use of all manpower and satisfaction to every individual for the nature of man decrees that unless he achieves and serves, he is nothing.

I would like to close by quoting from my 1967 publication entitled Education for the World of Work:

"1. Are the brilliant few creating, through technology, a gulf of skill requirements which the many are not being equipped to cross?

"2. Are too many of our school and college students, in this present generation, being merely trained in one or another skill—which can rapidly become obsolete—but not educated in how to learn, think, improvise, and adapt in a fast-changing economy?

"3. Will America, toward the end of this century when today's school generation will be in the prime of life, find itself saddled with a growing class of half-trained, embittered people on the edge of our society, *un*employed or *under*employed, warping the economy and weakening the very processes of self-government?"

In a democracy we can crown the winner and at the same time recognize the less able or the less talented. It is my humble opinion that during the last decade we have been too preoccupied with the college-bound school population, the preparation of scientists and the education of the gifted. We cannot build a great, viable, free society by educating the college-bound school population, the preparation of scientists and the education of the gifted. We cannot build a great, viable, free society by educating the college-bound alone and in the process accumulate a human scrapheap of drop-outs, social misfits, youth that feel unwanted, who not only hate themselves, but everyone else. Regardless of the affluence of the upper two-thirds and despite scientific breakthrough, no viable, free society can survive in this galloping age with one-third of its people in poverty, ignorance, unemployment and worst of all, aware of its own uselessness and absurdity.

If the child has suffered rejection, we must let him experience acceptance. If he has concluded that he cannot learn, in fact, does not want to learn and even finds it distasteful, we must show him he can learn—that learning is fun so that he will have a desire to learn. Today this child trusts no one and we must be the kind of teachers he will trust and through trusting we develop a trust for others. He will then no longer be separated from or be a threat or drudge to society. He will belong. Career education can do this.

To insure that our great nation remains competitive and a leader in the Family of Nations—to insure the future of freedom of enterprise, we must change our public education system. Career Education can change it. Please let's try it.

KEEP RADIO LIBERTY ALIVE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. DERWINSKI. Mr. Speaker, I am inserting excerpts from an open letter by Sherman Smirnovsky, a Moscow intellectual, to Senator FULBRIGHT. My interest in this subject. Mr. Speaker, lies in the fact that, even though we have processed legislation extending the operations of Radio Free Europe and Radio Liberty to June 30, we must, before that date, move the legislation necessary to continue their operation. I believe it is important for all the Members to know thoughts behind the Iron Curtain on this subject.

The letter follows:

KEEP RADIO LIBERTY ALIVE

(By Sherman Smirnovsky)

Moscow.—The city sleeps. At least it seems so to militiamen who patrol the frosty capital. Their hobnailed knee boots clatter on the cobblestones above the noise of the snowstorm. . . .

The night has come, but what is this? In Moscow apartments, rural huts, in the steppes of Central Asia, in the Siberian taiga, a voice is heard, a human voice speaking in Russian, which differs so much from the official ravings in the Soviet language: . . .

"Radio Liberty speaking."

REACHES EVERY CORNER

It reaches every remote corner of the country and finds a response in the heart

of every honest man in Russia. Superpowerful jamming, for which taxpayers pay one million rubles a year, will be no help. Pushy neighbors K. G. B. agents who expose listeners to the Western stations [God knows how much our people pay to feed this bunch of informers]—also will be no help, nor will slanderous articles in the official press.

Communism, with its antihuman face, is helpless against the free word. . . .

The West addressed the Russian people by radio for the first time on the day of the German invasion in 1941. Churchill's address was broadcast by the B.B.C. in Russian. In 1948, they began to beam regular programs of the Voice of America and the BBC to the U.S.S.R. . . .

Witnesses remember the horrible times of the Stalin era, and the impression made by Western radio programs was like the blast of an atomic bomb. It was a sensation. The people trusted and did not trust their ears. At last: Thru so many years of total Communist tyranny, the people heard a human word. The people learned what really was happening in the world and in their own country . . .

"Several days before the death of the dictator [Josef Stalin] on March 1, 1953, a new radio station, "Liberation," came on the air. It immediately gained wide popularity in our country altho the tone of the broadcasts did seem to some to be rather sharp in relation to the regime. . . .

QUIET JUSTIFIED

But it was quite justified by the most horrible model of Communism—the Soviet autocracy. Later, in the course of the thaw, this tone moderated. The tasks of the radio station were changed to some extent and it was renamed Radio Liberty . . .

Jamming started immediately after the station began its work . . . it continued until 1956, when it stopped in the summer for several months. But after suppression of the Hungarian revolution, jamming resumed until 1963. . . .

In that year, Khrushchev decided to leave Western government radio stations alone. But Khrushchev's "amnesty" did not extend to Radio Liberty.

Nevertheless it was a victory, tho not a complete one. Free, independent, objective information triumphed over the narrow ideological propaganda of Communism. . .

From 1963 until the resumption of jamming after the occupation of Czechoslovakia on Aug. 21, 1968, a close spiritual tie was established between the peoples of Russia and the free West. Western radio stations played an extraordinary role in that process.

The people learned all that had been hidden from them by the Kremlin ruler: The cruel court reprisals against Simyaysky and Daniel, and later against Ginzburg and Galanskoy.

THEY COULD NOT

No matter how party propagandists tried to blacken these people, they could not.

Truthful information about the lawlessness of the regime was broadcast over the radio . . . and influenced samizdat [dissident materials, circulated clandestinely], which was becoming stronger at the time.

The agitation to make things public, for civil rights, would have had much less chance of appearing if this publicity had existed only in the closed circle of political dissenters, but with the aid of Western broadcasts, the facts of violations of human rights in the U.S.S.R. were reported to the whole country and the whole world.

The biggest influence in this has been that of Radio Liberty.

But our country does not need only the naked facts. After the Bolshevik seizure of power, culture completely disappeared in the country. Russia has been cut off from the best literary works of its writers living in the U.S.S.R. and in the West.

The springs of samizdat are too narrow, under the permanent repressions of the regime, to satisfy the country's cultural needs completely.

Radio Liberty regularly broadcasts the novels of Solzhenitsyn, Pasternak, Grossman, Maximoy, and other writers.

GRAYNESS OF CULTURE

The grayness of mass Communist culture, the idiocy of official "Marxism-Leninism-Brezhnevism," the absence of any independent thought—and yet Russia is living in full blood. One can well understand this when listening to Radio Liberty.

But one learns with surprise that a prophet named Senator [J. William] Fulbright [D., Ark.] has appeared in America. His plans are like those of any totalitarian ruler. They usually exterminate people physically, while the senator is playing the role of a spiritual murdered. The reason for such fierce hatred of the peoples of Russia and Eastern Europe is difficult to understand . . .

Lengthy programs in Russian also are broadcast by the Soviet Communist Party's "Party Brothers"—Peking and Tirana. . . . They are simply not interesting.

However, when one succeeds in receiving Radio Liberty, absolutely everyone listens to it. Reference books say the station transmits programs in Russian and 16 other languages of the peoples of the Soviet Union. In addition to giving its listeners truthful information and preserving Russian cultural values, Radio Liberty tries to educate listeners as decent people, to correct moral cripples after 50 years of Communist tyranny, to combat the meanness formed in the minds of the people.

It is difficult to express the entire importance of Radio Liberty for Russia. In this station's broadcasts, one can learn things the party bosses concealed from the people in the course of their rule: The truth about the political trials of the 1930, the true face of Lenin and his supporters, and the great heritage in literature, philosophy, and social science which is hidden away in the closed-off rooms of libraries. For Russia to lose Radio Liberty means to lose the little freedom left to us . . . the freedom to get truthful information about our country.

No single radio station provides this as extensively, with such understanding of Russia's needs, as Radio Liberty does.

The freedom to conceive of themselves as people and to battle for their elementary human rights, the freedom of Russian traditions—every people wants to have all this, and taking away these liberties is veritable murder.

Fulbright and his supporters say Radio Liberty is a relic of the cold war. Read this phrase carefully—how absurd it sounds by itself. No, Radio Liberty is not a relic of the cold war but of the human necessity to end the moral murder of 250 million people. As for the cold war, it continues. . . .

If you want to fight against the cold war, Mr. Fulbright, you are welcome—fight! Together with Radio Liberty, together with all our people. . . .

NATION'S DEFENSE IS THREADBARE

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. BOB WILSON. Mr. Speaker, I insert the following editorial which appeared in the San Diego Union in the RECORD.

The editorial follows:

WILL NEW BUDGET BE AMPLE?—NATION'S DEFENSE IS THREADBARE

For years the submission of each new federal budget to Congress has triggered a debate over national "priorities"—typically centering on the question of whether the United States of America is spending too much on defense when there are so many domestic problems that need attention. President Nixon's proposed new budget may well turn that debate around. Are we investing enough in our national security?

In the new budget, defense accounts for only 32 per cent of total federal spending—the lowest percentage in 23 years—while spending for welfare, education, the environment and other "human resources" programs accounts for fully 45 per cent. The defense outlay also would represent a 22-year low in the portion of our gross national product devoted to national security—6.4 per cent.

The $76.5 billion defense budget represents an increase of only $700 million over defense spending for the current fiscal year, although the President is asking for authorization for another $6.3 billion to be spent in future years.

These statistics should blunt the thrust of the traditional liberal argument that we are spending too much on defense. Instead, they raise the compelling question of whether this investment in defense is large enough for a nation that is now forced to play catch-up in what may be a deadly game.

In allotting funds within the budget, President Nixon has recognized the crying need for the United States to beef up its strategic deterrent, to revitalize its Navy and to accelerate development of advanced weapons systems. These are areas in which we have fallen dangerously behind during a period when defense dollars were being diverted to the war in Vietnam and when there has been a reluctance to invest in new strategic weapons because of the Strategic Arms Limitation Talks.

We have now seen that the SALT negotiations have provided the Soviet Union an opportunity to carry out an awesome buildup of its nuclear arsenal and missile delivery systems creating a serious imbalance in the deterrent formula which is essential to peace. Meanwhile, during a period when our Navy has been literally starving for shipbuilding and weapons funds, a thoroughly modern Soviet fleet has emerged to challenge us on every ocean of the world.

There has been much discussion of a "peace dividend" of federal funds to arise from the winding down of the Vietnam War. The war indeed is demanding a smaller and smaller share of our defense budget. It is clear, however, that it will take much more than a reinvestment of that dividend to refurbish a threadbare defense establishment which at any hour may be called upon to assure our survival.

HOW LONG MUST DR. MARGOLES WAIT?

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. GROSS. Mr. Speaker, the Nixon administration apparently continues to ignore the appeal for clemency of Dr. Milton Margoles, of Zion, Ill., whose case I have discussed in this Chamber on a number of previous occasions.

I do not, in any way, wish to argue that two wrongs make a right, but it does strike me as fantastic that Jimmy Hoffa had easy access and a sympathetic audi-

ence at the White House while Dr. Margoles—who has paid his debt to society by any yardstick—is greeted only by silence.

Since I last called attention to the Margoles case, several reporters have written about it.

I include three of their articles, plus an index to the newspapers in which stories concerning the case have appeared, for insertion in the RECORD at this point:

[From the Chicago Tribune, Dec. 30, 1971]

WHY HOFFA AND NOT DR. MARGOLES?

(By Willard Edwards)

WASHINGTON.—President Nixon's commutation of James R. Hoffa's prison sentence has inspired a variety of reactions, ranging from hints at a political payoff to agreement that the former Teamsters Union president was entitled to executive clemency after serving nearly five years.

But the emotions of Rep. Robert McClory [R., Ill.] are unique. He is mystified and frustrated. He can't understand why the Justice Department moved so quickly in the Hoffa case when it has dragged its feet over the years in recommending a Presidential pardon in a case he considers far more meritorious.

As one of the Nixon administration's stoutest backers, as a high-ranking member of the House Judiciary Committee where the White House sorely needs supporters, McClory is entitled to wonder what Hoffa's supporters have that he hasn't got. He's been given a brushoff by Atty. Gen. John N. Mitchell and his subordinates in his battle for a constituent who has long been a target of political harassment initiated in Democratic administrations.

