pacifist" but his activities and associations are not that respectable; he has called himself "Outside Agitator No. 1." He is also an intellectual and an eloquent and persuasive speaker. These things add up to danger when combined in the person of an important unelected bureaucrat.

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[From the Washington Post, February 17, 1969]

FARMER CALLS FOR SLUM AID—EXPECTS NIXON WILL SUPPORT CORE'S PLAN

(By Robert C. Jensen)

Negro leader James Farmer said yesterday that he had "every expectation" that the Nixon Administration "will support" a billion-dollar-a-year legislative proposal pushed by CORE to promote "black capitalism" in the Nation's slums.

Farmer referred to legislation to create a national Community Development Bank that would guarantee and float loans to local development banks to finance business enterprises through Community Development Corporations in the city slums and poor rural areas.

Farmer is the founder and longtime director of the Congress of Racial Equality. He was chosen last week to be assistant secretary for administration in the Department of Health, Education and Welfare. He spoke yesterday on the CBS interview program "Face the Nation," carried here by WTOP.

Farmer noted on the program that President Nixon had spoken approvingly of various "black capitalism" programs for economic development during the campaign.

The Community Development Bank program, which was first proposed by CORE, has been introduced by a number of Senators and Representatives. It is being pushed most actively in Congress by Republican members. The cost is estimated to be $1 billion a year for the first two years.

Farmer, who will take office about April 1, will be the highest ranking Negro in the Nixon Administration.

He comes as a registered member of the Liberal Party in New York, who ran unsuccessfully for Congress on the Republican and Liberal tickets and who endorsed the presidential candidacy of Democrat Hubert H. Humphrey.

He said his main job at HEW will be recruiting qualified members of minority groups for important Government positions. He said he expected to have a strong staff at HEW that would handle the administrative details of his job, "while I concentrate on other things."

Farmer also said he expected to be "the prime adviser" to HEW Secretary Robert Finch on urban affairs and that he would be in liaison with the Urban Affairs Council in the White House and with Daniel P. Moynihan, the President's adviser on urban affairs.

The longtime civil rights leader said he did not think his acceptance of a post in the Nixon Administration would hurt his credibility with Negroes, who were overwhelmingly opposed to Mr. Nixon's election.

"I don't think I am an ambassador from the Administration to the black community," Farmer said. "I would put it the reverse way and say that I am an ambassador from the black community to the Administration—perhaps a little of both."

Farmer said he was not named to his post to win Negro voters to the Nixon Administration. "This is not one of my job descriptions at all," he said. He added that "I have made no commitments of campaigning for anyone yet."

But Farmer said if the Nixon Administration's "performance is meritorious, as far as the black community and other minority communities are concerned, then there will be a larger segment of those communities voting for the Administration."

He said he supported most demands being made by minority students at colleges for ethnic studies. But "I don't always agree with the tactics which are used," he said.

He indicated that he favored cutting off Federal scholarships and grants to students convicted of breaking laws during demonstrations.

"I think that anyone who breaks the law has to expect to suffer the consequences," Farmer said. "This has always been my belief, even the times I broke the law deliberately in Mississippi and elsewhere, when I went to jail for it. I did not say 'don't arrest me.' ".

However, Farmer added that he thought each case must be considered on its own merits and the law should be enforced with "some flexibility."

[From the Chicago Tribune, Feb. 17, 1969]

FARMER BACKS CAMPUS GOALS—BUT HE FROWNS UPON STUDENT TACTICS

(By Glen Elsasser)

WASHINGTON, February 16.—James Farmer, the highest ranking Negro in the Nixon administration, said today he sympathized with many demands black students were making on the nation's campuses, but not with their tactics.

In an interview on the television program, Face the Nation, the former national director of the Congress for Racial Equality said, "It is terribly important that official America and unofficial America understand the kinds of demands which are being made by the black community now."

PREFERS BLACK TEACHERS

Farmer, who last week was named assistant secretary for administration of the department of health, education, and welfare, said until recently the movement among Negroes was toward integration—color blindness. But the emphasis now, he observed, is on ethnic cohesiveness.

In the new departments of black studies, established on many campuses as a result of protests, Farmer believes it would be better that the classes are taught by blacks because of the polarization between blacks and whites in our society.

Farmer made it clear that protesters on the nation's campuses must face the consequences of breaking the law, including the loss of government financed scholarships. However, he said, "Each case must be decided on its own merits."

The most critical problems facing the Nixon administration, Farmer said, were the cities, improving the quality of education, and making sure that welfare reaches the poor and helps them get out of poverty.

Altho he received the support of the Republican party in an unsuccessful attempt for election to the House of Representatives from Brooklyn, Farmer said he was a member of the Liberal party in New York and not a registered Republican. He indicated he would take office here around April 1.

In his new job, Farmer said his major tasks would consist of recruiting qualified minorities, coordinating community action programs financed by the department of health, education, and welfare, and advising HEW on urban affairs.

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# HOUSE OF REPRESENTATIVES—*Wednesday, March 5, 1969*

The House met at 12 o'clock noon.

Rabbi Chaim B. Seiger, Baron Hirsch Congregation, Memphis, Tenn., offered the following prayer:

*O continue Thy loving kindness unto them that know Thee; and Thy righteousness to the upright in heart.*—Psalms 36: 11.

קודשא בריך הוא, שכינתה ומלכותה, מליא כל ארעה זיו יקרה.

"May the Holy One, blessed be He, His divine presence, and His kingship abide in this place and fill this land."

O L-rd, Author of our lives and Giver of our wisdom, we seek Thy blessing. Let us do the right with loving kindness. Let us do the right with pride in our deeds and not in ourselves. Let us guide with courage that the hand of the wicked drive us not away. May we be the instruments of freedom and truth.

O G-d, as all men are precious unto Thee, so may they be precious unto us. As Thou seekest the good for all Thy children, so may we. May we prize highly and protect carefully the gifts of conscience and principle that were handed to us from Sinai through Lexington and Concord. May we transmit these values and virtues to our children that they become their possession. Accept our service that we may achieve; that through us man may know an additional measure of freedom and security.

Upon the President and Vice President of these United States, upon this body of distinguished leaders, grant Thy blessing as spoken in the Psalm:

"O continue Thy loving kindness unto them that know Thee;
And Thy righteousness to the upright in heart.
Let not the hand of the wicked drive them away and give them to drink of the river of Thy pleasures."

May you mark these men of integrity and behold their uprightness for the future of these men shall be peace. Amen.

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## THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill and concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 1022. An act to provide that future appointments to the office of Administrator of the Social and Rehabilitation Service, within the Department of Health, Education, and Welfare, and to certain subordinate offices, be made by the President, by and with the advice and consent of the Senate; and

S. Con. Res. 5. Concurrent resolution to print additional copies of hearings on the nomination of Walter J. Hickel to be Secretary of the Interior.

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## APPOINTMENT AS MEMBERS OF THE U.S. GROUP OF THE NORTH ATLANTIC ASSEMBLY

The SPEAKER. Pursuant to the provisions of section 1, Public Law 689, 84th Congress, as amended, the Chair appoints as members of the U.S. group of the

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North Atlantic Assembly the following Members on the part of the House: Mr. HAYS, Chairman; Mr. RODINO, Mr. RIVERS, Mr. CLARK, Mr. BROOKS, Mr. ARENDS, Mr. BATES, Mr. FINDLEY, and Mr. QUIE.

