Berk, Clarence G., 216–34–2835.
Breland, Marshall W. Jr., 249–68–2802.
Brown, Allen W., Jr., 096–22–2420.
Ceria, Paul K., 178–32–0517.
Cornine, Lance R., 218–34–8433.
Cuartas, Francisco I., 392–56–5613.
Fayard, Marshall J., 427–72–8209.
Feight, James W., 195–26–2286.
Foore, Larry L., 285–30–1053.
Fredrick, Bruce L., 302–34–4497.
Frierson, George W., 428–54–7837.
Glick, David D., 214–32–4456.
Hahn, Robert L., 308–34–0309.
Hamlette, John J., Jr., 228–50–2759.
Harvey, Floyd D., 235–54–3587.
Huston, Mary H., 253–62–3452.
Johnson, Lewis, 267–54–7977.
Lindsay, Lawrence F., 263–52–2872.
Livingstone, Bruce L., 531–20–5275.
Machado, Joseph A., 027–28–0501.
McCombs, Willis C., 490–38–9116.
McLemore, Melvin J., 419–46–5121.
Miller, Sharon L., 510–44–8411.
Neiman, Kenneth G., 193–30–2163.
Onne, Joseph, 057–32–8445.
Rook, Joseph J., Jr., 115–34–2130.
Stein, Walter J., Jr., 287–32–7437.
Tapscott, Donald A., 227–48–8461.
Wood, William M., 248–64–1643.

To be first lieutenant

Allen, Richard G., 466–56–7368.
Angus, James W., Jr., 534–42–6454.
Auerbach, Steven L., 115–36–8440.
Bandel, Raymond L., 510–48–7074.
Barrett, Daniel L., 111–30–1053.
Bearce, Gerald R., 004–34–2214.
Bent, Gary D., 266–58–5165.
Black, John H., 521–54–9452.
Branch, Gerald D., 292–42–2284.
Brown, Eric B., 272–40–0712.
Brown, Thomas P., Jr., 237–70–6717.
Bunch, Ronald C., 197–32–4384.
Burrell, Ralph, 329–36–3654.
Bushong, Richard H., 429–84–5004.
Butler, William W., 217–50–3404.
Childs, Edward M., 009–32–3137.
Clemens, Judd L., 181–32–8932.
Conway, Jack D., 539–40–0098.
Cook, James T., 128–36–6333.
Collins, William P., 380–40–1088.
Costello, Joseph A., Jr., 154–40–7959.
Cox, Everett F., 027–32–4831.
Craig, Larry B., 494–46–2168.
Cronin, Daniel F., 151–32–0507.
Culley, William F., Jr., 223–64–1692.
Cummings, Charles G., 213–36–5691.
Daniels, Jerry W., 113–30–1946.
Deery, Patrick D., 234–68–2721.
Densberger, William J., 158–34–7893.
Devine, Frank E., 522–48–1396.
Dingbaum, Herbert H., 352–40–5429.
Elders, James F., 253–58–6901.
Engel, Joseph J., 100–32–1629.
Esposito, Anthony L., 092–32–1050.
Ford, Carl W., Jr., 430–74–6174.
Fortenberry, Cleveland, 527–42–9591.
Fouts, Leroy K., Jr., 143–34–8625.
Franson, David C., 549–68–9952.
Fusco, Robert A., 047–36–1919.
Gardner, Mary K., 513–54–9277.
Gattis, Thomas T., 414–62–1059.
Gehm, Laverne J., 359–36–7646.
Geloso, Peter J., 500–46–4874.
Gooding, Thomas L., 249–68–2988.
Gordon, William N., 212–48–6513.
Grimm, Michael C., 552–72–8538.
Hall, William K., 525–96–6309.
Hamre, Larry H., 469–54–5190.
Hancock, Dexter V., 081–36–6932.
Hart, Louis H., 251–76–4843.
Hawks, Steve E., 447–42–2350.
Higgins, John A., 543–48–1237.
Howes, Alfred Jr., 236–66–4146.
Ireland, James W., Jr., 315–44–8370.
James, Kenneth D., 538–42–6214.
Johnson, Nicki L., 466–66–2374.
Jordan, Samuel Jr., 261–64–0993.
Kawakami, Clyde K., 576–38–9350.
Kernodle, Joseph W., 239–72–7243.
Kirk, Johnny L., 526–56–2586.
Koehler, Walter L., 131–30–3114.
Langone, William J., 016–32–2453.
Lawson, Marvin A., 188–34–9299.
Lynch, Harold F., 226–60–6315.
Marks, Virginia L., 450–80–5859.
McCoy, James P., 194–34–2388.
McIntyre, Kendall K., 001–28–9623.
Merritt, William L., 479–60–5777.
Morgan, David R., 504–40–3536.
Murnane, Michael J., 577–56–7494.
Nichols, Dean H., 558–54–5243.
North, Kenneth T., 408–72–4868.
Pearson, David W., 471–46–5855.
Pettit, Ronald B., 440–42–0690.
Pierce, John W., 260–62–5868.
Pistana, Robert R., 111–40–8104.
Pugh, Homer H., Jr., 281–40–1399.
Quinn, Dennis F., 144–34–0491.
Ramick, Thomas E., 217–44–7559.
Raschke, Phillip E., 558–54–2100.
Renn, Gregory A., 266–80–5429.
Rexford, Joel E., 130–36–8876.
Richey, David L., 381–46–0736.
Roles, Lewis L., 442–38–9406.
Ross, Glenn S., 325–38–5477.
Ross, Robert G., Jr., 258–68–1783.
Shanahan, Michael K., 375–48–0217.
Small, Robert J. H., 447–42–5545.
Smith, Edward S., 519–52–4754.
Snider, William M. II, 225–58–1252.
Sowa, Alexander P., 078–36–2861.
Stubbs, Fred J., 450–52–4378.
Tanaka, Robert Y., 519–52–4849.
Turman, William E., 258–72–0816.
Umble, Robert G., 266–62–9699.
Vanzant, James W., 258–52–4952.
Vogt, Robert V., 196–34–5740.
Voris, Stephen M., 310–42–0001.
Watt, Donald H. Jr., 013–40–6872.
West, Robert M. Jr., 408–68–3212.
Willer, Clinton W., 237–74–6987.
Wion, Edward J., 489–46–1548.
Witte, James E., 298–34–6663.
Wright, James M., 457–74–5116.

To be second lieutenant

Anderson, John E., 050–38–7874.
Ariail, Julius F., 252–64–8607.
Batcheller, James, 010–34–1484.
Beaty, Helen C., 532–44–2211.
Billings, Joseph G., 214–48–1338.
Brown, James A., 314–46–5936.
Bryan, William H. Jr., 258–76–4906.
Buckley, Robert P., 521–68–9102.
Chavers, Stephen R., 465–84–8940.
Cooksey, Daniel P., 406–62–7900.
Dandridge, Wayne L., 247–74–2486.
Day, Charles E., III, 171–34–6427.
De Haan, Peter, 072–38–3204.
Dent, James H., 404–60–6013.
Devine, John F., 388–42–7284.
Donald, James E., 587–09–4190.
Dorr, Kevin L., 279–38–8092.
Edwards, John R., 529–60–4823.
Ermold, John D., 423–62–0915.
Evans, Joseph W., 538–44–0566.
Ewing, Mark W., 476–52–8250.
Ezell, Robert B., 228–56–4816.
Ferguson, Warner T. Jr., 223–68–8236.
Gossom, Woodrow W. Jr., 467–68–8631.
Hennings, Richard W., 266–80–5073.
Kealey, James F., 022–30–4689.
Kerrigan, John R., 212–48–1812.
Kling, David M., 377–46–6186.
Lawson, Harlan A., 492–48–2159.
Lenz, John W., 361–38–7526.
Lilly, Albert J., II, 444–50–8226.
Long, Scott C., 226–64–8841.
Lord, Harold W. Jr., 155–36–7484.
Lynskey, Gary L., 518–54–9178.
McCarron, Francis P., 265–78–8721.
O'Brien, John C., Jr., 146–38–6100.
Ortman, Gregory P., 486–48–8939.
Pekny, William M., 329–38–3433.
Rosenblatt, Simon J., 262–92–7464.
Rowley, Cleveland M., 260–72–8365.
Stewart, Walter L., 250–86–8938.

The following-named distinguished military student for appointment in the Regular Army of the United States, in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3290:

Vaupel, Lawrence E., 320–40–2392.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 10, 1972:

CENTRAL INTELLIGENCE AGENCY

The following-named officer, under the provisions of title 50, United States Code section 403, for appointment as Deputy Director, Central Intelligence Agency, a position of importance and responsibility designated by the President under the provisions of title 10, United States Code, subsection (a) of section 3066, in grade of lieutenant general:

Maj. Gen. Vernon Anthony Walters, 065–09–5317, U.S. Army.

U.S. ARMY

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

Maj. Gen. George Edward Pickett, 577–54–0390, U.S. Army.

ACTION

Walter Charles Howe, of Washington, to be Deputy Director of Action.

IN THE MARINE CORPS

The nominations beginning Jesse L. Altman, Jr., to be lieutenant colonel, and ending William E. Zales, Jr., to be 1st lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on Mar. 28, 1972.

EXTENSIONS OF REMARKS

EMBARGO LIFTED ON IMPORTATION OF RHODESIAN CHROME ORE

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, April 10, 1972

Mr. HARRY F. BYRD, JR. Mr. President, the Wall Street Journal of March 27 contains an excellent editorial on the lifting of the embargo on importation of Rhodesian chrome and the reaction to this change in policy.

The editorial rightly points out that the chief beneficiary of the embargo was the Soviet Union, which became the primary supplier of chrome ore to the United States. It was to end our dependence upon Russia for this strategic material that I sponsored the legislation which resulted in the resumption of chrome imports from Rhodesia.

I ask unanimous consent that the editorial, entitled "Fun and Games," be printed in the Extensions of Remarks.

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

FUN AND GAMES

It is not quite accurate to say, as some do, that nations that trade commercial

products are unlikely to trade insults and blows. History can point to aggressive trading nations that were aggressor nations also.

Nevertheless, as the world slowly emerged from isolationism, it was generally acknowledged that the lowering of trade barriers represented a move toward economic liberalism and away from suspicion and mistrust. And it is also generally agreed that boycotts and trade embargoes are largely ineffective.

Somehow, though, we get the feeling that those same explanations aren't supposed to apply to Rhodesia. Listening to the outcry in certain circles when the administration agreed to allow Rhodesian chrome into the U.S., after Congress enacted legislation last year authorizing such a move despite United Nations trade sanctions against Rhodesia, one would have thought either that Rhodesia was not of Planet Earth or that all the weighty arguments on behalf of broadened trade were now invalid.

And now that the ore is landing in the U.S., there are a number of signs to indicate that the Cause Crowd, which is ever alert to the latest political fashion, has singled out Rhodesian chrome for the usual demonstrations, protests and agitation that we have all come to know if not love.

Far be it for us to try to put a damper on this kind of fun and games. Still, it seems to us that this is a perfect example of George Santayana's description of fanaticism—described as redoubling your effort when you have forgotten your aim. The aim of the UN boycott, as far as it's possible to tell, was to help Rhodesia's blacks by showing disapproval of Rhodesia's white supremacist government. But all available evidence indicates that it was precisely Rhodesia's blacks who suffered most from even the limited effects of the boycott.

About all that sanctions really did was aid the Soviet Union at our expense, since soon after we barred Rhodesian chrome, Russia—the only other major producer of the vital ore—virtually doubled its price. Furthermore, there is evidence that the chrome we imported from the USSR actually originated in Rhodesia. In which case Moscow was not only surreptitiously defying the UN ban even as it piously demanded that everyone else observe it, but its managers adopted the free market strategy of pricing the supply to meet demand.

So while the U.S. decision to allow Rhodesian chrome to be imported into the U.S. is causing cluck-clucking among the Cause Crowd. In fact it is saving Americans money and helping to insure an alternative supply of a strategic metal. Furthermore, the decision represents one small step in the direction of freer international trade. All in all, it strikes us as a pretty good deal all around.

HUCK FINN—HERE AND ABROAD

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, April 10, 1972

Mr. DUNCAN. Mr. Speaker, great works of literature are often the most accurate reflection of what is good and bad about a society. The destruction or burial of such literature denies our young the opportunity to discover the good and evil which has shaped our society.

I am enclosing an editorial from the March 4, 1972, edition of the Knoxville News-Sentinel. It sounds a word of warning to people of all races that attempts to hide a portion of the evil from our past will only result in a loss of appreciation for the many more good deeds which have made a more lasting impression on our country. The editorial follows:

HUCK FINN—HERE AND ABROAD

All modern American literature comes from one book by Mark Twain called Huckleberry Finn.—ERNEST HEMINGWAY.

The public school system in Indianapolis, Ind., has quietly dropped "Huckleberry Finn" from its recommended reading lists. An act of such timidity would be easier to understand if it were done because the book advances the radical proposition that perhaps a man has a higher duty to his private conscience and his fellow man than he owes to either the laws of the land or the laws of the church.

But it's more likely the book has been ostracized in Indianapolis for some stupid reason—its use of the word "nigger," for instance, in much the same way as one hears it used in affectionate banter on the streets today.

Last week, Gene Shalit, book editor for NBC-TV's "Today Show" asked a number of prominent authors and politicians which three books they would send to China to give the Chinese people the kind of picture of America they would like the Chinese to have. It's not at all surprising that "Huckleberry Finn" was mentioned most.

There are many reasons to like Huck Finn—his warm and open heart, his decency, the blazing honesty on which, for the best of reasons, he built the most outrageous lies. It's too bad that Indianapolis children, who some day will have to make the awesome moral decisions demanded by so much of American life—the war being only one—may not be acquainted with Huck's private Gethsemane in the matter of the slave, Jim, whom he has tried his best to help to run away.

For this act of compassion Huck is convinced he will be consigned to hell's "everlasting fires." Slavery was, after all, then the law of the land and his friend Jim, with whom he had sailed the river, was property whose theft God and "good" people surely would punish.

"I was a-trembling, because I'd got to decide, forever, betwixt two things, and I knowed it. I studied a minute, sort of holding my breath, and then say to myself:

"All right, then I'll go to hell . . .

"It was awful thoughts and awful words, but they was said. And I let them stay said; and never thought no more about reforming. I shoved the whole thing out of my head, and said I would take up wickedness again, which was in my line, being brung up to it, and the other warn't. And for a starter I would go to work and steal Jim out of slavery again; and if I could think up anything worse, I would do that, too; because I might as well go the whole hog."

The children in Indianapolis could do worse than get to know this boy. The same with the Chinese.

JOE T. NELSON, M.D.

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 10, 1972

Mr. TEAGUE of Texas. Mr. Speaker, the West Texas Chamber of Commerce publication "This Is West Texas" in their most recent issue profiled a very good friend of mine, Dr. Joe T. Nelson of Weatherford.

Dr. Nelson has been a most active citizen and has given tirelessly of his time in conjunction with civic undertakings as well as political. I think it only fitting that the West Texas Chamber of Commerce should recognize him and I am pleased to include Dr. Nelson's profile:

WEST TEXAS PROFILES

As a general practitioner in Weatherford, Dr. Joe T. Nelson is a very busy man, but always finds time to have an active part in the professional, civic and governmental affairs of his city, state and nation.

Dr. Nelson has been an active member of the West Texas Chamber of Commerce for many years and is now Chairman of the WTCC National Affairs Committee and a member of the Board of Directors. He has served on the National Affairs and State Affairs Committees for 12 years, as well as serving three terms as vice president and two terms as a member of the Executive Committee-at-Large.

Born in Munday, Texas, in 1923, Dr. Nelson attended North Texas State University in Denton and received his B. S. degree in 1948. He graduated from Baylor University College of Medicine in Houston in 1951.

Active in both state and national medical associations, Dr. Nelson is currently serving as Chairman of the Council on Medical Jurisprudence of the Texas Medical Association; a member of the Executive Board, and is Vice Chairman of the Texas Delegation to the American Medical Association. He is a director and chairman of the Insurance Committee of the Southern Medical Association in which he holds a lifetime membership; and in 1970, he received the Distinguished Service Award from the association.

He is a charter member of the Board of Directors and Past Chairman of the Texas Political Action Committee, TEXPAC co-chairman of the 17th U.S. Congressional District, and Chairman of the Candidate Evaluation Committee. He is also a member of the Board of Directors of the American Medical Political Action Committee.

Dr. Nelson was named the Outstanding Citizen of Weatherford in 1963; and received the WTCC Award for Leadership in 1966.

He is a director of the Citizens National Bank in Weatherford, and a director of the Mutual Building & Loan Association of Weatherford. He has served for 11 years as a member of North Texas State University Board of Regents, and is currently a member of the Board of Regents of the University of Texas System.

Dr. Nelson is listed in Who's Who in the South and Southwest.

Mrs. Nelson is the former Varina LeBeau of Denton, and was married to Dr. Nelson in 1947. They are the parents of one daughter, Renee, who is a student in Texas Christian University in Fort Worth. They are members of Episcopal Church.

AN EPIC HUMAN TRAGEDY

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 10, 1972

Mr. ROSENTHAL. Mr. Speaker, today is the official day of mourning the 6 million victims of the Nazi holocaust. This was not just a Jewish tragedy, it was an epic human tragedy. It is a blemish on all mankind that it could have happened at all, regardless of the victims.

Today, as we memorialize those who died, we should commit ourselves to seeing that this never happens again, to Jew or non-Jew.

It is appropriate at this time that we turn our attention to several million Jews being held virtual prisoners in the lands of their birth, many being actively and officially discriminated against for their beliefs, some even subjected to torture and death.

I am speaking about the Jews in such lands as Syria, Iraq, other Arab States and, of course, the Soviet Union. The latter is the most important because it involves some 3 million Jews.

I have today written to a young Jewish activist in Moscow who has recently been released from jail, where he was sent as a result of his efforts to emigrate legally to Israel. I sent him a book, a collection of Shalom Aleichem short stories as a reminder that he is not alone and that we in America are aware of the efforts of Soviet Jewry to obtain basic human rights.

We have no way of knowing how many Soviet Jews wish to emigrate to Israel or to the United States and elsewhere. But we do know the number is great and that as it grows, as more and more Soviet Jews seek emigration visas, more and more find themselves in Soviet jails. And those not thrown in jail are prosecuted and persecuted in other ways. They may find themselves out of a job or demoted or subjected to other forms of retaliation.

In the Soviet Union and elsewhere today Jews are unable to practice their religion, read their literature, observe their ancient traditions, and know the richness of their cultural heritage. The pogroms of the czars have been replaced by the assimilation programs of the Soviets. The purpose is the same: To eliminate the Jews.

Six million were slaughtered because they were Jews. The only crime of the Soviet Jews is the faith of their fathers.

On this day of mourning for the victims of the holocaust, let us not look back in anger but look ahead toward freedom for all peoples from the yokes of the oppressors. Let us make it a day of dedication for helping bring about an end to all persecution.

THE WAGE-PRICE FREEZE OF 1351

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 10, 1972

Mr. JACOBS. Mr. Speaker, it is said that those who do not learn from history are condemned to repeat it; and, conversely, all we learn from history is that we do not learn from history.

The sad wisdom of these observations is illuminated by Prof. Robert N. Schoeplein's recounting of the wage-price freeze of 1351, which appears in the current issue of the Progressive:

THE WAGE-PRICE FREEZE OF 1351

(By Robert N. Schoeplein)

(NOTE.—Robert N. Schoeplein is associate professor of economics in the Institute of Government and Public Affairs at the University of Illinois).

Lo, a Black Plague descended on England during 1348–49, ravishing the population and casting a pall across the land. Surviving ploughmen and artisans found their services in increased demand, and wages rose according. This sudden turn in events alarmed both lords and merchants, who feared the specter of shrinking rents and profits in the face of uncertain markets. King Edward III shared concerns of producers over rising costs of labour and the "unnatural state of affairs." The bulk of revenues for the Royal coffers was generated by levies on the sales of staples. The King promptly issued a proclamation freezing wages and prices. This was followed by the Statute of Labourers of 1351 which detailed the new economic program. Wages were to remain at their previous levels. Merchants were to market their goods at reasonable prices and content themselves wtih moderate gains. A new Royal office was instituted and "justices of labourers" (later merged into justices of the peace) were appointed by the Crown to regulate wages and prices throughout the realm.

Initially the freeze on wages enjoyed modest success but prices moved upward, as the term "reasonable" in the guidelines was found to be so elastic as to be variously interpreted. The inflation was aggravated further by coinage depreciation undertaken by the Treasury, to continue supporting the One hundred Years' War on the Continent. Wages rose in spite of the new economic program. Enforcement was arbitrary, and labourers took liberties to circumvent the law. The government was forced to further action to keep the lid on wages. A second Act was passed prescribing branding for all workingmen who left their native towns to seek higher wages. In time business conditions improved, but the moderate economic recovery only aggravated domestic tensions because the stringent restrictions on labour contrasted with the increased wealth of lords and merchants.

King Richard II ascended the throne in 1377. The foreign war, which dragged on interminably, had drained the Treasury. Counselors to the young king advised him to promote trade, and accordingly he enacted the second phase of the new economic program. The renewed Statute of Labourers (1378) concentrated on wages. The Crown deemed the new terms more reasonable, as the Statute would permit "merited" increases in wages. In this phase the Statute was to be enforced without exception. Moreover, King Richard imposed a poll tax of one shilling a head, authorized for defense expenditures.

This new package simply was too much. Yeomen, labourers, and artisans united and marched across the countryside toward London. This Peasants' Revolt of 1381 caught the complacent government by surprise. King Richard sought the wisdom of counsel, as the people stormed the city and sacked public buildings. King Richard was advised to meet with spokesmen from the movement at Mile End, a field outside the city. The negotiations are recorded: King Richard made it clear that his concerns were for the welfare of the common man. He agreed to permit more liberal working arrangements between labourers and their masters, and more flexible markets for labourers' services. The new tax would go. Curiously, the negotiations ended on a morbid note: Wat Tyler, the movement spokesman, was slain by a blow from a sword.

Other dissidents remaining in London had seized the Tower. The King's Chancellor and the Royal Treasurer were taken into custody and promptly beheaded, this act described as a gesture reflecting the intensity of feeling over the new economic program. King Richard was shaken. The Royal Army moved to restore order. Two days later King Richard issued a proclamation forbidding unauthorized gatherings of people. This was followed by a second proclamation rescinding the King's previously negotiated guarantees.

The second phase of the new economic plan was never the same, however, for marked changes began to take place in social institutions. Workers saw themselves in a new relationship with their employers and toward the authority of government. Agricultural unions were formed, and collective bargaining was strengthened by a new spirit of solidarity. The King's councils began deciding labour disputes on the individual merits of each case. Wage settlements reflected the particular circumstances of each trade. Both wages and prices continued to rise moderately until the inflation eventually had run its course.

NOTE.—The balance of King Richard's reign was characterized by political reverses, culminating in his dethronement in 1399. It is recorded that King Richard II came to an obscure end at Pontefract Castle.

BUSING AND QUALITY EDUCATION—RARICK REPORTS TO HIS PEOPLE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 10, 1972

Mr. RARICK. Mr. Speaker, I recently reported to my people on the latest developments regarding busing and quality education. I insert the report at this point:

RARICK REPORTS TO HIS PEOPLE ON BUSING AND QUALITY EDUCATION

The forced busing of school children has emerged as a key issue in this year's Presidential campaign. In the recent Florida preferential election, most of the Presidential aspirants attempted to soft-pedal the busing issue, asserting that quality education, not busing was the key issue. The majority of Presidential candidates, contrary to the majority of the people, contend with Federal Judge Merhige, who ordered cross-county busing in Virginia, that quality education can take place only within a setting where there is an unnatural mixture of white and black students by percentages determined by the whim of a federal judge or an unelected HEW bureaucrat.

The Florida electorate, described as representative of the country as a whole in that people from all over the U.S. have settled in Florida, indicated overwhelmingly their opposition to forced busing to achieve racial balance. And three days following the Florida referendum, President Nixon announced to Congress that he approved of limited busing only as a last resort as a means of race mixing for quality education in the schools. Somehow racial mixing by percentages remains a top national goal of the leaders of both national parties, even though repudiated by the majority of the American people.

So, I thought today we'd comment on the latest developments in the fiasco of busing for quality education—the new, more polite expression to play down the racial overtones

At first, busing to achieve racial percentages was by raw power of the Federal courts and enforced by the Secretary of HEW almost exclusively in the South. The stated purpose was to provide guaranteed equal educational opportunity for all by converting from a dual system of "separate but equal facilities" into a unitary or one school system with race mixing by the numbers. Federal funds were threatened to be withheld from any school system which balked at implementing court orders and HEW edicts to bus students in order to accomplish the arbitrary racial mixture. The withholding of funds to local schools for non-compliance with federal controls substantiates the proven rule that federal controls always follow federal aid.

Voices are still heard advocating the view

that racially integrated schools are superior schools, but the voices of the American majority and some responsible social experts, neither of whom receive wide publicity, suggest otherwise.

The National Black Political Convention, which met in Gary, Indiana, in March, condemned busing plans to achieve school desegregation as "racist, suicidal" methods that are based on the "false notion that black children are unable to learn unless they are in the same setting as white children". Reportedly at the urging of the segregationist oriented Congress of Racial Equality, the convention adopted a resolution that more money should be spent on schools in Negro areas to achieve quality education.

And while the National Black Political Convention apparently believes that the mixing of races is not necessary to quality education, but that the money mixing is more important than race mixing, a recently released report of a study by Harvard researchers reveals that neither racial integration nor increased spending on schools has much effect on the education performance of school children. Massive outlays of tax dollars prove more profitable to contractors and sellers of educational equipment than to the education of children.

The Harvard study, headed by Frederick Mosteller, a mathematical statistician, and Daniel P. Moynihan, a former aid to President Nixon, reaffirmed an earlier report that academic achievement depends far more on family background than what happens in the classroom. The study also found that the social class of a child's fellow students had more impact on individual achievement than any other factor within the school, including equipment, class size or teacher preparation.

According to the Harvard report, we have been pursuing since the 1954 court decision out of Kansas the wrong kind of mixing in our schools. We are now in need of socioeconomic class mixing by the numbers. This new kind of class mixing would no doubt require busing. But this alone, we are told, will not guarantee quality education. We must "alter the way in which parents deal with their children at home" in order to boost educational achievement. Such a proposal seems to tie in with the providing by taxpayers of income maintenance, family allowance and guaranteed annual incomes to those families in the low income bracket and also with the legislative proposals for comprehensive child development plans in which federal agents known as child advocates might intervene with parents to alter child rearing practices at home to conform to HEW standards.

Another fact revealed by the Harvard study is that achievement tests showed whites in the 12th grade of high school to be 4.1 grade levels ahead of blacks. Whites also excelled blacks by about 3 grade levels when compared as to socioeconomic status.

These comparisons of the relative educational achievement of blacks and whites as revealed by the Harvard report appear to substantiate the view of Dr. William Shockley, Nobel Prize Winner in Physics.

Dr. Shockley was immediately denounced as a racist, but his statistics may explain the reason for failure of the guaranteed equal education theories.

Dr. Shockley, whose findings show that the difference in intelligence between whites and blacks is due primarily to heredity and not environment, has been unable to get either the academic community to give him a fair hearing or the National Academy of Sciences to test his theory. In fact his professorship at Stanford University is now threatened because he would dare use experience statistics to seek truths on which to base solutions. I mention this only because in an effort to arrive at quality education—which is seeking the truth—the truth should be used not suppressed. With billions of taxpayers' dollars being spent on busing of school children, an equal employment opportunity bureaucracy, urban renewal, model cities, and myriad social experiments, all based on the fallacious assumption that a change or an improvement in the environment will raise the level of intelligence, there is an imperative need for more research to test the role of heredity in the improvement of educational achievement and to develop solutions to educational problems based on facts and truth—not fantasy, emotion, and mathematical theories of absolutes.

Notwithstanding the facts showing that race mixing in schools fails to enhance educational achievement and the fact that few from President Nixon to the Chinese parents in San Francisco seem to want it, busing continues as if actuated by some unseen power. Hearings on a proposed Constitutional amendment which would prohibit forced busing were conducted recently in Washington. Opposing forced busing are the vast majority of American people. The Louisiana School Boards Association has gone on record supporting an amendment to the Constitution or an effective statute which would prohibit busing of public school students only to achieve a predetermined racial ratio. In favor of busing to achieve race mixing are the NAACP, NCC, and the NEA, whose president said recently that the only way "quality education" can be brought about is through mixing of the races in the classroom. According to this view, quality education was nonexistent prior to 1954.

President Nixon entered the forced busing furor with a public statement on national TV followed by a message on busing to Congress.

Few have seen, let alone read or studied the President's 17-page report to Congress, yet almost everyone seems to have concluded that the President after 3 years as the world's foremost buser is going to stop busing, thus removing it as a political issue.