This petitioner for clemency is Dr. Milton Margoles, now practicing in Zion, Ill. It has been nine years since he discharged his debt to society by serving 22 months in prison and liquidating most of his assets to pay penalties and interest in an income tax case.

Thus far McClory has confined himself to an expression of bitter disappointment that Dr. Margoles was not included in a pre-Christmas list of 16 commutations and 235 pardons granted by the President. He said he hoped the omission was "simply an oversight" which would be rectified.

Later, he may express himself more strongly. Like all who have interested themselves in the Margoles case, including a number of newspapermen, he has become convinced that the strange circumstances of the physician's ordeal are linked to allegations of judicial misbehavior in the 7th Circuit Court of Appeals [Illinois, Wisconsin, and Indiana] and the Federal District Court in Milwaukee.

Dr. Margoles was a practicing physician in Milwaukee when, acting on legal advice, he fought an income tax assessment and wound up sentenced to prison. The sentencing judges were Senior Judge Robert E. Tehan of the District Court in Milwaukee and Chief Judge Luther M. Swygert of the 7th Circuit. Tehan, who failed to pay his own income taxes for eight years before being appointed as a judge, and Swygert are now under fire for the handling of a bankruptcy case in Hammond, Ind., where assets totaling $2.3 million were dissipated over a 28-year period.

After leaving prison, Dr. Margoles found powerful Democratic political forces organized in Wisconsin to oppose his resumption of practice. He sought a Presidential pardon, in order to regain his full professional standing, under the Johnson administration. Tehan and Wisconsin officials opposed this move, and their objections apparently continue to carry weight with the Justice Department under Nixon.

McClory was drawn into the case when Illinois, disregarding Wisconsin's objections, gave Margoles a license to practice a year ago after a tough examination confirmed his high qualifications. He made a detailed investigation and became convinced that the physician was a victim of political persecution for reasons which only a full-fledged investigation would disclose. He and newspapermen writing about the case, including this one, received warning calls from Wisconsin officials which seemed to betray a fear of potentially explosive developments.

Justice Department officials, in response to McClory's persistent requests for consideration of the pardon, told him there were hundreds of similar applications and Dr. Margoles would have to "wait his turn."

McClory has noted with astonishment that it required only a week for speedy approval of the Hoffa application after it was filed Dec. 16. Hoffa didn't have to wait his turn.

[From the Chicago Sun-Times, Dec. 27, 1970]

NEW DECADE HINTS AN END TO DR. MARGOLES' YEARS OF WOE

(By Morton Kondracke)

WASHINGTON.—It begins to look as if the 1970s will be a better decade for Dr. Milton Margoles than were the 1960s, a period during which he spent two years in jail, lost control of a hospital he had headed, was blocked from practicing medicine, hounded by tax men and threatened with murder by a Chicago mobster.

This year, things began to break right. Margoles passed medical exams that would allow him to be licensed in Illinois, and he has a job waiting for him in doctor-short Zion.

Rep. Robert McClory (R-Ill.), whose district includes Zion, has written President Nixon and appealed to the Justice Department to secure a pardon for Margoles.

All of this late good fortune would be merely a holiday-season tale of cheer, but for related questions of judicial conduct.

Margoles and his 26-year-old son Perry, a lawyer, contend that their family wants merely to be left alone after 10 years of misfortune, but they cannot help but find satisfaction in the increasing fire directed at the person they feel was responsible for much of it: U.S. District Court Judge Robert E. Tehan of Milwaukee.

The latest assault of Tehan has nothing to do with the Margoles case, but concerns Tehan's conduct as overseer of the financial reorganization of the Woodmar Realty Co. of Hammond, Ind.

Backed by Rep. H. R. Gross (R-Iowa), Woodmar attorney Owen W. Crumpacker requested a Justice Department investigation of Tehan's management. Hammond Mayor Joseph E. Klen has joined in the request.

TWENTY-EIGHT-YEAR PROCEEDINGS INVOLVED

According to Crumpacker, Woodmar property valued in 1941 at $2,341,000—and now worth much more—was completely lost in 28-year legal proceedings, over which Tehan presided for the last 11 years.

"Not a single creditor or stockholder received a dime," Crumpacker wrote Atty. Gen. John N. Mitchell. Instead, the money went to various lawyers, some of whom were disbarred in other court scandals.

Previously, in April of this year, Tehan was identified as one of the persons whose income tax records were being examined by then-White House counsel Clark Mollenhoff.

Amid the furor, Sen. John Williams (R-Del.) noted that for eight of the nine years prior to Judge Tehan's appointment to a judgeship during the Truman administration, Tehan had not filed or paid federal income taxes. Tehan is a former Democratic national committeeman.

Williams said, "I would not want a judge on the federal bench who might be judging me when he has not paid his income taxes for eight or nine years."

As it happens, it was Tehan who judged Dr. Margoles, leading to the doctor's long decline in the 1960s.

In 1957, Margoles was defendant in a $33,000 civil tax case. By 1960, with the case unsettled, the allegedly unpaid taxes amounted to $100,000. Margoles was indicted on a criminal charge.

On advice of his lawyers, Margoles changed his plea from "not guilty" to "no contest," believing he would merely be fined. Instead, Tehan sentenced him to a year in jail and fined him $15,000.

Tehan declared from the bench that Margoles had hidden away $713,000 in cashier's checks—a charge that has never been proved and which Margoles' son says the Internal Revenue Service has since declared to be untrue.

TELLS HOSPITAL SEIZURE

Before the tax case was resolved, Margoles was approached by an emissary from the law firm of Tehan's son, Robert E. Tehan Jr., who assured Margoles that hiring the son's law firm would result in a reduction of sentence.

On his lawyers' advice, Margoles hired Tehan Jr.'s firm. Margoles was immediately charged with attempted bribery. That charge was reduced to obstruction of justice and Margoles was convicted and sentenced to two years in jail.

During that period, control of the Milwaukee hospital of which Margoles had been medical director was seized by a politically connected union.

On the very day that Margoles was released from prison, the union put the hospital up for sale. When Margoles sued, the hospital was declared bankrupt and put into the hands of a bankruptcy referee who happened to have been Tehan's tax lawyer. Records revealing what happened to the hospital's assets disappeared.

While he was in prison, Margoles' tax bill rose to $300,000, but he left prison with his Wisconsin medical license—and means of earning a living—withdrawn.

Facing four years on parole, Margoles sought a communtation of sentence so he could begin practicing again. Commutation was denied, and Margoles' family contends Tehan was partly responsible.

In 1963, Chicago mobster Ross D. Francesco attempted to extort money from the family, threatening to kill them if it was not paid. When the mobster was arrested, Tehan promptly lowered his bail. Another judge later found him guilty.

From 1962 to 1966, while he was on parole, Margoles took postgraduate medical studies at several universities. He was denied readmission to Wisconsin practice, but sought it elsewhere.

SOUGHT IN IOWA TOWN

The little town of Battle Creek, Iowa, sought Margoles' services in 1966, but the Wisconsin Board of Medical Examiners intervened with the Iowa board, and licensure was denied. Wisconsin officials visited other states as well, attempting to block Margoles from practicing. The Margoleses filed a civil rights suit against the Wisconsin board.

In recent years, despite Wisconsin's efforts, Margoles obtained licenses in California, the District of Columbia and Michigan. He has been practicing in Michigan.

Margoles tried three times to get a license in Illinois, but it was blocked twice—again, reportedly as a result of Wisconsin intervention. When officials in Zion and Rep. McClory appealed, he was allowed to take the medical exam and, this month, passed it.

To clear his name, Margoles has sought pardons from President Lyndon B. Johnson and Richard Nixon. In recommending pardon, McClory wrote Mr. Nixon that Margoles "has more than paid his debt to society, and deserves compassion."

McClory said that two Wisconsin newspaper reporters, one close to Tehan and the

other close to the medical board, called him in an attempt to dissuade him from helping Margoles.

The Illinois congressman wrote another letter to the President, this time imploring him to grant the pardon and adding he was "satisfied that charges . . . levelled at Margoles by hostile elements in Wisconsin . . . are false and irrelevant."

TRAGIC MISCARRIAGE OF JUSTICE

(By James J. Kilpatrick)

The President shall have power, says the Constitution, "to grant reprieves and pardons for offenses against the United States, except in cases of impeachment." It is not the most important of a President's powers, but it is the one power that reaches directly to the individual condition of man.

Nixon exercised that power a few days before Christmas, when he ordered the gates of Lewisburg Prison opened for James Hoffa, long-time boss of the Teamsters Union. Hoffa had been convicted of jury tampering. It is perhaps the most serious of the several offenses against the United States" that are classified as obstruction of justice.

This is not a column about Jimmy Hoffa, whom everyone has heard of. It is rather a column about Dr. Milton Margoles and his 26-year-old son Perry; and unless you live somewhere between Des Moines and Milwaukee, and follow the news closely, you may never have heard of them at all. There is a thread that ties the two stories together.

Dr. Margoles, 59, is a physician specializing in cardiology. He entered into practice in Milwaukee more than 30 years ago. It proved to be a highly successful practice, and perhaps success went to his head. If so, he was not the first wealthy doctor to fall victim to hubris, and he will not be the last.

In any event, Dr. Margoles began to conceal a part of his income. By 1957, the government had filed a $33,000 civil suit against him. Compounding his blunders, he failed to agree to a settlement. Criminal prosecution followed in 1960. On the advice of counsel, Dr. Margoles pleaded "no contest," expecting a fine and probation. Instead, District Judge Robert E. Tehan fined him $15,000 and sentenced him to a year in prison.

It was a curiously harsh sentence, in view of the defendant's modest liability and his excellent record; it was especially curious in that Tehan himself, the Federal judge, had once known tax troubles of his own. Over a period of eight years, from 1936 to 1944, Tehan failed to file any tax returns whatever. The judge, in the short and ugly word, was a deadbeat. When the facts leaked out in 1949, at the time of his nomination to the bench by Harry Truman (as a reward for his services as Wisconsin's state Democratic chairman), Tehan's lame excuse was that he didn't have the money to pay his taxes.

Very well. Shocked by the prison sentence, Dr. Margoles panicked. His story is that he was sought out by an emissary who insinuated that the sentence might be reduced if a $5,000 retainer were paid to Judge Tehan's son. If this was a trap, it worked perfectly. Dr. Margoles found himself indicted for attempted bribery; on a reduced charge of obstructing justice, he was sentenced (by a different judge) to an additional two years.

Dr. Margoles served his time in full—22 months behind bars—and returned to Milwaukee to find his license revoked, his small hospital taken over (and bankrupted) by a union, and a mountainous tax bill still pending. Still worse, for a man who had "paid his debt to society," he found himself victim of an unrelenting effort to keep him from practicing elsewhere.

When he was invited to start over in Iowa, the Iowa board—without stating a reason—denied him a license. He ran into more trouble in Illinois before finally obtaining a license there. His son Perry, as a young law student, undertook a heartwarming and heartbreaking campaign for executive clemency.

At every step, unseen but powerful forces in Wisconsin have blocked his appeals. A number of top-ranking newspapermen, among them Clark Mollenhoff of the Des Moines Register-Tribune and Willard Edwards of the Chicago Tribune, have looked sympathetically at the Margoles case. Such respected congressmen as Gross of Iowa and McClory of Illinois have backed his appeal.

Just before Christmas, on the very afternoon that Hoffa's commutation was announced, young Perry Margoles was back at the White House, lugging his battered suitcases of documentation. All he asks is the full pardon that would restore his father's civil liberties and put an end to harassment. The word was "nothing new on the Margoles case," but Perry, you may be certain, will be back.

INDEX TO CROSS SECTION OF RECENT ARTICLES ON THE MARGOLES CASE AND RELATED MATTERS

(NOTE.—This cross section is not intended to represent a complete compilation of recent articles on the Margoles case and related subjects.

Halicized newspapers denote articles which provide distinction overviews and insight into the case.)