## RESIGNATION FROM COMMITTEES

The SPEAKER laid before the House the following resignation from committees:

Hon. JOHN W. MCCORMACK,
*The Speaker of the House,*
*U.S. Capitol, Washington, D.C.*

DEAR MR. SPEAKER: I hereby submit my resignation as a member of both the Committee on Armed Services and the Committee on House Administration.

Respectfully yours,
CHARLES E. CHAMBERLAIN.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

## ELECTION TO COMMITTEE

Mr. GERALD R. FORD. Mr. Speaker, I offer a privileged resolution (H. Res. 294) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 294

*Resolved,* That Charles E. Chamberlain, of Michigan, be and he is hereby elected a member of the standing committee of the House of Representatives on Ways and Means.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## RABBI DR. CHAIM B. SEIGER

(Mr. KUYKENDALL asked and was given permission to address the House for 1 minute.)

Mr. KUYKENDALL. Mr. Speaker, the beautiful and inspiring invocation this day was delivered by Rabbi Dr. Chaim Seiger of Baron Hirsch Synagogue in Memphis, Tenn.

In every community there are a few leaders who stand far above the crowd. Dr. Seiger is one of these. He is a man of vision who sees a better Memphis and a better America, under God, for all our people. He is a man of compassion whose dedicated service to humane causes has brought about greater charity, greater spiritual understanding among all the people of our city.

Dr. Seiger is the senior rabbi of Baron Hirsch Temple, the largest orthodox Jewish congregation in the United States. He is a graduate of the Rabbinical Seminary of America and holds degrees from City College of New York City and Columbia University. He is the holder of the Prime Ministers Medal from the State of Israel for his humanitarian work among the people of Israel, from where he has just returned.

It is a privilege to count Dr. Seiger among those whom I represent from the Ninth District of Tennessee, but even more important it is good to have him as counselor and friend. I wish to express my thanks to him, and I know I speak for the whole House, for coming to us this morning with his words of wisdom and spiritual uplift.

## PRESIDENT NIXON'S REPORT TO THE PEOPLE

(Mr. ARENDS asked and was given permission to address the House for 1 minute.)

Mr. ARENDS. Mr. Speaker, last night the American people had opportunity to see and hear our President make his report to the people on his recent trip abroad. I have no doubt that millions across the country watched and listened. And I have no doubt that they were impressed, not only with the extent and depth of our President's knowledge but also with his complete frankness and sincerety.

To make certain that in his report to the people he would provide answers to all the questions they might want answered, President NIXON used an hour-long press conference rather than a carefully worded prepared text in making his report. He wanted to make certain that he reported to the people not what he might want them to hear, but what the people wanted to know, and what the people were entitled to know.

What this country has so sorely needed is a national leader in whom the people can have implicit confidence. To command confidence one must have confidence in himself and take the people into his confidence.

Last night we were privileged to see and hear such a man. I congratulate President Nixon on a sterling performance. He did not avoid or evade difficult questions, nor did he dodge or duck issues. He confidently took the people completely into his confidence.

## THE UNITED NATIONS AND THE MIDDLE EAST

(Mr. BROWN of California asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BROWN of California. Mr. Speaker, the Middle East has replaced the Balkans as the tinderbox of the world. At any moment, a minor border incident could escalate into a full scale renewal of hostilities. Every day increases the chances of such a disaster. As time passes possibility becomes probability and, if the situation is permitted to continue indefinitely, probability becomes certainty.

Once escalation starts, who can say where it will end? Three times already we have been lucky—if any war can be spoken of as good fortune—because the great powers were not ensnared and apocalypse did not follow. A fourth time would push luck.

Indeed, considering the new Soviet presence in the Mediterranean, confrontation in a fourth Middle Eastern war would almost be a certainty.

The continued existence of mankind requires that peace, and not war, become the normal state of affairs in the Middle East. A first logical step toward that goal is to deny nations likely to be combatants further means with which to wage war.

In simple terms, arms shipments to the Middle East must stop.

I do not say that America alone should cease sending arms. Nor does it mean that the United States should renege on agreements to sell warplanes to Israel. Peace will not result by rendering Israel incapable of self-defense.

By the same token, arming Israel and the Arab nations indefinitely is not the answer either. If the cold war has taught us nothing else it should have taught us that an arms race is no substitute for disarmament.

Suspension of arms shipments into the Middle East should be a keystone of American diplomacy. And the most fruitful course of action to achieve that objective is to refer the problem to the United Nations.

Such a move holds several distinct advantages over bilateral talks. First, bilateral talks could not include all potential arms suppliers. Second, bilateral agreements necessarily aim to cut flows at their source permitting the use of third parties to transship arms. A U.N. agreement would not suffer from this loophole.

Third, use of the U.N. as the implementing body would act to strengthen that organization's influence in the Middle East, making the United Nations better able to effect a lasting settlement. Fourth, acting through the United Nations would tend to decrease the possibility of a United States-Soviet confrontation. It would also decrease the possibility that any Middle Eastern nation would undertake some new adventure in the hope of receiving direct support from one of the great powers. And, finally, taking a long-range view, using the United Nations in this way may provide a precedent for the future cutting off early arms races in explosive areas, discouraging unilateral action or involvement by outside powers, isolating trouble spots and avoiding global ramifications.

It is to achieve these ends that I am introducing a resolution making it the sense of Congress that the President be requested to refer the Middle East armament question to the U.N. Security Council. I have been joined by 10 cosponsors, as follows: DANIEL E. BUTTON, SHIRLEY CHISHOLM, JOHN CONYERS, JR., EMILIO DADDARIO, HENRY GONZALEZ, AUGUSTUS F. HAWKINS, ROBERT KASTENMEIER, ROBERT LEGGETT, LIONEL VAN DEERLIN, and GUS YATRON.

It must be remembered, however, that halting the Middle Eastern arms race only treats a symptom; it does not attack basic causes.

Admittedly, some causes are beyond reach. Many remaining are difficult and complex. But "a journey of a thousand miles begins with one step" and world peace demands that America make that first step.

We are not without tools, and the best tool is the United Nations.

Middle Eastern nations long have been beset by more than their share of disease, ignorance, and poverty. These are major sources of frustration and of smoldering discontent. In the Middle East such frustrations are often directed outward. Until progress can be made toward alleviating these curses, little chance exists of lasting peace in the Middle East.

It is well within American interest that there be peace in the Middle East, and it is also in our interest that re-

sources be allocated to help the Middle East. Yet direct bilateral aid would inevitably draw the United States into further Middle Eastern conflicts and I do not doubt that other powers would also soon become involved.

Once again the Middle East would become a battleground for the great powers. Nothing would have been gained, indeed, much may be lost. One answer is by multilateral aid through the United Nations. There would be no direct American involvement and the United States would not shoulder the entire burden of a development program.

From an economic point of view, much can be gained by using the politically neutral and technically competent United Nations development program. Long-range, integrated plans are easier to implement through an international agency; economics is not wholely sacrificed to politics, long-term change not sacrificed to short-run impact.

To assure that development plans are truly regional and to give due consideration to needs of the affected nations, I suggest that the U.N. establish an Economic Development Commission for the Middle East.