The President's busing statement is reminiscent of the politician who finds he has to move to keep from being run over by the people. Control politics, should never be equated to leadership. When the people get out of hand and challenge the politicians, the smart politician never meets the stampede head on but while acting as if meeting the issue, diverts the thrust to take the steam out of the popular uprising.

President Nixon's main concern was in hiding his power to stop the whole busing mess, which is already against the law of the land. During his 3 years in office, President Nixon, while speaking as if opposed to forced busing, has appointed to key positions in the Department of HEW men who were known advocates of forced busing. His administration has promoted more harmful busing to achieve race mixing than all previous administrations since 1954 and he so reported to Congress in his busing message.

The President concealed his own failure to take constructive measures to execute the law of the land and stop forced busing by pointing his finger back to Congress. The President's message to Congress is so long, ambiguous, and without direction that few Members of Congress can decide what the President proposed, let alone enact his vacillation as legislation. Perhaps this is the President's goal—to confuse and delay until after the November elections, when he can again forget busing by blaming Congress for doing nothing.

Contrary to reports that President Nixon proposes to stop forced busing, his statement would apply only to contemplated new busing and not to old busing orders already in effect. So, the dual system of laws—one for the North and a separate one for the South—would continue.

Mr. Nixon campaigning for President in 1968 promised:

"I would enforce Title VI of the Civil Rights Act of 1964. I oppose any action by the Office of Education that goes beyond a mandate of Congress; a case in point is the busing of students to achieve racial balance in the school. The law clearly states that '. . . desegregation shall not mean the assignment of students to public schools in order to overcome racial imbalance.' "

Yet, in his busing message to Congress, the President proposed that only as a last resort should busing be required as a means of desegregating schools. This proposal of the President remains contrary to the law he is sworn to uphold.

The real issue seems to be not forced busing but federalized control of public education. Are public schools to be operated and controlled by local school boards responsive to the wishes of the local citizenry in accordance with certain regulations prescribed by the sovereign States or are the public schools to be nationalized? The move toward abolishing local property taxes as a source of revenue for public education and the proposal of the Nixon Administration for a value-added tax or national sales tax to finance education are indicative of a push for a national public school system.

It is a fact of life that "he who pays the piper, calls the tune." While paying lip service to local control of schools, the President and his administration have acted to increase and tighten federal control over public schools. And there is ample evidence to support the fact that this move toward federalization of schools is part of a long-range plan to bring the education of our children and youth under international control to condition them to become docile wards of a one-world socialistic controlled society.

To halt forced busing, we must seek its origin. And its origin is United Nations General Assembly Resolution 1904, "The United Nations Declaration of the Elimination of All Forms of Racial Discrimination". This resolution, which is binding on the once sovereign United States, states:

"All effective steps shall be taken immediately in the fields of teaching, education, and information, with a view to eliminating racial discrimination and prejudice and promoting understanding, tolerance, and friendship . . . among racial groups."

In the absence of strong national leadership, an amendment to the Constitution is necessary to take the busing toy away from the federal judges and bureaucrats. A permanent solution to the busing threat as well as other efforts to remake the human race is the withdrawal of the United States from the United Nations.

COALITION TO AID PRIVATE AND PAROCHIAL SCHOOLS

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 10, 1972

Mr. ROONEY of New York. Mr. Speaker, our private and parochial elementary and secondary schools are on the verge of extinction due to financial pressures. At the same time parents with children in these schools are being burdened with tax and tuition bills that are unbearable. The costs of education are soaring, bringing a financial squeeze on both the schools and the parents. Yet if we allow the private schools to go out of business the resulting transfer of almost 5 million students to the public school system will in many areas bring complete havoc to the public school system. In New York State alone the increase in costs to the public school system to absorb private school students would be almost three

quarters of a billion dollars a year. New York State and New York City residents are already overwhelmed in taxes and the resulting increase would be a disaster. In short, Mr. Speaker, this is why I introduced H.R. 14150 to allow a tax credit to parents with children in private, nonprofit schools of up to 50 percent of the tuition or $500 maximum per child per annum. Recently, an organization called Citizens Relief for Education by Income Tax—CREDIT—has been formed. It is composed of nonpublic school leaders of all faiths and seeks the enactment of legislation such as I have recently introduced.

Under the permission heretofore unanimously granted me I include with these remarks the announcement of the formation of the group:

CITIZENS COALITION FORMED TO SEEK ENACTMENT OF TAX CREDITS LEGISLATION

WASHINGTON.—A coalition of nonpublic school leaders of all faiths has been formed to seek the enactment of federal tax credit legislation for parents of children in nonpublic schools.

Establishment of the organization—*Citizens Relief for Education by Income Tax* (C.R.ED.I.T.) was announced by its officers: Rabbi Morris Sherer, Agudath Israel of America, Chairman; Dr. Al Senske, Lutheran Church—Missouri-Synod, Vice Chairman; Mr. Cary Potter, National Association of Independent Schools, Vice Chairman; Reverend C. Albert Koob, National Catholic Education Association, Vice Chairman; Dr. Edward R. D'Alessio, United States Catholic Conference, Treasurer; Mr. Ivan Zylstra, National Union of Christian Schools, Secretary.

The organization represented by the officers of C.R.ED.I.T. have a deep commitment to nonpublic education. Their combined constituencies total approximately 5 000,000 children in schools operated under Protestants, Catholic, Jewish and private auspices.

The chief objective of C.R.ED.I.T. is to seek enactment of legislation at the earliest possible date which will provide a federal income tax credit for a part of the nonpublic school tuition assumed by parents of children in such schools. Numerous bills for this purpose are now pending in Congress.

All Americans have ample reason to be "proud of the contribution which nonpublic education has made to our Nation," Rabbi Sherer stated. "Financial inequities have interfered with the rights of parents to educate children in schools of their choice".

"As a matter of justice and fairness to all", he said, "it is time that the government lived up to its responsibility to grant financial assistance to realistically allow parents freedom of choice in education. At the same time C.R.ED.I.T. will embark on an educational campaign to demonstrate that federal income tax credits are a constitutional means of correcting the inequities suffered by nonpublic school parents", he stated.

Rabbi Sherer said the C.R.ED.I.T. program "will strive to reaffirm the value of nonpublic schools in a pluralistic society and to stress all pertinent concepts of parental rights in education".

CHINESE DELEGATION AT UNITED NATIONS

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, April 10, 1972

Mr. DUNCAN. Mr. Speaker, since the highly controversial approval of Chinese membership into the United Nations, many of us have been looking for signs which indicate Chinese willingness to abide by the United Nations philosophy of shared responsibility and impartiality toward the problems of the world. Recent actions by the Chinese delegation at the United Nations show the entire world their participation will not measure up to the philosophy of this organization.

I am enclosing an editorial from the March 15, 1972 edition of the Knoxville Journal which cites numerous instances where the Chinese have demonstrated once again that there is often little relation between their words and their actions:

[From the Knoxville Journal, Mar. 15, 1972]

FAVORED DELEGATION

It has not taken the Red Chinese long to learn their way around the United Nations.

From the day they assumed their seat and announced they had no intention of asserting undue influence in the world organization they have been exerting undue influence.

The Peking delegation has ample precedent. Russia, France and others long ago decided what assessments they would pay and they have been getting away with it for many years.

So it was playing follow-the-leader when Peking paid its initial $3 million partial payment. It has no intention of paying its share of certain special assessments, it said. These include debts left over from the peace-keeping operations in the Congo and Middle East.

The Chinese also refuse to pay their share of the costs of the U.N. Commission for the Unification and Rehabilitation of Korea. Long ago it was established that there is no penalty for refusal to pay special assessments. Members lose their voting privileges only for failure to pay their regular dues.

It is a rule at the United Nations that employes of the organization leave their national inclinations at the door and serve all members impartially. One of the first acts of the Peking delegation was a violation of this rule, but it went unchallenged. The Peking delegation called Chinese interpreters on the U.N. payroll together to inform them their loyalties belonged solely to Peking.

Then, of course, there was the case of the Nationalist Chinese newsmen Peking insisted be relieved of their credentials. This was accomplished to the loud but so far ineffective objection of free newsmen from the United States and elsewhere.

The precedents the Chinese delegation already has wrung from the United Nations give it something of favored delegation status. With these successes behind it, further precedent-shattering demands can be expected.

This is a far different performance from the meek entrance which received so much attention only a few months ago.

One of the major problems inherent in the United Nations structure is that it invites all members on an equal footing but accepts from them widely different roles of responsibility.

One place to stop such foolishness is to reject the notion a new member can decide for itself how much of its assigned expenses it will accept.

NATIONAL DEFENSE—THREE YEARS LATER

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 10, 1972

Mr. SCHMITZ. Mr. Speaker, Adm. Thomas H. Moorer, Chairman of the Joint Chiefs of Staff, said on February 15, 1972:

> The relative military power of the United States in the world has clearly peaked and is now declining. We will no longer have that substantial strategic superiority which in the past provided us with such a generous margin of overall military power that we could, *with confidence*, "protect our own interests and those of our allies worldwide."

Three years after an administration pledged to regaining "clearcut military superiority" over the Soviet Union took office, the Nation's top military man informs us that our power has fallen to the point where we can no longer defend our vital national and international intests "with confidence." Further, he projects that this decline will continue.

To understand where a further erosion of our military power will put us, we have to know where we stand today. The following chart shows at a glance what has happened to relative United States-Soviet strategic missile forces during the last 3 years.

	Operational January 1969	Operational January 1972	Under construction	Operational and under construction 1972
U.S. ICBM's	1,054	1,054	0	1,054
Soviet ICBM's	950	1,520	100	1,620
U.S. SLBM's	656	656	0	656
Soviet SLBM's	65	500	272	772
U.S. total	1,710	1,710	0	1,710
Soviet total	1,015	2,010	532	2,392

In the last 36 months the Soviet Union has almost doubled its inventory of land-based and submarine-launched ballistic missiles. The comparative U.S. forces remain at exactly the same level where they were frozen in 1967 by former Secretary of Defense McNamara. The present administration has no plans to add one additional land- or sea-based missile to our forces for at least 5 more years.

Our aging strategic bomber force has continued its decline to a present level of 463 heavy and medium bombers. The Soviet Union currently has about 900 heavy and medium bombers capable of attacking the United States. The Soviets are now actively test-flying a new supersonic bomber which could be operational in the next 2 to 3 years while our new bomber, the B–1, will not be joining our strategic air arm in any number until the 1980's.

To complement their offensive striking power the Soviets have deployed the most extensive integrated air defense network in the history of the world. Today the Soviet Union has six times as many fighter interceptors as the United States—including the world's fastest interceptor, the Mig–23 Foxbat—20 times as many surface-to-air missiles, and 25 times as many radars, to protect a land mass only three times the size of ours. They possess the world's only operational anti-ballistic missile systems. While these formidable Soviet strategic defenses raise increasing doubts about the effective retaliatory capability of whatever forces we might retain after a surprise attack, our own air defenses have been termed "virtually useless" by the House Armed Services Committee—see Newsletter 72–7.

Almost 1 year ago I reported on the sobering findings contained in the sup-

plemental report of the Blue Ribbon Defense Panel, submitted to the President in October of 1970, and then hushed up—see Newsletter 71–18, 19, 20. Panel members concluded:

If observable trends continue . . . the U.S. will become a second rate power incapable of assuring the future securtiy and freedom of its people.

Since this warning was issued, the Soviet had added 270 additional ICBM's to their forces and more than doubled their number of submarine launched ballistic missiles, while our strategic forces have remained clamped in what Secretary of Defense Laird has rightly characterized as a state of "virtual moratorium." In short, the trends identified by the Panel members as jeopardizing the security and freedom of the American people have continued unabated.

Those of us who know these facts can only ask, with increasing urgency, why it is that, with all this information available, nothing is being done about it here in Washington. Is it because the American people will never accept merger in a world super-state so long as we remain militarily capable of maintaining our national independence—and that some, therefore, are more than willing to see that capability lost?

FEDERAL CIVILIAN EMPLOYMENT, FEBRUARY 1972

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 10, 1972

Mr. MAHON. Mr. Speaker, I submit a release highlighting the February 1972 civilian personnel report of the Joint Committee on Reduction of Federal Expenditures:

FEDERAL CIVILIAN EMPLOYMENT, FEBRUARY 1972

Total civilian employment in the Executive, Legislative and Judicial Branches of the Federal Government in the month of February was 2,868,086 as compared with 2,864,952 in the preceding month of January. This was a net increase of 3,134.

These figures are from reports certified by the agencies as compiled by the Joint Committee on Reduction of Federal Expenditures.

EXECUTIVE BRANCH

Civilian employment in the Executive Branch in the month of February totaled 2,828,232. This was a net increase of 3,227 as compared with employment reported in the preceding month of January. Employment by months in fiscal 1972 follows:

Month	Full-time employees in permanent positions	Change from previous month	Temporary, part-time, etc.	Change from previous month	Total employment	Change from previous month
July 1971	2,521,703	+1,391	381,448	+18,755	2,903,151	+20,146
August	2,524,098	+2,395	366,062	−15,386	2,890,160	−12,991
September	2,527,518	+3,420	317,021	−49,041	2,844,539	−45,621
October	2,529,832	+2,314	303,236	−13,785	2,833,068	−11,471
November	2,528,233	−1,599	300,254	−2,982	2,828,487	−4,581
December	2,525,858	−2,375	300,665	+411	2,826,523	−1,964
January 1972	2,552,081	+26,223	272,924	−27,741	2,825,005	−1,518
February	2,550,982	−1,099	277,250	+4,326	2,828,232	+3,227

Administration orders announced last August were directed at reductions in the category of full-time permanent employment, but little significant change has been apparent in this regard in the overall totals until recent months. It is noted that net reductions have been reported for the past four months, totaling about 9,000, including a reduction of 1,099 reported in the month of February. This would indicate that there may be some trend toward the projected June 1972 level of 2,531,500.

The civilian agencies of the Executive Branch reporting the largest increases in February were Treasury with 6,063, Environmental Protection Agency with 607 and Veterans Administration with 422. The largest decreases during the month were reported by Postal Service with 1,240 and Agriculture with 1,176.

Changes in total employment in January in Civilian Agencies of the Executive Branch as compared with civilian employment in Military Agencies were as follows:

	February	January	Change
Civilian agencies	1,703,412	1,698,647	+4,765
Military agencies	1,124,820	1,126,358	−1,538
Total, civilian employment	2,828,232	2,825,005	+3,227

In the Department of Defense the largest decrease in civilian employment was reported by Air Force with 1,052.

Total Executive Branch employment inside the United States in February was 2,642,682 an increase of 3,194 as compared with January. Total employment outside the United States in February was 185,550, an increase of 33 as compared with January.

LEGISLATIVE AND JUDICIAL BRANCHES

Employment in the Legislative Branch in February totaled 31,606, a decrease of 146 as compared with the preceding month of January. Employment in the Judicial Branch in February totaled 8,248, an increase of 53 as compared with January.

In addition, Mr. Speaker, I would like to include a tabulation, excerpted from the Joint Committee report, on personnel employed full time in permanent positions by executive branch agencies during February 1972, showing comparisons with June 1970, June 1971, and the Budget estimates for June 1972:

FULL-TIME PERMANENT EMPLOYMENT

Major agencies	June 1970	June 1971	February 1972	Estimated June 30, 1972[1]
Agriculture	82,912	84,252	83,315	83,000
Commerce	25,427	28,435	27,796	28,500
Defense:				
Civil functions	30,297	30,063	30,169	30,600
Military functions	1,129,642	1,062,741	1,060,001	1,011,000
Health, Education, and Welfare	102,297	104,283	106,265	102,000
Housing and Urban Development	14,661	16,030	15,801	15,200
Interior	59,349	57,570	56,881	56,900
Justice	38,013	42,662	42,913	45,100
Labor	10,217	11,252	11,948	11,800
State	23,618	23,398	22,815	22,700
Agency for International Development[2]	14,486	13,477	12,729	12,400
Transportation	63,879	68,482	67,977	66,400
Treasury	86,020	90,135	94,949	98,500
Atomic Energy Commission	7,033	6,920	6,820	6,700
Civil Service Commission	5,214	5,324	5,159	5,600
Environmental Protection Agency[2]		5,959	7,662	8,000
General Services Administration	36,400	38,076	35,977	39,400
National Aeronautics and Space Administration	31,223	29,478	28,254	27,500
Panama Canal	14,695	13,967	13,859	14,200
Selective Service System	6,665	5,569	5,813	6,200
Small Business Administration	4,015	4,004	4,006	4,000
Tennessee Valley Authority	12,697	13,612	13,786	14,000
U.S. Information Agency	9,989	9,773	9,581	9,400
U.S. Postal Service	565,618	564,782	563,489	[3]613,400
Veterans' Administration	148,497	158,635	161,278	162,200
All other agencies	29,807	31,333	32,139	34,300
Contingencies				2,000
Total[4]	2,552,571	2,520,312	2,550,982	2,531,500

[1] Source: As projected in 1973 budget document; figures rounded to nearest hundred.
[2] Established as of Dec. 2, 1970, by transfer of functions and personnel from Interior, HEW, Agriculture, Federal Radiation Council and Atomic Energy Commission.
[3] Includes approximately 30,000 postal employees subject to reclassification by June 30, 1972, under a labor-management agreement. Such reclassification was reported to the committee in January 1972.
[4] February figure excludes 2,950 disadvantaged persons in public service careers programs as compared with 2,844 in January.

NATIONAL MICROFILM WEEK

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 10, 1972

Mr. CONABLE. Mr. Speaker, I am introducing today a resolution calling upon the President to proclaim the week of September 24 as National Microfilm Week. In proposing this resolution I am hopeful that such a proclamation will appropriately recognize the accomplishments of an industry and technological system which has revolutionized information gathering and dissemination in a way that has affected everyone's life.

Government, industry, commerce, schools, and universities and many other institutions utilize microfilm extensively. It has made possible economical and convenient preservation of our history and opened the portals of knowledge for all who desire it. The resolution takes note of all these facts, as well as the role of microfilm in preserving the Nation's historical records at the National Archives and of its use to provide V-mail to servicemen in war zones. Congressman FRANK HORTON, who also represents the Rochester, N.Y., area, is a cosponsor of this resolution. The Rochester area is one of the major centers of the microfilm industry.

Government is the largest single user of microfilm. Every social security record is microfilmed, kept up to date, and made accessible at over 800 locations to facilitate the handling of individual files. Technical reports of the Nation's defense agencies account for a large part of the Federal Government's involvement in this medium. The National Archives and Records Services, and the Library of Congress preserve the Nation's history and provide basic documentation for research in many fields by microfilming.

Microfilm's commercial applications began with checks in a bank, and today's financial institutions account for a substantial percentage of microfilm's use. Most larger department stores and the Nation's credit card companies use microfilm to record purchase records before returning them to customers with monthly statements. Hospital microfilm patient records, radiographs, and other vital records that make up their permanent files. Newspapers are on microfilm, as are most periodicals, books, and even unpublished manuscripts. In wartime, it was used for the V-mail program and in peace, it has made possible the miniaturization of messages left on the moon.

Mr. Speaker, microfilm has played a significant role in American society and its importance continues to expand as demands for information continue to grow. In recognition of these applications, Congressman HORTON and I are introducing this resolution and we are hopeful that it will receive congressional approval in the near future.

LOW-RENT HOUSING FOR RICH MAN'S PROFIT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 10, 1972

Mr. RARICK. Mr. Speaker, evidence continues to appear to indicate the truth of that old saw "the rich get richer and the poor get poorer." Unfortunately, too often the rich get richer as they supposedly "help" the poor.

An example of how the rich profit from helping the poor appeared locally in the news recently in the stories detailing the cost of low-income housing in the District. These stories reveal that:

Construction is scheduled to start this week on 54 modest, low-income town houses in Washington that will end up costing a minimum of $52,500 each.

These houses will have no air-conditioning, washers or dryers, and 34 of them are only 16-feet wide and 29-feet deep, reduced in comforts because of inflation and in size because of Federal limits on public housing.

This is certainly absurd compared to the fact that:

New upper-income town houses, with air-conditioning, dishwashers and laundry facilities, sell for $50,000 to $65,000 in the redeveloped Southwest and $45,000 to $50,000 on Capitol Hill.

The $52,500 for low-income homes without conveniences is even more ridiculous when we consider that a certain profit is definitely included in the earlier figures quoted for upper-income town houses in the redeveloped Southwest and on Capitol Hill.

Yet, where is all this money going, except from the paycheck deductions of workers and taxpayers, into the pockets of the rich and super-rich. Consider the fact that the same news article reveals one firm who benefited greatly:

Westminster Investment Corp., was paid $755,000 for 1.2 acres in 1969. The tract, at 14th and S Streets NW., had been purchased 6 years earlier by Westminster for $398,260.

An even more revealing fact is that—

Westminster is a New York corporation dealing almost exclusively in commercial properties. Its president, Instone Bloomfield, lives in London.

The point is, Mr. Speaker, the rich corporations, some seemingly with international interests, are those profiting most by the grandiose schemes to "help the poor and raise their standard of living." All of course, at the expense of the overburdened American taxpayer. The paper of the same day carried an article that indicated these 54 low-income town houses would actually cost the American taxpayer $76,000. HUD Secretary George M. Romney is quoted as saying:

We have made mistakes in the design and administration of the programs that were supposed to alleviate human suffering. I acknowledge with regret the things that have gone wrong with our subsidized housing programs.

A third article relevant to this issue appeared in today's morning paper with the following lead—

Last week, 61 black families moved into new, $15,000 homes near Smithfield, Va., the first of more than 1,000 houses a year that a Rockefeller-controlled international development corporation plans to build for rural blacks in Southside and Tidewater, Va.

The article continues and points out—

Full mortgage financing for the ranch-style, prefabricated houses is being made available by the Federal Farmers Home Administration. The financing enables families with incomes as low as $3,500 a year to purchase the three and four-bedroom houses without down payment.

Once again, Mr. Speaker, the point is that the rich are getting richer while hiding behind the smokescreen of helping the poor. Figuring an output of 1,000 homes a year, the "Rockefeller-controlled international development fund" can expect to realize a gross of $15 million from the poor, and the American taxpayer by guaranteeing the mortgage, will, in fact, guarantee to these poor a right that he himself does not have—the right to buy a comfortable home with no downpayment and no worry about obtaining the financing.

Mr. Speaker, this is a disgusting situation that threatens to repeat itself across the Nation unless appropriate action is taken. The administration offers excuses; what this country needs is direct action to correct this wrong done the American taxpayer.

It is little wonder that the rich are always so eager to "help" the poor.

I include related news articles at this point:

The articles follow:

[From the Sunday Post, April 9, 1972]

LOW-INCOME HOUSING: $52,200 EACH

(By Eugene L. Meyer)

Construction is scheduled to start this week on 54 modest, low-income town houses in Washington that will end up costing a minimum of $52,500 each.

The houses will have no air-conditioning, washers or dryers, and 34 of them are only 16 feet wide and 29 feet deep, reduced in comforts because of inflation and in size because of federal limits on public housing.

Accounting for more than half the cost is a payment by the city's urban renewal agency of $1.5 million for a total of 2.33 acres of land in Shaw, one of the city's poorest neighborhoods.

This is more than $640,000 an acre.

One firm, Westminster Investment Corp., was paid $755,000 for 1.2 acres in 1969. The tract, at 14th and S Streets NW, had been purchased six years earlier by Westminster for $398,260.

Westminster is a New York corporation dealing almost exclusively in commercial properties. Its president, Instone Bloomfield, lives in London. Its office here is at 1511 K St. NW. The firm owns 21 Washington properties scattered across the city, according to District records.

The renewal authority, the Redevelopment Land Agency, also paid $495,000 for two parcels on a half-acre tract at 11th and M Streets NW.

The owner of both was the United Community Services of Washington, landlord for the United Givers Fund and the Health and Welfare Council. The property was headquarters for UGF and its forerunners for 30 years until UGF moved in 1966 to a $1.1 million building at 75 M St. SW, paid for in part with the sale proceeds.

These parcels, and seven smaller homes ac-

quired for much less, were bought by the RLA with federal urban renewal grants. In negotiations in 1970 and 1971, three property owners challenged RLA's original offering price and subsequently won higher out-of-court settlements.

One of the three was United Community Services, which rejected a $400,000 offer for four-tenths of an acre, the larger of its two parcels. RLA then paid $50,000 more for it.

Rufus Lusk Jr., president of Rufus S. Lusk & Son, Inc., a firm that has published real estate directories here since 1930, said in an interview that the RLA paid far too much for the Westminster property.

"I think they were taken brutally," Lusk said. "I don't think any investor would buy the property. For 97 per cent of investors in the country, this property is worthless."

Lusk said the Westminster property might conceivably be worth "perhaps $200,000," if an investor were interested. A block from the site is 14th and T Streets NW, "a very tough corner," Lusk noted, with trafficking in drugs and prostitution.

"Maybe (RLA) discovered an oil well" at 14th and S Streets NW, he said.

The site formerly contained three furniture stores and a bowling alley in one building that was razed in 1963. The site has since been used as a parking lot and zoned for light industrial use.

Ralph Werner, RLA's general counsel, defended the price the agency paid for the 2.33 acres. He said: "We pay fair value. I'm sure we don't pay more than fair value."

Melvin Mister, RLA executive director, said the agency could have reduced its land cost by reselling the 2.33 acres for more than it did to the nonprofit sponsor that is building the low-income housing. But charging the redeveloper more, he said, would have precluded low-income housing.

The sponsor, D.C. Frontiers, a spinoff of a black fraternal group, is paying RLA $56,700 for all the tracts.

"We could have resold it for more for commercial use," Mister said. "It's clear, if we weren't trying to build for poor people, we could get a lot more housing built."

The U.S. Department of Housing and Urban Development had to approve both the RLA's $1.5 million land acquisition cost and the construction costs, which total $1.3 million. However, one division of HUD governs land acquisition costs, and another actual building costs. So there is no single office that would necessarily consider or even know that the average cost of the 54 homes is more than $52,000.

Mary A. McGrade, Westminister's secretary-treasurer, was asked about the land sale to RLA, "Let me put it this way," she said, "we didn't lose any money on it."

Mrs. McGrade added, "We would have redeveloped it ourselves with stores on the first floor, two or three floors of office space and apartments above. We had talked to the city about redeveloping it back in 1964 or 1965, but, with the indecision that exists in government, it never got done."

Low-income town houses, she continued, are "not the best use of the property."

The low-income housing plan was approved by RLA, the National Capital Planning Commission, the City Council, HUD and the Model Inner City Community Organization (MICCO), the Shaw community planning group.

"If you're really going to save the inner city," said Terry C. Chisholm, director of HUD's D.C. area office, "there's a price tag attached to it and it's enormous. There's no question that in order to deliver these 54 units of public housing, if you take into consideration the urban renewal process, you're talking about a hell of a lot of money. But there ain't anything unique about it."

Under urban renewal RLA has the right to condemn property but must pay the owner "fair market value." That value is established by two independent appraisals and is based on how the land is zoned and not on what the renewal plan calls for. RLA officials have said that the appraisals are not public record.

A property zoned commercial is considered to have a higher "fair market value" than one zoned residential. But if the urban renewal plan calls for housing, the redeveloper pays RLA substantially less than the agency paid to acquire the land. The difference is paid with federal grants.

RLA's acquisition costs, in this instance, were "more than it's going to cost to develop the land," observed Monteria Ivey, deputy director of the National Capital Housing Authority. NCHA, the city's public housing authority, approved and worked with the redeveloper, D.C. Frontiers.

Last week Ivey said the price RLA paid is "kind of high, isn't it? We don't usually spend that much."

When NCHA does the land buying, it rarely spends more than $2,500 per unit, compared to $28,000 a unit with this RLA purchase, according to Joseph Minor, NCHA deputy director for project development.

The 54 town houses comprise the only public housing planned so far in Washington's inner-city riot corridors, where low-income housing is in short supply for those who will be displaced by urban renewal.

Ultimately, these town houses will be owned by families with incomes low enough to qualify for public housing—$4,500 for one person to $9,800 for a family of 10 or more. The families will pay up to about $100 a month but no more than 25 per cent of their income. Their payments will go for utilities, insurance, taxes and property maintenance. The federal government will pay debt service.

First proposed in May, 1969, the project didn't receive final RLA approval until last July. In November, HUD approved construction prices submitted last May. But costs, meanwhile, had escalated and HUD would not allow an additional $200 a unit sought by the builder.

After six months, a new builder was found—the project's fourth—who promised to pare the cost without altering the houses.

When first designed, the houses included such amenities as air-conditioning and washer-dryers. To meet HUD cost constraints as inflation spiraled at 10 per cent to 15 per cent a year in construction, these features were dropped.

The size of the Shaw units was reduced by four feet in depth because of federal space limits on public housnig. Thirty-four of the houses are now 16 feet wide and 29 feet deep. Twenty are 20 feet wide and 30 feet deep.

New upper-income town houses, with air-conditioning, dishwashers and laundry facilities, sell for $50,000 to $65,000 in the redeveloped Southwest and $45,000 to $50,000 on Capitol Hill.