I. PRELIMINARY PARDON PETITION

Names of newspapers, articles, titles, and dates of publication

1. *Chicago Sun-Times,* Morton Kondracke, "New Decade Hints an End to Dr. Margoles' Years of Woe" (12–27–70).

2. *Chicago Tribune,* Willard Edwards, "Why Hoffa and Not Dr. Margoles?" (12–30–71).

3. (*syndicated column*) a. *Indianapolis News,* James J. Kilpatrick, "Margoles Case; Tragic Miscarriage of Justice" (1–3–72).

b. *Kansas City Times,* James J. Kilpatrick, "Case Deserving Clemency" (1–1–72).

c. *Chicago Daily News,* James J. Kilpatrick, "The Man Nixon Forgot the Day He Let Hoffa Out of Prison" (1–3–72).

d. *Washington Star,* James J. Kilpatrick, "The Pardon Power and the Case of Dr. Margoles" (1–2–72).

e. *Miami Herald,* James J. Kilpatrick, "Not All Mercy Is Dispensed" (1–1–72).

f. *Sunday Oregonian,* James J. Kilpatrick, "Presidential Pardons . . . and Sad Tale of a Repentant Father, a Loving Son" (1–2–72.)

g. *Daily Oklahoman,* James J. Kilpatrick, "Physician's Son Sees Chance for Father in Hoffa Release" (1–3–72).

h. *Baltimore Sun,* James J. Kilpatrick "Some Get Out, Some Don't" (1–2–72).

i. *Lincoln Evening Journal* and *Nebraska State Journal,* James J. Kilpatrick, "Margoles Appeal Blocked" (1–4–72).

j. *Des Moines Tribune,* James J. Kilpatrick, "Presidential Pardon Sought for M.D. Denied Iowa License" (1–4–72).

k. *Denver Post,* James J. Kilpatrick "A Repentant Dad, a Loving Son" (1–3–72).

l. *Atlanta Constitution,* James J. Kilpatrick "Dr. Margoles' Case" (1–1–72).

m. *Birmingham News,* James J. Kilpatrick, "A Father's Repentance" (1–4–72).

4. *Chicago Sun-Times,* Morton Kondracke, "Nixon Apparently Deaf to Pleas by McClory for Dr. Margoles" (12–24–71).

5. (syndicated column) a. Chicago Tribune, Nick Thimmesch, "Freeing of Hoffa Won't Pay Off for G.O.P." (1–2–72).

b. Des Moines Register, Nick Thimmesch, "Doubts Freeing Hoffa Will Benefit Nixon" (1–2–72).

6. *Chicago Tribune,* Willard Edwards, "Plight of Doctor Arouses Ire" (11–26–70).

7. *Congressional Record* (5–12–71), *Des Moines Register,* George Anthan, "Conduct of Senior Judge Questioned—Failed to File Tax Returns 1936–44" (4–18–71).

8. *Congressional Record,* H. R. Gross, (2–7–69).

a. *Madison Capital Times,* Dave Zweifel, "IRS Foreclosure Set For March: Margoles' Son Seeks Help From Nixon to Save Home" (1–28–69).

b. (*Chicago Sun-Times news service*) *Des Moines Tribune,* Morton Kondracke, "Margoles' 12-Year Tangle: Son Seeks Nixon's Help in Father's Tax Fight" (2–3–69).

c. *Chicago Tribune,* Willard Edwards, "Capitol Views" (2–1–69).

9. *Congressional Record,* H. R. Gross, "Investigate Judge Tehan" (Woodmar Realty Company case) (9–9–70).

10. Congressional Record, H. R. Gross, "The Tehan Case" (Woodmar Realty Company's impeachment petition on Judge Tehan, to the House Judiciary Committee) (5–17–71).

11. a. *Washington Post,* Editorial "Why the Blackout of Pardons?" (11–8–69).

b. New York Times, "Washington Notes" (11–5–69).

12. Chicago Tribune, William Edwards, "Nixon Cautious on Pardons" (1–10–70).

13. Des Moines Register, James Risser, "'Harassed' M.D. Seeks Nixon's Aid" (11–10–69).

14. a. *Des Moines Register,* "Negro Plea to Johnson on Pardon For Doctor" (6–13–68).

b. Hospital Management Magazine, Lucy Freeman, "Small Hospital—Saga of Integration" (9–57).

15. (New York Times wire service) Wisconsin State Journal, Fred Graham, "Son Asks President To Pardon His Dad" (3–21–68).

16. Cleveland Plain Dealer, Doris O'Donnell, "Son Begs Johnson To Lift Pardon Ban For His Father" (3–31–68).

II. ADDITIONAL ARTICLES ON JUDICIAL MISFEASANCE

Names of newspapers, authors, titles, and dates of publication

17. Washington Post, Merlo J. Pusey, "The Problem of Acting on the Conduct of Judges" (9–6–69).

18. Wall Street Journal, Jerry Landauer, "Judging a Judge's Pretrial Publicity" (2–20–67).

19. Wall Street Journal, Jerry Landauer, "Better Judges—Political Bipartisanship in Selection Process May Improve Judiciary" (10–4–66).

20a. Wall Street Journal, Jerry Landauer, "Judges and Politics: Wisconsin Case Points Up Influences on Appointments" (7–11–66).

20b. Congressional Record, H. R. Gross, "A Startling Case" (6–9–66).

21. Madison Capital Times, "On Possible Civil Rights Violation—Iowa Congressman Urges Probe of Margoles' Case" (2–11–69).

22a. Chicago Sun-Times, Morton Kondracke, "U.S. Probe Asked in a Tax Hassle" (2–9–69).

22b. Milwaukee Journal, Morton Kondracke, "Margoles Backer Raps Judge Tehan" (2–10–69).

23. Chicago Tribune, Willard Edwards, "Doctor Is Forced to Swallow a Bitter IRS Pill" (5–18–69).

24. Indianapolis Star, Ben Cole, "U.S. Asked to Probe Disappearance of Firm's $2.3 million in 30-Year Case" (9–12–70).

25. Hammond Times, Clark Mollenhoff, "Congressman Demands Probe of Woodmar Realty Case" (9–20–70).

26. (Syndicated column) a. Dallas Morning News, Clark Mollenhoff, "Time for Testing" (11–27–71).

b. Des Moines Register, Clark Mollenhoff, "Real Test for Judge Ethics" (11–28–71).

c. Indianapolis Star, Clark Mollenhoff, "Interests Conflict Seen With Judicial Execution" (11–28–71).

27. (Syndicated column) a. Rocky Mountain News, Clark Mollenhoff, "Federal Judges Mishandle Estate Case" (1–3–71).

b. Detroit News, Clark Mollenhoff, "U.S. Probe Asked in 29-Year-Old Estate Case" (12-31-70).

c. Salt Lake Tribune, Clark Mollenhoff, "Millions Coming, But Not a Dime—Lawyers on a Free Spree, Widow Waits, Wonders" (12-26-70).

28. a. Des Moines Register, George Anthan, "Integrity of the Judiciary—Judge Cites 'Abuses in Bankruptcies,' Asks Reforms in Legal Ethics" (7-25-71).

b. Des Moines Register, letter to editor, "Wants to Keep Faith in Law" (8-1-71).

29. a. Chicago Tribune, William Jones, "Didn't Pay Tax, U.S. Judge Says" (4-19-70).

b. Chicago Sun-Times, William Jones, "Federal Judge Admits not Paying Tax" (4-19-70).

c. St. Louis Post-Dispatch, U.P.I., "Judge Evaded Tax, Sen Williams Says" (4-17-70).

d. Philadelphia Inquirer, U.P.I., "Tax Fraud by Judge Disclosed" (4-17-70).

e. Los Angeles Times, U.P.I., "Judge's Tax Laxity Told by Senator" (4-17-70).

f. San Francisco Chronicle, U.P.I., "A Delinquent Judge—Income Taxes".

g. (Chicago Daily News news service), Washington Star, William J. Eaton, "Judge Who Paid Taxes Late Says He Won't Resign Now" (4-19-70).

h. Dallas Morning News, U.P.I., "Williams Says Judge Didn't File" (4-17-70).

i. Washington Post, U.P.I., "Judge Reportedly Failed to Pay Tax for 8 Years" (4-17-70).

j. Atlanta Constitution, U.P.I., "Senator Charges U.S. Judge Failed to Pay Income Taxes" (4-17-70).

30. Washington Star, Robert Walters, "Tax Filing of U.S. Judge Studied by Mollenhoff" (4-18-70).

31. (Syndicated column) Chicago Sun-Times, Clark Mollenhoff, "On Judicial Reform, Biemiller is a Big Man" (12-6-70).

32 a. *Des Moines Register*, Clark Mollenhoff, "Iowans Want Doctor Forgiven, So He Can Practice in Their Town" (6-5—66).

b. *Des Moines Register*, Clark Mollenhoff, "Gross: Probe Doctor's Case (6-11-66).

33. *Des Moines Register*, Clark Mollenhoff, "D.C. License for Doctor Iowa Barred; Margoles Victory in 4-Year Fight" (12-9-66).

34. *Madison Capital Times*, Dave Zweifel, "Tax Case Led to Loss of Profession; Barred Doctor Seeks New Chance" (10-24-68).

35. *Madison Capital Times*, Dave Zweifel, "No Indication of Action; Medical Board Hears Plea for Margoles Relicensing" (10-26-68).

36. *Madison Capital Times*, letter to editor, "Objects to Way Margoles Treated" (11-11-68).

37. *Madison Capital Times*, Dave Zweifel, "In Plea to Regain MD License, New Tactic is Tried Against Margoles" (1-17-69).

38. *Madison Capital Times*, Dave Zweifel, "Medical Board Chief Orders More Questioning; Margoles Hearing Continues Unexpectedly into Third Day" (1-18-69).

39. a. *Madison Capital Times*, letter to editor, "Questions for Medical Board" (5-12-69).

b. *Madison Capital Times*, letter to editor, "Thanks C-T for Margoles Stories" (11-30-68).

c. *Milwaukee Journal*, letter to editor, "The Margoles Case" (4-24-68).

40. *Madison Capital Times*, "Margoles Regains California MD License" (3-20-69).

41. *Madison Capital Times*, Dave Zweifel, "Medical Examiners List Reasons; Dr. Margoles Again Refused License" (5-6-69).

42. *Madison Capital Times*, Dave Zweifel, "Objects to Use of His Name, Reporter Says Medical Unit Lied in Margoles Decision" (5-10-69).

43. *Chicago Tribune*, Willard Edwards, "Political Hostility Bars Physician" (4-30-70).

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MAIL ORDER ABUSES

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. ROSENTHAL. Mr. Speaker, I think we can all agree, as I testified this morning before the Federal Trade Commission, that mail order purchases represent the largest and, until now, the most neglected marketplace abuse confronting the American consumer. Not only does the consumer often not receive his money's worth from mail order establishments, but he frequently receives nothing at all.

The American mail order business is a $45 billion industry. Its practitioners number in the thousands. Through the use of mass media—radio, TV, magazines, newspaper, catalogs—the mail order industry manages to reach daily into the homes of millions of American consumers, offering every conceivable type of merchandise and service. Flashy ads and catalogs offer staple and novelty items for home or business. Sometimes they offer merchandise difficult to obtain in certain parts of the country—Alaskan blankets, rare coins, exotic physical fitness and beauty aids.

While most mail order firms are run by honest businessmen who serve their customers quickly and fairly, too often the consumer must become something of a gambler if he chooses to shop through the mail, risking his money on the chance that an unknown company will furnish his goods. The typical mail order transaction involves prepaying for unexamined merchandise from an unseen and often unnamed merchant at a distant location.

Frequently, the consumer relies on the good faith representation of a promise of satisfaction in an ad or on the reputation of the magazine or other media enterprise in which the ad is found. Most of the time, the consumer is not even in a good position to evaluate his or her risk—for he has no way of knowing before he sends his money whether the mail order firm is disreputable, inexperienced or even a known violator of the law.