Like comparable commissions in other regions of the world, the Middle East Commission would be a planning body composed of representatives from all interested nations in the region. In this way Middle Eastern nations would find themselves compelled to cooperate for their own good. Hopefully, from this small overlapping of interests, a somewhat better overall climate will bloom.

Therefore, as a companion measure to the arms race resolution, I am also introducing a second resolution urging the President to act so that our representative to the United Nations proposes formation of a U.N. Economic Commission for the Middle East. I am being joined in introducing this resolution with the following nine cosponsors: DANIEL E. BUTTON, SHIRLEY CHISHOLM, JOHN CONYERS, JR., EMILIO DADDARIO, HENRY GONZALEZ, AUGUSTUS F. HAWKINS, ROBERT KASTENMEIER, ROBERT LEGGETT, and GUS YATRON.

The resolution has another major intent. It suggests that all American aid to the Middle East be channeled through the U.N. development program.

Of all the socioeconomic problems in the Mideast, the plight of the Arab refugees ranks as the most pressing. Settlement of their status is often regarded as a prerequisite for peace. The exact political nature of such a settlement must, of course, be worked out by the parties to the dispute. And I would again emphasize that no outside group of nations should seek to impose any settlement, on any issue, on Middle East countries.

The United States and the United Nations can ease difficulties surrounding a settlement by removing major economic stumbling blocks. Through the UN development program Arab States can be given financial assistance in resettling refugees. At the same time, Israel can be aided in paying compensation to those Arabs who lost holdings in Israel.

All these measures have valuable secondary effects. They increase both the prestige and the potency of the UN. Certainly, the United Nations which commands respect and consideration as a real force in the world has a much better chance of achieving peace in the Middle East.

Indeed, peace in the Middle East must be a basic element of U.S. foreign policy. Our commitment to the continued existence of Israel is firm. There can be no question of that.

From a purely pragmatic point of view, in order to uphold this commitment, it is obvious that no solution is possible in the Middle East without, at least, some accommodation of the legitimate interests of the Arab States. I firmly believe that the best way for the United States to pursue a reasonable and equitable policy is to utilize the United Nations as the primary instrument for achieving peace, tranquillity, security, and justice for all the peoples in this unhappy region.

## A FAIR SHAKE FOR THE MIDDLE CLASS TAXPAYER

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOCH. Mr. Speaker, I am deeply concerned with the gross inequities which have accumulated over the years in our Nation's taxing system.

The middle class, largely dependent on wages and salaries, bears the main burden of the system's inequities. The middle class citizen pays more taxes because he does not have the resources, nor the opportunity, to invest in and reap the artificial benefits of complicated real estate ventures, orange groves, cattle herds, airplanes and the other esoteric luxuries of the tax-conscious upper class.

Because of the growing disillusionment concerning the tax system's fairness, we are, it is predicted, on the edge of a taxpayers' revolt, not based on a refusal to pay taxes but based on a feeling that the middle class is paying the taxes of wealthier individuals who have mastered the many artifices of tax avoidance.

This crisis causes me to focus on one of the more glaring points of discrimination in the tax code, which particularly prejudices the middle class urban taxpayer. A homeowner or owner of a cooperative apartment are both permitted income tax deductions for property taxes paid on their house or apartment and interest paid on the house or apartment mortgage. These deductions are allowed as exceptions to the general rule that personal or living expenses are not deductible. Tenants, on the other hand, get no such tax deductions.

This arbitrary discrimination in favor of homeowners operates to the particular disadvantage of the city dweller where renting is the rule and homeowning the exception

I believe it is time to place the ordinary tenant on an equal footing with homeowners by permitting the tenant a comparable tax deduction for that part of his rent that pays for the property taxes and mortgage interest levied on his apartment building.

I wholeheartedly support and am sponsoring legislative measures to close the tax loopholes through which the wealthy escape, leaving the middle class to pay the bill. When the day comes that everyone pays his fair share of the taxes needed, those of us now bearing the major burden will pay less.

It is only fair that while closing these loopholes which favor the wealthy who need help the least, this Congress should provide some tax deductions which benefit middle class urban tenants who need help the most.

## ANNUNZIO URGES NAMING OF ENRICO FERMI NUCLEAR ACCELERATOR

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, in the 90th Congress, and again in the 91st Congress, I introduced legislation to provide that the nuclear accelerator at Weston, Ill., be named "The Enrico Fermi Nuclear Accelerator" in memory of the late Dr. Enrico Fermi.

I can think of no recognition more appropriate than this to honor the memory of one of the world's greatest atomic physicists whose experiments resulted in the first self-sustaining nuclear chain reaction ever to take place.

Thirty years ago last December 10, Dr. Enrico Fermi received the Nobel Prize for physics from the hands of the King of Sweden. The discovery meriting this prize was the existence of new radioactive elements produced by neutron irradiation, and the related discovery of nuclear reactions brought about by slow neutrons. A whole new field of science and technology was opened by these discoveries.

But Fermi did not return to Italy with his prize. The Fascist racial laws of 1938 which affected his wife and her relatives, deeply offended his sense of fairness. So he fled to the United States where he arrived on January 2, 1939. He found his first refuge in Columbia University. Later he was to work at the University of Chicago, at Los Alamos and back at Chicago where he died on November 28, 1954, shortly after his 53d birthday.

Once the rumor spread that Fermi would stay in the United States, several universities made him excellent offers. He chose to join Columbia University where he had personal acquaintances. He and his fellow physicists Rosetti, Segre, and Amaldi had worked there.

During those 16 years from December 1938 to November 1954, he was to earn the gratitude and admiration of the entire free world for his brilliant contributions to nuclear physics and development of the atomic bomb. I know that today some people, particularly university students, decry research in aid of the military. I wish they could but realize how much Fermi's research, his discoveries, his application of his knowledge for the defense of his adopted land derived from his personal knowledge of an oppressive and regimented society.

Enrico Fermi as an example for our modern students, however, is the subject of another occasion.

At the end of his life in America, Pro-

fessor Fermi was honored as the first recipient of a new award that Congress authorized under the Atomic Energy Act of 1954 for "especially meritorious contribution to the development, use, and control of atomic energy."

A few brief weeks later, Fermi was dead.

Dr. I. Rabi wrote in tribute of Professor Fermi that he was one of those rare personalities in the history of physics whose gifts included great talent for theory and experiment.

As such—

Wrote Dr. Rabi—

he was of the great line of Archimedes, Galileo, Newton, Benjamin Franklin and Henrich Hertz.

Chairman Strauss of the Atomic Energy Commission praised Professor Fermi as "the true architect of the atomic age," and announced that the special AEC award would thereafter be known as the Fermi Award.

Emilio Segre, his longtime associate, wrote of Fermi that:

He gave to science all he had and with him disappeared the last universal physicist in the tradition of the great men of the 19th century, when it was still possible for a single person to reach the highest summits, both in theory and experiment, and to dominate in all fields of physics.

Now, 14 years later, the Nation has had ample opportunity to realize the full debt of gratitude and appreciation and recognition that it owes to this giant among those other giants who include da Vinci, Avogadro, Galvani, Grimaldi and Galileo.

It is time that we do so.