The total $1.3 million construction cost for the Shaw units averages $24,145 for each house. The total cost breaks down this way: $56,700 that D.C. Frontiers paid RLA for the land; $1,090,989 for actual construction; $48,000 for architecture and engineering; and $112,631 for overhead and planning.

According to architect Charles I. Bryant, "To lose six months time was to eat up any savings. The biggest problem was getting decisions rapidly so we would benefit from the time aspect of construction. We have less house today for $25,000 than we indicated we were going to give back in 1970 for $23,000."

As for the architect's fee, Bryant said, "We're losing money on this project. We literally designed this project three times." Wesley W. Williams, lawyer for the project, said, "I doubt if I'll get over $5,000 out of this thing.

"I'm quite pleased with what we're trying to do, giving an opportunity for home ownership and getting away from high-rise," Williams said. But, recalling the time and headaches involved, he added, "I'll never get stuck with anything like this again."

Government housing programs have come under mounting criticism from citizens, politicians and even housing officials. The programs, they charge, instead of helping the poor, are benefiting land speculators, investors, lenders, lawyers, consultants and other groups.

The results, the Senator has complained, is that Americans are "getting Chevrolet houses at Cadillac prices."

HUD Secretary George M. Romney, who runs the programs, said in Detroit last month, "We have made mistakes in the design and administration of the programs that were supposed to alleviate human suffering. I acknowledge with regret the things that have gone wrong with our subsidized housing program."

As a result of the failures, HUD has been considering giving families a flat housing allowance to rent on the private market instead of subsidizing construction of units.

The overall cost of the project, HUD's Chisholm acknowledges, is more than the controversial $45,000 "luxury" townhouses that HUD first approved, then disapproved after a community furor in Montgomery County last year.

Last April, Secretary Romney rescinded HUD's approval of 52 town houses in Watkins Glen that were to be bought for public housing near Rockville. He acted after residents of the affluent area picketed and went to court. These houses had such amenities as air-conditioning that the more expensive Shaw houses will lack.

A year ago, Romney declared the Watkins Glen proposal "not economically feasible." He added, "(It) causes people to think, why should they subsidize people and put them in units that are that costly."

[From the Sunday Post, April 9, 1972]

TOTAL COST TO PUBLIC IS $76,000 PER HOUSE

The $52,200 price tag on the low-income town houses that will be built in Shaw is a bare minimum.

The figure includes only site acquisition and construction. It does not include up to $100,000 that the Redevelopment Land Agency plans to spend for site improvements, such as street trees and new sidewalks.

Nor does it include an estimated $1,236,989 in tax-free interest on the construction loan that will be paid by the public to bondholders over 30 years, as computed by a Housing and Urban Development official.

When those items are added, the cost per house becomes $76,000 in public monies.

Other items, on which there were no immediately available prices, include administrative costs to the RLA and the publicly supported relocation of five households and on business to make way for the houses.

According to Joseph Minor, deputy director for development for the National Capital Housing Authority, if Congress voted to make direct cash grants for housing construction instead of paying for financing costs over a period of years, "possibly four times as much housing with out-of-pocket cash" could be built.

"It would change the whole system," he said. "People don't usually look at it this way."

[From the Washington Post, Apr. 10, 1972]

FIRST 61 FAMILIES JOIN NEW COMMUNITY

(By Carl Bernstein)

Last week, 61 black families moved into new, $15,000 homes near Smithfield, Va., the first of more than 1,000 houses a year that a Rockefeller-controlled international development corporation plans to build for rural

blacks in Southside and Tidewater Virginia.

Many of the new homeowners in the Sandy Mount Manor development near Smithfield are families who for years have rented dilapidated wooden houses without central heating or plumbing.

Full mortgage financing for the ranch-style, prefabricated houses is being made available by the Federal Farmers Home Administration. The financing enables families with incomes of as low as $3,500 a year to purchase the three- and four-bedroom houses without down payments.

By also building a factory in Virginia to mass produce the modular homes, their manufacturer claims that the cost-per-house is reduced by several thousand dollars.

Sandy Mount Manor, 140 mile south of Washington in Isle of Wight County, is the first of 17 planned communities that the International Basic Economy Corp. says it will build in Virginia before 1974. The corporation, founded in 1946 by New York Gov. Nelson Rockefeller, is now headed by his son, Rodman C. Rockefeller.

Almost all of the Virginia developments planned by IBEC—to include community swimming pools, playgrounds, picnic areas, activity centers and stocked fishing lakes—will be located in counties where blacks outnumber whites or represent a substantial portion of the population.

"We are hoping white families will buy our houses too, but obviously we are seeking the black market," said IBEC vice president Harvey L. Schwartz.

IBEC's decision to build low-cost housing on a large scale in Southside and Tidewater "could mean a huge difference in terms of providing adequate housing for blacks and other low-income people," according to Ruth Harvey Charity, chairwoman of the Virginia Council on Human Relations. "If the plans go through as they are projected," she said, "they will meet a great need."

In recent years, there has been relatively little construction of new homes in rural Southside and Tidewater—those sections of the state south and southeast of Richmond—partly because of a declining white population combined with the inability of many of the area's blacks to afford conventionally financed new houses.

Under the federal financing arranged by the Farmers Home Administration, families with annual incomes between $3,500 and $8,000, will be eligible for full mortgage loans on the IBEC houses at prevailing interest rates. Conventional financing through private lending institutions is usually impossible for people of low income.

The subdivisions IBEC is planning for Virginia are similar to communities that the corporation has built on a smaller scale for American Indians in the Southwest, blacks in South Carolina and low-income families in Puerto Rico, the Virgin Islands, Jamaica, Peru and Mexico.

IBEC's plans in Virginia are being coordinated with the State Division of Industrial Development, which has helped the corporation choose the 17 sites for its first 1,500 homes in the Commonwealth.

The areas selected for these initial developments, to be completed by 1974, are among the poorest in the state. In many of the counties—including Surry, Brunswick, Lunenburg, Prince Edward and Richmond—median family income is between $5,820 and $6,843, compared to a statewide median of $9,049. (The median is the point where 50 per cent of the incomes are higher and 50 per cent lower.)

More than 20 per cent of the total population of the counties chosen for development earn less than the sliding federal poverty standard, compared to 12.3 per cent of the statewide population.

Both Southside and the sections of Tidewater where the IBEC communities will be located are agricultural areas where blacks have long worked as sharecroppers, farm laborers, in meat packing plants, lumber mills, peanut processing plants and other local industries.

Physically, some of the Southside towns could serve as the location for a stereotype novel of the rural South: the white and black sections separated by railroad tracks, gray shacks of tinder-dry wood on one side, some white clapboard houses on the other. Trees may shade the paved streets of white neighborhoods, but long dirt roads lead through fields to the jerry-built shelters across the tracks.

Although such scenes are becoming much less commonplace in Virginia, planned neighborhoods in which blacks live are virtually nonexistent in both Tidewater and Southside, and good housing available to them is at a premium.

In this environment, "We don't see any limit to the market," according to Charles Campbell, manufacturing manager for IBEC in Lawrenceville, Va.

Inside the corporation's 1½-acre factory in Lawrenceville, 90 employees build a whole house in two completely assembled sections. Each half of the house is then trucked to the homesite, set on a conventional foundation and joined together in less than three man-days installation time.

By the end of this year, according to Campbell, "we will be turning out three houses a day. Whatever the market's upper limit is, we can expand to meet it. We're planning 1,000 units a year but it could go higher if the demand is there."

IBEC and its Lawrenceville subsidiary, Planned Neighborhoods, Inc., will make a profit of 5 to 10 per cent on each house built, depending on production levels, said Campbell.

IBEC stock, according to stockholders' report, is held by some 1,450 persons; a company spokesman said about 60 per cent of the stock is owned by members of the Rockefeller family.

QUESTIONNAIRE RESULTS

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 10, 1972

Mr. CHAMBERLAIN. Mr. Speaker, beginning in early March, I distributed an 18-part questionnaire to residents of Michigan's Sixth Congressional District. More than 17,000 responses have been received so far and to me this broad concern in our current national problems is most encouraging. A computerized tabulation of the returns has now been made and particularly noteworthy, I believe, is the strong opposition to busing—82 percent—as well as the substantial segment—70 percent—that favor replacing the property tax as a basic source for public school funds.

In addition, the opinion poll provided a special 11-part question allowing respondents to rate what the priorities should be for Federal spending. The strongest indications here are decidedly toward greater efforts to control pollution, drug abuse and crime and for less spending for foreign aid, space exploration and defense. These priorities are basically reflected, I believe, in the President's proposed budget which devotes more money to human resource programs—45 per cent—than to defense—32 percent.

With regard to revenue sharing, the results show that some 59 percent agree that such a new approach in Federal-State relations is needed. It is my hope that this pioneering effort which will soon be before the House will tend to check the growing centralization of power in Washington.

Also of importance, I feel, is the fact that 70 percent said they opposed allowing taxpayers to earmark $1 of their tax payments to finance partisan Presidential election campaigns. This suggests to me that before this provision goes into effect for the 1976 Presidential campaign, the Congress should thoroughly reexamine it.

In addition to the districtwide tabulation, a special summary was made of some 1,500 questionnaires returned by Michigan State University students. Not surprisingly, perhaps the strongest support indicated was for increased Federal efforts to clean up the environment. Some 92 percent favor more Federal spending in this area while 87 percent approve setting a clean water goal of no polluting discharges by 1985. While this job is an enormous one, the House action March 29 in passing a recordbreaking $24 billion pollution control program is a major step which is urgently needed and the bill had my support.

In many respects the pattern of student opinion follows pretty closely that found in the Sixth District as a whole. For example, student and general public responses were in basic agreement on 29 of the 33 questions with both favoring increasing the minimum wage, no-fault insurance, replacing the property tax, expanding East-West trade, clean water action, a national presidential primary and revenue sharing. At the same time, both oppose granting the right to strike to Government employees, earmarking Federal tax money for partisan presidential campaigns, and Federal aid to private and parcchial schools, and a single 6-year presidential term. The students opposed busing 53 percent to 34 percent while the general public opposition was much stronger, 82 percent to 12 percent.

In many of these areas the main difference between the two responses is the degree of approval or disapproval. This is particularly evident as well on the question of support for the President's efforts to end the war in Vietnam, which 48 percent of the students answered in the affirmative as compared to 66 percent districtwide. Considering the intensity of student concern over Vietnam in recent years, I believe the substantial backing given the President's policies confirms that we have come a long way in a relatively short time.

The student and general responses disagreed on only four to 33 separate questionnaire items. Two of these four items concerned increased Federal spending for education, which college students supported, while the general public was about evenly divided. Likewise the general public was only mildly favorable toward Federal spending for mass transportation, while the East Lansing students strongly favored—71 percent—increased spending.

Copies of the districtwide summary and the students' results follow:

CONGRESSMAN CHAMBERLAIN'S 1972 QUESTIONNAIRE

[in percent]

	Yes	No	Not sure
SHOULD WE—			
1. Increase the Federal minimum wage from $1.60 to $2 per hour?	50	38	12
2. Legislate the no-fault automboile insurance on the Federal level?	50	29	21
3. Grant Federal and public employees the right to strike?	22	65	13
4. Approve in the area of national health insurance (check one or more):			
27 percent—a new program of health care for the poor to replace medicaid.			
33 percent—additional tax credits for premiums for private insurance.			
42 percent—a program to help meet costs of catastrophic illness.			
34 percent—require employers to provide health insurance for employees.			
26 percent—complete nationalization of health insurance.			
15 percent—no new legislation.			
5. Replace the property tax as the basic source of public school funds?	70	17	13
6. Expand agricultural and nonstrategic trade with Communist nations?	60	24	16
7. Exempt those working after 65 from paying social security taxes?	63	29	8
8. Set a long-range clean water program goal of no poliuting discharges by 1985 with an estimated Federal cost of $14 to $20,000,000,000 for 1st 5 years?	67	12	21
9. Provide with regard to Federal spending in these areas—			

	More	Less	Same	Not sure
Crime control	66	5	23	6
Consumer protection	50	11	33	6
Defense	20	43	31	6
Drug abuse	56	10	27	7
Elementary and secondary schools	40	14	39	7
Colleges and universities	25	27	41	7
Environmental protection	57	9	25	9
Foreign aid	5	77	13	5
Job training	43	17	34	6
Mass transportation	39	27	25	9
Space program	14	51	29	6

	Yes	No	Not sure
DO YOU FAVOR—			
10. Establishing a single 6-year term for the Presidency?	27	61	12
11. A national primary election to select presidential candidates?	58	27	15
12. Earmarking $1 of your Federal income tax for partisan presidential campaigns?	21	70	9
13. Federal revenue sharing to aid State and local governments?	59	24	17
14. Busing to obtain racial balance in our schools?	12	82	6
15. Federal aid to private and parochial schools?	21	71	8
IN GENERAL—			
16. Do you feel that existing laws discriminate unfairly against women?	21	68	11
17. How do you feel about the way price-wage controls are working?			
26 percent—satisfied; 57 percent—dissatisfied; 17 percent—no opinion.			
18. Do you approve the President's efforts to end the war in Vietnam?	66	22	12

CONGRESSMAN CHAMBERLAIN'S 1972 QUESTIONNAIRE—STUDENT RESPONSES

[In percent]

	Yes	No	Not sure
SHOULD WE—			
1. Increase the Federal minimum wage from $1.60 $2 per hour	52	34	14
2. Legislate the no-fault automobile insurance on the Federal level?	60	15	25
3. Grant Federal and public employees the right to strike?	37	40	23
4. Approve in the area of national health insurance (check one or more):			
29 percent—a new program of health care for the poor to replace Medicaid.			
23 percent—additional tax credits for premiums for private insurance.			
47 percent—a program to help meet costs of catastrophic illness.			
36 percent—require employers to provide health insurance for employees.			
40 percent—complete nationalization of health insurance.			
7 percent—no new legislation.			
5. Replace the property tax as the basic source of public school funds?	69	14	17
6. Expand agricultural and nonstrategic trade with communist nations?	84	7	9
7. Exempt those working after 65 from paying social security taxes?	64	22	14
8. Set a long-range clean water program goal of no polluting discharged by 1985 with an estimated Federal cost of $14 to $20,000,000 for 1st 5 years?	87	5	8
9. Provide with regard to Federal spending in these areas—			

	More	Less	Same	Not sure
Crime control	57	7	32	4
Consumer protection	67	4	27	2
Defense	7	76	16	1
Drug abuse	57	12	27	4
Elementary and secondary schools	70	4	24	2
Colleges and universities	67	5	26	2
Environmental protection	92	2	5	1
Foreign aid	7	69	22	2
Job training	57	8	33	2
Mass transportation	71	9	17	3
Space program	20	46	32	2

	Yes	No	Not sure
DO YOU FAVOR—			
10. Establishing a single 6-year term for the Presidency?	25	64	11
11. A national primary election to select presidential candidates?	62	22	16
12. Earmarking $1 of your Federal Income tax for partisan presidential campaigns?	28	59	13
13. Federal revenue sharing to aid State and local governments?	65	14	21
14. Busing to obtain racial balance in our schools?	34	53	13
15. Federal aid to private and parochial schools?	27	63	10
IN GENERAL—			
16. Do you feel that existing laws discriminate unfairly against women?	50	36	14
17. How do you feel about the way price-wage controls are working?			
24 percent—satisfied; 55 percent—dissatisfied; 21 percent—No opinion.			
18. Do you approve the President's efforts to end the war in Vietnam?	48	38	14

SMALL COMMUNITIES HAVE GREAT APPEAL

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 10, 1972

Mr. ZWACH. Mr. Speaker, as I read the newspapers from our Minnesota Sixth Congressional District, I find increasing evidence of a beginning of the reversal of the migration from the countryside to the cities.

People from the cities are becoming weary of the rush and press of city life and are yearning for the quiet tranquillity of the countryside.

Mrs. Madonna Kellar of the Heron Lake News recently wrote an editorial on this subject which I insert into the CONGRESSIONAL RECORD where it can be read by my colleagues and the thousands of others who read this publication:

SMALL COMMUNITIES HAVE GREAT APPEAL

All small towns need to blow their own horns and the only way they can do that is by making their potential known to the largest amount of interested people.

When a prospective business seeker is looking for a location, there are many things he looks for as he attempts to choose his site of operations. First and foremost he will take a good long look at the main street of the town to see how well preserved it is. Next he will observe very carefully the amount of traffic in the stores. He then will delve deeply into the educational aspects of the town

where his children will be educated. Housing is his next concern. If he is to choose a location for the rest of his life, he naturally is looking for adequate living accommodations for his family.

Religious potential will be another concern. He will be looking for a church of his own denomination. A community of various faiths has a great deal to offer to anyone seeking a new location.

If a community has a demand for the services he has to offer and it can meet the above specifications, then a new business can be added to the town's roster. Unless the prospect can receive the assurance that he can find the facilities he and his family need, he will look elsewhere for a spot in which to start his business and another chance to advance the town has been lost.

Small towns need not become depleted as the trend to move to the rural areas advances. People are becoming very weary of the rush of city life and are looking for more tranquil areas to raise their families and to develop interests and hobbies. If the town is made attractive enough, there will be no problem in getting business and new residents. So it is up to us to take whatever strides are necessary to make our town acceptable to the folks who are looking for new locations. We cannot afford to wait for someone else to make the first move. If we do, that time might never come and we could be left in the lurch as the march of progress leaves us behind.

"THE COMING STORM"—A RESOLUTION

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 10, 1972

Mr. LANDGREBE. Mr. Speaker, Dr. N. Burnett Magruder of Louisville, Ky., the executive vice president of Christian Heritage Center, sent me a copy of a resolution that was passed by the Kentucky Legislature recently. I think that this recognition of the providence of God is most fitting in our trying times. For this reason, I insert the resolution into the CONGRESSIONAL RECORD:

THE COMING STORM—A RESOLUTION TO RECOGNIZE THE PROVIDENCE OF ALMIGHTY GOD IN THE COMMONWEALTH OF KENTUCKY AND THE SCHOOLS

Whereas, the Preamble to the Constitution of the Commonwealth of Kentucky expresses gratitude to Almighty God for civil, political and religious liberties we enjoy; and

Whereas, we teach our children in the Pledge of Allegiance to the Flag, that this is "one nation under God"; and

Whereas, we date all transactions according to the birth of Jesus Christ, A.D.—"in the year of our Lord"; and

Whereas, we recognize as did President Lincoln, the word of the Psalmist, that a nation is blessed "whose God is the Lord;" and

Whereas, it is evident with each passing day that our schools and our system of government will surely fail without God;

Whereas, public polls now show an overwhelming majority of the American people favor the historic recognition of Almighty God in the public schools; and

Whereas, this issue of the Rule of God in America transcends all partisan and sectarian divisions;

Therefore, be it resolved; that the Senate of the General Assembly of the Commonwealth of Kentucky:

1. Hereby requests the Honorable Governor of Kentucky to call the attention of our citizens to the truth of Holy Scripture quoted by the late President John F. Kennedy in a final speech never delivered, "Except the Lord build the house, they labor in vain that build it."

2. Hereby declares that it is in keeping with our national heritage that the Providence of Almighty God be recognized in every appropriate way in our public schools, and that voluntary, non-compulsory prayer and Bible reading and the Pledge of Allegiance to our Flag be encouraged in our schools and commended as a way of life for the children of the Commonwealth.

CITIZENS SPEAK OUT FOR BUSING

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 10, 1972

Mr. CLAY. Mr. Speaker, much furor has been raised since the President's announcement calling for an end to the busing of students. In fact, my office has been flooded with mail from constituents opposing the President's stand. Many of those who have written me see that the busing issue is being used as a smokescreen to conceal the real underlying objective—that is, perpetuating racial injustice.

I want to share with my colleagues some of the views which are now coming out of my district. The first of these is a letter which I received from Mrs. Maureen Berle, president of a St. Louis organization called Action Against Apathy. The second is an editorial address delivered by Dr. Lawrence Nicholson, professor of psychology at Harris Teachers College, on KMOX radio in St. Louis. The last one is an editorial comment which appeared in a recent edition of the St. Louis Post-Dispatch. Hopefully, these comments will serve as enlightenment to those who purport that an antibusing amendment will solve today's educational problems; in reality, it can only create additional havoc:

MARCH 28, 1972.

DEAR MR. CLAY: We, the members of Action Against Apathy, a St. Louis based organization comprised primarily of white suburban residents concerned with racial injustice, are extremely dismayed with President Nixon's position statement on "busing" of 16 March 1972. The President's promise to deal with providing equal educational opportunity while desegregating without further busing did not materialize in his message to Congress 17 March. We urge you to consider in depth the matter of school desegregation and initiate meaningful legislation which will confront and resolve the true issues before us—racial prejudice, discrimination and continued suppression of minority group people—within the context of equal educational opportunity.

The moral and legal principles set forth in the Declaration of Independence and the Constitution of the United States assert the fundamental rights of equal opportunity, freedom of choice, and pursuit of a dignified and fulfilling life. The facts are, however, that through active and passive co-operation, white Americans have historically denied these rights to minority Ameircans and have excluded them from full participation in society. Anti-busing statements, please for "local control," and cries of "Federal intervention" are only diversions and camouflage tactics which avoid confronting these facts.

The result of America's pervasive racist attitude is readily apparent. Isolated, impoverished ghettos and the delineation and financing of school districts along racial, ethnic and economic boundaries, with limited and unequal taxable resources are two primary examples. Neither equal educational opportunity nor quality education for all can be achieved within the limitations of these realities. The mere appropriation of monies for improving the quality of poorer school districts is utterly meaningless without a comprehensive plan for substantial racial integration. At this time in history, the neighborhood school concept along with segregated housing and inequitable funding, will surely perpetuate unequal educational opportunity. White Americans must realize the serious consequences to the nation of continuing segregated and unequal education.

We strongly recommend that vigorous legislation be enacted and enforced which will create an integrated school environment where students of all racial, ethnic and economic backgrounds can learn to live in a pluralistic society. Realistically, under today's conditions, this can only come about through equitably taxation and redistribution of funds over relatively large geographical areas and a workable plan for student exchange. The public school system of America, because of its unique and far-reaching social influence, must become one of the primary institutions to assume an active role in changing attitudes of racial prejudice which result in racial discrimination and suppression of minority citizens.

Please examine this matter carefully and initiate decisive unprejudicial action which will truly affirm the great principles upon which this nation was founded—equality, liberty and justice for all. We would appreciate prompt notification informing us of your plan of action.

Sincerely yours,

MAUREEN BERLE,
President, Action Against Apathy.

BUSING—WHO NEEDS IT

(Recently, KMOX Radio broadcast an editorial opposing busing of school children to achieve racial balance. The following is a statement opposing the Station's editorial stand by Dr. Lawrence E. Nicholson, Professor of Psychology at Harris Teachers College.)

Most Americans don't like the idea of busing school children to achieve racial balance. When tested against Gallup's nose-counting standard, the idea of busing indeed goes against the "American grain."

But when measured against our 200 year-old remarkable experiment in men governing themselves and searching for the guidelines—the means by which people of different racial, ethnic and economic backgrounds can learn how to live harmoniously together—the deception that draws our attention to busing as an end, rather than as a means, is exposed as a racial polarizer.

The real issue, as Senator Mondale has pointed out, is our willingness to accept integrated schools.

KMOX Radio stated busing just does not work. The editorial fails to point out that we've only minimally, and half-heartedly tried busing—that the media reports these half-hearted trials in an adversary and conflictive manner!

In metropolitan St. Louis the community for too long has permitted its public schools to reinforce social class and racial divisiveness. The Mallinckrodt School fiasco of a few years ago; the Yeatman Froebel busing confrontations at the beginning of the school year illustrate my point.

St. Louis' long period of official busing, prior to 1954, was designed to isolate white children from black. The bitter fruits from

that policy is our present day adult racial suspicions, fears and hates. Since 1954, we've had a splendid opportunity to test the several hypotheses that would help us to predict the factors that could enable busing to succeed. The official policy remains one of busing for expediency. Major institutional decision-makers—industry, religion, education, civil rights leaders—have been non-responsive to this travesty.

Will we continue to exalt the angry response by the middle-class? The ideological segregationist response by black separatists? Or will we get on with the business of testing the means—including busing—by which our children and youth can come together in a natural setting and under desirable guidance learn the behaviors essential to harmonious living together in metropolitan St. Louis?

[From the St. Louis Post Dispatch, Mar. 27, 1972]

BUSING ISSUE MISSES THE POINT

(By Jake McCarthy)

President Nixon said at the outset of his term that he wanted to bring us all together. But obviously not on the same bus.

As with most issues that are fanned into raging controversies in election years, the question of school busing, which Mr. Nixon and George Wallace both claim as their own, misses the real point.

But both candidates—and others who are falling over each other in imitation—realize it is a hot issue even if it appeals to the worst instincts of a nation that has historically professed to be a place for everybody. Except, of course, niggers and greasers and injuns and Bohunks and Polacks and Dagos and Chinks and Micks.

So now, despite the slick veneer of innocence, we face the most blatantly racist presidential campaign since Reconstruction. Surely since the opponents of Al Smith in 1928 brought racial, ethnic and religious fears to the fore.

The busing issue is so inflamatory because it involves children—still our most precious commodity in a cynical world. But for every white parent tormented by the question, a black parent is even more agonized over the issue.

The 1954 Supreme Court decision on school desegregation overturned a lot of history but it didn't originate busing. Every black high school student in St. Louis County used to be bused miles to Summer High School in St. Louis and back.

Vernon E. Jordan, Jr., executive director of the National Urban League, pointed out recently that "about 40 per cent of all students are bused to school for reasons that have nothing at all to do with desegregation . . . and many white parents today put their children on school buses that drive past integrated public schools and stop at all-white segregated private schools." The real issue isn't busing as such. It is the meeting of the races.

The dilemma of the black community comes from its commitment to black identity in the aftermath of school integration—The realization that little black children ought not be forced to become just like little white children.

The split was highlighted last week in Congressional hearings when Roy Wilkins of NAACP opposed Mr. Nixon's proposed ban on further busing while Victor Solomon of CORE went so far as to propose separate black school districts.

But to Lawrence E. Nicholson of Harris Teachers College in St. Louis, the real issue comes down to whether we have—or should have— a separatist or a pluralistic society in America.

Nicholson says the problem is that we have never made a true commitment within our educational system to test whether we can really build a pluralistic society.

"The deception that draws our attention to busing as an end, rather than as a means, is a racial polarizer," he says. "The real issue is our willingness to accept integrated schools.

"The bitter fruits from past policies of segregation is our present day adult racial suspicions, fears and hates."

A measure of the racism involved in the busing controversy is that many people opposed to busing would be even more opposed to integrated neighborhoods where every kids, of whatever race, could walk to the school on the corner. It's pretty evident that neither Mr. Nixon nor Mr. Wallace is calling for alternate forms of integration. Or talking about a pluralistic society.

Sammy Davis Jr., after his conversion to Judaism, used to tell a joke that Americans could laugh at. "I got on a bus in Miami and the driver said, 'Go to the back of the bus.' I told him, 'I'm not a Negro. I'm a Jew.' He said, 'Get off the bus.' "

That may not tickle minorities quite so much as the campaign trail winds on toward November, and as "white supremacy" breaths its deep new breath in the land.

PENSIONS: A CRUEL MIRAGE FOR MANY

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 10, 1972

Mr. HILLIS. Mr. Speaker, there has been a great deal of conversation during this session of Congress on pension protection legislation.

It appears to me that there has been enough conversation; now is the time for action. There are several bills before the House Committee on Education and Labor which would protect the pension plans for our Nation's workers.

It is my hope that one of these measures will be brought before the House for debate and vote.

Thousands of workers are paying into pension plans expected to reap the benefits. Unfortunately, unless some legislations is enacted, many of these men will not receive these benefits.

I recently came across an interesting article in the Chicago Tribune. I hope that each Member of the House of Representatives and each Member of the Senate will take the time to read this:

PENSIONS: A CRUEL MIRAGE FOR MANY

(By Fred J. Cook)

Joseph Origiol, short, stocky, his English larded with a heavy accent, spent more than 40 years pursuing the American dream, and the failure of that dream has now driven him to seek refuge across the ocean in his native Italy.

His story symbolizes the fate that has overtaken countless American workers who have faced old age and retirement confident that they would be well protected by pension plans in which they had participated most of their working lives—only to find that their promised pensions were a mirage.

More than 30 million working men and women, about half the American labor force, now belong to private pension plans that have accumulated an enormous $135 billion in assets, roughly twice the amount of mutual-fund holdings and one of the largest reservoirs of unregulated wealth in the American economy.

Probably in no other phase of American life has fine print resulted in such widespread tragedy, and it is hardly any exaggeration to say, in paraphrase of Winston Churchill, that never has so much done so little for so few.