Under existing laws—or their absence—the unscrupulous mail order house operates at a distinct advantage over the consumer. Hiding behind a post office box number and a fabricated business name, it can deliver inferior merchandise, or no merchandise at all, disregard customer complaints and, if things get too uncomfortable, file for bankruptcy or simply leave town. The consumer, with cancelled check in hand, is left remediless, often after months of frustrated letter-writing to consumer groups, better business bureaus, Congressmen, and the firm itself.

When a customer seeks solution to a complaint against a mail order firm, he is usually forced to rely on the mails, the same impersonal medium that led to the trouble in the first place. Moreover, the amount of money lost in each instance of mail order abuse is rarely large and does not warrant the expenditure of much effort in the quest for refunds. Legal suits are almost always out of the question.

Last summer, my office conducted an in-depth 3-month study of mail order abuses. A questionnaire sent to 40 dissatisfied consumers who had written my office showed that 40 percent never received satisfaction of any kind with respect to their registered mail order complaints. Of the remaining 60 percent, 20 percent reported that it took 1 to 3 months for action; 20 percent said it took 4 to 6 months; 15 percent received satisfaction after 7 to 9 months, and 5 percent received refunds only after a year of persistent writing and complaining.

Clearly, substantial segments of the mail order industry operate contrary to the basic concept of American business where profits are awarded to the entrepreneur for organizing, managing assuming the risks of an enterprise. In the mail order business, it is often the consumer who bears the risk of the enterprise—he will only receive his goods if enough orders are placed, if sufficient stock is on hand, and if the promoters are honest. If not, he forfeits his money, or perhaps worse, his sanity.

The realities of the situation are undeniable and appalling. Careless and unscrupulous mail order firms cheat the consumer and at the same time siphon off business from reputable firms. Yet until now, mail order business practices have been left virtually unchallenged and basically unregulated. It is ironic that a Small Business Administration pamphlet entitled "Selling by Mail Order" for prospective mail order businessmen states:

> The federal government has no restrictions with respect to operating a mail order business, and usually no state or local licenses are required.

The Postal Service, for example, will deliver consumers' checks and money orders to mail order firms at a post office box, simply for the rental cost of the box. In renting a post office box for mail order purposes, the Postal Service's requirements are no more rigorous than for regular users. The present postal system, then, permits mail order firms to operate in anonymity through the mails without any consideration for poor management and sloppy business practices; excessive delays in shipment of merchandise; misleading advertisements; shipment of wrong or faulty products; poor complaint handling services; or failure to honor guarantees and warranties.

Our responsibility here today, then, is to help spring the American consumer from the mail-order trap. Each of us can bear personal testimony to the economic loss and frustration caused by unsatisfactory mail order experiences.

My own office receives hundreds of letters each year from defrauded mail-order subscribers across the country. All but one of these consumers complained of failure to receive merchandise ordered and paid for through the mail. The amount of money lost ranged from $1 to $43. Most of the people expressed indignation over the injustice of the situation which had for them become a "mat-

ter of principle." One complainant wrote that:

> The money lost is relatively unimportant. It is the ease with which it was taken that is important.

Such complaints are not limited to my files, however. All evidence points to the factor that nondelivery or late delivery of prepaid merchandise is a national pattern which demands our highest priority. The cheated consumer is as likely to be a retired Army colonel as a low-income housewife; a professor of political science as a teenager.

While computer and human errors and mail delivery mix-ups can and do cause problems even for the honest, well-intentioned dealer, a reading of complaint letters reveals that the same firms seem to be named by victimized consumers time and time again.

The basic problem, it seems to me, is that the abused mail-order consumer now lacks any realistic and effective remedy when a firm fails to deliver prepaid merchandise.

Private remedies are impractical: even if the consumer's contract is breached, the offender is often in another State and may be known only by a Post Office Box number.

Public remedies by Government are also inadequate.

In a minority of situations, the promoters intensionally plan to perpetrate a fraud, never intending to deliver any merchandise. In the large bulk of cases, incompetent management, inexperience, sharp practices or a combination of other factors force a mail-order business into non-performance or bankruptcy.

In September of 1970, for example, a gentleman from Kansas sent a mail-order house $15 for a dog-training aid which he had seen advertised in a magazine. Within the course of a year, the consumer, not having received this item, wrote four letters to the magazine, three letters to his local post office, two letters to the mail-order house, and two letters to the local Better Business Bureau.

The BBB never responded at all, the Postal Inspector's office sent a form letter advising that there was not enough evidence to establish use of the mails in violation of the mail fraud statute and that the Post Office, in any event, has "no authority to effect refunds or adjustments" to consumers. A letter from the magazine concluded the story almost a year after the mail order had been placed when it wrote the consumer that mail to the company had been returned marked, "Moved—left no forwarding address." Here, and in the instance in which the mail-order firm is declared bankrupt, even the tenacious consumer almost always loses everything.

A second problem is that of excessive delays in the delivery of prepaid merchandise. When these delays are habitual with a particular mail order firm they usually indicate inadequate management or intentional failure by the promoter. Usually, he has an insufficient stock of the merchandise and does not obtain such stock unless and until his orders reach a certain volume.

Recently, for example, a west coast promoter ran several large ads for weight-reducing sauna shorts. The ad listed only a Post Office number and address and stated that COD orders would not be accepted. In fact, the promoter himself had no stock of Sauna shorts at all, and only after a large number of orders were placed with him and sufficient money accumulated did he then proceed to place an order with a manufacturing firm in the Orient.

Delivery to the customer took from 6 to 8 months, during which time the firm was using the customer's money. While the promoter's interest-free use of the customer's money would appear to be not only unethical but illegal, the local chief of police was powerless to act against the mail order promoter who had not violated any existing law.

In addition to complete failure to deliver prepaid merchandise and excessive delays in delivery, the "mail order problem" includes the consumer's inability to obtain refunds when merchandise is not delivered, when an incorrect, defective, or a dissimilar item is delivered, or when there is a failure to honor written guarantees and implied warranties.

There is no need to describe the details of each consumer problem—we are all aware of the various ways in which the American citizen can be gouged through mail order schemes. Our concern here is with the measures that can and must be taken to protect the consumer so that he can use the U.S. mails for business purposes with confidence.

POSTAL SERVICE—LEGAL MACHINERY—CRIMINAL PENALTIES

At present, the legal machinery for establishing this confidence is weak, indeed. Various States have passed consumer protection statutes which give authority to their attorneys-general to prosecute cases of fraud, within their jurisdiction, including mail order fraud.

The authority varies widely from State to State, and often the scope of power is narrow. Few relate directly to mail order problems. Though California and New York City have recently adopted legislation specifically dealing with mail order problems, the enforcement of such legislation suffers from jurisdictional limitations. As the Attorney General of Oregon properly observed, "Strict and clear Federal standards in this area would be most welcome."

Presently, Federal regulation is limited to the Postal Service's enforcement of criminal and civil mail fraud statutes and to the Federal Trade Commission's enforcement of the prohibition against "unfair and deceptive acts in commerce" as defined in section 5 of the FTC act. The enforcement of these provisions—when they have been enforced—has been totally ineffective in curbing mail order abuses.

The Postal Service's criminal mail fraud statute—18 U.S.C. 1341—authorizes a fine up to $1,000 or imprisonment up to 5 years, or both, for persons "having devised or intending to devise any scheme or artifice to defraud or for obtaining money or property" by false pretenses through use of the U.S. mails. Mail order fraud is only one of a number of mail fraud schemes covered by the statute.

For example, it was used to jail two men who ran an illegal vacation contest, and it has also been used to prosecute union officials for using the mails as part of a deceptive scheme. Obviously, neither of these situations involve mail order practices.

Most importantly, according to the Office of the Postmaster General, relatively few of the mail order cases develop into fact situations which U.S. attorneys regard as meeting court requirements for successful prosecution under the criminal statute. A large stumbling block for meeting court requirements is that proof beyond a reasonable doubt of an actual intent to deceive is a necessary element for conviction. Often the promoter's shipment of only a token number of orders or even excessively late deliveries, frustrate the "proof of intent" test, thereby defeating the Postal Service's use of the criminal fraud statute.

In 1971, the Postal Service received over 135,000 mail fraud complaints. The 10,924 cases were authorized for investigation. Of these investigated by postal inspectors in the 1971 fiscal year—the year in which mail order fraud ranked first among consumer complaints in an FTC survey—only 700, or 7 percent related to mail order concerns. Of those 700 only 44 presented to U.S. attorneys for consideration and actual prosecution was instituted in a total of only 24 cases. Even in these cases if prosecutions are successful, and the company fined or its owner jailed, the consumer who lost his money receives no restitution.

CIVIL PENALTIES

The Postal Service's civil administrative mail fraud statute—39 U.S.C. 4005—authorizes an administrative determination of charges against a person for obtaining money or property through the mails by means of false or fraudulent pretenses, representations, or promises. If the facts warrant, a "false representation or fraud order" is issued, prohibiting the delivery of mail or the payment of postal money orders to the individual or firm against which it is issued.

While this statute eliminates the criminal statute's requirement of proof of fraudulent intent, it does require proof of a false representation of a material fact. To use it in cases of failure to effect a reasonably prompt shipment, the Postal Service must demonstrate that the seller consistently failed to honor a specific promise regarding the time within which orders would be shipped.

The legislative history of the statute indicates that its purpose was to protect the consuming public from being victimized by fraudulent schemes. In fact, however, the civil statute is narrowly interpreted to apply primarily to cases of fraudulent advertising and is rarely used by the Postal Service for mail order abuses. In 1970, only 178 mail fraud cases were investigated under the civil statute.

Even more shocking is the fact that to date the Postal Service has not issued a single administrative fraud order against a mail order company for nondelivery of merchandise, despite the fact that thousands of consumer complaints of nondelivery have been received. A spokesman for the Postal Service recently

admitted that it is almost impossible to prosecute a case of failure to deliver.

Neither the criminal or civil statute authorizes postal inspectors to investigate a company simply to force a supplier to expedite delivery or otherwise act as an intermediary in settling unsatisfactory transactions. Neither statute obligates the mail order promoter to maintain shipment records for inspection by the Postal Service. Perhaps most importantly, neither the criminal sanctions nor the mail stop order gives direct relief to already injured consumers.

Postal officials estimate that local inspectors spend about 10 percent of their time on mail fraud investigations, and most of their time investigating mail theft. Of the 10,924 authorized mail fraud investigations, only about 7 percent involved mail order malpractices. In other words, postal inspectors spend seven-tenths of 1 percent of their time on mail order investigations. This means that during a normal 40-hour week, the average postal inspector spends about 15 minutes on mail order fraud, or 1 hour a month.

FEDERAL TRADE COMMISSION

Under the Federal Trade Commission Act the FTC is empowered to prevent unfair methods of competition and unfair or deceptive acts or practices in commerce. Even if a nondelivery of merchandise case meets the "unfair or deceptive acts" test, the Commission's only power against a mail order abuser is use of its weak and limited cease-and-desist order authority. Further, the procedures now required by the FTC to obtain actual sanctions against the abuser are no only lengthy but often ineffective until final review by courts of appeal.

Many firms can delay for long periods of time the final adjudication of a case brought against it for misuse of the mails. Like the Postal Service, the Commission can only prosecute ongoing enterprises. Like the Postal Service, it offers no relief or remedy to the defrauded consumer.

It is a small wonder, therefore, that failure to deliver merchandise ordered through the mail was the single largest consumer complaint in the Nation last year. The individual cases of mail abuse are seldom dramatic, but the volume of dissatisfaction with this industry demands dramatic action.

It is my belief that regulation of the mail order business property belongs not to the Postal Service, whose principal function is to accept, process, and deliver mail, but to the Federal Trade Commission which has been entrusted by Congress with protecting the public against unfair and deceptive business practices. The undelivered merchandise problem is not a mail problem but a business problem, and its solution can best be achieved by the FTC. In my judgment, however, the proposed trade regulation rule concerning undelivered mail-order merchandise doesn't go nearly far enough.