Because of his brilliant research into the nature of the innermost secrets of the atom; because of his ingenious and productive use of those new tools of research, radioactive materials, the nuclear reactor and the particle accelerator; because of his wartime contribution to the atom bomb project; because of his extraordinary example of intellectual excellence; because of these and many other excellent reasons, we as a nation owe it to him to commemorate his achievements not in an exhibit, or with a sterile monument but with a working tool of scientific research that can and will enable man to further extend the frontiers of knowledge.

For these compelling reasons I introduced last year a bill to name the 200-Bev particle accelerator to be built at Weston, Ill., the Enrico Fermi Nuclear Accelerator.

At the opening of this 91st Congress I reintroduced that bill as H.R. 391.

Today I would further show why this proposed recognition of Professor Fermi is timely, appropriate, and deserving of favorable action by a grateful Nation's legislature.

To do so, I would first say something more of Professor Fermi's life and achievements, then highlight the purpose and nature of the 200-Bev machine. I hope you too will see the compelling force and logic of dedicating this new tool of science to Enrico Fermi.

SOME THOUGHTS ON ENRICO FERMI AND PARTICLE PHYSICS

From his early days in Italy as an experimental physicist, Enrico Fermi was fascinated with the minute particles of modern physics. Neutrons, electrons, protons and, later, the heavier particles provided him with means to ask questions of nature, and his observation of his experiments gave him many answers which he could record for posterity. Some of these particles he obtained from electrical apparatus. Some from a piece of radium that flung off speeding particles that he could use for his experiments. As an experimenter with these nuclear particles, he naturally was interested in design and use of sources for them. His interest in accelerators, then, and his success in using them to probe for the secrets of nature alone would be ample reason to dedicate the Weston accelerator to his name.

The Nation's more immediate reason to commemorate Enrico Fermi is, as many high school students now learn, his achievement in leading the team of scientists and engineers who built and brought into operation the first nuclear reactor which demonstrated a controlled nuclear chain reaction. While the story of this remarkable achievement, which took place at the University of Chicago, has been well recorded for history, it is pertinent to recall briefly its highlights for, without proof that the chain reaction among uranium atoms could occur, there would have been no atom bomb, and no Manhattan project.

The principal fact of science which underlies use of atomic energy, whether it be for peace or for war, as a continuing source of energy or as an explosive, is the fact that under certain conditions atoms of uranium and plutonium will fission, or split apart, with the release of energy. The physical mechanism for practical release of this fission energy is the chain reaction which Fermi demonstrated. With hindsight, his demonstration may seem simple, even primitive in comparison with the sophisticated and elegant devices of this day that employ the chain reaction. But at that time the outcome was far from sure for many practical unknowns could have prevented attainment of what in theory was possible.

I would like to begin the story of Fermi's part in the conclusive demonstration of the nuclear chain reaction with the year 1939. In January 1939, the famous nuclear physicist Niels Bohr visited the United States, only a few days after Fermi had fled from Italy. Fermi already had established himself at Columbia University. The cyclotron there promised to be a powerful new tool for new experiments in nuclear physics. At the time, Fermi was without doubt the greatest expert on neutrons.

Fermi had hardly arrived in the United States when the discovery of fission of uranium took place. The famous Bohr brought the news with him. Upon arriving in New York, Bohr hurried to Columbia University to discuss the new discovery with Fermi.

Fermi saw directly that in so violent a nuclear reaction, neutrons might be released too. If the arrangement were such that the emitted neutrons could produce further fissions, the process might become multiplicative. If circumstances were favorable enough, a chain reaction might be obtained. This was shortly before Bohr and Fermi were to open the Fifth Washington Conference on Theoretical Physics. In that brief time Fermi and a graduate student quickly modified experimental apparatus to confirm Bohr's news. At the conference the next day Fermi was able to speak of the fission process with the conviction of personal experience.

By the time Fermi returned to Columbia the next day, Fermi knew what questions he wanted to answer. Were neutrons emitted in the fission of uranium? If so, in what numbers? How could these neutrons be brought to produce further fissions? What other processes might compete for these neutrons? Could a chain reaction be developed. Fermi began to answer these questions in a letter of February 16, 1939, to Physical Review on the fission of uranium. That spring he gathered together his research group, including Walter H. Zinn, Leo Szilard—a Hungarian scientist who had come without benefit of a faculty appointment to work with Fermi, and Herbert L. Anderson, his gifted graduate student and future associate.

Fermi and his group continued their neutron work at Columbia until the summer of 1942 when they moved to the University of Chicago to work more closely with the new Manhattan project. In May of that year the decision was made to build one or more full scale nuclear reactors to produce the artificial element of atomic number 94 at a cost of $25 million. This decision was made in anticipation that Fermi would successfully demonstrate a chain reaction in Chicago.

During the summer of 1942 Fermi planned the construction of a small reactor capable of a chain reaction of a few hundred watts energy output. As his plans evolved, he realized that such a novel and possibly dangerous experiment should not be carried out in the heart of one of the Nation's cities. That September it was decided to move Fermi's reactor—or pile—from the squash court of the university's Stagg Field to the Argonne Forest Preserve. But this move was plagued with troubles. Labor disputes delayed the completion of a building at Argonne. Rather than lose time, Fermi thought that he could assemble his pile at Stagg Field before space would be ready in Argonne. He convinced Arthur Compton of the University of Chicago that the experiment was safe.

Not daring to seek approval from either the Army, which by then had taken over administration of the atom bomb project, or from the university administration, Compton took it upon himself to authorize Fermi to go ahead.

Time was short. General Groves had appointed a special committee to review Compton's entire project at Chicago, which included Fermi's work. The situation was critical. Unless the review committee could be convinced to share Compton and Fermi's optimism, the work of the reactor might be wasted. By recruiting all available help, Fermi and his team set about the arduous task of machining 40,000 blocks of graphite, and assembling them with blocks of uranium metal and oxide into the necessary form.

The review committee was convinced. Thanksgiving, 1942. Fermi was not ready.

The committee returned to Chicago on December 2. The pile was finished the night before. At 9:45 on the morning of December 2, Fermi began to withdraw the first of the control rods that governed the pile. Before noon he was able to invite Compton and a committee representative to witness the final phases of the experiment. Finally, at 3:20 p.m., Fermi's instruments indicated a self-sustaining nuclear chain reaction had been attained.

The review committee was convinced. Based on its recommendations, the Manhattan project decided to build with the utmost speed and highest priority the plutonium production reactors that were to cost $100 million.

Writing of this experiment some 20 years later, Eugene Wigner, one of the participants, said:

> Do we then exaggerate the importance of Fermi's famous experiment? I may have thought so sometime in the past, but do not believe it now. The experiment *was* the culmination of the last doubts in the information on which our further work had to depend had a decisive influence on our effectiveness in tackling the second problem of the Chicago project: the design and realization of a large-scale reactor to produce the nuclear explosive plutonium. This objective could now be pursued with all the energy and imagination which the project could muster.

Fermi stayed at Chicago until the next spring when his group moved out to what is now the Argonne National Laboratory. He continued on with his work. Within 2 years of the Stagg Field demonstration, the initial power run of the first plutonium production reactor began. The time was a few minutes after midnight on September 27, 1944. The place was the Manhattan District's Hanford Works in the State of Washington. Fermi was there to supervise and check the operation.