SUBCOMMITTEE STUDIES PLANS

A subcommittee of the Senate's Labor and Public Welfare Committee, under the chairmanship of Sen. Harrison A. Williams, Jr. [D., N.J.], has been engaged for nearly two years in an intensive study of American pension plans, preliminary to the introduction of remedial legislation.

Studies made by the committee's staff show the dimensions of the problem. One analysis of 51 pension plans covering 6.9 million workers found that, since 1950, only 4 per cent received "any kind of normal, early, or deferred" benefits. Another study of 36 better-structured plans covering 2.9 million workers concluded only 8 per cent received normal, anticipated benefits.

Such figures indicate that 92 to 96 per cent of those 34 million "covered" American workers are not getting their retirement benefits [though it must be added that of those who forfeited their benefits, 85 per cent in one study and 80 per cent in the other had five years service or less].

It has become common in negotiating labor contracts to accept a lower hourly wage increase in return for better fringe benefits, especially pension protection. But the files of Williams' subcommittee and the public testimony it has taken are filled with pathetic stories of workers who had relied on the pension promise as a bedrock guarantee, then found that it was as evanescent as the proverbial pot of gold at the end of the rainbow.

Individual stories illuminate the virtually infinite ways a pension can be lost and the many booby traps that exist in pension-plan fine print. This is the way it happened to Joseph Origlio.

Origlio was born in Messina, Sicily, in 1904. His wife comes from Palermo. In 1929 they emigrated to the United States, seeking the better life. Origlio was a skilled craftsman, a maker of fine shoes, and he worked steadily for shoe factories in New York City. He was a charter member and one of the founders of the United Shoe Workers of America. For 23 years he piled up pension credits, and he and his wife, who worked part of this time in dress factories in Brooklyn, began to make plans for their retirement.

PURCHASED ACRE OF LAND

They purchased an acre of land on the outskirts of Lakewood, N.J., had a cellar dug and a foundation put in and roofed over. Then, on weekends, they worked to finish a basement apartment in which they could live. They expected to raise their retirement home above these basement quarters, finishing off the interior themselves.

But automation hit the shoe industry in 1959 and changed the life of Joseph Origlio. Along with many others, he was thrown out of work, and he was then 55, an age that made it almost impossible for him to catch on with a new employer in a labor-glutted market. For three years and 10 months—those 10 months were vital, as it turned out—Origlio was unemployed. Then the business agent of Local 60 of the United Shoe Workers found a job for him with the Evans Shoe Company in New York. During the jobless years, Origlio had found it impossible to keep up his union dues. Once he was working again, he offered to pay the back dues, but he was told that all he need pay was a $15 reinstatement fee. Reassured, he worked from 1963 to 1970 and continued making retirement plans.

A one-and-a-half story house was framed in above the basement apartment in Lakewood, and Origlio, his wife, and friends finished off the interior. New furniture was purchased, and by 1970 the Origlios were ready for retirement. They knew that they could

not live on their monthly Social Security payment of around $300; Origlio had a heart ailment, and medication was expensive. But, they thought, they did not have to worry. With the pension and Social Security, they would be all right.

Then the pension vanished. The fine print in the union-administered pension plan called for 25 years of continuous service. Origlio had had only 23 when automation did him in. The pension plan, it was true, permitted a break if a worker was unemployed—but only for three years, and Origlio had been out of work those extra 10 months. As a result, he forfeited everything.

An investigator for Williams' committee went to Lakewood to interview Origlio and his wife.

THEY WERE DEVOTED

"They were a devoted couple; he wouldn't even think of leaving her for one day to come to Washington to testify. Besides, they had worked out a plan. Living costs are much lower in Italy. If they went there, they would still have their Social Security payments, they would rent their retirement home for a good price and the combined incomes would let them live comfortably. They had their passage to Italy already booked—and they sailed," the investigator reported.

Joseph Origlio and his wife are still in Italy, and it seems unlikely they will ever return to America, the land of their youthful dreams.

Such individual tragedies happen—thousands of American workers who are in situations far worse than Joseph Origlio's—because there is no regulator legislation worthy of the name and because the chaotic pension-plan system, as it now exists, puts a premium on sharp practice.

The only legislation was passed by Congress in 1959 in the Welfare and Pension Fund Disclosure Act. This act required merely that pension plans be registered with the Department of Labor, as 34,000 now are; but it established no rules and no checks on the operations of such plans, no provisions for the insurance and safety of the funds, no guarantee for the protection of workers.

The result has been wide-spread chicanery. Williams' committee has carefully refrained from hurling sensational accusations, taking the attitude that it is merely hunting for the facts. But some of the facts it has uncovered are devastating.

In a report issued in November, committee investigators cited typical examples:

A joint union-employer pension plan in the transportation industry "has some $800,000 in loans outstanding for which there is no collateral;" a large data-processing manufacturing company has invested pension funds "in unsecured loans to the extent of $41,171,580."

A major mining company since 1952 has been operating a pension plan that has $33.3 million in assets, but $107 million in pension liabilities; a major Southern utility company, after 26 years of pension-plan operation, has accumulated $66 million in fund assets, but is liable for $135.5 million in benefits.

A couple of transit companies have hit upon a scheme under which each has used $2 million in pension-fund moneys to underwrite its own mortgages or real-estate investments.

A Midwest cable corporation has in the last five years charged off to "administrative costs" more than 33 per cent of the amount it has paid out in benefits. A Midwest utility company has reduced its pension-plan contributions by $20,000 annually since 1962 as the result of "actuarial gains" made because workers who left the company and the plan retained no "invested interest" in their pension contributions.

CRUX OF FINAGLING

This last angle is the crux of much pension-plan finagling. As many plans are operated—and it doesn't make much difference whether they are run by management or a union or by a joint union-management board—the self-serving interpretation of fine-print regulations can cost workers the protection they believed they had earned during years of service.

The more pensions sacrificed in this fashion, the more money is left for fund managements to play with and the less its employer has to contribute to keep the fund solvent.

The technical terms are important. One is "vesting," the other "portability." Vesting means that a worker who has labored for a single company for years, participating in its pension plan, is guaranteed the benefits he has accumulated and the right to begin drawing them when he reaches retirement age.

Many plans have no provisions for vesting. If one company is merged into another, if there is an economy cutback and a worker loses his job, if he has to move for health or family reasons, he loses all. Even plans that have so-called vesting privileges often hedge them with so many restrictions that they become worthless.

A plan may provide, for instance, that a worker has a vested right to a pension when he has worked 15 years and is 55 years old; if he has worked 20 years but is only 45 when his job is terminated, he gets nothing.

"Portability" assumes great importance in an increasingly mobile industrial society. It is highly unusual in today's economy for a person to work all his life for one company. In such fields as aerospace and electronics, mergers take place, contracts fluctuate, work opportunities change, and workers have to go where the jobs are.

Portability, then, is the means by which the pension rights a worker has accumulated can be credited to him when he changes jobs; as it is now, he generally loses everything.

CHAOS REIGNS TODAY

The result of the chaos that reigns today is that the pension the American worker has been taught to consider a hard-and-fast guarantee all too often becomes a phantom. The guarantee is hedged with a forest of "ifs" that were described to the House subcommittee on labor by Thomas R. Donahue, assistant secretary of labor.

"In all too many cases the pension promise shrinks to this," Donahue said. "If you remain in good health and stay with the same company until you are 65 years old, and if the company is still in business, and if your department has not been abolished, and if you haven't been laid off for too long a period, and if there is enough money in the fund, and if that money has been prudently managed, you will get a pension."

When the Studebaker Corporation closed its automobile plant in South Bend, Ind., in 1963, thousands of workers were jobless. Studebaker's pension plan had been in operation only since 1950, and it had not begun to accumulate sufficient assets to cover all the rosy promises written into union contracts.

Repercussions from this disaster have been largely responsible for stimulating congressional interest in pension-plan reform.

Lester Fox, a former vice president of Studebaker Local No. 5, United Automobile Workers, and a member of the union's bargaining committee, described what happened when Studebaker closed down in December, 1963.

The pension fund amounted to $24 million, and $21 million was required to purchase annuities for workers who had retired or who qualified for a pension, men 60 years old with 10 years' service. This left more than 4,000 workers to divide up the remaining $2.3 million.

Fox himself had 20 years' service with Studebaker and had just turned 40. If he had been younger, he would have received nothing; as it was, he got a lump-sum settlement of $350. Such payments, he testified, ranged from a low of $197 to a high of $1,757, paltry sums for older workers who found the job market virtually closed to them.

Tho the Studebaker case represents an extreme, the anguish and misery it demonstrated in such final form is common among workers who find themselves suddenly cut adrift. Much of this distress is caused by the lack of vesting and portability rights.

SOME SENSITIVE CORPORATIONS

Not all great corporations have been insensitive to the problems of long-time employes. The Senate subcommittee was especially impressed by the Bank of America's broad system of interlocking plans designed to protect is workers.

In addition to a medical-dental health plan, a liberal sickness-benefit plan, and a disability plan, Bank of America has a two-part program to protect its workers in those "golden years" of retirement.

First is a family-estate plan, established by the bank through a profit-sharing program. Employes become eligible to participate after three years of service and begin to acquire vested rights after they have been in the program for two years. They obtain a 100 per cent vested right after 15 years of profit-sharing.

In addition, Bank of America has a regular retirement plan, which provides for full normal retirement benefits at age 65 if the workers has been in the plan for 10 years. The plan also contains a vesting provision, hedged with an age limitation, but a low one.

Bank of America gives a worker a full vested right to his pension after he has been in the plan for 15 years and has reached the age of 40.

There are, of course, some classes of workers who have no trouble collecting promised pensions. Members of the armed services, policemen, and firemen are assured of pensions, usually after 20 years of service, because they are protected by governmental guarantees.

Similarly secure are the inhabitants of the executive suites of big business. Special provisions are made for them.

Summing up his committee's findings, Williams said: "It is inevitable that there will be critics who will characterize these hearings and the unfortunate witnesses as 'horror stories' or 'sympathy cases.' These are critics who find no fault with our private pensions and who continue to assure us that time will cure the defects. If what comes from the personal accounts and misfortunes of these witnesses is sorrow, then let us not only be compassionate, but also resolve to find the way to better the life of those who have yet to retire."

Williams and his aides feel that there is no justification for failures to produce on apparent promises, and no reason to couch pension-plan provisions in intricate and legalistic language.

SYSTEM CELEBRATES ANNIVERSARY

After all, the private pension system in America will celebrate its 100th anniversary in 1975. True, its major growth began during World War II, when wages were frozen and labor contracts were sweetened by provisions for pension systems.

Pension-plan experience thus extends over several decades, even if one takes World War II as a starting point, and the labor subcommittee thinks the kind of injustices it has uncovered should no longer exist.

In July, subcommittee aides sat down with the secretary of labor, James Hodgson, and detailed for him the mass confusion, lack of understanding, and personal tragedy and disillusionment they had found. Perhaps as a result, Hodgson issued a directive calling for revisions in pension-plan contracts.

The secretary demanded that contracts spell out in clear and simple English the rights and obligations of workers—just what they can expect to receive and exactly how

they can lose out. It was an important first step.

In a recent speech before the American Bankers Association in New York, Williams said, "The problems have been identified, and the need for reform—real reform—is urgent. American workers from all occupations and places in our country demand reform . . . The challenge of reform today must become the accomplished reform of tomorrow."

AFTER 30 YEARS, ALL MRS. KWEK GOT WAS SYMPATHY

Typical of what happens to many workers who lose their pensions is the case of Mrs. Iris Kwek, who went to work for the Anaconda American Brass Company in Detroit when she was 18 and stayed for 30 years.

An intelligent, attractive woman, Mr. Kwek had attended college at night and in 1970 received a bachelor's degree in home economics from Wayne State University. She could probably have obtained a position that would pay more than she was earning at Anaconda, but she felt secure in her job—and there was that promised pension.

If she continued to work for the company until she was 65, she could count on a pension of $100 a week, and she calculated that, with her husband's smaller pension from the city of Detroit and their Social Security payments they could live well.

There was reason for her attitude. Anaconda, she testified, at Senate hearings, had billed its pension program as "our second pay check." Anaconda's pension brochure, exhibited at the hearings, shows a young-looking retired couple smiling happily as they examine a travel folder with the words "Italy" and "France" emblazoned on the cover.

Iris Kwek will never sample such joys on Anaconda's retirement plan. In 1971 some half-billion dollars worth of Anaconda properties were expropriated by Chile; company earnings were affected, and a sweeping economy program was instituted.

One of the savings devised to help succor mighty Anaconda was the elimination of Iris Kwek. She was informed that she was being discharged at the end of August. Since she was not protected by any vesting provisions, she was to lose 30 years of accumulated pension rights.

Mrs. Kwek explained that Anaconda had given hourly employes vested rights; its Canadian employes had vested rights. But salaried workers like herself did not.

After Mrs. Kwek learned of her fate, she wrote Sen. Williams, and committee investigators began looking into the case, both with her and with Anaconda. This led to what Sen. Jacob Javits [R., N.Y.] called "a little comic opera bit.' Mrs. Kwek explained:

"For two months they literally ignored me, although I continued to go to work every day and do my work. Many of the employes who were being severed were taking tremendous time off. But one afternoon they called me into the office, and the plant manager said, 'Mrs. Kwek, something has come up.' I said, 'Oh, would you like me to price or do something for you?' He said, 'No. We found a job, and we shall be able to retain you.' I was amazed—after two months of literally ignoring me—he said, 'Yes. Would you consider taking a job?' I said, 'Certainly.' "

The manager explained it might not be quite as good a job; Mrs. Kwek didn't care, she wanted it. This conversation took place on a Friday—just one hour after a subcommittee staff member had questioned Anaconda officials in New York.

In Detroit, Mrs. Kwek was told to come back the following week to learn the details. She went home relieved, and, she testified, "The whole weekend I was thinking that things were going to work out fine. I had a good night's sleep for the first time in a month, really."

She also came to a quick decision. She had been scheduled to testify in the pension inquiry; but now, with Anaconda treating her so well, she felt she could not. "How could you testify against the company you were working for?" she asked.

She went back to work Monday, but her boss was tied up in a meeting. On Tuesday she saw him, and this is the way she described what happened:

". . . I went up to his office And he looked up at me as if to say, what did I want? I asked him if he had come to any conclusions, on this job, what it would entail. He said, 'Oh, the whole thing has fallen through.' He made me feel as if the whole thing had just been some sort of a hoax."

In subsequent testimony, Anaconda officials confirmed Iris Kwek's story. Unfortunately, they said, the company had had to economize; there were no provisions in the pension plan to justify giving Mrs. Kwek any vested rights for 30 years of service. They were really sorry, they told the senators, but there had been just nothing they could do for her.

LOYALTY DAY

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 10, 1972

Mr. KEMP. Mr. Speaker, this year the 23d Annual Loyalty Day Parade sponsored by the Erie County Council, Veterans of Foreign Wars will be held on Sunday, April 30 in Tonawanda.

I am looking forward to being a guest on the reviewing stand at the invitation of general chairman John M. Dzialoski and cochairman Glenn J. Cooper. Certainly the timing of this year's parade could not be better.

As we see the daily results of Communist aggression in Southeast Asia, our loyalty is continually put to the test. It would be so easy to walk away and as I said last October 5—

Without the American effort in Vietnam, the non-Communist Asian world might not exist; there would be no peace or freedom in Southeast Asia, and no hopeful era of negotiations with Peking.

Mr. Speaker, I hope the members of this House are not so naive as to believe that eventual rapprochement with China is a one-way street. Let us make plain to the enemy and the world that we believe the President has been totally committed in his efforts to achieve a lasting peace and that he, at least in this crucible, has the backing and loyalty of a unified American people. By so doing, we can help bring that peace we all desire as well as the return of our never to be forgotten POW's and MIA's.

At this point, I again congratulate the Erie County VFW and include their statement on loyalty:

LOYALTY DAY

DEAR FELLOW AMERICAN: The definition of loyalty is quite clear and simple. It becomes complicated only when someone tries to distort it with anti-American propaganda. Loyalty means the individual's fidelity and tenacious adherence to government, principle, custom and practice. It is the absence of any subversive thought or action, such as that displayed by Communist Party members and fellow travelers, who glorify the Red philosophy, and advocate treason, sedition, and even the violent over-throw of our government.

We who would choose to call ourselves Americans must remain loyal to the four basic freedoms guaranteed by our Constitution—freedom of speech, religion, press and assembly, along with the myriad other God-given blessings we take for granted in this great land. To do less would be breaking faith with the countless thousands of those who have made the supreme sacrifice throughout our country's history, in defending these precious ideals.

The first day of May each year has been set aside by Presidential Proclamation, to be known as Loyalty Day, to enable us to pause and reflect on our great heritage of freedom and to renew our faith in, and loyalty to, the great ideals upon which this nation was founded.

In celebration of this great day, the Erie County Council of the Veterans of Foreign Wars is sonsoring its 23rd Annual Loyalty Day Parade in Tonawanda, N.Y. on Sunday, April 30, 1972 at 2 P. M. Parade forming on South Niagara and terminating at the Frontiersmen Post 7545 Veterans of Foreign Wars, 110 Elgins Street, Tonawanda, N. Y.

Knowing full well the interest our organization has displayed in this program in the past, we extend to you a most cordial invitaton to again participate. You may return the enclosed blank at your convenience or no later than Saturday, April 15, 1972.

Thank you, and thank God for America!

Sincerely,

Chairman JOHN M. DZIALOSKI.
Co-Chairman GLENN J. COOPER.

THE FEDERAL WATER POLLUTION CONTROL ACT

HON. W. S. (BILL) STUCKEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 10, 1972

Mr. STUCKEY. Mr. Speaker, on March 28 and 29, I was on the floor of the House almost constantly because of my sincere interest in H.R. 11896, amendment of the Federal Water Pollution Act. I have supported projects, both State and Federal, to help combat pollution of our air, land, and water resources and helped pass this bill through the House Interstate and Foreign Commerce Committee. I realize the great need for a pollution abatement bill to protect our environment which would require Federal standards and enforcement and also allow industry reasonable time to conform.

I voted on all of the amendments in such a way that would keep this bill intact as reported from the Committee on Public Works. It was necessary for me to leave the floor to talk with some constituents and when I returned after hearing the two bells I did not realize that the vote had already closed and, therefore, missed the opportunity to vote for this very important piece of legislation. Although after checking with fellow colleagues, I was not concerned about its chance of passage, I just want to be on record as one of those that has supported this legislation both in committee and on the floor of the House.

A NEW FARM FABLE

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 10, 1972

Mr. FINDLEY. Mr. Speaker, as the author of the book, "Federal Farm Fable," I have a special interest in fables that relate to agriculture. Here is a new one that deserves wide attention. It is based on the Bureau of Labor Statistics' Consumer Price Index for February 1972, and the Budget for the United States. The Index has as its base 1967 prices equaling 100. In each instance in the fable the bracketed number is the current index for the immediate aforementioned item.

CHARLEY CONSUMER AND THE CONSUMER PRICE INDEX: A FABLE FOR PHASE II

One bright morning last week, Charley Consumer was awakened by his Japanese clock radio (98.4). The first thing he heard was the news that food prices had reached 122.2 on the Consumer Price Index. Hearing this, Christine Consumer turned over and said, "That's outrageous. I'm going to write my Congressman (141.6)." While she was talking she didn't hear the newscaster report that the overall index was 123.8—less food, 124.2.

Charley pulled on his shoes (119.9) and put on his suit (125.6) and went out to the kitchen. He checked the new sink installed yesterday (144.2) and remembered he had to call the furnace repairman (151.2) when he got to the office. He went to the refrigerator (108.3), took out some milk (116.4), poured himself a bowl of cornflakes (102.2) and put some bacon (114.0) and eggs (102.2) on to fry.

Having done this, he went through the living room he had painted last week (155.1) to the front door where he picked up his morning paper (130.8). The headlines talked of an investigation of drug industry pricing for prescription drugs (101.2). Charley muttered to himself, "What they'd ought to check are the hospitals, many built with taxpayers' money (171.1), or the doctors (133.5) or the dentists (130.6)." He skimmed over an item showing average weekly earnings in manufacturing (131.8) and then saw an ad urging him to buy fish (145.0) and dry beans (135.4) instead of beef (136.1) or pork chops (124.2).

While eating his breakfast, the postman (146.6) rang and when he went to the door he found his property tax bill (141.8) and his city sewer and water bill (136.4). As he opened his gas and electric bill (119.4) he wondered if the utility company shouldn't take over his sewer and water system. In disgust, Charley walked out to his new car (111.9) and drove to the bus stop. He rode the public bus line (150.3) because downtown parking (138.0) was too high. While riding along he reminded himself that he needed to fill his car with gas (105.7) that night and that he needed to make an appointment for a tune-up (133.6).

Meanwhile at home, Christine had started her day's activities. She picked up the phone (113.5) and called the maid (136.4) to come in on Saturday. She then dialed a babysitter (133.8) to come that night so she and Charley could go to the theater (137.1) or a drive-in movie (143.5). After that she called the washing machine repairman (138.4). With this done she poured herself a cup of instant coffee (125.5), lit up a cigarette (133.2) and looked through the latest issue of her favorite magazine (124.9). It contained an interesting article comparing CAB regulated airline fares (129.6) with the ICC regulated bus fares (136.1). Laying the magazine down, she went into the bedroom and put on her new dress (143.8) and picked up her new handbag (140.2) and went out to do her shopping.

Christine was a careful grocery shopper. She bought flour (100.9), rice (110.3), cookies (109.7), steak (123.1), liver (118.3), ham (111.4) and chicken (110.1). She picked up ice cream (106.1) and butter (105.8). She bought apples (109.9) and onions (108.6). She hesitated at the lettuce (152.1), but then recalled that weather had been bad in California's lettuce farming country.

To this she added canned pears (117.3), canned peas (108.5), and frozen broccoli (118.5). A bag of sugar (114.3) and a couple of cans of chicken souup (106.9) rounded out her food purchases. From this point on, Christine was not the wisest shopper.

She bought napkins (128.4) and toilet paper (124.8). She picked up a cola drink (127.8) and a chocolate bar (130.7). Dungarees for Junior (126.1) and slacks for Sis (131.1) brought her trip to the supermarket to an end.

Downtown, Charley had just finished lunch in a restaurant (128.9). Heading back to the office he stopped off at the tailor shop to have his slacks (137.1) hemmed (131.8).

On his way home later that afternoon, Charley stopped at his favorite bar for a drink (129.0). He missed his bus, so he had to take a cab (132.8). Upon arriving home, Charley found that Christine had decided they should stay home and watch TV (99.7). After dinner, they settled down to watch a news special on the federal government. They learned about projected 1973 spending by the U.S. government (160.7), about the 1973 federal debt (148.3), the 1973 interest on the debt (201.9) and about the income taxes (152.7) they and their neighbors would pay. Of course, the blame for this was laid on the Defense Department (112.2) and nothing was said about the Departmentof Health, Education and Welfare (197.9).

With that, Charley and Christine went to bed and ended up discussing some of the day's events. After awhile they decided maybe at 122.2 food wasn't a bad bargain after all. It sure fit into their budget better than their local government, the federal government or the new kitchen sink. Before falling asleep they wondered together whether or not they could ever save up enough money to leave any to the kids. Charley doubted it, but just in case, he said he'd stop by and see his attorney tomorrow about making out a will (141.8).

CARDINAL MINDSZENTY

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 10, 1972

Mr. GERALD R. FORD. Mr. Speaker, Cardinal Mindszenty recently celebrated his 80th birthday in the Pazmaneum in Vienna. Fortunately he is still in good health. He is busy writing a book on Hungarian history and is making the final revisions on his memoirs.

This courageous prelate aptly characterizes the indomitable spirit of freedom in Hungary that defies all forms of totalitarianism. He still feels supported by the moral conscience of the world in his uncompromising stand for human dignity and individual and church rights, and for the national independence of his country.

Proof of the respect the Hungarian Cardinal enjoys in his exile is reflected in a telegram sent him by President Nixon which read:

It is a pleasure for me to extend to you congratulations and best wishes on the occasion of your eightieth birthday. May your celebration of this significant anniversary find you in good health.

LA CAUSA AND AGRIBIZ: BLATANT INJUSTICE

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 10, 1972

Mr. RYAN. Mr. Speaker, on March 9 in Fresno, Calif., the National Labor Relations Board filed an injunction against the United Farm Workers, seeking to enjoin their secondary boycotting of retail stores, and in so doing, seeking to prohibit their use of the one effective tool for improving their desperate condition. It is not often that a labor dispute assumes such a gross proportion of immorality.

The NLRB's action runs contrary to a 37-year-old policy which explicitly acknowledged the exemption of the United Farm Workers from the National Labor Relations Act. When the NLRB filed its injunction it contended that its investigations had uncovered a handful of nonagricultural workers employed in commercial packing sheds and represented by the UFW. This evidence, it claimed, should bring the whole union under section 8(b)(4) of the NLRA that deals with strikes and boycotts, and of which paragraph (B) prohibits secondary boycotting.

As I said in my March 29 statement:

The NLRB's evidence is an awkward juxtaposition of facts and figures.

Local, nonagricultural winery employees have often sought the UFW to represent them. In each and every case the union has refused in order to preserve its status.

For example, in 1968 it was alleged that the UFW represented a contingent of peanut workers who are statutory employees under the NLRA. Injunctions were threatened by the NLRB due to the fact that the UFW would have then been under the jurisdiction of section 8(b)(4)(B) of the NLRA. Subseqently the UFW—to protect their status of exemption from the NLRA's proscription of secondary boycotts in section 8(b)(4)(B)—dissociated the handful of peanut workers. The peanut workers then formed a directly affiliated local of the AFL–CIO which dissolved within a year.

The significance of this incident is that it shows the UFW's desire to take any necessary measures to maintain its independence from section 8(b)(4)(B). In previous instances the UFW has proven that they would not nothing, absolutely nothing, that might endanger their ex-

emption from the NLRA's secondary boycott provision.

Another argument of the NLRB and the Free Marketing Council—a consortium of agribusinesses—is that the UFW is acting as an agent of the AFL–CIO, which represents statutory workers as defined in the NLRA. However, in Di Giorgio against NLRB the U.S. court of appeals ruled on June 21, 1951, that:

> The Board found nothing in the record to indicate that the Farm Union was acting as an agent of the National Union within the meaning of the statute.

In addition, in filing such an injunction against the UFW, the NLRB is violating Public Law 92–80 which stipulates that the NLRB is restricted from expending their own funds to file suit against an agricultural labor union.

The purpose of the NLRB is to provide for the fair and equal treatment of management and labor. By suddenly subjecting the UFW to only the punitive aspects of the NLRA, by having never allowed the UFW to obtain any of the protections or benefits of the act, the NLRB is being patently subjective in its motives and unfortunately so in its actions. Evidently there are those in the administration who would sacrifice justice and the humble aspirations of 60,000 farm laborers for the price of political victory.

At this point I include in the RECORD a column by Jack Newfield which appeared in the Village Voice on March 30. It sheds more light on the purpose and predicament of the United Farm Workers and I commend it to my colleagues:

[From the Village Voice, Mar. 30, 1972]

LA CAUSA & AGRIBIZ—TO BREAK THE BEST UNION IN THE COUNTRY

(By Jack Newfield)

Out of the ruin of the 1960's, one remarkable new institution and one remarkable new leader survived. Martin King and Malcolm X and Robert Kennedy were murdered. SNCC and SDS and the Beatles fell apart. But the United Farm Workers Union and Cesar Chavez endured, and grew, and became the one tangible thing we could point to and say, this is good, this works, this is an example of the world we want to create.

But now the life of the union—La Causa—is in sudden danger. Peter Nash, the new General Counsel of the National Labor Relations Board (NLRB), has gone into federal court in Fresno, California, to seek a nationwide injunction against the union's right to organize consumer boycotts. The boycott has been the union's source of strength, its mass, non-violent support tactic for the powerless and vulnerable workers in the fields. Without the boycott, the union could never have won its grape strike.

Nash, who was appointed by President Nixon last August, has close ties to agribusiness; he once served as counsel to food and wine conglomerates Del Monte and Brown-Forman. The farm workers have never enjoyed the protection of the Labor Relations Act. But now they are being punished under one part of the law—the restriction against secondary boycotts of supermarkets—after years of being excluded from all its protections and benefits.

That is the narrow legalism of the situation. The politics and finances of it are that Richard Nixon, has packed the NLRB with pro-business appointees, and now the agribusiness tycoons are trying to break the best union in the country. And by agribiz I mean the banks and conglomerates which actually own the fertile land of California—Tenneco, the Bank of America, the Pacific Gas and Electric Company, Purex, and United Fruit. These giant corporations receive millions of dollars each year in subsidies from the government for not growing crops, and then make large contributions to the Republican Party in a rural replay of the ITT-Justice Department arrangement.

An example of the concentrated economic power the union has challenged is J. G. Boswell, who owns over 100,000 acres in the San Joaquin Valley. Boswell is also on the board of directors of Safeway stores, which has opposed the boycott. In 1969 Boswell received $4 million from the Department of Agriculture for not growing cotton.