The danger of promulgating such a quarter measure is clear—other groups will be lulled into a state of inactivity in the relief that the consumer's and honest businessman's interests are being protected. Yet, the Commission's rule fails to take into account many of the major mail order abuses. As such, it provides far less than adequate protection for consumer and honest businessmen alike.

It is my hope that the Commission will expand and upgrade the protection and enforcement provisions of its proposed rule. Although I view legislation as a last resort toward solving the mail order problem, such legislation will have to be forthcoming if the Commission does not do so. The following, Mr. Speaker, are the provisions which I believe must be amended if the proposed FTC rule is to effectively regulate the huge mail order industry.

Before I discuss what I believe to be substantive weaknesses in the proposed trade regulation rule, there are at least two technical improvements needed:

First, under the rule as presently written, a seller must make a "prompt" refund to the buyer under certain specified circumstances. Nowhere, however, is the term "prompt" refund defined. Does "prompt" mean 1 week, 1 month, or longer?

Second, since violation of part two of the rule—failure to ship "within that time stated in the advertisement"—is dependent on the advertised statement of "estimated time required for shipment," should not there be some definition of "estimated time?" If the shipment is 1 week later than the estimated time of shipment, is that a violation of part two? What about 4 weeks or 6 weeks?

In my judgment, the central weakness of the Commission's proposed trade regulation rule is its failure to provide a mechanism for swift enforcement of its requirements. The rule in no way assures first, a speedy process for the restitution of money to defrauded or abused mail order customers, and second, a speedy method for putting out of business repeated violators of the rule's performance standards. It is my view that given the incredibly high number of consumer complaints in this area and the large number of firms operating mail order businesses, the only effective device for accomplishing these objectives is the regulation through licensing of all companies selling through the mails—cease-and-desist powers are simply not adequate.

To receive a license, a company should be required to register its legal name and address and the names of all owners and operating principals. It should also have on record a description of its product or services and an estimate of its anticipated volume of sales over a 3-year period.

A license fee could cover the cost of administration. In addition, all mail order companies requiring prepayment for merchandise should be required to post a performance bond with the administering Federal agency so as to guarantee refund or penalty payments if Federal guidelines are violated. The bond should be graduated according to the median volume of sales over the past 3 years, or, in the case of a new company, according to the first year's anticipated volume of sales.

To obtain a refund for non-delivery of merchandise or other violations, a customer would be required to present to the administering agency adequate proof of payment for the merchandise and a written and signed statement declaring that it had not been received. A mail order company would have a fixed number of days to prove shipment of the merchandise or that a refund was granted.

A company would be required to repay into the bond fund any moneys paid as refund to a consumer—or face revocation of its license. Revocation could also be ordered for repeated violations.

Moreover, the mail order company should be required to use its registration number in all materials soliciting orders. All mail to an unlicensed or delicensed mail order company would be returned by the Postal Service to the sender. Even with this requirement for advertising its registration or licensing number, it might be well for each mail order firm to properly identify itself in all ads by listing its legal name and actual business address. The present system, which allows firms to remain anonymous behind Post Office box numbers, serves no useful purpose for the honest businessman.

In addition, the rule should provide for the following:

First. Standards should be established governing the advertising truthfulness of mail order mechandise;

Second. Regulations should require mail order sellers to disclose the existence or absence of warranties and guarantees, including information on where a product can be repaired or returned under the terms of the warranty; and

Third. The rule should prohibit as contrary to public policy the practice of some mail order firms not to give refunds or offering only credit refunds unless notice of such a policy is clearly and conspicuously disclosed in all material soliciting orders. Almost 5 percent of consumer complaints to the Federal Trade Commission relate to nonrefund policies about which the consumer had no prior notice.

Again, Mr. Speaker, I view the proposed trade regulation rule as a "half start." It is virtually meaningless to require mail order firms to deliver merchandise within a set time period and to require refunds if those periods are violated without, at the same time, providing an easy and effective method of enforcing those requirements. I think you would probably agree that the cease and desist order route is a totally inadequate device for accomplishing these objectives.

U.N. UNDER SECRETARY BRAD MORSE

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. ANDERSON of Illinois. Mr. Speaker, I wish to commend President Nixon on his brilliant appointment of our colleague BRAD MORSE to fill the shoes of the late Ralph Bunche as Under Secre-

tary at the United Nations. Those are big shoes to fill, but if anyone is capable of doing so it is BRAD MORSE. As chairman of the House Republican conference I wish to extend the heartiest congratulations to BRAD on this great honor and at the same time express the deep sadness we feel at losing one of the most intelligent, able, and affable Members in this body. I say this not only in my official capacity as conference chairman, but as one who has enjoyed BRAD'S close and warm friendship since we came to this body as freshmen in the 87th Congress. Unlike me, BRAD was not new to the Hill back in 1961, having previously served for 2 years as counsel to the Senate Armed Services Committee and 4 years as chief assistant to former Senator Saltonstall of his home State of Massachusetts. It was, therefore, not unusual that we freshmen tended to look to BRAD for guidance and advice on the ways of the Hill and he was always willing to go out of his way to help.

Anyone who is familiar with BRAD'S work in the Congress knows just how eminently qualified he is for the U.N. post. As one of the most conscientious and hard-working members of the House Committee on Foreign Affairs, BRAD is widely recognized as being one of the most knowledgeable foreign policy experts in the Congress. His enthusiastic interest in this field has not been confined to his committee responsibilities but has extended to a wide variety of activities and responsibilities. First and foremost, BRAD has been a great friend of the U.N., and as such, I am confident he will be a real asset to that organization in his new position.

KEEP HIGH STATE STANDARDS FOR BOAT HOLDING TANKS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. FRASER. Mr. Speaker, this week the House votes on H.R. 11896, the Federal Water Pollution Control Act Amendments of 1972. This legislation marks a new and much needed approach to water pollution abatement.

However, if we are to achieve the admirable goals it sets forth, a few changes in the bill are needed. One which I am supporting will allow those States that now ban the discharge of sewage from boats to continue to do so.

I call the attention of the House to an excerpt from an editorial which appeared in this morning's Minneapolis Tribune:

WATER POLLUTION IN THE HOUSE

Another problem of particular interest to lake states such as Minnesota has drawn little attention, although it is present in both bills. The bills provide for federal preemption of state authority over pollution from boat toilets. And both bills almost assure that federal requirements will be weaker than those already existing in the 20 states, including Minnesota, that ban all discharge from boat toilets.

The reasons for such prohibitions are that marine sanitation devices don't provide good waste treatment and often don't function well, adequate inspection is a big job, and discharges are almost impossible to police. An inexpensive and feasible alternative (as experience in Minnesota and other states has demonstrated) is use of tanks to hold waste until it can be pumped out.

The boat-pollution provision in the House and Senate bills is an unwarranted, unwelcome step that can only be interpreted as an attempt to weaken provisions of the 20 states now requiring holding tanks. Rep. Donald Fraser and 21 other congressmen will seek to eliminate the pre-emption. The House should approve their amendment.

PUBLIC BROADCAST DESERVES SUPPORT

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. MOSS. Mr. Speaker, the future of public broadcasting has become an issue of growing interest to an ever-increasing number of indivduals. In a recent editorial, the Sacramento Bee voiced its concern regarding the need to establish a more permanent, longrange Federal assistance program for public broadcasting. I commend the reading of this editorial to my colleagues:

PUBLIC BROADCAST DESERVES SUPPORT

A critical decision as to the future of public broadcasting, both television and radio, rests in the hands of the House Interstate and Foreign Commerce Committee, and eventually the entire Congress.

The question is whether the nation's network of these public service, nonprofit stations will gain semiautonomy. At the heart of the matter is whether they will be free to present public affairs programs which are truly informative and educational, independent of any special influence.

The Nixon administration seems to regard the growing public affairs programming of public broadcasting with apprehension. Consequently, the administration is pushing legislation which would limit federal financial help for public broadcasting to a mere extension of the present year-to-year basis, with an unwieldy and complex formula as to the disposing of such funds.

The right approach is the one embodied in HR 11807, a bill introduced by Rep. Torbert H. Macdonald, D-Mass., chairman of a subcommittee of the Interstate and Foreign Commerce Committee Macdonald's committee has held hearings on this complicated problem and hopes to present a bill which would establish a more permanent, longrange federal assistance program for public broadcasting.

The Macdonald bill would extend federal assistance to the many stations, as well as national program production which has resulted in such winners as "Sesame Street," for five years and provides that not less than 30 per cent of the annual allocation go directly to local public stations.

While this would not go all the way toward providing necessary permanent government support machinery outside the pressures of politics, it is a long step in the right direction. Public broadcasting, both television and radio, is a vital adjunct of the commercial system, and demonstrably in the public interest. And remember always the airways belong to the people.

LEGISLATION FOR SENIOR CITIZENS

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. SYMINGTON. Mr. Speaker, as a member of the Public Health and Environment Subcommittee, I am well aware of the difficulties faced by older Americans. Our subcommittee, under the energetic leadership of PAUL ROGERS of Florida, recently completed hearings on a bill to create a new and separate Institute of Aging within the National Institutes of Health. Representative ROGERS, myself, and most of the members of the subcommittee, have cosponsored H.R. 12308 amending the Public Health Service Act to create the new Institute.

I have cosponsored H.R. 5021 to strengthen the Older Americans Act of 1965 and sponsored H.R. 12503 with much the same purpose. I joined the effort to cosponsor the Senior Citizens Jobs Corps Act of 1972 which is H.R. 13839 introduced by Representative PRYOR. The Education and Labor Committee has H.R. 3671, my bill to establish a senior citizens skill and talent utilization program. In the first session of this Congress, I cosponsored H.R. 125 to create a Select Committee on Aging. Around that same time, I agreed to cosponsor H.R. 120 to provide social security benefits for teachers who are otherwise not eligible for such benefits. I sponsored H.R. 1176 to provide tax relief to those 65 years and older who rent or own their homes. I cosponsored H.R. 7919 and 7921 to amend the Internal Revenue Code to allow tax relief for retirement income and credit for all medical expenses. In addition, I fully support Representative MILLS' call for a 20-percent increase in social security benefits.

Tax relief, social security increases, and an Institute on Aging should be among the top priorities of this Congress. In this regard, two excellent articles concerning senior citizens have come to my attention.

The first article was written by Sandy Kay Baer on special assignment with Missouri's Office on Aging. The second explains the community grant program administered by the Missouri Office of Aging; it was written by Richard G. Kammerer. Both articles appeared in the March 1972 issue of the Missouri Municipal Review. These articles further illustrate the need for congressional action to assist older Americans.

Finally, I would add that my home State of Missouri ranks sixth in the Nation in number of citizens 65 or older. I am proud of these people and of the fact one in every eight Missourians is over 65. Our task in Congress is to extend and enrich the lives of all Americans.

At this point, I insert the articles in the RECORD:

CITIZENS OVER AGE 65

(By Sandy Kay Baer)

One of the constant characteristics of life is cyclical nature: conception, gestation, birth, growth, maturity, and death are inevitable phases of an animal's existence. Of all

the species, man's lifespan encompasses many years of slow advancement from one stage to another, yet longevity increases each decade. The world surrounding man also advances and technology further perpetuates man's capacity to live. As stated in *Culture and Aging* (Dr. Margaret Clark, Dr. Barbara Anderson, 1967) "Biology then, determines the potential duration of human life, while technology extends the lifespan towards that potential."

MISSOURI RANKS SIXTH

Nationally, there are over 20 million persons over the age of 65 years, representing one out of every ten. During the past 70 years, from 1900 until 1970, the total population in the United States has increased three-fold, whereas the aged population has increased nearly seven times since 1900. On the other hand, the population of persons 65 years and older in Missouri comprises 12 percent of Missouri's total population, an increase of more than 400 percent since 1900. Therefore, one out of every eight Missourians is 65 years or older, ranking Missouri sixth in the nation.