Fermi's work with the Manhattan District did not stop here. Leaving the scenes of his monumental accomplishments, he went to Los Alamos where he turned his powerful mind to the question of a thermonuclear bomb. Someday I hope the history of his contribution to that mighty item in our Nation's armory can be adequately acknowledged.

In August 1945, Japan surrendered and thus ended the Second World War. The scientists at Los Alamos, Fermi included, began thinking of peacetime research. Fermi was still on leave of absence from Columbia University, but just at that time the University of Chicago began to organize its Institute for Nuclear Studies, which later was to become the Fermi Institute for Nuclear Studies. The university repeatedly offered Fermi the directorship, but he was interested in research, not administration. He resolutely refused. Fortunately Prof. S. K. Allison, a distinguished and a very able administrator and a good friend of Fermi, was appointed director of the institute and Fermi then joined as a research scientist. And at the new institute would be a large and powerful synchrocyclotron, which was being built across the street from the old squash court at Stagg Field. This machine was built with the idea that Fermi would be the principal user.

Fermi returned to Chicago on January 2, 1946. While waiting for the synchrocyclotron to be finished, he again worked with neutrons at the Argonne Laboratory, using its reactor as a source. This period at Argonne marked the end of his investigations on neutrons which traced back to his initial work in Rome.

Fermi formed a new group of young pupils, many of them returning from Los Alamos. At Chicago he was active in all seminars and in many discussions. Often, with a single remark, he sowed the seeds of further discovery. For instance, Maria Mayer in reporting an experiment inspired by Fermi generously acknowledged his assistance.

Meanwhile the stage was readying for the last period of Fermi's research. Meson physics was opening and Fermi immediately recognized its importance. Since the new Chicago synchrocyclotron promised a powerful artificial source of mesons, Fermi's experimental talents turned in this direction.

The new machine began operations in the spring of 1951, and he and his group soon were publishing new discoveries. He did his last experiment in 1953, and his paper on "Scattering of Negative Pions by Hydrogen" of that year concluded his experimental work. Thereafter, Fermi spent more and more time helping his students by discussion and frequently lending a hand in their experiments, but never again to the extent that would allow him to admit that the work was his own.

Thus freed from the demands of experimental work, he could consider the possibility of working together with the Indian scientist Chandrasekhar on problems of astrophysical interest, related to his long standing interest in cosmic rays. His new colleague was later to write of Fermi's intuitive insight into nuclear physics:

> During all my discussions with Fermi, I never failed to marvel at the ease and clarity with which he analyzed novel situations in fields in which, one might have supposed, he was not familiar and, indeed, was often not familiar prior to the discussion. In the manner in which he reacted to a new problem, he always gave me the impression of a musician who, when presented with a new piece of music, at once plays it with a perception and a discernment which one would normally associate only with long practice and study.

Chandrasekhar also gives us this further insight into Fermi's magnificent feel for nuclear physics and the psychology of his inventive genius. Fermi had described to him how he came to make the discovery which Fermi thought was the most important one he had made, when he was working with neutrons in his early days in Italy. This is Fermi's account:

> One day, as I came to the laboratory, it occured to me that I should examine the effect of placing a piece of lead before the incident neutrons. And instead of my usual custom, I took great pains to have the piece of lead precisely machined. I was clearly dissatisfied with something: I tried every "excuse" to postpone putting the piece of lead in its place. When finally, with some reluctance, I was going to put it in its place, I said to myself, "No! I do not want this piece of lead here; what I want is a piece of paraffin." It was just like that: with no advanced warning, no conscious, prior, reasoning. I immediately took some odd piece of paraffin I could put my hands on and placed it where the piece of lead was to have been.

Mr. Speaker, these few but telling insights into Fermi's work, these evidences of his genius, when coupled with the lasting and vital significance of what he accomplished for this country constitute the necessary and sufficient reasons, as our mathematical friends would say, to dedicate the Weston machine to the memory of Enrico Fermi.

THE PURPOSE OF THE 200-BEV. ACCELERATOR

Consider the purpose of the new accelerator and the questions that our scientists can put to nature with its energetic particles. Dr. Robert R. Wilson, director of the project, looks at the many particles discovered through use of less energetic particles. That nature thereby revealed is more complex than first expected, he reminds us, is a challenge rather than a disappointment. In building higher energy machines to study these complexities, all kinds of exciting and fundamental discoveries have been made. Not only have various new particles been observed, but also new physical laws have been discovered while old ones have been observed to be violated. In previous studies of the nucleus—where Fermi was a masterful leader—physicists were able to understand why the stars shine and how matter is made.

Dr. Wilson eloquently reminds us that pure science, the search for understanding, is as important for its effect on the minds of men as it is for its eventual contributions to his standard of living:

> Man's effort to achieve a better comprehension of the world in which he lives will continue to have a profound effect not only on his philosophy, not only on his well-being, but also on his whole social organization.

What are some of the questions that scientists can put to nature with the new machine when it is finished? These fortunate men will be in the same happy situation as was Fermi when the Chicago synchrocylotron came on-line in 1951. Dr. Wilson lists some of these questions:

> Which, if any, of the particles that have so far been discovered, is, in fact, elementary, and is there any validity in the concept of the "elementary" particles?
>
> What new particles can be made at energies that have not yet been reached? Is there some set of building blocks that is still more fundamental than the neutron and the proton?
>
> Do the laws of electromagnetic radiation, which are now known to hold over an enormous range of lengths and frequencies, continue to hold in the wave length domain characteristic of subnuclear particles?

These are some of the questions that scientists in nuclear physics would explore. There is good reason to believe that they can be clarified by experiments. Although these are questions that appear to be the "right" ones to investigate, the best questions have undoubtedly not yet been asked. Only further experiment with the Batavia machine will give us the insight to ask them. Nature in the past has always surprised us. It is probable, as our scientists take the step up to the 200-Bev. machine, that more surprises await.

Enrico Fermi were he with us today

would be chaffing impatiently to ask these questions of nature and to interpret her answer.

Enrico Fermi was a great experimentalist. He had a deep and intuitive insight into nature. Working with the Weston machine will demand the greatest insight and ability to see in the experimental returns new relations, new facts that can escape the comprehension of the less gifted. Above all, Fermi was a great teacher. The full return on the Nation's pending investment in the Weston accelerator will be realized only as its scientists can emulate Fermi in his ability to teach, to simplify, to lay out for their students and associates the strange beauties of the worlds of the atoms.

Mr. Speaker, I have laid out my reasons why the new 200-Bev. accelerator should be dedicated to Enrico Fermi and I hope that you and our fellow Members of Congress will give your support to H.R. 391.

## EX-AMERICAN HANDLES MOB MONEY IN SWITZERLAND

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, the New York Times on Sunday, March 2, 1969, published a story entitled "Ex-Bootlegger Manages Money in Swiss Banks for U.S. Mobs." The story refers to one John Pullman, who was associated for many years with Meyer Lansky, described as "reputedly the most powerful non-Italian associate of the Mafia." According to the story, Mr. Pullman has renounced his U.S. citizenship and now lives in Switzerland where he manages the flow of millions of dollars from organized crime in America in and out of coded Swiss bank accounts.