Also, the Farm Workers have begun to organize with unexpected success in the South. They recently won a good contract from Coca Cola, Minute Maid. The blacks of the South, politicized by the civil rights movement, are responding to the union even more emotionally than the Chicanos and Filipinos of the San Joaquin Valley.

The union is now striking a 120,000-acre farm in Belglade, Florida, owned By W. D. Polly, the former Ambassador to Brazil, who contributed $26,000 to Nixon's 1968 campaign. Other rich Republican growers in the South fear that the union will organize the men and women and children they have exploited for generations. So the attempt to break the union fits in with Nixon's resurrected Southern strategy of antibusing and keeping George Wallace out of the November election. The attack on the union is also consistent with Nixon's quiet policy of having the Pentagon buy large quantities of grapes from any California grower hurt by the strike. The Pentagon has increased its purchases of grapes, and now lettuce, by almost 200 per cent under Nixon. The grapes they bought were shipped to Vietnam, where most of them rotted in the sun on the docks at Cam Ranh Bay. But the policy protected the growers, who reciprocated by making contributions to the Republican Party.

There are between two million and five million farm workers in the United States. Their average income is $1,300 a year. Their life expectancy is 49 years. Infant mortality among migrant families is 125 percent higher than the national average. Death from influenza and pneumonia is 200 percent above the national rate. Death from accidents on the job is 300 percent above the national average. Over 95 percent of farm workers live in housing—often buses, tents, or, in the South, ancient slave shacks—that have no toilets or showers. And most migrant children start work in the fields at age nine or 10, grow up uneducated, destined to become the next generation of dispossessed.

Ten years ago, Cesar Chavez began to organize farm workers in central California. The grape strike started in 1965. In August of 1970, after jailings and beatings, the union finally signed contracts with the major grape growers near Delano—La Huelga had finally won.

Today the United Farm Workers holds about 200 contracts covering 40,000 farm workers, and has 350 organizers working for $5 a week, plus food and housing, in the fields of Florida, California, Texas, Arizona, and Louisiana. A boycott of non-union lettuce is now in effect across the country.

In addition, the union has begun the Robert F. Kennedy Medical Plan to insure its members, a credit union, two health clinics, an Economic Development Fund to build low-income housing for retired farm workers, and recently opened La Paz, a retreat, organizers' school and education center located in the hills east of Bakersfield.

And perhaps most importantly, the union has brought a feeling of dignity and pride to the poorest of the poor.

The union leadership has dropped everything else to fight the NLRB's injunction. Delores Huerta and Richard Chavez have gone to Washington to lobby and untangle the politics behind the NLRB's decision. Andy Imutan has gone to Baltimore and Gil Padilla to Philadelphia to mobilize unions. And Reverend Jim Drake has come to New York.

Drake, who has been with Chavez since 1962, believes it is a Republican Party decision "made in the White House," to destroy the union. And so his strategy is to pressure the GOP to back down.

"We don't have as much power or as much money as the growers," Drake says. "It's hard for us to find any pressure point on Nixon. He doesn't care about the blacks. He's written off the unions, except for the Teamsters. All we have are the Chicanos, whose votes Nixon still thinks he can get. And our best hope is to convince some liberal Republicans to put pressure on the White House."

Presidential counsel Robert Finch promised the union last Tuesday he would "fix everything in three days." Three days later he called the union and said he was powerless to do anything. Drake spoke to Senator Javits, but couldn't get a firm commitment of support. Other union leaders have talked to Senators Brooke and Case, without receiving much encouragement. Chavez, meanwhile, has promised a march of 25,000 workers on the Republican national convention at San Diego. Also, the union is distributing thousands of bumper stickers that say, "The Republican Party Hates Farm Workers."

Another major effort by the union has been to flood GOP National Chairman Robert Dole with letters of protest. The goal is 250,000 letters; the address is the Republican National Committee, 310 First Street, S.E., Washington, D.C. 20003.

The workings of the NLRB in the case are interesting. Up until two weeks ago, the Board has always ruled that the union did have the right to boycott since it was not covered by existing labor legislation. As late as March 1971 the union received written confirmation of this policy in a letter from the previous General Counsel of the Board. Legally nothing has changed since then, the union has the same contracts, the same federal labor laws are on the books. The only thing that changed were Nixon's appointment of Peter Nash, the union's lettuce boycott, and its new organizing drive in the South, culminating in its contract with Coca Cola, signed on February 8.

On March 9 Nash went into court to take away the union's right to boycott. Federal District Judge M. D. Crocker has scheduled a hearing on the NLRB's petition for April 6 in Fresno. Reverend Drake thinks the court process can take many months, but if the NLRB wins, damage suits by growers would bankrupt the union.

The union's case is summed up in a memo from its lawyers, Jerry Cohen: "Morally, the board's decision to move against the farmworkers is indefensible because farmworkers have no rights under the National Labor Relations Act. What the Republican Board is saying now is that even though farmworkers do not have any rights under the Act, farmworkers will now be inhibited by the restrictions of the Act, and specifically denied the use of our only effective non-violent tool, the boycott. This of course is the only substitute we have for the rights granted to all other workers, which will still be denied to us.

"Legally, the Board's action denies farmworkers the equal protection of the law guaranteed by the Fifth and 14th Amendments to the Constitution. This is also an illegal attempt by the Board to abuse its equitable powers to issue cease and desist orders against alleged Taft-Hartley violations. Finally, the Board is violating its statutory mandate not to spend any taxpayer money on agricultural labor disputes."

THE SAM ERVIN SHOW

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 10, 1972

Mr. JACOBS. Mr. Speaker, I insert in the RECORD the following items, "The Sam Ervin Show," by Laurence Leamer, and published by Harper's magazine's March 1972 edition together with a letter to the Honorable SAM J. ERVIN, JR., U.S. Senator, written by my father, Hon. Andrew Jacobs, Sr., a former Member of Congress invited by one Mr. William Pursley but not accorded the opportunity to appear as a witness at the "Freedom of the Press" hearings before the Senate Constitutional Rights Subcommittee in February 1972.

The material follows:

FEBRUARY 17, 1972.

Hon. SAM J. ERVIN, Jr.,
Chairman, Subcommittee, Committee on the Judiciary, Old Senate Office Building, Washington, D.C.

Subject: United States Senate Committee on the Judiciary, Hearing on Press Freedom.

DEAR SENATOR ERVIN: "Media" reports indicate you heard little beyond their professionals. Your Mr. William Pursley told me the "media" did not report the testimony from the other side. As I said to him, "Surely the 'media' wouldn't deprive us of the 'right to know'?"

Undoubtedly had the following views been presented, some "medium" imbued with "spiritual values" would have "pointed out" the aberrations of the witness.

I have handled a few libel cases for both plaintiff and publisher, the only one now open being defense of a daily newspaper. None has been very profitable, but always interesting, hence my intrigue with the subject. The remedy I have advocated would rectify defamatory wrongs in all but the most vile cases, without suit or damages.

Since your Subcommittee was apparently indifferent to these views, I now present them "ex parte," with no apology for the length of this letter. Opposing views had much better opportunity to be heard.

Vocal segments of most callings equate their interests with that of the public. Hence, they postulate that the public interest demands their freedom from most, if not all, legal restraint. Generally they recognize that vis a vis other callings, one man's freedom to act is balanced by other people's right to be free from wrongful acts.

The organized press is not exempt from this occupational hazard. Its ability to publicize its views generally, without fear of equal or effective response (even before legislative committees), has tended to silence, and in some cases enlist, officialdom to the point where the public interest, and even the best interest of the press, suffer.

As examples of these enormous claims for legal immunity, note this publisher's views:

"When these two amendments clash—and it seems they clash only when publicity-seeking lawyers stage the collision—the First Amendment must take precedence over the Sixth Amendment, because without the First Amendment the Sixth Amendment would become a mockery of justice." (Emphasis added). (Eugene C. Pulliam, Publisher of Indiana and Arizona newspapers, quoted in his Indianapolis Star January 9, 1966).

One would suppose that in this context (trial by press) it would be publicity-evading, not publicity-seeking lawyers. Since no one has an opportunity to respond, publishers are sometimes careless regarding contradictions.

All of us think well of heady products and this publisher is no exception. I'm reminded of Omar Khayam's line:

"I wonder what the vinters buy, one-half so precious as the stuff they sell?"

Note also this statement:

"Almost any responsible newsman, with adequate experience, is a better judge as to what is irreparably damaging to the country than any public official, including the President." (Max Frankel, New York Times correspondent, speaking of The Pentagon Papers, as quoted November 12, 1971, p. 7c, St. Louis Post-Dispatch)

Granted, arguendo, but President Nixon was chosen to make these decisions, just as Harry Truman was our President when Alger Hiss also unilaterally made certain decisions for all of us.

I am a Democrat and for 25 years I have openly opposed our military involvement in Asia. But neither Presidents Johnson or Nixon is untruthful. I understood what they were doing and opposed it (ask Senator Mansfield).

The Pentagon Papers will go down as history's greatest political "alibi." Apart from publishing raw documents calculated to betray agents, and diplomatic notes calculated to embarrass our government, there was nothing new bearing upon either the pragmatic or moral justification of our military intervention.

I prefer that President Nixon, not Max Frankel, make these decisions, and I am distressed to hear high officials abuse him and praise the thief and the fences in this case.

Another of many, many examples:

"Some, indeed, find it incomprehensible, if not unpardonable, that these newspapers themselves accepted prior restraint on their freedom to publish under order of the lower courts." (Report of Sigma Delta Chi's freedom of Information Committee, as reported November 13, 1971, in the Indianapolis News)

Some find it incredible that any district judge would deem himself competent to interpose his judgment for the President's. I shudder to think of some judges I know being so empowered.

Some also think that all men, including journalists, should obey the law. This view is held by eminent journalists. (Ask Martin Hayden, Detroit News).

These quotes tend to prove that the vocal segment of the press perceives itself above the law.

So did the mob which proclaimed its intent to shut down the United States Government.

Both denounced those who invoked the law.

I believe this vocal segment of the press constitutes a small minority.

The keystone in the arch of justice is compulsory process. But lately we are told that compulsory process, as applied to journalists, is a violation of the First Amendment. And we find Judges and legislators dancing attendance to this specious tune.

Of course subpoenas may be oppressive, to anyone. Ancient rules provide relief from such abuses for everyone, including journalists, as every lawyer and most other educated people know.

In recent years our jurisprudence has been enormously improved by expanding the rights of discovery, and forcing lawyers to use this simple pre-trial search for truth.

If we still litigated under the old "surprise witness" legal culture, where any resemblance to a search for truth was coincidental (as we still largely do in criminal cases), our courts would be so cluttered that any justice would be a happenstance.

But lately the vocal journalists are proclaiming their immunity, from discovery.

Again ancient rules protect all people, including journalists, from irrelevent and oppressive discovery.

Still the press professionals postulate that their work papers are exempt from discovery. The real test of deceit is found in work papers. Take an actual case. The reporter's notes, *and his manuscript*, were the opposite of what was published. Other real examples can be furnished.

The press claims privilege as to sources to which its publications are attribued, claiming a parallel to doctors, lawyers, ministers and spouses. If it is published and it is material in a legitimate tribunal, the asserter should not be kept secret. I base this upon the time-honored concept of one's right to face his accusers, not the "public's right to know," which the professionals here ignore. Besides doctors, lawyers, ministers and spouses receive communications in confidence. If the press receives a tip in confidence, let it be so. If it wishes to publish accusations, let it seek prior confirming sources ready to so say in court, or else drop the case just as the government must when so confronted.

The organized, or commercial press is no exception to other callings, e.g., law and medicine, in rejecting legal restraint. This proves journalists are human. And this is sufficient reason for withholding all their quests for immunity. The quest of the press is ancient. John Peter Zenger asserted it in 1735 (American Heritage, December, 1971, p. 37).

The ancient claim is further evidenced by Benjamin Franklin's denunciation of it in 1789. But the press has, and duly employs, the best instrumentality for propagandizing such claims. There is no adequate instrumentality to counteract its demands save courageously clear thinking legislative and judicial officials. And their performance is not quite perfect.

While the entire subject intrigues me, I especially wish to present another view regarding defamation law.

However, with only brief references to earlier years, I will discuss only the two formulae employed in defamation cases during the last 25 years. The first was the Specious Per Quod Rule (1944–1959), now dead. The second is the 1964 New York Times Rule, still alive and moving rapidly toward de facto press immunity.

The Specious Per Quod Rule, being dead, needs no extensive discussion. A brief description will illustrate how the law can be distorted to placate powerful interests in legislation and litigation.

The Rule prescribed that if the accusation was couched in language requiring provincial or other explanation, the only special, not general, damages could be recovered. This would, in a practical sense, eliminate almost all defamation cases. As an example, in *Peabody v. Barham 52 Cal. A. (2d) 581; 126 P. (2d) 668*, the publication asserted Peabody married his aunt. The court stated she could have been the widow of a deceased uncle, hence no blood kin, which would have eliminated the incestuous character of the union; hence, it was necessary to negative such possibility in the complaint. Since this was explanatory matter only special damages were recoverable. Some 15 years later this, and other such decisions, were expressly overruled, by name.

The Specious Per Quod rule first gained wide acceptance in the mid-1940's. At its inception Professor Charles Carpenter referred to it as:

". . . a new creature . . . ugly and illegitimate and ought promptly to be strangled." (*Southern California Law Review, Vol. 17, p. 347.*)

"In agreement were almost all objective legal scholars." (*40 Harvard Law Review 323, 3* and *35 Yale Law Review 1022.*)

Nevertheless the Specious Rule held for 15

years, before the courts recognized its ugly illegitimacy and strangled it. (*McLeod v. Tribune Pub. Co. (1959) (Cal.) 343 P. (2d) 36); Hermann v. Newark Morning Ledger Co. (1958) (N.J.) 40 N.J. Sup. 420; 138 A. (2d) 61, 74*).

The last time I heard of this rule's being urged (unsuccessfully) was in 1961, just 3 years before the New York Times rules were promulgated.

The Specious Per Quod Rule was more immunizing than the New York Times defamation rules, soon to follow its demise. However, the constant expansion of the New York Times rules is tending to make it as immunizing.

The United States Supreme Court admits its modified rules in New York Times will result in:

"Occasional injury to reputations . . . (which) must yield to the public welfare although at times such injury may be great." (*N.Y. Times v. Sullivan (1964) 376 U.S. 254, 281; 11 L.ed (2d) 686, 707*).

The court's further postulation that such injuries are infrequent betrays an innocence of life in the "hinterland," and our concept of individual justice, as contrasted with that of totalitarianism.

Since the court chose to legislate, it should have prescribed rectification procedures by retraction of false accusations, instead of encouraging unredressed defamation.

Such procedure would afford fair-minded journalists, a majority I think, even greater protection than these new rules. It would also provide a rectification for those suffering cruel wrongs, some of whom even the Justices admitted they consciously left hostage to the court's concept of public welfare. The Congress, constitutionally commissioned to legislate, might conclude, as did the Founding Fathers, that "public welfare" is not served by destroying the reputations of innocent people. At least Congress should consider the question.

These new rules are so unnecessary, because those who can defame effectively. To so prescribe would only require indecent publishers to do what decent publishers do anyway. The indecent ones would only lose face, not money, unless they refused to retract, in which case, why all the sympathy for them instead of an innocent person whose reputation was shredded?

Even if, as the court asserted, such wrongs are infrequent, our concept of justice and the dignity and worth of the individual, makes the court's decree abhorrent to all decent people.

Certainly those with national constituencies will seldom be so sacrificed. Their public defense is inevitable in the multitude of publications across the land.

The case is different for the more obscure, especially those residing in the numerous one-newspaper communities. These include large metropolitan areas, with multitudes the aggrieved cannot reach. To speak of solving these cases in *"the market place of Ideas"* is pure sophistry. Accusations, not ideas, constitute defamation. Ideas, even weak and impractical ones, attract many advocates. A shredded reputation is a helpless soul in the preoccupied and lonely crowd.

As Mr. Justice Harland wisely said:

"The dangers of unchallengable untruths are to well documented to be summarily dismissed." (*Time, Inc. vs. Hill (1967) 385 US 374, 408; 17 L.ed. (2d) 456, 478*).

The doctrine of qualified privilege prescribed exemptions from damages for one who, *with probable cause*, believed an untrue accusation, made only to those having a legitimate interest in the premises.

As examples, good faith, but untrue, accusations to Lodge members regarding Lodge affairs, or to the public regarding conduct to public officials.

The qualified privilege test, *of probable cause*, was embraced by the United States Supreme Court as early as 1842. *White v. Nichols (1842) 44 US 266, 291.* It was the law in every state; it so remained until *New York Times* in 1964.

Probable cause is still the fulcrum of defense in all other accusatory wrongs, such as abuse of process and malicious prosecution, wrongs which, coincidentally, are generally committed by individuals, not the press.

In *"Times"* the court laid the burden upon a public official to prove not only falsity, but *that the publisher knew the accusation was false or recklessly disregarded whether it was false or not. (11 L.ed (2d) 706)*.

In the ensuing 8 years the court has made that rule applicable to virtually everyone, however private and obscure his role in life, providing the press dubs him newsworthy.

Having thus set up much higher defense breastworks for the publisher, the court went farther. It rejected the "preponderance of evidence" rule (only in defamation cases) for a new rule of "convincing clarity." (*11 L.ed (2d) 710*).

Thus it not only raised the height of the breastworks, it required the aggrieved to clear its top course without profaning it by so much as a swipe of a toe nail.

It also unconstitutionally prescribed its own authority to "review the evidence" and judge the case under its new quantum rule. (*11 L.ed (2d) 709*).

So it spurned the constitutional prohibition against courts overruling jury findings, and downgraded God's commandment against bearing false witness, a precept embraced by all cultures of all times and in all places, from the lowest aborigines to the highest civilizations.

Most disturbing was that one-third of the Justices held that there should be no remedy whatever for defamation, however vile, even when published with full knowledge of falsity and with none but the most depraved motive.

In effect these three Justices proposed to grant immunity to the most vicious defamation. They would permit a large newspaper to accuse a local tax official of crimes until he lowers its assessment and thereafter pay him, as its puppet, with a good press. Or to influence a criminal to falsely accuse his jailer of crimes in return for influencing a judge to release the criminal, all because the jailer refused to violate decent police practices as a favor to the publisher.

These examples are not fictions. They occurred.

It is folly for a civilized society to forget that power may be used for evil as well as good, or to be gulled into believing that any calling precludes such abuse.

Presently, under discussion of First Amendment meaning, we shall see how one of these three Justices misquoted honored and learned authority.

Thus, for the defamed, was wrought, not the de jure immunity these three Justices advocated, but nevertheless a narrow entrance and a high hurdle into the Temple of Justice, a semi-de facto immunity for the publisher of libel.

Perhaps piety impelled the use of the Biblical "eye of the needle," as the model for entrance into the Temple of Justice.

Yet when one observes the concentration, and the consequential affluence and influence of the press, he is tempted to the impious conclusion that the court snatched David's slingshot and gave it to Goliath.

In *Times* the court hinted, without clearly holding, that a newspaper was under no obligation to investigate before publishing defamatory matter. (*11 L. ed. (2d) 710, 711*).

By 1968 we find the court saying:

"Reckless conduct is not measured by whether a reasonably prudent man would have published or would have investigated This was in 1964.

before publishing." (*St. Amant v. Thompson, 20 L. ed (2d) 262, 267.*)

In 1967 the court inferentially struck down the time honored rule of Respondent Superior. This was General Edwin Walker's case. Associated Press' own correspondent filed the story which AP modified in a substantial respect. The opinion does not disclose which version was the correspondent's and which the re-writer's. Since both the correspondent and re-writer were AP servants, AP had knowledge of the falsity. But the court held there was no evidence of "malice," which it legally defined in *Times* as knowledge of falsity, or reckless disregard. Apparently conscious of this obvious insufficiency in its argument, the court added that there was no evidence of "personal prejudice" against General Walker. (*338 US 130, 141 18 L. ed (2d) 1094, 1103*).

Under *Times* "knowledge," not ill will, was the requisite element.

General Walker's several cases against AP's subscriber newspapers could not succeed under the *Times* rule. The court decided against him in the AP case on the "no personal prejudice" doctrine, expressly rejected in *Times*, and *Garrison* (1964) (*379 US 64: 13 L. ed (2d) 125*) and *Collins (1965) 380 US 365; 13 L. ed (2d) 892.*)

General Walker was not a public official, but was held to be a public figure and hence his case was governed by the *Times* rule.

The Columbia Journalism Review (Sept.–Oct. issue) proclaims the *Times* case led

". . . to a near demise of libel laws."

"Near demise" is a rather precise appraisal. Later decisions virtually administered the coup de grace. Not quite, but almost.

The Hill family was thrust into the limelight when abused by desperadoes. Time, Inc. published, regarding the incident, falsehoods embarrassing to the family, especially to the young daughter. The Hills had shunned publicity. The father obtained a judgment, which the Supreme Court reversed, holding that the *New York Times* rule applied to these obscure people just as it did to public officials, because they were newsworthy, even years later, after they had fled their Pennsylvania home to New York. (*Time, Inc. vs Hill 385 US 374; 17 L. ed (2d) 456*).

In 1971 the rule was applied again. This prompted James J. Kilpatrick to say, in the Washington Evening Star (June 20, 1971), that he didn't think the "old self censorship" so bad a thing, because

". . . false statements can damage individual reputations and we know it."

Many expressions of this kind demonstrate that journalism, like other callings, is, for the most part, made up of decent people.

The First Amendment prohibited

". . . any law abridging the freedom of speech or of the press."

Our Founding Fathers were erudite and capable of prescribing the same absolute immunity for the press as they prescribed for religion, and in fewer words, which they never wasted.

Every scholar knows "freedom of speech and press" was, and is, a legal term of Art. It did, and does, not free one to defame another, nor to steal commercial formulae, literary works, nor even security materials—at least before the Supreme Court again extended immunity to the New York Times, et al.

Benjamin Franklin denounced such a concept, and with biting sarcasm suggested as a balancing freedom "the liberty of the cudgel." He denounced the claim that the press was privileged to conceal its source for defamatory matter. (*Biglow, Works of Franklin, Vol XII, pp. 129–134*).

"If by the liberty of the press it was understood merely the liberty of discussing the propriety of public measures and political opinions, let us have as much of it as you please; but if it means liberty of affronting, calumniating, and defaming another, I, for my part, own myself willing to part with my

share of it whenever our legislators shall please to so alter the law, and cheerfully consent to exchange my liberty of abusing others for the privilege of not being abused myself."

Thus wrote America's most honored publisher and the Grand Old Man of our Constitutional Fathers, just 12 days before Congress approved our Bill of Rights. (*Federal Gazette, September 12, 1789*).

One of the Justices, advocating absolute immunity, quoted Judge St. George Tucker's Commentaries (1803), as follows:

"For a representative democracy ceases to exist the moment that the public functionaries are by any means absolved from their responsibility to their constituents; and this happens whenever the constituent can be restrained in any manner from speaking, writing or publishing his opinions *upon any public measure or upon the conduct of those who may advise or execute it.*" (p. 297) (Emphasis added). (*11 L.ed (2d) 718*).

Of course everyone may criticize anyone's conduct but the court approves immunity, ofttimes, for falsely accusing one of bad conduct.

Had the Justice turned the page he could have read Judge Tucker's views upon defamation.

". . . the farmer, and the man in authority, stand upon the same ground; both are equally entitled to redress for any false aspersions on their respective characters, nor is there any thing in our laws or constitution which abridges this right. But the genius of our government will not permit the federal legislature to interfere with the subject; and the federal court are, I presume, equally restrained by the principles of the constitution, and the amendments which have since been adopted." (*pp. 298–9, Appendix, Tucker's Commentaries*).

Both Franklin and Judge Tucker saw the plain distinction between opinion, criticism or comment upon one's true conduct, and criticism based upon false accusation.

All legal scholars agreed that one may, without let or hinderance, criticize another's conduct; but all agreed one is liable if he falsely accused another of evil and depraved conduct. Is this too subtle for United States Supreme Court Judges, Senators and Congressmen to comprehend?

If not, why the concern for powerful publications and the unconcern for individual victims?

The Justice mentioned approved "criticism" thirteen times in his two and one-half page opinion, always without betraying the slightest recognition of this distinction between comment upon the true conduct of a person and false accusation of bad conduct.

Such near de facto immunity as the Court has decreed is suitable only in a society of saints where no evil existed, nor evil men to falsely so publish; or a nation of knaves where defamation would be complimentary or, finally, under anarchy, where each is entitled to devise and execute his own remedy.

The rationale of these immunizing rules is akin to the old vulture laws. Buzzards cleaned carrion from the countryside, hence we were forbidden to shoot them. Ergo, publishers clean carrion from officialdom (expanded now to include obscure people like the Hills), hence they must be protected like the buzzards.

This logic has one fault. Buzzards are reliable and stick to carrion. Some publishers don't.

The Court postulates that we need free, wide open and robust (obviously uninhibited) debate. As though it wasn't under the old rules!

We know that almost without exception vile words are harbingers of violence. The press is not alone in authoring billingsgate, but it is often the leader. What have been the fruits of our slander toward our leaders? One of every three men we have elected President since Buchanan (112 years) has been the immediate target of an assassin—two misses, one wounded and four killed, being one in every five President since 1860, murdered in office.

How thoughtful of the Court to encourage more calumny. And how thoughtful of those holding hearings upon "freedom of the Press" to ignore the question.

Of course, those hurling hate at public officials don't urge assassination. They set the tone for accusations vile enough to make a guttersnipe blush. The relationship between harsh language and harsh acts is too real to be ignored.

Rudyard Kipling understood:

"They never told the ramping crowd to
card a woman's hide,
They never marked a man for death,
what fault of theirs they died.
They only said, intimidate, and talked,
then went away,
By God, the boys who did the work
were braver men than they!"

Respectfully,

/s/ANDREW JACOBS, Sr.

THE SAM ERVIN SHOW

(By Laurence Leamer)

(NOTE: Laurence Leamer testified before Sam Ervin's Constitutional Rights Subcommittee about the underground press. His testimony was based on his forthcoming book, "The Paper Revolutionaries.")

Senator Sam Ervin, Jr., always gets good and wound up talking about the dangers that computers pose to personal liberty, and so, last May, he'd been glad enough to come down to Atlantic City to address the farewell luncheon of the Joint Computer Conference. He inclines to think of computer technicians as men employed at dark sorceries, arranging data on coded tapes and thus threatening ordinary citizens with a web of secret information. Mindful of the insidious technology available to the members of his audience, the Senator gave them one of his best speeches. He offered Biblical quotations and some of his best down-home North Carolina stories, but none of it took too well. The Senator is not a sophisticated raconteur, and anyway, everybody was in a hurry to leave.

No one really should have expected the computer experts to take to Ervin, for the North Carolina Senator is just too confounded old-fashioned. He is a lover of good food, of bourbon and ginger, and hard work; and now, in his seventy-fifth year, the food and liquor, if not the work, show in his face. He has jowls deep as a goiter, a nose that glows red on color television, age lines running down the sides of his nose and along his chin much as they do on a ventriloquist's dummy, heavy eyebrows that angle almost rakishly down toward his nose, and a thick mane of white hair that appears not the absence of color but its quintessence. In a word, his face is a perfect caricature of the old-time Southern Senator, and when cartoonists draw his face, often they will soften his features, not exaggerate them.

Driving back to Washington in a spring drizzle with three of his subcommittee aides, Senator Ervin wasn't worrying about the reception the computer experts had accorded him. He was rambling on with Rufus Edmisten, a North Carolinian and a pretty decent yarn-teller himself, reminiscing about some old boy they had known back in the mountains. Then, out of the blue, Ervin turned to Lawrence Baskir, chief counsel and staff director of the Constitutional Rights Subcommittee: "You know, Larry, I think we better have hearings on the First Amendment and freedom of the press. Why, I think we should come right out and say that television should be as free as newspapers. If it's not a question of freedom of the press, then it's a question of freedom of speech."

Thus the provenience of the hearings held last November by Ervin's Constitutional Rights Subcommittee, hearings that were later scheduled to resume in February. The Senator didn't need to explain anything to Baskir. The staff members are very much his people, and Ervin knew they would set up a free-press hearing that would do him proud and conform to his vision of what freedom of the press is all about.

LEARNING OF LIBERTY

Sam Ervin's notion of liberty has evolved from his life in Morganton, North Carolina (population 10,000). Morganton sits on the western edge of the Piedmont Plateau. It's still the kind of place where a man can go up to his neighbor and speak his mind; a man can even start his own newspaper if he pleases, and if he wants to write that the moon is made of blue cheese, that's fine too, and anyone who agrees with him can buy the paper.

As a boy Sam Ervin was addicted to learning and toy soldiers, his face full of twitches, his arms full of books. His father taught him that the worst threat to liberty comes from government, and he helped to instill in the boy a sense of independence and individuality as fierce as his own, a sense that tangled with his son's shyness and reserve, and that he wore camouflaged, cloaked in the mores and language of the town.