Even though only 34 of the 114 Missouri counties showed an increase in population between 1950 and 1960, the trend has been a migration from rural to urban areas. In 1900, more than ⅗ of Missouri's population lived in rural areas compared to ⅖ today. Technology again has played a significant role in the changing urban-rural composition of the population. It is important to note that this mass movement from the farm to the suburbs has not affected the elderly population as it has their children and grandchildren. The aged prefer staying on the farm where they have peace and privacy, cheaper housing, fertile garden acreage, and the security of familiar faces and places. Whereas Missouri's aged comprise 12 percent of its total population, in 73 rural counties more than 15 percent of the population is 65 years and older. Furthermore, in 21 of those counties over 20 percent fall within this age bracket.

Population trends in Missouri have a direct bearing on the status of the state nationally as well as regionally. For instance, there is a wide variation in income distribution among its families, which in turn differentiates counties regarding the needs of the aged. The major problem areas of the aged—housing, health, finance, transportation, and leisure—vary from one county to another, depending upon the population composition and income. Therefore, such population statistics play an essential role in determining the specific problems of a specific area and should be given consideration when dealing with the overall plight of the aged in your city or county. Furthermore, Missouri's senior citizens represent a potential political force on both the state and municipal levels. According to 1970 census data, the elderly over 65 represent 18 percent of the potential voters 18 years and over. An additional 15 percent of the voters fall within the 55 to 64 age group and 16 percent are aged 45 to 54. Therefore, approximately 49 percent of potential Missouri voters are 45 years and older, casting a powerful senior vote.

POPULATION TREND INDICATIONS

Although the aged voting constituents of Missouri might exert "power with numbers," the state's population trends indicate some less favorable situations resulting from the population composition. For instance:

"The decline of the farm family as an economic unit has left some aging parents with a way of life that is no longer viable or self-sustaining.

"Changes in family living arrangements and mobility patterns have resulted in separation of older parents from homes of their adult children and other familial support."

Lewis Mumford has said, "Trend is not destiny." Trends can be and oftentimes should be altered to compensate for the changing times society forever participates in. Nevertheless, it is beneficial to have an awareness of present trends in order to discern when and where intervention is necessary. Policy makers at the national, state, and municipal levels possess the position to preserve the will and wisdom of the aged as well as to evoke change of their plights.

Is old age a defeat or a victory? Is old age a privilege or a punishment? These questions provided a basis for the now classic speech delivered at the First White House Conference on Aging in America in 1961.[1] Calling for a need of society to revise its usually negative attitudes toward the aged, Abraham Heschel spoke of the enormous cultural and spiritual damage which tend to result when society or parts of it have contempt for those who are old and fear for themselves of getting old. He further emphasized this point of view by stating:

"The test of a people is how it behaves toward the old. It is easy to love children. Even tyrants and dictators make a point of being fond of children. But the affection and care for the old, the incurable, the helpless, are the true gold mines of a culture." [2]

Thus, how the aged are perceived certainly relates to the stereotypes which Walter Lippmann defined many years ago as "the pictures people carry in their heads (toward others)."

Stereotyped views in social science research studies during the 1950's and 1960's tend largely to reinforce the idea that old people are devalued. Some of these views uncovered suggest ". . . that old people are generally ill, tired, not sexually interested, mentally slower, forgetful and less able to learn new things, grouchy, withdrawn, feeling sorry for themselves, less likely to participate in activities (except perhaps religion), isolated, in the least happy or fortunate time of life, unproductive, and defensive in various combinations and with various emphases." [3]

SOCIETY'S VIEW OF AGING

If these are the general views (even though they are frequently based on misconceptions) held by society toward the aged is there any wonder that the aged themselves tend toward having less positive self views.

Thus in every age of development from childhood to young adulthood, from young adulthood to adulthood, society at least suggests learning behaviors for how a person may achieve that next stage successfully. However, what roles may be viewed as incentives as one retires and ages? Not only are there role models for anticipating socialization but there are also benefits and rewards held out for achievement—except for the aged. For this group our achievement oriented society not only withholds benefits or rewards but views their decrements as the undesirable mode.

The third generation, except for those who have frequent contact with grandparents and great grandparents generally tend to have a less positive attitude toward the aged and tend not to identify themselves as being aged someday. Some "generation gap" is to be expected in any new generation. However, students tend to express negative or at best neutral feelings when they describe old people. Since the young cannot experience old age in advance it is reasonable for them to reflect culturally imposed stereotypes. When these stereotypes are largely negative and not considered rewarding or worthy, the lack of the younger generation's looking forward to old age is certainly understandable. Also since our American culture is so increasingly youth-oriented and since the contributions of the young receive greater attention and influence than the contributions of the old, why should the young look forward to being aged?

A CHOICE FOR THE AGED

What do the aged want for themselves? Are there any positive perceptions about aging? These questions are raised recognizing that generalizations about how the aged perceive themselves certainly must be viewed in the framework that the aged are *not* a homogeneous category.

First and foremost they are individualistic adults, each with his own background and history. Each has developed a varied life style which he may value and may like to continue. It is important that he have this choice. If socioeconomic resources are limited then he should also have options available in a spirit of rights, justice and compassion. Studies have shown that even the aged person who just wants "to spend time in a rocking chair" may be happy and adjusted to his seemingly limited but chosen life style. The importance of choice cannot be overemphasized for it embraces many "wants."

If one can choose, he need not feel desperate, useless, or unworthy. He may still have ambitions and dreams and he can feel alive. With choice, of course, is implied relative socioeconomic resources, opportunities for health care and some form of productivity which is a meaningful substitute for occupational routine. Opportunities for choice and resources to enhance them provide meaning to the aged's daily life. Thus he will not just be worthy in the eyes of others, (which is important for most adults) but he will tend to feel significant and important unto himself. In this way he may be accepted for himself not just for his achievement or resources.

NEED FOR POSITIVE PERCEPTION

In summary, how we generally think about a person influences how we perceive him; how we perceive him influences how we will behave towards him; how we behave toward him affects his self-image. If society tends to perceive the aged negatively or in decremental terms; if youth finds itself to be the status orientation; if aged have no adult role models to follow—then the perceptions of aging and the aged are basically those of defeat and punishment. It would also seem that American society has been slow in revising its stereotypes about the aged between White House Conferences. Will the rapidly growing number of generally better educated people, living longer largely due to improved medical science and better sanitation, have an improved quality of life that will be deemed worthy of emulation by the young and of acceptance by society?

If this positive sense of being is permitted and deemed worthy by society, perhaps role models will develop by the aged themselves. They may aspire to opportunities for inner growth and attainment of deeper values than one formerly was capable of attaining. In this frame of reference old age may be an exciting search for inner peace and wisdom transcending jealousies and prejudices. Thus wisdom, status and serenity may be what the aged want for themselves if they can really choose.

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[1] Heschel, Abraham J. *To Grow in Wisdom.* An address delivered at the First White House Conference on Aging, 1961.

[2] Ibid.

[3] McTavish, Donald G. *"Perceptions of Old People: A Review of Research Methodologies and Findings," The Gerontologist,* 1971, 11, No. 4, P. 11, 90–101.

COMMUNITY GRANTS

(By Richard G. Kammerer)

The Office of Aging, Department of Community Affairs, has numerous functions. One of the direct services is the responsibility for administering Title III funds of the Older Americans Act of 1965. These funds represent the source for awarding community grants to local, not-for-profit organizations to assist

with financial support of direct service programs to the elderly. Direct service programs may include one or more of the following activities: multi-purpose senior citizen centers, transportation, meals, health care, outreach library services, information and referral services, telephone reassurance, day care, training of special personnel, etc.

TITLE III GRANTS

Who may apply for a Title III grant? Any public or private not-for-profit agency, organization, or institution interested in the initiation or expanson of direct service programs to the elderly. Examples of not-for-profit organizations are Parks and Recreation Departments, Business and Professional Women's Clubs (BPW), Altrusa Clubs, Young Women's Christian Associations (YWCA), Red Cross, churches, universities, etc.

The total cost of programs is not completely covered by a Title III grant. If an application is approved, the sponsoring organization (grantee) is required to earn Title III funds by matching with either cash or in kind contributions which are individually or collectively referred to as local match. The local match may be directly from the grantee or other local resources. The matching ratio for the first year is 75%–25%—75% is Title III funds, 25% is local match. Matching ratios for the second and third years are 60%–40% ,and 50%–50%, respectively. Approval of grants for continuation into the second and third years is dependent upon the grantee's performance in fulfilling the objectives of the program.

Applications are reviewed, in the order that they are received in the Office of Aging, by a Technical Review Committee which is made up of members of the Governor's Task Force on Aging. Consideration is given to the applicants' ability to comply with Federal regulations, to fulfill their objectives, and to progressively involve the local community in support of the program to insure continuation of the program after Title III funds are exhausted.

TITLE III PROGRAMS

Since the inception of the Missouri Office of Aging, 45 programs have been initiated with Title III funds, and 8.7% are continuing following receipt of a grant. Presently, 20 programs are operating with the assistance of this grant program. The majority of ongoing programs are multipurpose senior citizen centers. Activities include Adult Education classes in addition to recreation and other leisure-time activities. Other Title III projects provide outreach library services, transportation and meals. The outreach library service is described in a separate article in this issue.

Older Adults Transportation Service (OATS) is a service provided by the Cooperative Transportation Service, Inc. (CTS), which is a privately owned cooperative incorporated statewide to provide transportation for persons 55 years of age and older, and the handicapped of all ages. OATS presently operates in an eight county area in mid-Missouri consisting of the counties of Audrain, Boone, Callaway, Cole, Cooper, Howard, Moniteau, and Osage. Requirements for membership in OATS are as follows:

1. 55 years of age or older
2. Must purchase at least one share of stock in CTS at $1.00 per share—good for life and nontransferable, and
3. Must purchase a membership in OATS at $5.00 per year—renewable yearly.

For each trip, a nominal fee is also charged which is presently based on a 10 cent pickup charge plus approximately 2 cents per mile. A 30 mile trip would cost 70 cents (10 cents pickup plus 60 cents at 2 cents per mile) one way. Trips can be taken for any purpose; health, business, recreation, etc. Three 14-passenger buses (van type) are presently used in the operation. OATS has been operational since November 21, 1971, and is projected to be self-sustaining in a two or three year period.

The meals program, Twin Towers Meals for Older Citizens, is located in the Twin Towers, a HUD financed elderly housing complex at Poplar Bluff, and is sponsored by the Community Nutrition Corporation. The first meal was served in January, 1970 in the dining room space on the first floor of the high-rise which has been decorated to provide a homey atmosphere. Two choices of each course of the meal are served from 11:00 a.m. to 1:00 p.m., five days each week.

PROGRAM RESOURCES FOR OLDER PEOPLE (PROP)

In addition to the above mentioned program, one Title III project is especially unique in that it provides subgrants to small rural communities throughout the state. The combination of cash and in-kind contributions from a few larger programs is sufficient to match Title III funds and has eliminated the need for some sub-grantees to provide any contribution. The name of this program is PROP (Program Resources for Older People). The sponsor, having the same name, is incorporated and the members contribute their time on a volunteer basis. PROP was organized for the purpose of providing financial assistance to programs in small rural communities that lacked sufficient local resources to match Federal funds. Based on expressed needs of numerous communities.

In summary, the senior citizens of Missouri are benefiting from a wide range of programs and activities funded through Title III of the Older Americans Act. Recently, the Office of Aging has received and is in the process of considering numerous innovative proposals to enhance the dignity and life style of our senior Missourians. Interested citizens may submit proposals or secure additional information from the Office of Aging, Department of Community Affairs, 505 Missouri Boulevard, Jefferson City, Missouri 65101.

TRIBUTE TO J. HOWARD EDGERTON

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. REES. Mr. Speaker, I would like to pay tribute to Mr. J. Howard Edgerton, of Los Angeles. For his dedicated volunteer service to both his community and State, Mr. Edgerton recently received the citationist designation in the National Volunteer Awards Program sponsored by the National Center for Voluntary Action.