For the past few months the House Committee on Banking and Currency has been looking into the use of foreign banking facilities operating in jurisdictions with strong secrecy laws as a device for aiding and abetting various schemes which are violative of American law. The case of Mr. Pullman is but another chapter in this sordid story. The committee is not only concerned about the activities of organized crime, but also the use of these foreign banking facilities by an ever-growing number of Americans who are breaking our laws. One estimate of the resulting tax loss to the United States runs into hundreds of millions of dollars. Secret bank accounts make it virtually impossible for American law-enforcement authorities to bring violators to justice.

As previously announced, I will introduce legislation which seeks to limit the use of the secret foreign bank device.

The above referred to article from the New York Times is included at this point:

EX-BOOTLEGGER MANAGES MONEY IN SWISS BANKS FOR U.S. MOBS

(By Charles Grutzner)

A 67-year-old former bootlegger who renounced his United States citizenship sits behind a desk in Switzerland and manages the flow of millions of dollars from organized crime in America into and out of coded Swiss bank accounts, according to Federal officials.

The money mover has been identified by Federal investigators here as John Pullman, who was associated for many years with the racketeer Meyer Lansky after the repeal of Prohibition. He is said to know how the profits of gambling, loan sharking and other rackets are poured into secret Swiss accounts and come back as "clean" money.

The cleansed profits, which sometimes return to their American depositors as loans from their own secret Swiss accounts, are then invested in legitimate businesses and real-estate purchases here, the authorities say.

Pullman's operations in Lausanne do not violate any Swiss law. No charges are on file against him in the United States, but several government agencies here keep informed about his visitors and his trips between Europe and Canada.

Although Pullman keeps out of subpoena reach by his voluntary exile from the United States, Federal investigators have traced some of his transactions that involve American banks and brokerage houses and several Swiss banks.

United States Attorney Robert M. Morgenthau, when asked about Pullman's role in international finance, said:

"John Pullman was for years a courier for the mob. Now he handles their investments for them through Swiss bank accounts."

Mr. Morgenthau, interviewed in the Federal Court House at Foley Square, declined to be more specific about Pullman's activities because the former bootlegger is involved in an investigation into the real ownership of some of the funds in the coded Swiss bank accounts.

"Until recently this form of bank dealing had been a safe operation for organized criminals," Mr. Morgenthau said. "We have turned up some promising information we are not yet ready to disclose.

"We know that several Swiss banks are wholly or partially owned by Americans, some of whom have ties with organized crime. These banks maintain accounts running into millions of dollars with New York banks and brokerage firms."

RAN RUM WITH LANSKY

From government sources here, in Canada and in the Bahamas, some of Pullman's background has been pieced together. Pullman, who was born in Russia, Sept. 19, 1901, first came to the attention of American law-enforcement authorities as a member of Lansky's rum-running and bootleg-liquor distribution operation. He was sentenced in 1931 to 15 months in the Federal reformatory at Chillicothe, Ohio, for violation of the National Prohibition Act. So far as is known, that was his only conviction.

As Lansky, reputedly the most powerful non-Italian associate of the Mafia, expanded his gambling operations into the casinos of Florida, Louisiana, Nevada and Cuba, and into real estate, night clubs and other enterprises, Pullman moved up in racketeer circles with him, the authorities said.

Pullman, who has a sallow complexion, blue eyes and a prominent nose, stands 5 feet 6 inches tall and weighs about 155 pounds. His hair, once brown, has turned gray.

Early in their association, Pullman, who is known to his American associates as Jack, is said to have impressed Lansky with his mathematical aptitude and sharp mind for business dealings.

On Lansky's recommendation, according to government sources, he became a courier for the illegal "skim" from the proceeds of legal gambling in Las Vegas. Eventually he became banking technician for other members of organized crime, the sources said. He traveled frequently to Switzerland and became a solicitor of new accounts for several Swiss banks.

Pullman became a naturalized American citizen in 1943 in Chicago. But five years later he assertedly found it advantageous to travel on a Canadian passport. He went to Canada, obtained landed immigrant status, and then obtained Canadian citizenship.

By 1964 he was a permanent resident of Lausanne, where, the authorities said, he established associations with Swiss lawyers who set up Liechtenstein trusts and companies in Panama and elsewhere through which money is shuttled for the benefit of the real owners.

He could not be reached yesterday for comment.

There is no legal limit on the amount of money a traveler may take out of the United States, and some of the racket profits are taken in cash by couriers to the Swiss banks.

Much of the money is funneled to Swiss banks through dummy corporations, a system that is regarded as safer than using couriers, in part because it is devious enough to make it difficult for tax agents and other government investigators to trace.

On the return route, when the money comes as a loan from a racketeer's own anonymous Swiss account, the borrower-lender takes an income tax deduction on the interest he pays on his borrowing. But he avoids tax payments on the interest accruing to his Swiss account.

The "clean" money is often used for investment in legitimate businesses here. In some cases, where the legitimate businessmen may already be in debt to loan sharks, they have no choice but to accept a known or suspected racketeer as a partner.

In other cases, the legitimate businessmen do not know that their new partners are members of organized crime until they start using underworld practices to harass competitors, bribe public officials or siphon off company funds.

The Internal Revenue Service would like to learn whether Pullman knows the whereabouts of the fortune of the late Mafia boss Vito Genovese, estimated by one Federal official at $30-million. Genovese's visible estate, like those of other bosses of organized crime that the Government has sought to tax, shows only the minimal amount he had acknowledged as legitimate income.

WATCHED BY FBI

The Federal Bureau of Investigation kept Pullman under close surveillance when he was in Florida, Las Vegas and other cities. The Canadian Royal Mounted Police shadows him on his visits to Canada, which coincide, officials said, with excursions by leaders of organized crime to this country to Toronto, where Pullman's brother-in-law has law offices.

According to official sources, on one such visit, Pullman was told by an associate that Lansky was seriously ill. Mr. Pullman is said to have chuckled and remarked:

"I've got 250 grand of the little guy's money that I haven't banked yet. So, I'm not going to get hurt."

According to investigators Pullman has risen from an underling in Lansky's bootleg business to a position of power from which he directs the fortunes of the underworld.

Records in the Registrar General's office in Nassau, the Bahamas, show that Pullman was president and holder of 2,000 shares of stock in the World Bank of Commerce, organized there in 1961.

Federal agents say that Pullman, who has become wealthy in his own right, moves in international society and acts as social guide, as well as financial technician, for American racket bosses when they visit Europe.

## THE ST. LOUIS GLOBE-DEMOCRAT SPEAKS OUT AGAINST HIGH-INTEREST RATES

(Mr. PATMAN asked and was given permission to extend his remarks at this

point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, last week I charged Federal Reserve Board Chairman William McChesney Martin with being the most costly public official in the history of the world.

Since that time, Mr. Speaker, many people from many sections of the country have written me expressing support for this viewpoint and stating their firm opposition to the current high level of interest rates.

Mr. Speaker, indicative of this sentiment is an editorial from the St. Louis Globe-Democrat of Friday, February 28. The editorial states:

Interest rates are much too high. They should be brought down as soon as possible. If they are increased again, we predict the increase will be self-defeating.

Today, the American people are paying billions of dollars in excess interest charges due to the mistaken policies of Mr. Martin and the Federal Reserve Board. In fact, since 1951, when Mr. Martin became Chairman, the American people have paid nearly $250 billion in excess interest charges on public and private debt.