When he returned to Morganton in 1922, Harvard law degree in hand, Ervin still had those simple country ways. He still had eyebrows that jittered up and down when he got nervous, and an occasional stutter, and in court he depended on his wits and his stories, and not on any sort of thundering oratory.

In those years when Sinclair Lewis was writing of Babbitt and Main Street, Ervin was a town booster, a patriot, a joiner, commander of the local National Guard unit, a member of the Masons, the Knights of Pythias, the Junior Order, the Sons of the American Revolution, the Society of the Cincinnati. His was a patriotism and a boosterism that so far transcended the puerile, self-serving ideals of the emerging industrial and commercial order that they scarcely should be spoken of in the same language. He could almost always be found with a book in his hand, learning of his country, his county, or his people. He traced his people back to their Scotch-Irish origins and their arrival in the colonies in 1732, and he traced back the genealogies of his uncles, aunts, even distant relatives—all tap-roots to his past. He was not searching out nobles, notables, the making of a family crest, but a deepening of his sense of the uniqueness and richness of the American experience.

Ervin's vision of a free press is both simple and profound; simple because his ideas do not venture far from the world of the Founding Fathers and the early printing presses, profound because no matter how the media might defame his beliefs, his region, his very being, his struggle to maintain a free press continues with unabated zeal.

His particular interest in the present hearings was also encouraged by Walter Cronkite, who, at about the same time the Senator spoke to the computer technicians, came to the Old Senate Office to expound the troubles of television news broadcasting. It was natural that Cronkite should come to Ervin, for the Senator and his staff already had conducted hearings on the threats to freedom implied by computers, government dossiers, and the Army's surveillance of civilians.

What Cronkite came to tell Ervin the Senator already believed: television should be as free as possible from governmental control. In his earlier hearings, as in almost every speech, the Senator had described the modern battle between freedom and slavery as one being fought in a thousand government offices—with newfangled legislation,

bureaucratic initiatives, and computer printouts as the weapons of tyranny, and the Constitution as the last, best, and only defense of liberty.

In the Pentagon Papers case, for the first time in the history of the Repubic, the government had sought, prior to publication, to restrain a newspaper from printing critical documents. Police were posing as newsmen, and the courts themselves had been subpoenaing the notes of professional journalists. Television had endured similar harassments.

A Jeffersonian liberal to the very marrow of his bones, Ervin *knew* that as long as government kept even one small finger on freedom of the press, the day might well come when government would reach out and crush that freedom in its fist. The Senator is given to hyperbole, and he believes the nation to be in the midst of a grave Constitutional crisis. To Ervin the Constitution is the most precious of American possessions, and he speaks of it with language and emotion that are rarely heard these days even on the Fourth of July.*

Cronkite's lament thus was heard by a man who believed that television had to be a free marketplace for ideas as well as products. Liberal meddlers had already ended tobacco advertising on television. Since tobacco itself wasn't illegal, Ervin believed the action to be unconstitutional, and many legal scholars agreed with him. Then there was the fairness doctrine that said if you aired one side of an issue, you had to give somebody a chance to air the other side. One U.S. Court of Appeals had gone so far as to rule that consumer groups had to be given air time to run ads countering commercials for high-powered autos and leaded gas. Now Women's Lib groups, ladies from Boston upset about children's television, New Leftists, kooks, pressure groups of all kinds were lining up to get on the air. Conservatives, for their part, were talking about laws to make sure television acted "responsibly." They were all good-minded people out to improve society, but Ervin know they would end up destroying the very freedom they were tinkering with.

LOST IRONY

When Bill Pursley, a dedicated young lawyer on the Constitutional Rights Subcommittee staff, began putting together a list of witnesses for the hearings, he took account of the Senator's opinions. The list of witnesses practically wrote itself. He couldn't have just one network president, although he felt one would be sufficient; he had to ask all three. It wouldn't be right to invite just Walter Cronkite, so he asked all the network anchormen. Then, let's see, there were the press associations, certain prominent Constitutional scholars, and by the time he'd gotten through there just wasn't that much time for anyone who might be critical of the networks.

With this remnant of time, Pursley had to be especially careful. Ervin was seeking to educate the Senate, and nothing could be worse than having some freaky radical jump up and down in front of the television cameras making the Senator out as the guardian of the underground press, the Daniel Ellsbergs, the Jerry Rubins of the world.

The hearings would be, then, as Lawrence Baskir, the chief counsel, said, "a version of freedom of the press cleaned up for the Establishment." They would proceed as ritual drama, in which, to a large extent, reality is predetermined. (There is nothing devious about this. Senator Ervin runs as fair and open a hearing as is found in Congress, but all hearings develop a kind of legal brief intended to convince Congress and the American people of whatever it is the committee wants to announce.)

Because the mass media accept the *reality* of Congressional hearings, in much the same way shopgirls once accepted the reality of professional wrestling, Ervin and his subcommittee entered into the customary collusion between press and government. The hearings that were to have raised the most profound questions of press freedom became a convenient pseudo-event that various commentators, journalists, and politicians could exploit for their own purposes.

The irony was lost on Ervin. He distrusts the modern theories of the press advanced by people such as Walter Lippmann and Nicholas Johnson, the outspoken commissioner of the Federal Communications Commission. Lippmann once observed that the television networks are so powerful that it is as if there were only three printing presses in the entire country, a situation the Founding Fathers hardly could have envisioned. The Johnson argument holds that the networks constitute an information oligarchy (60 percent of the American people say they get most of their news from television) and that instead of a free marketplace of ideas the networks operate a closed shop, run by people to whom controversy is anathema because it interferes with the business of selling things. "You simply have to make a distinction between government controls designed to enhance freedom and to restrain it," Johnson has said in response to the Ervin argument against government intervention. "The antitrust laws are regulations that allow free enterprise to function. That's the kind of regulation we're talking about."

The law appears to support Johnson. In the 1934 Communications Act, Congress decided that the best way to apportion the public airwaves was to have the FCC make private licensees the temporary custodians of particular frequencies. The licensees would be free to make a profit, but in exchange the public interest had to be served.

It is the FCC's mandated duty, then, to see that this greatest of communications media does not become, or indeed remain, merely a conduit for selling soap and razor blades. "It is the right of the viewers and listeners, not the right of the broadcasters, which is paramount," wrote Justice Byron White in expressing the Supreme Court's opinion in the 1969 Red Lion decision, the most important and eloquent expression of this modern free-press theory. "It is the purpose of the First Amendment to preserve an uninhibited marketplace of ideas in which truth will ultimately prevail, rather than to countenance monopolization of that market, whether it be by the government itself or a private licensee. It is the right of the public to receive suitable access to social, political, esthetic, moral and other ideas and experiences which is crucial here. That right may not constitutionally be abridged either by Congress or by the FCC."

FOOLING WITH REALITIES

Perhaps the most revealing encounter of the hearings took place on the third day. Several hundred spectators, half a dozen television cameras, and more than a score of reporters crowded the Senate caucus room. Senator Ervin hardly noticed. Innocent of the ways of the media, Ervin never realized that his staff had scheduled the committee witnesses to obtain maximum publicity. On the third day the witness would be Walter Cronkite.

In their approach to the television cameras, no two men could offer a more perverse contrast than Ervin and Cronkite. Ervin's deep, lumbering mind would have served him well over a century ago alongside a Webster or a Calhoun on a Senate floor where debate was charged with vitality and importance. He believes that the reality of a political event is conveyed by the vigor of the ideas and the truth of the arguments, not by the presence of the media. In this he is almost an anomaly, not only in the Senate but among Americans generally. Even so conservative a man as Robert Byrd of West Virginia will play to the television cameras, having several paragraphs of sharp, graphic prose stitched into his usually florid speeches, an addition that reads like a television commercial—which, in a sense, is what it is. Ervin will have none of that. With his long, rambling stories and broad forensic gestures, he is an unmitigated disaster on television.

He hurried into the caucus room just after 10:00 A.M., taking his place at the enormous felt-covered committee table that extended through half the length of the room. He was the only member of the subcommittee who bothered to appear on time. Sitting alone at the vast table, he began in a voice that seemed hesitant, an old man's voice. He welcomed Cronkite with his customary stateliness of phrase.

Cronkite read from a prepared statement his text as lean and crisp as that of the *CBS Evening News*. A man thoroughly familiar with the medium of television, he did not raise his voice. He pumped his every sentence full of spontaneity and earnestness. His caressed the medium, playing with it; and the lights stayed on him, the cameras gorging themselves with good film.

"There are things we are not doing that we ought to do," Cronkite began. "There are challenges we have not fully met."

Cronkite had little choice but to read his testimony. The etiquette of Congressional hearings requires that witnesses provide neatly mimeographed statements to pass out to committee members, staff and particularly the press. The Washington press corps feeds off press releases, news briefs, PR handouts, and prepared statements, and some reporters turn surly if a witness should dare speak extemporaneously.

Americans seem unable to give to another man's ideas and feelings anything that borders on complete attention, and practically everyone in the room was zooming in on Cronkite, then Ervin or a cameraman, a face somewhere, a moment or so scanning the room, back to Cronkite, fooling with the realities of the hearing much the way one fools with a home movie camera. Probably no one in the room was listening to the testimony with quite Ervin's intensity. Many Senators will sign letters, catch up on minor paper work, even daydream at hearings, but when Ervin is truly involved with a hearing he has an intensity of concentration that is awesome. They are no ritual to him. He learns from his witnesses; and in other hearings on other days, he has learned things that have led directly to legislation.

In the past few years, almost despite himself, Ervin has become something of a minor hero to the national press. The issues he speaks to are of such importance that he just can't be ignored. For the most part Ervin is pictured as an eighteenth-century libertarian, an absolutist on questions of civil liberties, and an avowed opponent of strong government. This is as much a caricature of Ervin as was the earlier view that he was simply a racist. Ervin's libertarianism is, in

*In this perspective, it is no irony that Sam Ervin, adamant defender of the First Amendment, is also the Senate's most brilliantly effective opponent of civil-rights legislation. He takes as his dictum Justice Brandeis' statement that "the greatest dangers to liberty lurk in this insidious encroachment by men of zeal, well-meaning, but without understanding." In his tenacious defense of State's Rights, Ervin is the best that Southern conservatism has to offer; his tragedy is the tragedy of his age and his class and the ideas they lived by. His hometown has passed him by now; his grandson attends an integrated school; and the people there, black and white alike, are proud that the racial situation has worked out as well as it has.

fact, both constrained and subtle; his struggle to preserve the meaning of the Constitution in a century rapidly approaching 1984 is both magnificent and rather limited.

It was perhaps inevitable that the media would stereotype Ervin anew since in recent years he has made his national reputation through his subcommittees, the committee system being in large measure a client of the media. In the post two decades, primarily by exploiting the media, Congressional committees have achieved unprecedented and often nonlegislative power. They have come to serve as a surrogate press, but they are rarely neutral or benign in their interest.

By merely reporting what committees do—not what they don't do—the national media caricatures the whole governmental process. Ervin's hearings on the Army's surveillance of civilians, for instance, appeared to be a frontal attack on the forces of illiberalism and the developing tyranny by dossier. That it was Sam Ervin, a hawk, a proponent of big military spending, a Southern conservative, in a word a patriot, who was leading the attack gave the hearings an unimpeachable credibility. In articles and editorials the press heralded their newfound champion of civil liberties, but the press did not know or care to know that Senator Ervin had placed clear limits on just what his subcommittee was to delve into.

THEY HELP US FIND OUR WAY

How could we be improved by outside monitors without destroying the independence which is essential for a free press?" Cronkite asked. "Vice-President Agnew was right in asserting that a handful of us determine what will be on the evening news broadcast, or for that matter, which he didn't specify, in the *New York Times*, or *the Christian Science Monitor*, or the *Wall Street Journal*, or anywhere else. Indeed, it is a handful of us with this immense power, power that not one of us underestimates or takes lightly."

Cronkite is the great switchman shuttling the truth on and along his track at CBS as best he can, a noble, good, and modest man, as impartial and fair as can be, or so his testimony implied. He danced through the pages, in turn concerned, worried, earnest; and he called for an end to the fairness doctrine.

Ervin's questioning, a colloquy really, seemed to meander on all around the issues but, when transcribed and placed in the written record, it would serve to deepen Cronkite's and Ervin's view of press freedom. Ervin never even hinted that the scarcity of network news and information programs, which during the last fiscal year took up 2 per cent of total broadcast time, might have helped prevent a full and frank discussion of public issues. Nor did he ask questions that would have led one to realize that Cronkite had been less than candid. The CBS newscaster's performance had been masterly, but at times he had ridden that well-traveled border between deviousness and truth where public-relations men make their living. He said there was far more diversity in radio and television than in print; however, as Fred Friendly, once Cronkite's superior as president of CBS News and now the Ford Foundation's television consultant, suggested in testimony two weeks later, such assumptions were "suspect." Cronkite talked of "the wired cities of tomorrow" when with cable television we "will have an almost unlimited number of channels available," but he did not mention that the networks are fighting to cripple cable television.

While Ervin and Cronkite were having their discussion, Senators Roman L. Hruska of Nebraska; Hugh Scott of Pennsylvania, the Senate minority leader; and Ted Kennedy of Massachusetts came into the room and sat down at the committee table. At least one or two of the Senators may have been attracted to the hearings solely by the scent of the media. Scott, it turned out, had never attended a Constitutional Rights Subcommittee session before, and he would not appear again at these free-press hearings. Kennedy, who had spent something less than an hour at the previous day's session, would not return either. Hruska was making his first appearance also.*

After Hruska asked several questions, Ervin called on Senator Scott. Unfortunately, several of the television cameramen were changing film reels.

"Thank you, Mr. Chairman," Scott said. "I will try not to say anything important, Walter, until the cameras come back on."

"I was wondering how you fellows stand these lights," Cronkite said over the laughter of the audience.

"We can stand the lights in view of what they connote because they help us find our way," Scott said.

"Maybe we are like our old partner, a Reconstruction lawyer in North Carolina," said Senator Ervin. "A lawyer lost a point of law arguing before him and he said that the more lights you shed upon him the louder he got. Maybe that is our condition."

"I think that when I attend some of the executive sessions of the Judiciary Committee," the minority leader said, and asked several questions.

Senator Kennedy came next. "I want to extend a warm welcome to Mr. Cronkite as well," he said, "and apologize that I was unable to be here for your statements and for your comments." The Massachusetts Senator began by asking Cronkite whether the networks had been intimidated by the Vice-President's attacks and by other harassments—the same question, as he pointed out, that he had asked Dr. Frank Stanton, the president of CBS, the day before. Next Kennedy asked a question that had been handed him by a subcommittee staff member. After receiving an answer he thanked Cronkite once again.

None of the Senators asked Cronkite the questions that would have prevented his testimony from becoming solely a platform for the networks' view of freedom. They did not seem to know that this should have been a debate of historic proportion, that there was a decision known as Red Lion, that this was the first opportunity Congress and the American public had had truly to grapple with these monumental issues.

The Senators could have had an opportunity to learn someting of the other major First Amendment theory, since the morning's second witness was Jerome Barron, professor of law at George Washington University. Professor Barron's theory of public access to the media has made him the best-known scholarly proponent of this contemporary free-press theory. The subcommittee staff had only called Barron the previous afternoon, and he had not had time to prepare a formal statement: "I was lucky that I was able to hear most of Mr. Cronkite's testimony this morning, and I think the best way for me to start is perhaps to give my reaction to it. I might borrow something from you, Senator Ervin, to frame that reaction. You said the First Amendment was drafted not only for the brave but for the timid, and I would like to put an addendum to that. The First Amendment was not drafted for the broadcast networks, and yet I think really that is a conclusion which we got from Mr. Cronkite's testimony."

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* Senator Hruska did appear regularly from that day on and from his conservative perspective made as large a contribution to the hearings as anyone other than Ervin. Strom Thurmond (S.C.) was the only other Senator ever to attend. The other subcommittee members are: Birth Bayh (Ind.), Robert Byrd (W. Va.), Hiram Fong (Hawaii), John McClellan (Ark.), and John Tunney (Calif.).

Even before Barron began talking, Senators Scott, Hruska, and Kennedy left the room. While he was talking the television cameramen were gathering up their equipment, slamming film cameras into boxes. At least half the reporters had left or were leaving, and most of the audience was slowly shuffling out of the room.

"I have said before in print," Barron continued, "that I think it is one of the great public relations triumphs of the twentieth century over the eighteenth that the broadcasters have managed to identify themselves so completely with the First Amendment. I think the problem comes because we are groping for a Constitutional theory which will somehow be adequate to the communication problem of the twentieth century. I think all of our difficulties stem from a rather myopic view of what freedom of speech means in broadcasting. I think the conventional view has been that freedom of speech in broadcasting is exhaustive when the freedom of speech of the communicator is protected. In other words, if Dr. Stanton, Mr. Cronkite, Mr. Reasoner, Mr. Brinkley had their say, then freedom of speech in America is safe; but they are three or four people out of 200 million. I don't think it is conspiratorial or anything like that; it is a combination of the marriage of technology and the pressure of the concentration of the economic system, which has given them this enormous power. I don't accuse them of seeking it, I realize in many ways they just find themselves at the throttle, but our problem is, what are we going to do about it. . . . And it is nothing short of amazing to me for a representative of broadcasting to contend that now they should be free all regulations and yet they don't suggest everybody should be licensed anew as an original proposition. To that extent they are not willing to abdicate or abandon government aid."

Barron is a man full of all that confounded liberal smartness, a man who, as the Senator might put it, believes that all the wisdom in God's creation is found on the banks of the Potomac, and Ervin had no use for his ideas. Yet he questioned him with just the same civility and purpose that he had shown to Walter Cronkite. The Senator hadn't noticed the cameras before when they were grinding away, and he didn't notice them now when they were quiet, and he spent a good half hour drawing Barron out, giving the man a chance to develop his case as fully and as profoundly as he could. He didn't quit until one o'clock or so when he called a lunch break so he could go over to the Capitol barbershop for his daily shave.

A COMMERCIAL FOR THE NETWORKS

There had been something so admirable, so likable, about Senator Ervin and the manner in which he conducted the hearings. Even those mountain stories, he couldn't resist telling them but then he would hurry through, the words spilling down his chest so that much of the time it was impossible to understand, but everyone would laugh anyway. When he talked of the meaning of a free press—unaware of reporters or cameras or anything but his ideas, as if his very words might reaffirm belief in liberty—he was truly inspiring. He believed that the ideas of a Jerome Barron or a Nicholas Johnson had a brilliance to them that had not worn into wisdom, and that there was a danger to liberty in their solutions, but he did not see that they had come far closer than he to understanding why freedom of the press in America is so often such a sham.

He did not see that in this anonymous, urban society the mass media are the vocal chords of free speech. One hundred thousand demonstrators can march in Washington against the Vietnam war, but unless their protests make the evening news they have no reality. Ervin believed that in the long run broadcasters would be fair. He did

not see that television is so powerful, and the diversity of ideas in America so wide, that no man or small group of men can be given total control. He just did not see this, and he did not see that in his free-press hearings Professor Barron and his ideas had been denied their freedom of speech.

That evening on the network news programs, the TV reporters merely introduced their films of Walter Cronkite and his reasoned appeal for freedom of the press, followed by what appeared to be probing questions from Senators who, in fact, had not even heard Cronkite's full testimony. Ervin's hearings had been turned into a commercial for the networks, and by the end of the first week he began receiving letters from people back home asking why he was supporting the liberal networks. He wrote back saying that he was only supporting freedom of the press; he did not understand how his very lineup of witnesses had made it easy for the networks to use him and his beliefs.

NBC covered the hearings for seven of the eight days and ran testimony from seven witnesses who in a broad sense could be considered pro-industry as against two who were not. Christie Basham, Washington producer of the *NBC Nightly News*, was trying to do what in the network's sense of the word was a fair and responsible job, but once she accepted the reality of the hearings she just could not. "We tried to cover different points," she says. "We had a long cut of Cronkite partially because he was animated. By watching Cronkite's testimony you wouldn't have gotten the story of the hearings but you would have learned something. You would have learned what Cronkite feels about television. That's more valuable than what an outsider feels. Of course, it's an interesting question whether we should be covering such hearings at all." In fact, if NBC, CBS, or ABC really had cared to define the free-press issue by doing their own reporting, they could have done so in less than half the total time they spent on the hearings. The same could be said for the print media since its coverage of the hearings was by no means superior to television's.

During the hearings the public learned almost nothing about this historic debate over the nature of the First Amendment; and Sam Ervin, a man for whom ideas and beliefs are almost tangible, helped to foist clichés and half-truths on the nation. For years the integrity of his beliefs and of his earnest struggle to protect the Constitution had prevented him from becoming one of the manipulators or the manipulated. But with his new fame and the urgency of his struggle, he, too, was now part of the media apparatus.

Once Ervin and his subcommittee grew dependent on "news," they were living in a world where there were few boundaries between reality and unreality, and truth has the consistency of cotton candy.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 10, 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?

RAYMOND PACE ALEXANDER

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 10, 1972

Mr. EILBERG. Mr. Speaker, one of my most rewarding experiences in 24 years as a member of the Bar of the Commonwealth of Pennsylvania has been my relationship with the Honorable Raymond Pace Alexander of the Court of Common Pleas of Philadelphia. Judge Alexander is well noted as a man of profound scholarship devotion to the law, and dedicated activism in the pursuit of justice. A black American, Raymond Pace Alexander was struggling to assure realization of our national ideal of equality of opportunity long before our present civil rights movement had a name. His wealth of knowledge, his character, his integrity—indeed his whole life from the Harvard of 1917 to the Philadelphia of 1972—have been inspirational to all who have known him. Be they his brothers at the bar who have been touched by his wisdom, or the "little people" of this world whose lives are better for having been touched by the kindness and common decency of the man, his legion of friends combine in paying tribute.

Some of those friends requested that Judge Alexander set to paper his story. This he did, and Verdict, the monthly publication of the Philadelphia Trial Lawyers Association, has published his "A View from the Bench." It is with pleasure that I insert this memorable article in the RECORD of the House. I am sure that my colleagues will be amazed at the scope of this man's endeavors and singularly impressed with his wisdom, dedication, and abiding humility. You will see, I feel, why Raymond Pace Alexander means so much to us in the "City of Brotherly Love."

The article follows:

A VIEW FROM THE BENCH—BLACKS AND THE LAW

(By Hon. Raymond Pace Alexander)

The black law student and the black lawyer have come a long way towards being accepted as able, better than average and, in many instances truly brilliant performers in their respective fields since the cruel and forbidding days of the 1920's, 1930's and early 1940's. I speak from bitter experience. If perchance I become slightly auto-biographical, you will, I trust, forgive me. Your editor suggested that I write from "personal experience . . . how have you been affected by discrimination . . . what have you done . . . to alleviate this . . . (for) other blacks?" Additionally, "can one be an activist within the . . . law?" Let me tell you like it was, and is, today.

I am a native of Philadelphia, one of 5 children in a poor family whose mother died at my age of five. My father was unskilled, uneducated and with the help of an aunt kept the family together. My work days began at age 12, but, at age 17, I graduated from the famous Central High School top of my class. As Commencement Orator, my address was ironically, "Future of the American Negro" whose future then (1917) was dark and dismal. I won a scholarship to Harvard but was too poor to pay for room and board and accepted the alternate, the University of Pennsylvania. I finished the four-year-course in three years with highest honors but was denied membership in any honorary society for stated reason." No Negro ever elected to membership." Two of the most esteemed professors resigned from membership giving my rejection as the cause of their action. While a student at Penn, I met my wife, the then Sadie Tanner Mossell, a senior then who also was graduated in 1919 after 3 years study with the highest honors. Thereafter Miss Mossell (now Mrs. Alexander) was named to the Frances Sarjeant Pepper Fellow in Economics and in 1922 received her Ph.D. in Economics (M.A. in Educ. 1920), the first black woman in America to receive the coveted Ph.D. degree.

I wanted to study law and my heart had long been set on Harvard. My Dean, always my friend, who warmly supported my election to honors on my commencement day at Penn, was surprised, when three days later, I, as a Red Cap (baggage porter) in the famed Grand Central Station, New York, again warmly greeted him as he stepped from the Philadelphia Express. I escorted him and carried his 2 golf bags and 3 suit cases to the famous Bar Harbor Main Express for his vacation. I told him of my plans for Harvard. No scholarships to that renowned law school in those days. He knew my financial problems and arranged with the then Chairman of Harvard's Dept. of Economics, Professor Edmund B. Day, to give me employment as his and Professor Burbank's Assistant. (Professor Day later became President of Cornell.) Thus, I was able to study law with no financial worries but my work in the college took many hours which I would have much preferred to devote to my law studies. However, all went well and I graduated with my class in 1923.

There were 8 blacks in my first year at law school. Six were returning World War I veterans and all from Negro colleges, not too well prepared. I was the only one that graduated, I regret to say.

Social life between the white law student body and the blacks was totally nonexistent. In fact, there were no social contacts whatever between the black and white law students. I learned when the student's registry was published that at least one-half of the first year class of 400 were from the South. They never spoke to the black students and even the pleasant and courteous Northern and Western students merely said a quiet "hello" and no more. Except for a miniscule number who might engage in a few words of conversation, my list of white friends were almost exclusively the liberal Jewish students who were our sincere good friends. Law clubs denied Negro membership. We started a new black one (with a few friendly Northern Jews as members) which only partially filled this vacuum. It did not do well because of the paucity of black students. My beginning class had the largest black entrants in history because 6 were War veterans, all on Veterans Allowances. The second year had 3, all Vets and one, the late, lamented and brilliant Charles Hamilton Houston, father of civil rights law and cases in America, Phi Beta Kappa (Amherst 1917), Law Review, Harvard (1921), former Dean, Howard University Law School, was the first Black to make Harvard Law Honors.

I spent practically all of my time, when not assisting my economics professors in preparing for their college exams and, more time consuming, reading and grading scores of examination papers weekly, in the Harvard Law Library. A warm friendship developed with several Professors, particularly Dean Roscoe Pound and Professor Samuel Williston. They inquired of me my future plans. I replied that I wanted to return to my home (Philadelphia) to practice law. Answering their inquiry that I knew no lawyers in Philadelphia and had no contacts they, to my surprise, offered to arrange such for me and, quite co-incidental, they wrote letters

to the identical law firm, the most prestigious in Philadelphia and sent copies to me for my use when I returned home. Of course, to such highly regarded and eminent legal scholars, the question of color or race was of no significance in such matters, hence, to the addressees I was, assumedly, a "white Anglo-Saxon Protestant of scholarship and character." Copies of their letters to the Philadelphia law firm and the latter's very generous thanks for such a reference were given to me with every assurance that "from now on—all is well." I harbored serious doubts. And I was not mistaken. My last summer's "upper-level" work, summer of 1923, I was now up-graded from running as a Red Cap to running on the train, the New Haven, as a Pullman Porter (and working sparetime "at the yards" helping A. Philip Randolph organize those poor $30.00 a month Pullman Porters) was now completed. In between I took my Pennsylvania Bar Exams (July 2, 3, 1923) and received word of my successful passage of the same in August and returned to my birthplace of "Freedom in America"s to begin my practice.

I wanted to be certain the addressee of the letters was in the city so I telephoned my arrival and desire to see Mr. X. I was put through to a lovely-voiced secretary who assured me that Mr. X was expecting me and hoped that 11:00 a.m. would be convenient for me. It certainly was! Armed with my letters, and in a nice blue serge suit, conservative cut and all, I nervously went to this great office in the then tallest office building in Philadelphia where, as one alights from the elevator one is right in the huge waiting room. I would be untruthful, if I said I expected a "Welcome Brother" greeting. The receptionist doubted I had a personal appointment with "Big Mr. A." "Oh" said I, "I do and here are my letters from Mr. X." So she went back to a room to consult, with my letters. I, by intuition or suspicion followed the lovely lady out of the corner of my eye. I was never asked to "have a seat" when a dozen chairs were vacant. And, moments later a second lady opened the private door for only a moment and closed it. I still stood in the middle of the floor. Suddenly Mr. X came out of the private office and greeted me by "So, you are Alexander, are you? How nice to know you." Then a long pause. Then, reading the letters silently and remarking "How nice of your Professors to speak so well of you. But, I am afraid there has been a mistake. I'm very sorry. We can't use you." Courteously, he returned my letter, took me by the arm, slowly walked me to the elevator, pushed the button and bade me "good bye." I was alone in the elevator with the Operator and walked to the rear. Suddenly, impulsively, I burst out in a flush of tears . . . something I don't think I had done since my mother was laid in her grave at age 5. The Operator stopped the car and asked "Did something happen to you? Can I do anything for you?" That morning, that meeting with Mr. X, that elevator ride down . . . the operator's remark . . . will live with me, as it has, all my life.