As chairman of the California Museum of Science and Industry, Howard Edgerton created a new technique of exhibition, and thus sparked an unprecedented rise in attendance. This personal drive was also evident when the Los Angeles Metropolitan Area National Alliance of Businessmen doubled its goal of new jobs for minority workers while under his direction. Mr. Edgerton was also responsible for the smooth operation of the National Governors' Conference in 1966.

The National Volunteer Awards Program, after 23 years of activity under the auspices of Lane Bryant, Inc., is presently managed by the National Center for Voluntary Action. The national center, a private nonprofit organization, exists to generate new responses to America's pressing needs through the greater recognition and utilization of volunteers.

I extend my heartiest congratulations to Mr. Edgerton for his receipt of this honor, and I offer by thanks for his continued service and dedication to the people of California.

ASTOUNDING VOTE FOR GOD AND GEORGE WALLACE

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. BROYHILL of Virginia. Mr. Speaker, in view of the continuing conflict over forced school busing and other losses of freedom in America, I insert the latest of Mr. James J. Kilpatrick's discerning articles on this and related subjects at this point in the RECORD:

ASTOUNDING VOTE FOR GOD AND GEORGE WALLACE

(By James J. Kilpatrick)

They voted for God and George C. Wallace in Florida last week. God won big. The governor won, too. But it is a curious thing: The significance of these election returns has been largely muffled in wooly speculation on Humphrey's hopes and Muskie's momentum.

The Florida ballot asked voters to say whether they favor an amendment to the U.S. Constitution to allow prayer in public schools. On that question, 1,139,000 voted yes, only 296,000 no.

In the presidential primary, the Democratic ballot listed 11 names—some of them big names, with big money behind them. It was Wallace against the field. He ran them into the ground.

Consider the dimensions of Wallace's victory. He polled a stunning 42 percent of the vote, roughly as much as Humphrey, Jackson and Muskie combined. Wallace carried every county in Florida; he swept eleven of the twelve congressional districts; he won 75 of the 81 Democratic convention delegates.

In the 1st District, up in the panhandle, Wallace polled 66,000 votes; his closest rival was Henry Jackson with 18,000. In the 2nd, it was Wallace 59,000, Hubert Humphrey 12,000. In the Jacksonville district, Wallace had 46,600 to Humphrey's 19,900. Over in Tampa, in the 6th, it was Wallace 38,000 to Humphrey's 14,000. In the 7th, the Sarasota district, Wallace polled nearly 47,000 to Jackson's 14,000. The 9th District, which includes Palm Beach and Fort Lauderdale, gave Wallace 43,800 to Humphrey's 17,600.

Unless one set of rules is to be applied to Wallace, and another set of rules to everyone else, this has to be regarded as a landslide. Yet if you watched network TV Tuesday night and Wednesday morning, you missed the significant story altogether. The significant news wasn't Humphrey or Muskie. The significant news—I mean no irreverence—was in the astounding vote for God and for George C. Wallace.

This was middle America exploding. In the prayer amendment, the people of Florida found a vehicle for demanding a return to all those qualities our society has lost in recent years—a return to decency, to kindness, to obedience, to charity, to tolerance, to a principled and godly way of life.

Busing was the big issue in the Wallace campaign—the imbecilic business of busing children to schools according to the color of their skin. But busing was not the only issue. Wallace attracted more than half a million fed-up Americans who were fed-up with *everything*.

It is imperative that we search for meaning here. This was not a vote against busing alone, but against the whole computerized

inhumanity of a bloated government that has lost touch with its people. It was a vote against unfair taxes, against unrewarding foreign aid. It was a striking manifestation of the sense of helplessness, of futility, of disillusion, that millions of Americans feel. It was not a vote of confidence in Wallace; it was more nearly a vote of no confidence in anything else.

Edmund Muskie missed this altogether. On election night he bitterly denounced the Wallace voters for their lack of decency and humanity; he saw nothing but a threatening manifestation of "some of the worst instincts of human beings." He said of Wallace: "I hate what he stands for."

That stiff-necked insensitivity will get Muskie nowhere. Florida is a state of almost microcosmic aspects—urban and rural, white and black, old and young, Jew and gentile, liberal and conservative. To impute bigotry to 42 percent of the voters in this Democratic primary is to slander men and women who deserve something better. They deserve to be heard. And one way or another as this campaign proceeds, through God or through George Wallace, they are likely to be heard again and again.

PICK BUFFALO-MADE CHEST FOR GIFT TO TURKISH PREMIER

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. DULSKI. Mr. Speaker, I am delighted to learn that the Chief Executive once again turned to a famous Buffalo furniture manufacturer, Kittinger Co., when he was looking for distinctive furniture pieces.

The latest selection is a handcrafted mahogany chest of drawers which the President presented to Prime Minister Mihat Erim of Turkey at a state dinner at the White House last week.

It was 2 years ago that the President learned of the Kittinger work when the company delivered new furniture for the White House west wing.

We in Buffalo and western New York, of course, are well acquainted with the furniture craftsmanship of the company. Indeed, I have a special appreciation of the work through the long-time service of my brother-in-law, Stanley Skopinski, who is looking forward to retirement in July after some 40 years with the company.

Mr. Speaker, as part of my remarks, I include an article from the Buffalo Evening News:

NIXON PICKS KITTINGER CHEST AS GIFT FOR TURKISH PREMIER

WASHINGTON, March 21.—The product of a Buffalo furniture manufacturer has again been selected by the White House for an important state function.

A hand-crafted chest of drawers made by the Kittinger Co., 1893 Elmwood, will be presented by President Nixon to Turkish Prime Minister Mihat Erim of Turkey at a state dinner tonight in the White House.

On Oct. 28, a similar chest of drawers made by Kittinger was the nation's gift to Marshal Tito, president of Yugoslavia, at another state dinner.

The gift to Marshal Tito was a reproduction of a Newport-style colonial mahogany Chippendale chest of drawers. The original, made about 1762, was the work of John Townsend of Newport, R.I., one of the best known furniture makers of the American Colonial period.

The President learned of the Kittinger company's work in 1970 when it delivered some new furniture for the White House's West Wing.

The company at that time installed the large table for the President's Cabinet Room. The table has a 100-inch band of mahogany around the outer edge and a hand-tooled leather top.

Kittinger also designed and built Williamsburg-style furniture for the new White House press center.

On Nov. 24, 1970, two Kittinger officials met with President Nixon and presented him with an historic letter from President Monroe about the remodeling and redecorating of the White House after it was burned by the British.

The latest White House gift and the one for Marshal Tito are modeled on the original Townsend chest of drawers in the State Department's diplomatic reception room.

MY RESPONSIBILITY TOWARD FREEDOM—CATHY FICKER

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. DERWINSKI. Mr. Speaker, I am very pleased to insert into the RECORD a letter by Cathy Ficker, a student at Mother of Sorrows High School. I am very proud that a constituent of mine from one of the fine high schools in my district earned an award by this outstanding contribution.

The letter follows:

MY RESPONSIBILITY TOWARD FREEDOM

(By Cathy Ficker)

Cathy Ficker, a student at Mother of Sorrows High school, won first place in the local Voice of Democracy contest sponsored by the P. T. Hallinan Veterans of Foreign Wars post 3580, Blue Island, and its Ladies Auxiliary. Her entry, written from the point of view of a Prisoner of War, then placed fourth in district judging. The text of her presentation is as follows:

DEAR AMERICA: I haven't seen you for a long time, so I decided to drop you a line. There's something I should have told you before I left, but I forgot. I would have written sooner but I have been tied up.

I have been in a concentration camp in Viet Nam for five years. I used to hear from my family once a year, although it was censored. For the past two years I have heard nothing.

During this time I have been thinking. I have tried to remember your busy cities, rolling plains, purple mountains, crowded tenements and rippling waves. I have tried to relieve every trial and error and joy and happiness, but I can't.

It seems that I have been living a life of apathy. Not really worrying about anyone or anything but myself. After you've been living in this type of environment for awhile, you seem to realize many things.

When you see what is happening in other parts of the world, you begin to long for the comforts of home. Those everyday things that most Americans take for granted seem to become a major portion of your life.

The thing that seems to be missing most is my freedom. It's gone. I realize now what it means to be alive and free, but it is only because I am confined and almost dead.

America, I never told you this, but you are beautiful. When I am a part of you I am given the opportunity to choose right from wrong and good from bad. I can say anything I wish and do my own thing.

You openly exposed your constitution and amendments to me, but I didn't care. I do now. I could have come to know you better. I should have realized how much I owed you.

I thought I was doing everything for you. Well, you gave everything to me. You gave me my freedom, yet I gave you nothing in return.

I shunned elections. They asked too much of me and I could not be bothered. I wasn't doing my part to build America into the strong country it is today.

I could have used my freedom of speech to put a good man in office to keep America free and peaceful, but I didn't I realize that it is my responsibility as a citizen to vote, so that I can maintain something that is very important to me, my freedom.

Instead of protesting against the draft and burning my draft card, I should have willingly enlisted in the armed forces. You gave me the opportunity to live in a nice home, eat regularly, and have time for work and relaxation. All I did was criticize. You gave me the opportunity to serve you, my country, but I rejected it.

There is no church in a concentration camp. You allowed me to perform my faith in whatever way I desired.

Money can't buy love, but it is necessary to survive. I hated to pay taxes. Now I would willingly pay anything for freedom. Taxes gave me the opportunity to become educated, live in a modernized country, receive medical aid, and be protected against fire and crime. These things are all a part of you, America.

You have given me many opportunities, but I have taken them for granted, I didn't know what a privilege it was to live in America. It is a free country with equal opportunities for everyone.

You have taken on many shapes and forms to guide us, yet you have left free enterprise alone to maintain the competitive spirit.

Sincerely yours,

A PRISONER OF WAR.

PRESIDENT'S BUSING STAND A FAILURE OF MORAL LEADERSHIP

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. EDWARDS of California. Mr. Speaker, the position taken by President Nixon on busing is terribly saddening to those of us who have hope that our Nation is moving towards fulfilling its constitutional commitment to full justice for all of its citizens. In its political cynicism the President's statement reflects the total lack of moral leadership in the civil rights area which has marked the Nixon administration from its beginning.

An eloquent assessment of the impact of the President's position was set forth by Carl T. Rowan in his column which appeared in the Washington Evening Star on Wednesday, March 22, 1972. I commend the attention of my colleagues to this article.

The article follows:

BUSING STAND A SAD CHAPTER IN U.S. HISTORY

(By Carl T. Rowan)

For many reasons, personal and professional, I have strained to find something good to say about President Nixon's latest pro-

nouncement on school busing. But I am driven to the conclusion that the President's proposals mark one of the saddest chapters in this nation's history.

A periodically glorious campaign to make this one society of mutual admiration and respect, which began full-force back in the 30's, has been dragged to an end. For the first time in half a century the President of the United States has arrayed himself and the immense powers of the executive branch on the side of "separate but equal." He is decreeing generations more in which the poor, the have-nots, wind up without a remote chance to succeed in that race we call the pursuit of happiness.

Nixon turned some neat phrases about integration and equality of opportunity, but they can never camouflage the truth that he was retreating before the charge of George Wallace, bending to the howl of the mob, both of whom he unwittingly armed when he put the phrase "forced busing" into the language.

The White House may call it a "libel" on the the American people, but the naked truth is that bigotry is now riding high in this country, so high that even the President is crowded into a position where he appears to be either its prisoner or its ally.

Nixon beseeches Congress to direct the courts not to order any more busing for racial balance. The President must know that he cannot seize the schools any more than Harry Truman could seize the steel mills in the face of a disapproving court. Congress simply cannot forbid federal constitutional rights of this nation's children. And let no one forget that busing is simply a form of relief to children who have been subjected to a panoply of officially sanctioned injustices.

Nixon may believe that his "strict constructionist" Supreme Court will go along meekly with whatever Congress orders, but I rather suspect that even his most conservative appointees will see the dangers of this meat-cleaver attack on the judicial branch.

Millions of black Americans find bitterly amusing Nixon's argument that a constitutional amendment would "take too long" and leave thousands of youngsters to endure busing next year.