Mr. Speaker, I place in the RECORD a copy of the editorial from the St. Louis Globe-Democrat:

HIGH INTEREST COULD BRING RECESSION

Rep. Wright Patman of Texas, perennial foe of high interest rates, may have overstated the case when he warned Federal Reserve Board Chairman William McChesney Martin about skyrocketing interest rates.

But we believe that Rep. Patman was expressing what many middle-income and lower-income Americans have felt for some time when he admonished Martin that people won't be able to afford the high interest on loans if the rates keep going up.

Chairman Martin, bankers and other money managers talk about "tightening credit" and "cooling off the economy" but do they really know what the effect of higher interest rates is having on many Americans who must pay these exorbitant interest costs?

Unless people can borrow money at decent interest rates, there is a real possibility that sky-high interest charges could bring on a serious recession, if not the depression that Patman predicts.

The threat of ever-higher money costs puts a dark cloud over the future.

It would be better to put on wage-price controls and lower interest costs than to allow interest rates to spiral to the point where the home-building and construction industries would be crippled.

President Nixon had better use his influence to stop the planned increase in the prime lending rate that Eastern banking houses reportedly are on the verge of announcing. If he doesn't, the same big money interests in the East which opposed his nomination could be instrumental in sending our economy into a tailspin.

Interest rates are much too high. They should be brought down as soon as possible. If they are increased again, we predict the increase will be self-defeating.

The reaction will be so strong that emergency measures may be necessary to head off a dangerous recession.

## AFL-CIO EXECUTIVE COUNCIL ON THE UNIFORM CONSUMER CREDIT CODE

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, on February 17, 1969, at its midwinter meeting, the AFL-CIO Executive Council adopted a statement outlining its objections to the Uniform Consumer Credit Code. This code, which was paid for mainly by the credit industry, is a proposed model State law which is currently undergoing a heavy pressure campaign for its passage in the various State legislatures.

The AFL-CIO Executive Council's principal objections to the code center on the high maximum interest rates permitted—up to 36 percent a year; the provision for rates of interest as high as 10 percent on first mortgages; the provision for garnishment of up to 25 percent of wages; and the general attitude on the part of the code's supporters that it should be adopted as a package, regardless of whether it is an improvement over existing State laws.

Because it represents 13 million members and their families, the AFL-CIO statement cannot be taken lightly. The AFL-CIO has been joined by other prestigious consumer organizations such as the CUNA International and the Consumer Federation of America in its opposition to the proposed code as it now exists.

The council's action was not the result of any precipitous judgment. It is accompanied by a detailed analysis of the code and its more salient provisions. This is also included in the RECORD at the end of these remarks.

I congratulate Mr. Meany and the AFL-CIO Executive Council on an exceptionally fine statement and commend it to the Members of Congress.

The above-mentioned material follows:

STATEMENT BY THE AFL-CIO EXECUTIVE COUNCIL ON THE UNIFORM CONSUMER CREDIT CODE, BAL HARBOUR, FLA., FEBRUARY 17, 1969

We have carefully examined the Uniform Consumer Credit Code, a "model state law" which has been prepared for introduction in the 47 state legislatures meeting in 1969.

UCCC would repeal and replace virtually all existing state laws relating to consumer credit. Sponsored by the National Conference of Commissioners on Uniform State Laws, it is offered for adoption as a "package," without amendment. The sponsors urge immediate enactment, despite the fact that the Code is a lengthy, complex, and sweeping legislative proposal. The public has had little opportunity to evaluate either its general impact or its specific provisions.

The Code is not essentially a "consumer statute" but seeks to compromise consumer and creditor interests. While it would make a number of desirable reforms in behalf of the consumer, which should be supported, it also contains serious drawbacks from a consumer point of view.

For this reason we cannot endorse the Code in its present form for enactment as a uniform law throughout the United States.

Our principal objections are as follows:

(1) We are shocked by the extraordinarily high finance charge ceilings authorized by the Code, ranging from 18 to 36 percent per year for installment loans and credit, and believe that they would inevitably result in exhorbitantly high credit costs for borrowers and credit buyers.

(2) We cannot concur in the excessive rate of 10 percent per year, which would be permitted on first mortgages.

(3) We are dissatisfied with the provisions on wage garnishment which could, if care is not taken, result in reduction of existing protections for wage earners in a number of states. We cannot in any case endorse a "take" by creditors as high as 25 percent of a person's wages.

(4) We are alarmed at the general repeal contemplated by the Code of present state consumer credit legislation regardless of whether it is superior to Code provisions or covers subjects not covered in the Code.

The possible impact of Code enactment would vary in each of the 50 states. Each state will need to make a careful assessment of its existing legislation in comparison with Code provisions.

In states with a large body of existing legislation, state AFL-CIO central bodies will probably find it best to reject the Code and instead seek improvements in their present laws, borrowing good features from the Code where appropriate.

In states with little or very deficient legislation, state central bodies may find it advisable to start with the Code as a working basis, but should seek amendment of its worst features.

In any case, precipitous enactment of the Code on an "as is" package basis should be rejected, as well as deviant forms, containing even worse features, which are likely to be introduced in some of the legislatures.

At the national level, the AFL-CIO staff will render whatever assistance it can to state bodies in connection with UCCC. We will also pursue abatement of consumer credit evils through federal legislation, wherever it is possible and appropriate. The door should not be shut on consumer credit reform through federal action. Enactment of federal minimum standards in the consumer credit field may in fact be necessary to reach the states in which reform is most needed and where creditor lobbies are most likely to succeed in blocking it.

BACKGROUND STATEMENT ON UNIFORM CONSUMER CREDIT CODE

The Uniform Consumer Credit Code (UCCC) is a type of "model state law" developed by the National Conference of Commissioners on Uniform State Laws. It was officially promulgated by the Conference on July 30, 1968, and subsequently endorsed, on August 7, 1968, by the American Bar Association. The Code has been in process since 1964, although much of the final text was prepared in 1968 to take account of the Federal Consumer Credit Protection Act, which was signed by the President on May 29, 1968.

Since the original text was released, the Code has undergone additional revisions. The current version of the Code is the "Revised Final Draft, November 1968," published in December 1968.

UCCC is designed as a replacement for virtually all existing state laws relating to consumer credit. Present laws on such provisions as maximum finance charge rates, (including usury rates), disclosure, licensing, administration and enforcement would be repealed. The one major exception to general repeal would be in the case of "supervised financial institutions"—such as banks, savings and loan associations, and credit unions—which receive deposits as well as make loans, although the new rate structure would apply to them as well as to other creditors.

Because the Code is designed as a uniform law, to be enacted in the same form in every state, it is offered as a "package" for adoption in its entirety, without amendment. Code sponsors are seeking blanket endorsement of the Code, regardless of any deficiencies and drawbacks.

The Code was not developed as a "consumer statute," as such, but rather seeks a "balance" of consumer and creditor interests. The principal "trade-off" appears to be in the form of high finance charges for creditors in exchange for restrictions on some

of the more bloodthirsty techniques by which creditors can enforce repayment of debts plus more comprehensive enforcement procedures than now apply under many types of credit statutes.