Yes, something did happen to me! I was always one who believed the best of things could, with dedication and determination, result from hardship and disappointment. I decided then and there to go out on my own without a single contact in law, black or white. I soon found not one office building, new or old, in the central city or court house area or otherwise would rent to Negroes. To the Negro section I went and rented a third floor bedroom on Philadelphia's famous "Negro" Lombard Street. I began by taking the "lost cause" criminal cases, particularly Negroes charged with serious crimes with predictably guilty verdicts. Many resulted in very unexpected acquittals . . . and most in just causes. I soon became one of the most active and ardent trial lawyers at our bar. I was not satisfied with purely personal success and accolades and witness at the same time, the treatment of my fellow blacks being denied access to all public places such as restaurants, even the great Horn & Hardart and Linton chains, lunch counters, hotels and theatres, motion picture and legitimate, where segregated galleries were the rule and this in "the cradle of liberty!!" I resorted to the only way to stop these cruel practices. We had a pitifully weak civil rights law in Pennsylvania enacted in the 1880's. Criminal arrests were made time and again from 1924 until we were able, with the help for the first time of a Democrat legislature during the Roosevelt sweep in 1939, to pass a bill with teeth and brains in it.

Eight black legislators, all democrats, met in my law office in 1939 for this purpose. A tough "no nonsense" bill was prepared and each pledged its full support. I went to Harrisburg and lobbied every member, even the hard shell ones from Pennsylvania's bible belt. We succeeded. The bill passed by a comfortable margin. But in the very year of its passage a central city theatre denied entrance to two of our most prominent physicians and their wives. One doctor (Dr. F. D. Stubbs) was a Phi Beta Kappa from Dartmouth and M.D. from Harvard, first Negro certified general surgeon. His wife was a University of Pennsylvania graduate, concert pianist and daughter of Philadelphia's first Negro Police Surgeon and the first Negro member of our Board of Education. The second physician (Dr. W. H. Strickland) was the son of one of Philadelphia's oldest Negro physicians, Chief of Staff of the Frederick Douglass Hospital and his wife a graduate of Pembroke. We arrested the theatre (Earle) owners and won a consent decree, the last of some 20 much meaningless decrees. Under the old bill such decrees carried no damages. However, those continuous and annoying arrests and in some cases convictions did have the effect of gradually weakening this ugly and offensive conduct so that early in the 1940's all such public places were officially declared open to all people regardless of race or color.

I must not fail to mention an episode of my life that followed soon after the rejection by Philadelphia's most prestigious law office that had much to do with my future in the field of law. After this experience I phoned my then fiancee, now Mrs. Alexander, who was working in Durham, N.C. as an Actuary for the North Carolina Mutual Life Insurance Company. (She was under contract at Durham.) She decided that she would return to Philadelphia the next year and study law. We decided to marry in the fall of 1923. I was earning enough in my practice, I felt sure, to support her, a home and send her to law school. She then entered the U of P Law School in the fall of 1924. Mrs. Alexander maintained honor grades throughout and was elected to the U of P Law Review. But the then Dean would have none of it. However, a brilliant Jewish student whose father was a Professor of Law rebelled and made it an issue. He won. My wife was elected to the Review and graduated in 1924 as the first black woman graduate from Penn Law School and upon passing her bar exams a few months later was the first black woman admitted to the Pennsylvania Bar.

We have fought side by side the oppressive practices in force against the blacks in Pennsylvania since my and her admission to our bar. And, unfortunately, we were alone. There was no ACLU in those days. The white establishment were totally deaf to our pleas. Most of the few Negroes lawyers that we had were on the payroll of the Republican bosses and held political jobs and were mum. Others had a hard enough time making a living. Pennsylvania was well known as a tough state to pass its bar exams and few Negroes took our bar and fewer passed. We had no support from the white press and while our churches supported all our cases, their leaders could not move the white establishment. Our highly regarded "Philadelphia Tribune" edited by the forceful and courageous attorney, E. Washington Rhodes, and the liberal "Philadelphia Courier and Independent" edited by an equally able lawyer, Augustin Norris, through their columns widely circulated the ugly practices of the establishment and helped us to get the legislature to pass the bill that ended this disgraceful conduct.

Success in these cases against the establishment and, rather unusual success in the trials of both criminal and civil cases over the years (1924–1945) brought angry and repressive treatment against me by some of Philadelphia's leading defense trial firms, many members of the District Attorney's Office and indeed, I say with profound regret, some members of our judiciary, now long since deceased. They just could not stand seeing a well trained, well groomed, courteous and, if I must say, well mannered but strong willed black lawyer appearing before, as was the custom in those days, all white juries and winning his cases. And, more to their chagrin, representing a large percentage of white clients, men and women, in their courts.

This story is much too long and too detailed to discuss fully in this paper. But let it be known that during all that time I was fighting a political issue as well. Philadelphia was and had been Republican for 67 years until a few strong willed able Negro leaders, mostly lawyers, I among them, joined hands years before (in the 1930's) with a growing number of liberal white Democrats. Ex-United States Senator Joseph S. Clark and Ex-Mayor Richardson Dilworth, were the leaders when, in 1948, 1950 and 1952, we finally broke the back of the corrupt Vare Republican Machine and put in a new liberal reform team. I was elected to the first new Home Rule City Council in 1952, re-elected in 1956 and helped elect a Democratic Governor, who in reward appointed me to this historic bench in 1959. We sent the first Negro from Pennsylvania to Congress, elected State Senators, 8 to 10 members of the State House and changed our City Hall Court House in Philadelphia from lily-white to nearly one half black—and we love it!

I have tried cases in many parts of the country against the greatest odds, handicaps and embarrassments. First, my own state must be exposed. The famous Berwyn School Case (Main Line, Pa.) was a deliberate attempt of Philadelphia's famous Main Line to segregate its public schools (including such beautiful areas as Ardmore, Bryn Mawr, Haverford, Berwyn, Paoli, etc.) . . . names to conjure with. This was in 1933. The families of all the children in that wide area (Chester & Montgomery County) came to me in Philadelphia. There was not a Negro at those two bars. At that time no Philadelphian could practice in any other county unless he was admitted on motion of an attorney in that particular county. The Consolidated School in September 1933 barred Negro children from entering and sent them to an old, dilapidated, fire-trap that had been abandoned when the new school was opened with money from the sale of County School Bonds for which black families also had to pay taxes. What to do? Those fine people, many mothers and fathers working in the homes of the wealthy families of the Main

Line, some of those wealthy sitting on the School Board, wouldn't take that. I prepared suitable Bills in Equity asking for a restraining-preliminary injunction and carried the bills and copies to the Court House. I knew the law and I knew Chester County to be the most racist county adjoining Phila. The Clerk of the Court refused to accept the writs because I was not a member of that Bar. I tried to get several members of the Bar to move my admission. They all refused. I took it to the press. They publicized this inglorious treatment of a Negro lawyer who had a just and proper complaint who was denied, because of rank prejudice his basic right to have his case even filed in court. Do you think that I was flooded with volunteers? Not at all. But one single solitary gentleman of the bar, a former then retired District Attorney of Chester County, came to my support. Thank God for him! Then for two long years, battling in Chester County, rebuffed, then to Harrisburg to the Attorney General of Pennsylvania for state supported mandamus, then returning to Chester County, back to Harrisburg and innumerable trips—all at night—at least 50 in all—to take testimony in various churches and after dozens of parents had been arrested and fined for keeping their children out of school. Yes, after 2 years of effort (1933–35) we won and there was never again any effort to force little black boys and girls, at the tender ages of 6, 8, 10 on through high school into second class, abandoned segregated schools anywhere in this state!!

Yes, something happened to me way back in that beautiful office in 1923 which caused me to burst out in tears in that elevator and that "happening" still carries me "right on" to this day.

I can never tell you the amount of man and woman hours (as my wife "kept the store" at the office all that time) that case cost me—nor the nerve and physical energy expended. I can tell you that the gross dollar receipt during that two year ordeal did not amount to more than $500.00. No, we were never paid in our long list of civil rights cases, not even court costs. We never asked nor would we accept money for such services. We felt a total commitment from the time we suffered the personal sting of denial and rejection when my wife and I entered restaurants and theatres, only to be refused, to do all in our power to destroy such practices from our community so that other Blacks would not face such obstacles in their path and hope for advancement for themselves and their children in the future.

Time and space prevent the enumeration of many exciting and interesting events that occurred during the long years of my trial and appellate practice here and in other states. Mention of a few should be made to indicate how the passage of time and the events of intervening years have produced meaningful social changes. First, a few things on the minus side. Very frequently I was called to Southern states on civil rights cases as well as to represent my people in both the criminal and civil courts. It was necessary to have a local lawyer move your admission. Invariably, before going South, I would consult my Harvard Law Directory to find a Harvard Lawyer to make this motion. In the 1920's and 30's and 40's there were no black attorneys in any of the small Southern cities and very few in the larger ones. I usually could find a Harvard lawyer. They are all through the South. A very important criminal case involved a Philadelphia Negro of good repute and employment who drove to his home in South Carolina on a visit in the late 40's. While driving his car in a little country town, he struck a little girl, who was playfully chasing another girl across the road. The child died as a result. He was arrested and, scared to death, called his family in Philadelphia. Thereafter they called me to represent him. I consulted my Harvard Directory. Time was important in such a case, so I decided to telephone this lawyer. I told him that we were fellow Harvard men and I wanted him to move my admission. The greeting was extremely cordial. He knew of the case because the little country paper had made it a big news story, a black man from the North driving, of all things, a big Cadillac causing the death of a little white girl. He said he would meet me at the airport but I told him I would not cause him this trouble and we decided to meet at his office. From his voice I knew he was a "deep down Southerner" and I did not want him to know who I was until I could see him face to face and talk to him.

His office was, as expected in this little town, a one story affair with a large front room and an office in the rear to which I was never invited to enter. There was a young lady at the desk when I entered. She went to the rear and took my card. The lawyer came to the front room and said, "Oh yes, so you're Alexander" (no "Mr." very reminiscent of Mr. X in Phila. in 1923). "Oh, yes" (again). "Well, the court doesn't open til 10:30 a.m. It is now 9:30. The Court House is just 2 blocks down the street (pointing to it). I'll meet you there and introduce you to the Judge." To bring this all too sad experience to an end, let me say that when I entered court I, a lawyer, was compelled to sit in the segregated "colored" section of the court. My lawyer friend never asked me to sit in the lawyers' section. I was hastily moved for admission in almost inaudible tones. The court only nodded and said, "Take a seat next to the prisoner." My kind "friend from Harvard" left the court room without more and that was the last I saw of him. The case lasted three days with interminable intermissions for the Judge to speak to any number of assorted people in his chambers. At lunch hour I went with the assembled blacks, mostly country folk, to eat at a Fish Fry stand down the street from the Court House. I shared a bedroom with the teenage son of the local Baptist Minister, of course, Black! The defendant was totally blameless. He was guilty of nothing at all, save the fact that he was black, from the North, and caused the death of a little white child and perhaps his worst guilt was that he drove a "brand new cream colored Cadillac car." How the prosecution pounded on that to the Jury! The poor fellow had to stay in jail until his insurance company's agent, whom I knew, took the policy to prove its limits and the full amount in a certified check in settlement.

An experience on the humorous—deplorable side.

During and after my years as President of the National Bar Association I would, in my effort to organize the black lawyers throughout the entire country in a well-knit organization for their own uplift as well as to make them available for service to Negroes, travel throughout the country, especially the South. On a trip to Miami, in the middle thirties, our plane ran into a severe thunder storm over the Carolinas. Even on that prime route, New York to Miami, in those days the trip was a two motor propeller-driven aircraft, making several stops en route, and it took many hours. No fine two hour, non stop jets in those days. I was a curiosity—a black man riding an airplane!! We had a two hour lay-over and an almost entire change of passengers at Columbia, South Carolina. During the lay-over a white newspaper correspondent wanted an interview. I was surprised he knew me. It turned out he didn't! He just found out, according to the airport authorities, that I was the first "Negra" that ever came into that airport as a passenger. Great news! And, he wanted a story. "Sure 'nuf" as the Southerners would say, he gave it a "big play" and when I returned home there I was, picture and all and the story. But when we were airborne we ran into turbulence. You never saw how quickly those stony, sallow-faced passengers, with rain and lightning blazing in the sky, suddenly got warm and friendly and so very conversant with this black—total stranger. They even commented "Suh, you shore are calm through all this. You must have great faith in this plane or the Lord." (I didn't show it, but I, too, was scared to death.) Then at least a half dozen of the men opened their brief cases and took out some good old Southern Bourbon and passed it all around. I passed it up. They even began calling me "Brother." Draw your own conclusions. An old Southern myth is "It's always good in time of trouble or danger to have a black man in your company." Ask any World War I, World War II or Vietnam Veteran.

Finally, the pathos and horror of it all. When we arrived in Miami, three hours late, my lawyer friend had left, thinking perhaps I had alighted at one of the stops. The cheerful passengers, knowing the airport, teamed up and took the few taxis that had waited. They never thought of this black "Brother" then. It was about 1:00 a.m. and very dark. I realized in the 30's no white taxi would take me. There I was all alone. I saw what appeared to be a cab about a block away. I walked down and true enough it was a cab, lights out and the driver curled up sound asleep. I didn't say a word, opened the rear door and quickly jumped in, closed the door to put the light out. The driver, half asleep, only half turned around and said . . . "where to?" I mumbled some address which I am sure he didn't get (and I didn't want him to get). He drove on and on and on. (If you know that old airport you drove miles and miles along a causeway before you come to civilization). Then a few miles out he apparently gained his senses and said, half turning "Where to Mister, I didn't get it?" I thought it better to give the correct address, hopefully to get to my destination. So I gave the address of and name of Mr. T, the leading black lawyer in Miami, now deceased. The driver suddenly stopped, pulled over to the curb, threw on his lights and said, "I can't take you there, that's Nigger Town and we're not allowed to drive niggers anyway". I pled and pled with him but to no avail. I begged him at least to take me to the next overhead light about a mile distant, which he did and, out I was put. It had begun to rain again, not a store or person in sight. About an hour later there came around the corner at that light a taxi going to the airport, driven and, I learned, owned by a Black Taxi Company. He took me to my destination, with pleasure and profit. I learned from him that a black taxi driver could take a white passenger but never—no never, the reverse.

There is so, so very much more to tell you of personal experiences much of which will shock you, much will awe you and yet much will inspire you and fill your heart as mine has been filled over the last 15 years with the feeling that America has grown in its realization that it has wilfully and deliberately denied its most faithful and loyal citizens, their fellow Black Americans, their right to an equal opportunity in the fundamental requirements such as education and training in all the skills necessary to become first class citizens—free of segregation and discrimination. And now they must do something about correcting those wrongs.

America and the American Bar has made great, and in some instances rapid strides to correct their sins of omission and commission during the 20th Century began now 70

years ago. The Philadelphia Bar Association has been the leader of all American Associations in this respect. Being the oldest association of lawyers in the English speaking world, I take great pleasure in stating this as a fact. But it took a new type of leadership and a vigorous and active membership to reach this goal. Men of the quality and determination to realize that lawyers must become leaders in helping to solve the social-racial economic and employment problems and the legal implication of those problems became the leaders of our Bar Association beginning in the early 1950's. Before that date, I must frankly say our association failed to grasp such meaning. The present President of the American Bar Association, the Honorable Bernard G. Segal, was the first of our Chancellors to realize the responsibility of the lawyers as suggested above. I was then, for the first time, Negro lawyers in Philadelphia began to attend the meetings and gained membership in more than a token way, on all of the Bar Committees. Today one serves on the highly prestigious Board of Governors, another is Secretary of the Philadelphia Bar Foundation and I modestly say she is Mrs. Alexander. Black lawyers have for nearly 15 years been members of such committees as the Board of Censors, Judiciary, Junior Bar, Legal Aid, Criminal and Civil Law, Civil Rights, Corporation Law, in fact all of the committees on our calendar. I cannot speak too highly of and must acclaim the tremendous advance of our bar under the powerful leadership and commitment to racial and social reforms instituted by such men as Robert L. Trescher, Arlin Adams, Marvin Comisky, Lewis H. Van Dusen, Jr., Louis J. Goffman and the dynamic, brilliant, totally dedicated and devoted, indeed consecrated present Chancellor Robert M. Landis. As a result of the reforms just mentioned a new spirit of commitment to social and racial reforms pervades our entire Bar. Of the top 10 law firms with a lawyer personnel of from 40 to 80 in our city 8 of these have a black lawyer on their staff. Included in this list is the same "lily-white totally WASP" firm that excluded the author of this article back in 1923. The writer has been importuned during the last 10 years by at least 50 of our top lawyers, Jew and Gentile alike, to find for them top flight or even "high grade, not necessarily Law Review Negroes" for their firms. The very day that I am writing this my phone rang for such a person, from one of our most prestigious law firms.

As I mentioned above this all began some 15 years ago and I am delighted to acknowledge some part in it. The story is very interesting but much too long to relate for this article. But I should mention the first man to "integrate" our law firms. It also has a political significance and due credit should be given to a very dynamic, nationally known liberal Democratic leader, Honorable Richardson Dilworth. He was Mayor of Philadelphia at the time and I was one of his strongest "right arms" in our new Reform City Council. He wanted a black man in his law firm and I could think of no better person than the now Honorable William T. Coleman, Jr. The latter is so well known now that only a word about him is necessary. Mr. Coleman was magna cum laude and Law Review at Harvard. He was the first black law clerk for our United States Supreme Court, serving with Mr. Justice Frankfurter. He was appointed counsel to the Warren Commission and most recently the United States Representative to the United Nations. However, most important of all, he was my most valuable and ardent associate counsel in the famous Girard College Case which we won after two years litigation via a U.S. Supreme Court decision in 1958 but as the result of a very unexpected removal of the "Public Trustees" of this vast hundred million dollar estate of the great Stephen Girard (who once traded in slaves) black boys were still denied entrance to this school. However, under Mr. Coleman's continuous dedicated fight to break this tradition, after my appointment to this court, and with Mr. Dilworth's full support, the court once again established the right of black boys to education in what was undeniably a school for the entire citizenry. Mr. Coleman is considered one of the most highly regarded, respected and able members of our great Bar.

The famous Girard College Case is in the judgment of legal scholars one of the most interesting, complex and intriguing cases at the Bar of America and indeed, in world law history.

I must close this long, but I hope you will find, interesting legal—social—political history of Philadelphia from 1923 to 1970, with the statement that the great, indeed tremendous changes that have taken place in the social and legal fields have been due to the total commitment of devotion and dedication to these goals by so few blacks in these fields. This is not to say that our church and fraternal leaders were not interested. Indeed they were and they supported us every inch of the way. So did the overwhelming number of the poor and untrained, the denied and oppressed. But how much better would it have been if the knowledgeable whites, the well to do middle and wealthy whites who knew how we blacks were oppressed, denied, deprived and what the end result must necessarily be—what it is today.

And today—we must pay and pay and pay for the sins of malign neglect of the past or there shall be no America for us to sing its praises.

THE DELIBERATE DISCRIMINATION AMONG AMERICAN TROOPS IN EUROPE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 10, 1972

Mr. RARICK. Mr. Speaker, according to published reports in the Stars and Stripes, publication for the U.S. Armed Forces in Europe, our military mission there at this time is deliberate discrimination against the white soldiers.

According to Maj. Gen. Frederic Davison, the reverse discrimination program of Commander in Chief Gen. Michael Davison—discriminating in favor of blacks—is paying off.

While there is some doubt as to the military efficiency of the American forces in Europe, the taxpayers and parents of our servicemen can be assured that these same forces will be in proper racial proportions. "By the numbers" has a new connotation in the military today.

Related stories about the two generals named follow:

[From the Stars and Stripes, Mar. 31, 1972]

DISCRIMINATION WORKS—TO LET MORE BLACKS IN KEY STAFF AND COMMAND JOBS, THE SYSTEM OBVIOUSLY HAD TO BE TAMPERED WITH

(By Ed Reavis)

HEIDELBERG, GERMANY. — Discrimination works.

The stated policy of USAREUR Commander-in-Chief Gen. Michael S. Davison—discriminating in favor of blacks—is paying off, according to the man Davidson put in charge of the program, Maj. Gen. Frederic E. Davison.

"We don't like the idea of setting goals or quotas," said Maj. Gen. Davison, "but we don't have the time or luxury to let this occur in an evolutionary manner."

The goal, says Davison, is to put minority members, blacks specifically, in key positions in proportion to their content in USAREUR.

"The decision was made here," Davison said, "to get more blacks in key staff and command positions. The question was how to get people out of a machine that is impartial."

Davison explained that since the Army's machine or machine-assisted system of making assignments is blind, USAREUR could expect no more than its normal share of the Army's black officers, despite the fact that USAREUR had been given priority by the Department of the Army.

Since only slightly over 3 per cent of the Army's officer corps is black and USAREUR was shooting for something like 10 per cent black officer strength in Europe, obviously the system had to be tampered with.

Seeking out black officers and getting them assigned to Europe is still in process, Davison said, because of the necessity for them to complete schooling and other overseas tours.

"We really won't see the impact of our efforts on blacks until these commanders are on the ground," Davison said.

Not only does USAREUR expect to increase its percentage of black officers, Davison said, "but we have tried to draw an assignment blueprint of Europe that would give optimal distribution to these positions. In Europe we would attempt to have in every battalion or equivalent-type unit at least one black battalion commander, executive officer or company commander. We also want black NCOs in some key spots in the battalion such as sergeant major or first sergeant."

Davison cited some figures to show the increase of black content: "As of July 1, 1971, we had the following statistics on officers: six colonels, 23 lieutenant colonels, no figure on majors and 103 captains. But more critical there were only three colonels in command positions, five lieutenant colonels in command of battalions or battalion equivalents and 39 captains in command of companies."

"Today we have," Davison continued, "two general officers in the command—and it's a sad thing to say that is 50 per cent of the Army's inventory of active-duty general officers—eight colonels, 66 lieutenant colonels, 107 majors, 141 captains and 102 lieutenants. In command slots we've got one general officer (an assistant division commander), four colonels, 18 lieutenant colonels (one is in an executive officer's slot), 16 majors—14 in executive officers' slots—and 41 captains commanding companies."

Davison then added that there were two colonels arriving in late July, one of whom is slated to command the Berlin brigade.

Davison went on to explain: "Right now we're running about 13 per cent plus in black enlisted men with a high concentration in the lower ranks; only about 4 percent in the top grades of E9. That would be 23 black command sergeants-major and 127 E8s in first sergeants' slots."

Touching on the area of civilian employ, Davison said as of November 1971, there were 4,200 GS-appropriated fund employees of whom 200 were blacks. One month later that number jumped to 260.

In the nonappropriated fund area, 420 or 13 per cent of the employes were minority members. In December 1971 it rose to 16.2 per cent, Davison said.

"One point to be noted here is where we

only had 19 people in the GS7 to GS11 category in November 1970, we had 30 in December 1971," Davison added.

"Our goal here is the same as with the offices and we are determined that we will meet our target but we will not do so at the cost of quality," Davison said.

In education, Davison said, there is now a drive under way to find more minority educators. And he predicted that next fall would see the number of black school principals boosted from two to five or six.

Five percent of the teachers in USARUER are minority members, Davison pointed out. "We want to reach 10 per cent by next fall," he said, "assuming that we can get the quality replacements."

Davison stressed that the examination for teaching positions will be centralized in USAREUR because of some charges of inequity under the old decentralized system.

"Last year in the States there was a split in responsibility between the Department of Defense and the Department of Army. We think that much of the effort fell between the cracks because of this split. This is now clearly a Department of Army effort," Davison said.

As far as administrators are concerned, Davison said that the goal is again to equate the 10 to 15 per cent minority content of the command.

Davison also said that progress in minority participation in civilian employment will be slower in coming due to the slower turnover.

The first effort of the Department of the Army in giving a fair chance to minority soldiers to get into the entire spectrum of higher skills was made in the military police field, Davison said.

"This resulted from the riots or disturbances at Camp Lejeune, Ft. Bragg and various other places. Investigators from the Pentagon found that almost without exception the real problem was that there was not sufficient black content among the MPs," Davison said.

"The point in getting more black content in the MPs," Davison continued, "is that it not only gives the black or minority soldier a chance to function in MP skill but to prevent the black soldier from getting the idea of a white police state."

At present, one of every six or 15 per cent of the MPs in USAREUR are black, Davison said. Eighteen per cent of the confinement specialists working on the stockades are black, relating to the higher rate of black content in the stockade.

Speaking on crime Davison said, "We know that our crime rate and the number of racial confrontations is down. We peaked in July."

On the subject of pretrial confinement—a particularly sore point with blacks who maintain they are confined unnecessarily—Davison said the figures for blacks declined from 140 (52 per cent of the total) in September to 109 (42 per cent) for February of this year.

Davison then addressed the matter of courtesy: "One of the allegations that has frequently been made and all too often substantiated is the matter of discourtesy of the support people, people in the exchange and finance offices, some civilians, some military. We have initiated a courtesy campaign to combat this.

On the matter of adult education Davison said, "We calculate an excess of 40,000 military men do not have a high school education. Our goal here is to get 25 per cent of those men, white and black, into one of our adult-training programs."

"We believe if a man is given a chance for upward mobility not only do we have a better soldier, but we are turning back to the community a better citizen, a man who will help strengthen the nation. Further, we are turning back to the country a man who doesn't feel that his tour of service was wasted," Davison said.

Speaking on long term plans, Davison said that plans are being initiated with the EES to establish training positions in the managerial area. At the moment there is only one black manager of an exchange and it's not a major store.

"We are also pushing for more supervisors and club-manager jobs," Davison said.

On the USAREUR equal opportunity program Davison spoke of the several sensitivity shows and workshops that are being performed in the command.

He also spoke of the difficulty of the equal opportunity officer's job: "One of the problems the equal opportunity officer is going to face is going into his commanding officer and telling him that he (the officer) is way off base."

"Now, it takes a big man to accept that," Davison continued. "We have some commanding officers who are dedicated to doing what is right but are so convinced that their way is right that they are not always willing to listen. But they are becoming fewer."

"But, it's a two way street, Davison said. "We cannot fall into the trap of allowing two standards of conduct to exist under the guise of equal opportunity. This is one United States Army, Europe, and there has to be one set of standards and everybody has got to hack it under those standards."

USAREUR LEADER OPENS DRIVE TO EXTERMINATE OFF-POST BIAS

HEIDELBERG.—Gen. Michael S. Davison, USAREUR commander-in-chief, has opened a new drive to wipe out off-post discrimination in Army military communities.

In the latest Davison move, he has called on his commanders and community leaders to meet with the owners of German entertainment and business establishments permitting racial discrimination in a further effort to "lift any remaining bans on U.S. soldiers of minority races," a Heidelberg announcement said.

"The objective of this program is to insure that no member of this command is denied opportunities because of race or color," the commander-in-chief said. "Preventive rather than corrective actions are desired."

"It is my policy that racial discrimination under any guise will not be condoned," he said. "The use of 'members only' and other self-imposed devices by business owners to exclude directly or indirectly members of minority races are examples of discriminatory practices."

"These practices," Davison declared, "run counter to good morale and discipline and are totally inconsistent with USAREUR efforts to improve race relations."

Davison directed his commanders and community leaders to work closely with local German officials and business organizations.

The four-star commander pointed out that he has discussed this problem with German Defense Minister Helmut Schmidt and other officials of the Bonn government and also with a number of state minister-presidents. "They have assured me they stand ready to assist," he said.

Schmidt, in a letter to Davison earlier in March, asked Davison to inform him of cases where he had concrete evidence of discrimination.

Any cases documented will be presented during the next meeting of this U.S.-German joint working group on equal opportunity and human relations to be held later in the spring.

Davison told commanders that in places where discrimination is found they should seek an early meeting with the establishment's owner in coordination with city officials.

"The individual soldier must understand that in the past some gasthaus owners have suffered financial loss through repeated misconduct by soldiers," he said.

In this respect, he added, the rate of criminal misconduct has decreased significantly in the past seven months. "On our part, we must assure that this downward trend continues."

"The commander must also give assurance of his full support and assistance in return for the owner's cooperation," Davison said. At the same time he must stress the importance of proper conduct, German social customs, appearance and demeanor, and mutual cooperation to their soldiers, he added.

"Success depends on the full support by all members of this command," he concluded. "I desire that no stone be left unturned."

THE LATE COL. LUKE C. QUINN

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 10, 1972

Mr. ROONEY of New York. Mr. Speaker, the recent passing of Col. Luke C. Quinn was a deep, saddening thing to me for Luke and I were close friends for many years and we shared a common goal for those many years—the eventual eradication of cancer. For more than two decades I introduced war on cancer bills and always Luke was there to help and counsel. I knew from personal experience what cancer was, having recovered from it through surgery of the lung—in the end cancer was to kill Luke Quinn.

It was the mark of the man, Mr. Speaker, that Luke delayed treating his own cancer while he was fighting for a bill to get more money for cancer research so that others might be saved. Luke was engaged in many projects. He worked for the creation of a special task force on genetic diseases and was instrumental in the establishment of the National Eye Institute and the Fogarty International Center at the National Institutes of Health.