Where has Nixon been during the 17 years and 10 months since the *Brown vs. Board of Education* decision when black parents and children were screaming that "it takes too long" to escape the discriminations and humiliations of Jim Crow schools that our highest court had outlawed?

Justice delayed was justice forever denied to millions of black kids who finished their entire public schooling without getting one iota of judicial relief. Suddenly, when it comes to canceling their late relief, the White House finds that time is of the essence!

The truth is that from Wild Goose, Minn., to Sloppy Gulch, Fla., the school buses will roll on, with more than 18 million children aboard, from now until Richard Nixon is just a name in the history books. Because busing is the passport of white children to equal education. The record will show that the only buses derailed were those carrying black children toward a reasonable chance to secure their American birthright.

I know Nixon proposes to mollify minority and poor children with his "Equal Educational Opportunities Act of 1972" and a $2.5 billion expenditure.

Even if we give the President credit for the most egalitarian of intentions (which I frankly find it hard to do), there are some dismaying flaws to his proposals:

He is offering a warmed-over "compensatory education" scheme with extra financing from unnamed sources. I have documented in previous columns how earlier outlays of billions for educating the deprived and speeding desegregation wound up in swimming pools and fancy frills for affluent whites. Until the White House spells out the guarantees that vast new money will actually be spent to benefit the poor, experience dictates that we regard the new scheme as a pretty piece of wool to be spread over gullible eyes.

Even if the government does pour some money into neighborhoods occupied by blacks, Puerto Ricans, Indians, it would still be a reversion to "separate but equal." It would scarcely differ from 1952 and 1953 when legislatures in South Carolina and other Southern states were pumping money into showcase schools for blacks (after generations of abominable neglect) to try to head off the outlawing of Jim Crow.

Nixon has to know that allocating $2.5 billion to remedy the plight of schools for the poor is like weeping into the Pacific Ocean in an attempt to make it run over. He must know that however flamboyant the gestures toward the ghettos may now be, there is absolutely no possibility of equal education opportunity if you keep the poor, black, brown and red in separate schools while the rich and influential bask in the sanctuaries of their "neighborhood" emporia of education. Money flows toward affluence—and influence.

Much of the nation wants to kid itself. But some of us have to live with the reality that Nixon has asked Congress to underwrite an educational setup that guarantees this country remaining two nations, quite divisible, one white and one black, with liberty and justice for some.

Almost all of us will live to rue this sad interlude in the life of an already too troubled society.

SUPREME COURT CONTINUES DISCRIMINATION BY SELECTING HARVARD GRADUATES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. RARICK. Mr. Speaker, on July 30, 1971, I reported on the Supreme Court's record of discrimination in law clerk selections by favoring law graduates of Harvard and Yale.

In his first two appointees to the U.S. Supreme Court, President Nixon left Harvard to go to Minnesota.

Now we learn that Harvard is again back in favor. It was recently reported that Chief Justice Burger has selected a Harvard graduate for the new post of administrative assistant to the Chief Justice of the U.S. Supreme Court.

I include a pertinent newsclipping and my remarks on "The Supreme Court and Its Record of Discrimination in Law Clerk Selections":

[From the Washington Evening Star, Mar. 22, 1972]

BURGER NAMES NEW ASSISTANT

Mark W. Cannon, a New York City expert on government operations, has been chosen for the new post of administrative assistant to chief Justice Warren E. Burger.

President Nixon on March 1 signed a law creating the new job which pays $40,000 a year. The assistant will help Burger in his dealings with lower federal courts and court administrative agencies.

Cannon, 43, is now director of the Institute of Public Administration in New York City. The institute is a consulting center which does research on administration of government agencies.

Cannon, who holds a doctorate in government from Harvard, formerly served as an assistant to Sen. Wallace F. Bennett, R-Utah.

THE SUPREME COURT AND ITS RECORD OF DISCRIMINATION IN LAW CLERK SELECTIONS

Mr. RARICK. Mr. Speaker, the present members of the Supreme Court of the United States—the noble champions of minorities against discrimination—do not practice what they preach. They are flagrantly discriminatory, and in doing so, must accept their responsibility for the judicial movement to the left.

Black's Law Dictionary defines "discrimination" as:

"That which confers particular privileges on a class arbitrarily selected from a large number of persons, all of whom stand in the same relation to the privileges granted and between whom in those not favored no reasonable distinction can be found."

For some reason or other, the members of the Supreme Court have not recognized this legal definition as binding on their own practice of selecting law clerks—those law graduates who do the basic research for the Justices and in effect present them with the alternative rulings possible in a judicial decision. These law clerks have a similar relationship to the Justices as Henry Kissinger has to President Nixon—they control the decisions because they not only offer the solution, but also suggest possible alternatives.

This immense hidden power in the fudiciary is concentrated in the law schools of the Ivy League; of the 361 law clerks appointed by the Justices who have served on the bench for the past 10 years—including those law clerks appointed by the older justices prior to 10 years ago—over half of the total came from Harvard and Yale. Harvard alone accounted for 125 law clerks, or 35 percent of the total of the legal minds who have researched and written the celebrated "landmark" decisions of the Supreme Court over the past 10 years.

Other law schools represented by 10 or more law clerks were Yale—60; California—18; Chicago—13; Michigan—14; and Columbia—16. Yale and Harvard combined accounted for 51 percent of the legal "expertise" behind the Supreme Court decisions of the past 10 years.

Concentration of this judicial power and privilege among graduates of our more liberal colleges must be considered a primary reason for the judicial trend to the far left.

One thing, however, is certain; it is discrimination, pure and simple. Many good law schools were not represented at all.

This begs the question—Why do not all law school graduates have the same opportunity to serve? Why do not all young law graduates deserve an equal chance?

The record is clear—the Justices of the Supreme Court of the United States have been guilty of rank discrimination which has had an effect on every aspect of American life.

Steps must be taken by the Congress to insure that the Supreme Court Justices start practicing what they preach and adopt a policy of equal opportunity for graduates of all of the 173 law schools in the United States.

LAGUARDIA COMMEMORATIVE STAMP

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. HALPERN. Mr. Speaker, the U.S. Postal Service is paying high tribute to Fiorello H. LaGuardia by issuing a 14-cent postage stamp in his name. Because I truly believe that this was a fitting way

to honor such an outstanding man I lead a group of my distinguished colleagues in asking that such action be taken. Today our work is done because that stamp has been issued.

Fiorello LaGuardia was a man who embodied the tenets of good and responsible city government and contributed significantly to the unification of the people of New York City.

The stamp, which is in the Prominent Americans series of regular stamps, was designed by Robert Geissman, of New York. It is vertical and bears a portrait of LaGuardia, with a portion of the New York skyline in the background. The inscription at the bottom in two lines is "U.S." and "LaGuardia/14¢." The stamp was engraved by Arthur W. Dintaman—vignette—and Robert G. Culin, Sr.—lettering. The initial printing order is for 40 million stamps, printed in brown on the Cottrell press.

LaGuardia was born in New York in 1882, was elected to Congress in 1916, left office to join the U.S. Air Service during World War I, from which he emerged as a major, returned to Congress, where he served until 1933. He was associated with some of the most liberal legislation of the day, notably the Norris-LaGuardia Act (1932) which banned the strike-breaking injunction.

Among Mayor LaGuardia's contributions was his adherence to progressive ideals. He was, as said before, a co-author in 1932 of the Norris-LaGuardia Act, the famed legislation that banned yellow dog labor contracts and strike-breaking by injunction. Among his most notable credits were his efforts to obtain a new charter for the city. He also did much to reorganize the cumbersome machinery of municipal government by revamping the agency system.

New Yorkers called Fiorello LaGuardia "the Little Flower," a literal translation of his Italian-derived first name. He was colorful, he was flamboyant, LaGuardia liked to chase fire engines. When a strike closed the city's newspapers, he went on radio to read the comic strips.

He was also a hard worker and able administrator who left his mark on the city. LaGuardia reorganized the machinery for municipal government, balanced the budget, involved himself with slum clearance, beautification, construction of parkways and bridges and the airport that later was to bear his name.

As a former staff assistant to Fiorello LaGuardia, I knew he was a firm believer in nonpartisanship. He demonstrated his true commitment to the abolition of human problems. The mayor was regarded as a champion of immigration and made strong efforts to aid the drive for slum clearance. His move to improve the city's health and sanitary conditions further exemplified his grave concern for the welfare of all New York City residents.

For these reasons and many more, LaGuardia won widespread respect and affection. His last term of public service, performed as Director of the United Nations Relief and Rehabilitation Administration, demonstrated the humanitarian zeal which characterized his efforts and ideals.

Mr. Speaker, it is with great pleasure that I call to the attention of my colleagues this commemorative issue and I am proud to have played a part in honoring New York's Fiorello LaGuardia.

SENATE—*Tuesday, March 28, 1972*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

The Reverend Ben Hayden, pastor, First Presbyterian Church, Chattanooga, Tenn., offered the following prayer:

God, our Father, thank Thee for loving us. Thank Thee for the men and women of this Senate who seek, with legislative ingenuity and integrity, to lead our Nation. Bless their private lives. May they do business today with the living God in the confidence of His love. Bless their families.

Lord, we praise today, in this Week of National Concern, remembering that no man or woman can be paid for the agony or anguish of imprisonment, for the loss of human dignity, for the death of his body.

Give us the rare ability to project ourselves into the other man's shoes—even into his barefoot situation.

Bless the Vietnamese—North and South—and all who share in the agony of this Southeast Asian war.

Lord, our Father, protect, preserve, and encourage the POW's and the men missing in action—and their families. We pray for their soon return.

Father, in this season we thank Thee for the sacred promise of the resurrection of the body and of eternal life. I praise Thee in the name of Jesus Christ. Amen.

REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of May 14, 1971, Mr. HOLLINGS, from the Committee on Appropriations, reported favorably, with amendments, on March 24, 1972, the bill (H.R. 13955) making appropriations for the legislative branch for the fiscal year ending June 30, 1973, and for other purposes, and submitted a report (No. 92–719) thereon, which was printed.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that the President had approved and signed the following acts:

On March 23, 1972:

S. 1977. An act to establish the Oregon Dunes National Recreation Area in the State of Oregon, and for other purposes.

On March 24, 1972:

S. 888. An act for the relief of David J. Crumb; and

S. 1362. An act to authorize the Commissioner of the District of Columbia to enter into contracts for the payment of the District's equitable portions of the costs of reservoirs on the Potomac River and its tributaries, and for other purposes.

THE WELFARE SYSTEM—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was referred to the Committee on Finance:

To the Congress of the United States:

The American welfare system is a national disgrace.

Thirty-one months ago, I first proposed to the Congress my plan for total reform of that system.

Since that time, the welfare situation has continued to worsen, and sweeping changes have become even more imperative.

There can be absolutely no excuse for delaying those changes any further. The present system must be reformed.

Its shocking inequities continue to drain incentive from the many poor who work but who see some families making as much or more on welfare.

Its widely varying, discriminatory benefits continue to force needy families, millions of children, and the needy aged, blind and disabled into a web of inefficient rules and economic contradictions.

Its vast costs have continued to escalate, undermining State and local governments and threatening to erode taxpayer support for a welfare system of any kind.

The present system continues to contribute to the breakup of poor families, rather than reenforcing the role of the family in our national life. The welfare life-style continues to dehumanize those who are caught in it, and threatens now to create yet another "welfare generation."

NOW IS THE TIME FOR ACTION

This year must be the year in which we raze the ramshackle welfare system, patched up so many times in the past but still basically unchanged since it was first enacted as emergency legislation in the mid-1930s. In its place, we must build a new system, taking a new direction. We must create an environment that will draw forth and support—rather than smother—the innate ambitions and personal obligations of all needy Americans.

Last December, the Congress did pass transitional legislation which took parts of my welfare reform package—certain of the workfare provisions for job training and work requirements for all employable welfare recipients—and applied them to the present system of welfare. These actions will become effective later this year.

Acceptance of those workfare provisions by the Congress was a step in the right direction, as I said when I signed the measure. But it is still part of the patchwork approach. Now something far