He was truly a hard and effective worker in a cause that needed just such a man. But above all Luke was a warm, decent human being, a man that I am proud to have called a close friend. He was a man who could compromise, yet not lose sight of the objective. He was a good man and we shall all miss him very much. To his dear sister and her family and his many friends I extend my deepest sympathy.

QUALITY EDUCATION

HON. RALPH H. METCALFE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 10, 1972

Mr. METCALFE. Mr. Speaker, confusion seems to be the order of the day when the President of the United States is called upon to utilize the moral power of the Presidency to respond to the terrible tensions which exist in this country.

The people of the United States are quite capable of understanding the issues when these issues are intelligently discussed. Unfortunately, the issue of busing has not been discussed intelligently and adequately. Instead of seizing the initiative, the President formed another high level task force and waited until the results were in from the Florida primary before he announced his position. A courageous Governor in the State of Florida displayed more leadership and courage than the Chief Executive.

The issue is quality education. Busing is a means to an end. Nothing more—nothing less. It is a wonder that the Chief Executive was unable to see before now that the inner city schools were not educating students and that they were totally inadequate to meet their objectives. It took an election year to make him realize this.

But the President refused to address himself to the problems of our urban schools. He chose instead to attack busing without examining the total issue, and without offering a solution.

This country does not need more divisiveness and surely not divisiveness caused by the Chief Executive. Everyone in this country knows about busing. It has been a part of the American school system for years, and I might add, an acceptable part until just recently. Busing is not as alarming as the President and others may make it seem.

What this country does need, from the President and other Americans as well, is a firm commitment to use the most effective means available to achieve quality education and that busing, if necessary, will be used to achieve that goal.

We all agree that quality education is the ultimate objective. The Supreme Court in Brown against Board of Education decided that segregated school systems in reality offered black children an inferior education and that desegregation should be accomplished.

This ended de jure segregation but there was not universal compliance with this decision. In 1964 the Congress passed the Civil Rights Act which gave the Federal Government authority to end funding for those schools which refused to desegregate.

Ten times more desegregation was accomplished between the time of the passage of the Civil Rights Act and 1968 than in the preceeding 10 years.

In the case of Swann against Charlotte-Mecklenburg, the Court held that busing was acceptable to achieve the end of de jure segregation and it also held that busing will only be required when it is reasonable and does not place undue burdens upon the child.

It would seem that busing is reasonable, however, if the students are in one section of a community while adequate schools exist in another section of the community.

Busing must be also approached in a broader context, that of ending racial isolation.

If we are truly committed to providing an equal opportunity for all then we must give every child an opportunity to achieve an education which will place him on an equal footing with all. To speak of a moratorium on busing is to avoid the real issues. We are ill served by those of our leaders who do this.

We must address ourselves to the issue of quality education and how best to achieve this for every citizen.

A start toward a realization of this objective would be to fully fund title I of the Elementary and Secondary Education Act rather than to speak of money already in the budget.

If we do this then we might achieve quality education rather than prolong the discussion about quality education.

In closing I would like to draw your attention to a recent statement of the U.S. Commission on Civil Rights:

> Any legislation that deprives or makes more difficult the process by which American children of all races learn to understand each other—through the kind of creative contacts that can take place in the schools of the Nation—is, in our view, antithetical to the creation of a society with the capacity to provide equal justice to all, and lessens the hope, not only for American education but for American children and our Nation.

ANNIVERSARY OF THE DECLARATION OF INDEPENDENCE OF LITHUANIA

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 10, 1972

Mr. BURKE of Massachusetts. Mr. Speaker, as part of their observance of the 54th anniversary of the Declaration of Independence of the Republic of Lithuania, the Brockton Lithuanian Council passed the resolution which follows. I commend this resolution to the attention of my colleagues:

RESOLUTION

We, Lithuanian Americans of Brockton, Mass., assembled this 27th day of February, 1972, at St. Casimir's Parish Hall to commemorate the 54th anniversary of Lithuanian Independence Day, do have unanimously adopted and passed the following resolutions:

Whereas on February 16, 1918, the Lithuanian nation proclaimed its independence as a free democratic republic which act was ratified by its duly elected Constituent Assembly, thereby exercising the right of self-determination to be free and independent for all times; and

Whereas Lithuania was forcibly incorporated into the Soviet Union in June 1940 and since that time Lithuanian people have fought and died for their national independence; and

Whereas so many countries under colonial domination have been given the opportunity to establish their own independent states; on the other hand, the Baltic nations having enjoyed the blessings of freedom for centuries are now subjugated to the most brutal colonial Russian oppression; and

Whereas we express our sincerest gratitude to the Administration and Congress of the United States of America for the continued nonrecognition of the incorporation of the Baltic States into the Soviet Union, but

Whereas the mere denial to recognize the Soviet claims to Lithuania does not and will not bear the slightest effect on the leaders of the Soviet Union; Now, therefore, be it

Resolved, That the leaders of the free world must never be maneuvered into a position where they will become accessories to the crime of Russian enslavement of Lithuania and the other Baltic countries;

Resolved, That the foreign policy of the United States shall include the liberation of Lithuania and the other Baltic countries as an integral part of its European security program;

Resolved, That we request the President of the United States that the issue of Lithuania's Subjugation by the Soviet Union be raised at the forthcoming negotiations in Moscow with the rulers of the Kremlin;

Resolved, That the courageous Lithuanian seaman, Simas Kudirka, who unsuccessfully sought freedom in the United States and is now lingering in a Russian prison camp, be released with his family into the free world;

Resolved, That the copies of these resolutions be forwarded to the President of the United States, to the Secretary of State to the United States Senators and Congressmen from our State and to the press.

MENTAL HEALTH

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 10, 1972

Mr. GUBSER. Mr. Speaker, I call to the attention of my colleagues the following article, "Mental Health! Mental Health?" authored by Maurice Rappaport, M.D., chairman of the Santa Clara County Medical Society's Mental Health Committee. Although Dr. Rappaport discusses action taking place in the State of California, I believe his observations regarding care of the mentally ill will be of interest to all concerned with improving our health care systems.

The article follows, and again, I commend it to the attention of readers of the CONGRESSIONAL RECORD:

MENTAL HEALTH! MENTAL HEALTH?

(By Maurice Rappaport, M.D.)

Swirling dervishes that create conditions that outdo the original Bedlam have been let loose upon the community by mental health planners at the Sacramento level. We have the privilege locally of observing this mad show close up. The California Human Resources Agency, through its Department of Mental Hygiene, has in most dramatic fashion—with obviously little study of the impact on mental patients or the community in which they live—decreed that the part of Agnews State Hospital that handles the mentally ill (MI) shall be closed by the

end of this fiscal year. (Subsequently other state hospitals that handle MI patients will be closed also.) Two important assumptions have been made. One, the community is ready and able to handle the load; and, two, patients will receive better care. Let us examine these issues.

It has been stated publicly by a key county mental health official that the county cannot handle the load. They do not have adequate funds, facilities or personnel. Neither have they been given time to arrange for a smooth transition so that patients can receive adequate care during the changeover from state-provided mental health services to county-provided services.

As a result of the precipitate and premature decision to phase out the Agnews' MI program, a number of untoward developments involving less-than-adequate patient care are predictable. These developments have both important humanitarian and economic implications. Let me list a few and anyone interested in evaluation can search for evidence to verify or refute these predictions:

1. Some patients will get no care or insufficient interpersonal care. Many will be merely subdued by excessive medication and discharged prematurely.

2. Many patients will be deprived of a therapeutic environment close to their families and will be sent to distant state hospitals. Others will not have access to intermediate levels of care that fall between 24-hour intensive care and long term custodial care.

3. An overload of cases will lead to rapid turnover in local facilities and patients will suffer from "the hot-bed syndrome." For many there will not be adequate time to plan for community placement.

4. The psychological effects on patients have not been carefully weighed. These are serious and can range from death due to "transference shock" (a well documented phenomenon associated with moving certain patients from one facility to another without adequate preparation), suicide associated with premature release from treatment and inadequate follow up care, to slow deterioration in boarding and nursing homes where the only "recreational outlet" is watching T.V. These patients will not have been brought into the mainstream of life and "successfully returned to the community," even though they have been removed from state hospitals.

5. Effective continuity of patient care will become impossible or inadequate primarily because of a lack of staff and facility resources and a lack of a systematic plan that can be implemented. Many well-trained mental health staff people will be lost not only to our local community, but to the state. The state has not provided for, nor does the county have, adequate revenues to support the many mental health people who will have to go elsewhere to support themselves and their families.

6. The cost of care will be more expensive than it need be. The $75–$100 a day care in general hospitals cannot compare with the $25–$35 a day care in a large specialized facility. The argument sometimes put forward, that it is cheaper in the long run to use a general hospital because length of hospitalization is shorter, is a specious argument at best. Length of stay is a matter of law, institutional policy, clinical judgment and appropriate utilization criteria. In addition administrative costs associated with admission, discharge and frequent readmission procedures can be expected to be quite exorbitant.

7. Many individuals will become invisible to the mental health system. They will be dealt with indirectly and less adequately through welfare, public health or law enforcement agencies—another cost consideration that can too easily remain hidden to the burdened taxpayers.

8. Certain programs that have both short and long term benefits for the community-at-large and for patients, such as special research programs, cannot be sustained adequately by local community mental health programs.

It would seem that the current state administration, in its haste to get out of the direct service business in the health area, is following a philosophy that may not be in the best interests of its citizens and its communities. There are certain functions that are best handled by state resources that cannot be dealt with adequately by resources at the county level. A balance of state and county resources is definitely needed to provide an optimum mental health program. Such a balance is not now in the offing.

Because of the above difficulties, exaggerated by a less than adequate state mental health planning process and implementation plan, local mental health people will need all the support they can get to overcome current problems and to foster and develop an effective local mental health program. There is no turning back now. We must build anew and we must build better. An informed medical and lay community can do much to help relieve existing deficiencies in patient care, offset what we may hope are only temporary regressions and deficiencies in the treatment program for the mentally handicapped, and build a much improved mental health care delivery system.

FREEDOM FOR LITHUANIA

HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 10, 1972

Mr. DONOHUE. Mr. Speaker, on the occasion of this year's recognition, in the House Chamber, of the 54th anniversary of the Declaration of Lithuanian Independence, I was very happy to join with my colleagues, here, as well as in the ceremonies held within my own congressional district, in publicly emphasizing to the world that Soviet Russia continues to illegally and unjustly occupy and persecute the Lithuanian nation and people and in appeal to the Soviet leaders to restore to Lithuania her rightful independence. At this time, I am pleased to include the resolution adopted, in protest against the Soviet Union's continuing aggression and military occupation of Lithuania, by the Lithuanian Americans of Worcester, Mass. last February 13, 1972, in assembly at the Lithuanian Naturalization and Social Club in the city of Worcester:

RESOLUTION

We, the Lithuanian-Americans of Worcester, Massachusetts, assembled this 13th day of February, 1972, at the Lithuanian Naturalization and Social Club to commemorate the fifty-fourth anniversary of Lithuania's independence.

Firmly protest against the Soviet Union's aggression and military occupation of Lithuania, as well as against the Soviet-spread lies that the Lithuanian nation joined the Soviet Union of its own free will. The truth is that, from the very first days of the Soviet occupation in 1940, the Lithuanian nation determinedly fought and is continuing to fight for the restoration of its independence. This fact is evidenced by the spontaneous national revolt of 1941 and the guerrila warfare of 1944–1952 which took over 30,000 lives. Recent events that shook the world also serve as evidence of this fact. Among these are the flight of Pranas Brazinskas and his son Algirdas from the Soviet Union to Turkey; the tragic attempt by Simas Kudirka to defect to the free world; the attempt of Vytautas and Grazhina Simokaitis to defect to the West; the sentencing of three Lithuanian priests, Antanas Seskevicius, Juozas Zdebskis and Prosperas Bubnys, to terms in hard labor for giving instruction to the children of their parishes.

We also protest against the constant violations of the human rights and fundamental freedoms of the Lithuanian people by the Soviets in occupied Lithuania.

We ask you:

(1) To support the efforts of the Lithuanian nation to regain its freedom and independence;

(2) To protest on every proper occasion against the Soviet aggression against Lithuania, as well as Soviet colonial practices in the occupied country;

(3) To refuse to enter into any international agreements which could tend to recognize the Soviet annexation of Lithuania;

(4) To raise the question of independence and freedom of Lithuania at all international organizations and conferences, as one of the prerequisites for normalization and the establishment of a permanent and just peace in Europe;

(5) To raise before the United Nations the question of universal and mandatory enforcement of the Universal Declaration of Human Rights, especially of the articles which guarantee to nations the right to self-determination.

JOHN F. STEVENS HALL OF FAME COMMITTEE

HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 10, 1972

Mr. FLOOD. Mr. Speaker, two of the towering figures in modern Panama Canal history were President Theodore Roosevelt, 1858–1919—and Chief Engineer John F. Stevens, 1853–1943—of the Isthmian Canal Commission.

Roosevelt was the strong leader who acquired the Canal Zone and launched the project for constructing the Panama Canal; Stevens, the far-visioned and experienced engineer, who rescued it from disaster, developed the plan adopted by the President and the Congress for its construction, directed the work until success was assured, was honored for his contributions by President Roosevelt with appointment as the first to hold the combined positions of chairman and chief engineer of the Isthmian Canal Commission, and has won lasting fame as the basic architect of the canal. An impressive mural in the Roosevelt Memorial Hall of the American Museum of Natural History in New York shows Stevens presenting the plan for the Panama Canal to President Roosevelt.

A third towering figure in canal history was William Crawford Gorgas, chief

sanitary officer of the Isthmus, whose work in tropical and preventive medicine made the construction of the canal possible.

Roosevelt and Gorgas were elected to the Hall of Fame for Great Americans, New York University, in 1950. For sponsoring the election of Stevens to that great honor there has been formed the John F. Stevens Hall of Fame Committee of distinguished membership from various parts of the Nation. John M. Budd, chairman of the finance committee of the Burlington Northern Railway is national chairman and Herbert R. Hands, manager public information services, American Society of Civil Engineers, is secretary.

A recent press release announcing the appointment of Mr. Budd, summarizing the tremendous accomplishments of Stevens, and describing the composition of the committee, follows:

FROM: HERBERT R. HANDS, SECRETARY, COMMITTEE TO ELECT JOHN F. STEVENS TO THE HALL OF FAME FOR GREAT AMERICANS

NEW YORK, N.Y.—Announcement has been made that John M. Budd, former president of the Great Northern Railway, and now Chairman of the Finance Committee, Burlington Northern, will chair a committee of over one hundred eminent persons who are seeking the election of John F. Stevens to the Hall of Fame for Great Americans at New York University.

Largely unrecognized accomplishments of John F. Stevens (1853–1943) include the following: building of the Great Northern and other United States and Canadian railroads (1880–1905); discovery of Marias Pass in Montana (1889) and Stevens Pass in Washington (1890) through which the Great Northern was constructed to the Pacific forming part of the best rail-ship route in the United States to the Orient; development of the plan for building the Panama Canal, bringing about its adoption by the President and the Congress, completely organizing the forces for construction of the canal, and in guiding the project to the point where success was assured (1905–07); and as head of the U.S. Railway Mission to Russia with the rank of Minister Plenipotentiary and later as president, Inter-Allied Technical Board Supervising Siberian Railways, in time of war, revolution and civil strife, the rehabilitation of Russian, Siberian and Manchurian railroads (1917–23).

These tremendous achievements were prime factors in opening the Pacific Northwest of the United States and in the commercial development of the Pacific Basin, affording lasting benefits to the people of many nations.

John M. Budd is the son of the late Ralph Budd (1879–1962), a protege of Stevens and able co-worker with him at Panama and in the Northwest, who, after heading the Great Northern, later became President of the Burlington. John M. Budd followed in his father's footsteps and in 1951 became President of the Great Northern, a position held until 1971. A lifelong association with the traditions of Stevens made John M. Budd the natural leader for the John F. Stevens Hall of Fame Committee.

The committee is composed of recognized leaders in various fields from many parts of the Nation who appreciate the magnitude and significance of the achievements of John F. Stevens as a great American civil engineer and statesman.

The honorary chairmen of the committee are Hon. Maurice H. Thatcher, sole surviving member of the Isthmian Canal Commission; Secretary of Transportation John A. Volpe; Senator Edmund S. Muskie and Governor Kenneth M. Curtis of Maine; Congressman Daniel J. Flood of Pennsylvania; Dr. Melville Bell Grosvenor, editor in chief, National Geographic Magazine; and Admiral Ben Morsell, former Chief of Civil Engineers, U.S. Navy.

The Committee's vice chairmen are Dr. Donald M. Dozer, Professor of History, University of California, Santa Barbara; Captain Miles P. DuVal, Jr., historian of the Panama Canal; Neal FitzSimons, Chairman, American Society of Civil Engineers' Committee on History and Heritage of American Civil Engineering; Dr. Serge A. Korff, President, American Geographical Society; Major General Thomas A. Lane, engineer, military analyst and author; Gregory S. Prince, Executive Vice President, Association of American Railroads; Hon. John H. Reed, Chairman, National Transportation Safety Board; Dr. Ralph A. Sayer, Former Chairman, Governing Board, American Institute of Physics; Captain C. H. Schildhauer, former aviation official; Vice Admiral T. G. W. Settle, former amphibious force commander, U.S. Pacific Fleet; Wm. M. Whitman, Secretary, Panama Canal Company; and Eugene Zwoyer, Executive Director, American Society of Civil Engineers.

Besides Captain DuVal and Mr. FitzSimons, the historical consultants to the committee are Dr. Ford Lewis Battles, Ph. D. program coordinator, University of Pittsburgh; Dr. Raymond Estep, Professor of Latin American History, Air University, Maxwell Air Force Base, Montgomery, Alabama; and Dr. Ralph W. and Muriel W. Hidy, historians of the Great Northern Railway.

QUALITIES AND CHILDREN

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 10, 1972

Mr. JACOBS. Mr. Speaker, in the midst of the national preoccupation over schoolbusing and quality education for all children, I think many of us are missing an important point. The point is that the question of equal educational opportunity does not begin at age 6. To overlook the critical importance of comprehensive child development and preschool training is to avoid any genuine solution for the overwhelming majority of Americans, black and white, who want to live in peace as good neighbors.

The first human words a baby hears are building blocks which eventually fall into place and form linguistics. We seem to be like tape recorders. What goes into our ears eventually comes out as heard. Surely no one can doubt that regardless of race if a tiny baby were trained by Mayfair English, he would speak with refined articulation.

We say time and again that as the twig is bent, so grows the tree. Yet, in our educational process we have not applied the enormous wisdom embodied in that single phrase.

Tiny children will not be taught respect for other people and their property by parents who themselves only short years before were tiny children not taught respect for other people and their property. This is what we mean by the cycle of ignorance which produces unemployment and antisocial behavior.

If these qualities were taught in a comprehensive, age zero-to-six nursery school program for poor tots in centers near their homes so that parents could also participate, then that which cannot be accomplished by busing would already have been largely accomplished in time for first grade in well-financed schools, even in poorer neighborhoods, where teachers could work with small groups of children.

Without such a comprehensive program, remedial efforts in grade school and high school—no matter where those schools are located—will continue literally to fall on deaf ears. He who cannot speak and understand his language cannot learn to read it and develop thought patterns necessary for reasoning ability and self-control.

The learning process begins when we do. And if no one is there to put good language and trust and gentle attitudes into that process from the earliest moments of life, these qualities which are indispensible to the safety of society simply will not occur in the deprived individuals.

In short, I do not believe it is enough simply to be against busing—nearly everyone is—and just to say one is for quality education in poor neighborhoods or elsewhere. I don't even think it is enough actually to provide such quality education if it doesn't begin until first grade. To work, it has to begin at the beginning of life. If it does, children can grow up with the grace and ability that will lead them, on their own, to whatever jobs and neighborhoods and way of life they choose.

With unemployment now reaching the disaster stage among qualified school teachers, it is incredible that the billions wasted by unnecessary Government spending—at least $30 billion of it by the Federal Government—and unconscionable tax loopholes—at least $18 billion for holy cows who have lobbied themselves out of paying taxes—would not be partly spent to hire sufficient teachers to reduce class sizes in poor schools to very small numbers and to implement adequate preschool nursery centers of the sort I have indicated. If the loopholes were closed and the conspicuously wasteful spending stopped, there would be enough to conquer this last frontier of ignorance and antisocial behavior in our country and at the same time award to the truly patriotic majority of citizens who are willing to pay their fair share of taxes a justly rewarding tax cut.

Many of those Congressmen who have testified before the House Judiciary Committee in favor of legislation to avoid busing pass quickly over the corresponding concept of quality education in poor neighborhoods. And far from support, their voting records reflect opposition to such quality, especially in the area of preschool training.

Can that be anything but hypocrisy? I think not.

So, yes, I oppose racial balance busing. And yes, I favor drawing fair and ungerrymandered school zones to integrate wherever possible. And yes, I favor protection of the right of every American, regardless of race, to live wherever he can afford to buy or rent. But above all I support the program I have outlined here which is the only way I can think of to bring ourselves together as a nation in a permanent and peaceful and friendly way.

At least one other nation—Israel—has accomplished the miracle of preschool intervention to break the chain of ignorance, poverty, and violence among its historically disadvantaged.

We could do the same—if only we would.

Certainly I was pleased that, at long last, it was this Congress which passed legislation that would have at least created the framework for comprehensive child development and voluntary preschool programs. It is this Nation's misfortune—and the misfortune of thousands of eager children—that the President chose to veto such a sensible and long-overdue measure.

NON-COMMUNIST SHIP ARRIVALS IN NORTH VIETNAM 1972

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 10, 1972

Mr. CHAMBERLAIN. Mr. Speaker, during the first 3 months of this year there have been a total of 22 free world flagship arrivals in North Vietnam, according to information made available to me by the Department of Defense.

As I reported in the RECORD of January 24, 1972, the level of this traffic has been gradually declining. For example, in 1968 ships under the registry of nine different free world countries made a total of 149 stops in North Vietnam. Last year, however, the number had dropped to 63 total arrivals, with only two different flags being involved. During the first quarter of 1972, the nature of this traffic remains the same. Namely, that this trade is carried on by vessels owned principally by Hong Kong shipping companies under the effective control of Communist interests and flying the flags of the United Kingdom and the Somali Republic. Particularly in light of the recent Communist offensive in South Vietnam, however, I believe that this traffic should continue to be of concern, and I urge the administration to pursue its efforts to further reduce this seaborne source of supply.

NON-COMMUNIST SHIP ARRIVALS IN NORTH VIETNAM 1972

	United Kingdom	Somalia	Total
January	5	1	6
February	4	3	7
March	6	3	9
Total	15	7	22

CHILE, JACK ANDERSON, AND ITT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 10, 1972

Mr. RARICK. Mr. Speaker, a recent report that the Marxist government of Chile is promoting and selling a book called "The Secret Documents of the ITT," reported by gossip columnist Jack Anderson to contain documents taken from ITT's Washington office, reminds us of an earlier news release from the "Chile: La Verdad" newspaper.

"Chile: La Verdad" had sent its April 3 release to all Members raising the question, "Did Jack Anderson receive any money directly or indirectly through a conduit for his attempted compromising of U.S. Government, ITT, and CIA?"

It could just be a coincidence, but the coincidence may well result in the takeover by the Chilean Government of all of ITT's investments in that country. And, of course, the U.S. taxpayers through the Overseas Private Investment Corporation can again be expected to bear the loss.

I include a local news clipping and the "Chile: La Verdad" news release:

[From the Washington Post, Apr. 5, 1972]

CHILE PUTS ITT DOCUMENTS ON SALE

(By Lewis H. Diuguid)

SANTIAGO, April 4.—Chile's government today put on sale a book called "The Secret Documents of the ITT," containing English- and Spanish-language versions of the purloined International Telephone & Telegraph Corp. documents published in the United States by American columnist Jack Anderson.

News vendors declared the government volume an instant best-seller, competing well against the girlie magazines and screaming-headline newspapers that are the kiosks' standard fare. The purple-bound volume sells for 25 escudos—95 U.S. cents at the official rate of exchange or 35 cents at the black-market rate.

The papers, which Anderson said had been taken from ITT's Washington office, describe the international conglomerate as encouraging the U.S. government to prevent Salvador Allende, a Marxist, from assuming Chile's presidency after his popular-vote victory in 1970.

The documents, sent by air from Washington by Chilean Ambassador Orlando Letelier, arrived in Santiago just 10 days ago. A team of army and government translators put a Spanish version of the 26 documents before President Allende, who ordered the recently acquired government printing house to get it on the streets at once.

Several news vendors said they had sold out their first shipments of the book, even though most Santiago newspapers also carried the Spanish version, or parts of it, in their usual editions this morning.

The official newspaper Nacion said that the documents show a relation between "jingo" and "gringo," and spelled out ITT as "Imperialism, Treason and Terror."

For Santiago's highly politicized readers, the ITT papers appeared to offer evidence supporting the spy stories that the Marxist press has bannered—usually without evidence—over the years.

Despite today's publication, President Allende has still not commented on the papers, nor has he indicated whether he plans to move against ITT's investments here, which the company values at about $170 million.

[The head of Chile's Christian Democratic Party, the country's principal opposition party, demanded last night that a forthcoming investigation of reported interference in Chilean affairs by U.S. interests be broadened to cover "all foreign influences to which the country is subjected today," specifically mentioning "many agreements and pacts with Socialist countries and the presence in Chile of 15,000 citizens of Russia, Cuba, East Germany and other countries," the Los Angeles Times reported.]

[From the Chile: La Verdad, April 3, 1972]

Did Jack Anderson receive any money directly or indirectly through a conduit for his attempted compromising of U.S. government, ITT and CIA?

If so, is Mr. Andesron working for the best interests of the United States or in effect aiding or abetting a Marxist government under the guise of the U.S. public's "Right to Know"?

Mr. Wilson C. Lucom, publisher of Chile: La Verdad, (P. O. Box 34421, Washington, D.C. 20034) asks these questions because of a report received through usually reliable sources from Chile as follows: "A Chilean Congressman Victor Carmine stated that Chilean Ambassador to Washington, Orlando Letelier in his recent stay in Santiago, Chile, prepared a plan with communication media experts of Allende's Communist-Socialist government in order to involve the United States government, former President Eduardo Frei and General Roberto Viaux in a supposed conspiracy against President Allende. All this because Allende dramatically needs a foreign target to blame in this moment. Congressman Victor Carmine said that Ambassador Letelier took U.S. $70,000 for the information on the CIA operation, and the money was supposed to be given to Jack Anderson or an alleged Communist Venezuelan who works at the Latin Agency, 617 National Press Building. Congressman Victor Carmine also said that Andres Rojas, press attache of the Chilean Embassy, Washington, D.C., celebrates periodical meetings with Jack Anderson and Rodolfo Schmidt in the National Press Club, Washington, D.C."

The publisher of Chile: La Verdad feels that this matter should be thoroughly investigated by the press, the United States government and Congress.

Also, is the Chilean government employing public relations or law firms to influence the U.S. government to grant or extend loans to Allende's Communist-Socialist government. If so, why are these firms not registered as foreign agents?

TRADE LAG CONTINUES

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, April 10, 1972

Mr. DUNCAN. Mr. Speaker, our increasing trade deficit and how to eliminate it is a matter of great concern to me. As we have seen recently, a devaluation of the dollar alone will not eliminate our trade deficit. This can only be accomplished through the cooperation of government, business, and labor.

I am enclosing an editorial from the

March 6, 1972, Knoxville Journal which identifies the different factors which affect our international balance of trade. This article should be of interest to all who are concerned with improving our international trade posture.

The article follows:

TRADE LAG CONTINUES

During January the United States had the third largest trade deficit in the nation's history, a fact which further proves that new monetary policies alone will not correct a deteriorated trade position.

Those monetary policies which resulted in the dollar's devaluation may have helped increase the value of American exports. But the $318.9 million trade deficit for January remains far below an acceptable balance. The administration has said that for the dollar to regain its strength internationally the trade balance will have to be substantially in the black.

Trade shipments during the latter half of January were seriously disrupted again by the dock strike. During the first half of the month, when the docks were operating, the influx of foreign goods was at peak levels. No authoritative estimates have been given on what the January experience would have been had the ports not been seriously hampered by the strike. But it is generally accepted that such disruptions hurt exports more than imports.

If so, February's trade picture may not have been much improved over January. If it was not, the goal of a substantial trade surplus for the year will be in jeopardy.

Contrasting with the trade picture is the domestic economy, which is showing definite signs of revival. The government's composite index of leading economic indicators rose 2.3 percent in January—the largest increase for one month since the fall of 1968.

International trade, whose deficit reflects America's growing inability to compete with foreign producers, thus adversely affects a national economy that otherwise looks rather healthy.