Present indications are that the compromise is unlikely to be satisfactory to all groups. The Code has drawn support from various segments of the credit industry, but coldness from others (notably the American Bankers Association). No known support has come from consumer groups. The major exception in the consumer community was an endorsement by the Special Assistant to the President for Consumer Affairs and the President's Committee on Consumer Interests. But the Code has come under heavy fire from the Consumer Federation of America, representing 136 consumer-oriented organizations. To date it has been opposed by at least three important state consumer organizations—the Association of California Consumers, the Consumers League of New Jersey, and the Pennsylvania League for Consumer Protection—as well as by the Massachusetts Consumers' Council, an official consumer representation body.

Although Code sponsors have sought immediate, wholesale endorsements of their work, and immediate enactment in the 47 state legislatures meeting in 1969, the general public has had little time to gain an understanding of the Code or to develop knowledgeable criticism. The possible impacts would, of course, vary in each of the separate 50 states. Study and criticism will be a continuing process, and common sense dictates a rejection of precipitous enactment.

For states which already have a large body of consumer credit legislation, covering both cash loans and retail sales credit, enactment of UCCC may represent little if any gain in consumer protections and in fact is more likely to result in a net loss. Such states should be extremely critical of UCCC and probably will find it best to reject the Code altogether in favor of continuing improvements in their existing statutes.

On the other hand, states with little or very deficient consumer credit legislation could find that UCCC represents a net gain, in the sense that almost anything would be better than what they have. Even in such situations, a cautious approach is advisable. As indicated in the more detailed comments that follow, finance charge ceilings authorized under UCCC are extraordinarily high for types of credit other than for small loans, and the Code has other drawbacks.

Clearly, an important motivation for urging speedy enactment is the hope of forestalling further federal action in the field of consumer credit. An immediate and announced goal of the Conference is to gain exemptions of state credit laws from applicable provisions of the newly enacted federal Consumer Credit Protection Act. Under the federal law, state laws with "substantially similar" provisions may be exempted from federal requirements for disclosure of the cost of consumer credit and from federal requirements limiting the amount of wages that may be garnished. Further possibilities of federal entry into the consumer credit field could come out of the prospective study by the newly authorized National Commission on Consumer Finance which was set up by the Consumer Credit Protection Act with instructions to make a study and recommendations by January 1, 1971. Also specific federal bills may be expected in the field of credit insurance and in door-to-door credit sales, at a minimum.

MAJOR POINTS ABOUT THE UNIFORM CONSUMER CREDIT CODE

*Maximum charges*

1. The Code repeals all existing laws setting maximum rates on consumer loans from banks, credit unions, small loan companies and repeals general usury rate statutes (important primarily in mortgage lending). Maximum rates for retail sales are also repealed including finance charge ceilings set for automobiles, for general retail sales, home repair services and for revolving credit. Existing finance charge ceilings for most creditors would be replaced by uniform ceilings patterned on existing rates for small loan companies, the highest-rate legal lenders in the credit market. In effect, the small loan company rates would become an "umbrella" for all creditors, both for cash loans and for sales credit. The new ceilings would thus raise the legally permitted rates of charge for cost creditors in most states. For most types of consumer credit, except first mortgages, the effective ceilings would be 36% on the first $300, 21% on the next $700 and 15% on the remainder over $1,000. Ceilings on store revolving credit are set at 24% on the first $500 and 18 percent on the remainder. (See Attachment I for more detailed outline.)

2. Over and above the maximum rate ceilings, the Code permits additional charges for official fees and taxes, and for insurance—property, liability, credit life, and credit accident and disability. These provisions follow the lines of the Federal Consumer Credit Protection Act, which defines "finance charge" in such a way as to permit their exclusion from the finance charge for disclosure purposes. A number of current small loan laws require the lender to include most of these charges in the finance charge, although extra charges for credit life insurance are now generally permitted. The "additional charge" system provides an additional source of revenue to creditors, since the "extras" can be included in the amount of the loan or credit and a finance charge computed on top of them.

3. In addition to charges for official fees, taxes, and insurance, the Code allows "extras" for "other benefits." This provision, although presented as being in conformity with the federal act, actually opens up what could be a dangerous loophole for "tie-in" charges and purchases to be required by the creditor as a condition of extending credit. The Code nowhere makes a flat prohibition of "tie-in" sales, except for limitations on compulsory purchase of various types of insurance.

4. The Code properly requires that a rebate of finance charges be made to the credit buyer or borrower who pays off the credit balance in advance. The rebate is calculated according to the "Rule of 78". Unfortunately, where graduated rate ceilings are used, as under the Uniform Consumer Credit Code, the Rule of 78 provides the creditor with a windfall of unearned credit charges and a corresponding shortfall to the consumer. The "Revised Final Draft" attempts to deal with the problem, not by eliminating the windfall, but by authorizing alternative calculation of the finance charges in such a way as to "legitimize" the windfall. This point will require more analysis and explanation, but some idea of the problem can be obtained by the summary comparisons shown in Attachment II, based on tables appearing in the explanatory text ("Official Comment") of the Code.

*Insurance*

UCCC insurance provisions are written within the framework of the Model Credit Insurance Act developed by the National Association of Insurance Commissioners and now in effect in a number of states. Although some of the more disreputable creditor practices in the sale of credit insurance are prohibited, UCCC does nothing to deal with fundamental problems of overcharges for credit, life, accident and health policies documented by the Senate Antitrust and Monopoly Subcommittee in its 1967 investigative hearings. These hearings disclosed widespread profiteering by creditors on the sale of high-priced insurance, paid for in its entirety by borrowers.

Kickbacks, commissions, and rebates from insurance companies and creditor-owned insurance subsidiaries have built a system of "reverse competition" encouraging the sale of insurance at highest possible rates. UCCC forbids charges beyond the legal maximum permitted by the Commissioner of Insurance but does nothing to reduce them further. Lenders' profits on insurance are specifically protected.

*Disclosure provisions*

The sections on disclosure are largely a duplicate of the provisions of the Federal law which contains extensive requirements relating to items of cost of the credit provided, including a statement of the annual percentage rate. Both credit contracts and credit advertising are covered. The principal problem about the disclosure provisions is that since all existing state legislation on disclosure is repealed, any disclosure requirements other than the ones copied from the federal law would disappear. Disclosure statutes may, for example, require disclosure of a buyer's rights under the law, make detailed specifications as to contract forms, or other matters. In effect the federal specifications would substitute for existing requirements rather than add to them. In addition, the disclosure provisions could be rendered ineffective by the fact that specific administrative authority for issuing regulations to interpret the disclosure requirements in the Code is not provided. In particular, the decision as to what is "conspicuous" is left to the courts for determination, on a case by case basis.

*Restrictions on contract provisions*

1. Credit Sales

The UCCC makes a commendable attempt to prohibit or restrain certain types of contracts and contract provisions which are notoriously unfair to credit buyers, but it does not go "all the way."

a. Holder in due course

The Code knocks a hole in the onerous "holder-in-due course" doctrine under which a finance company which has bought a credit contract for a retailer is held free of all responsibility to the original buyer and is legally entitled to collect monthly payments from the debtor, regardless of fraud in the original contract, overcharges, defects in the product or other failure in the seller's duties.

The Code would prohibit sellers from taking a "negotiable instrument" in connection with consumer credit contracts. A subsequent buyer of the paper (the "holder") would not qualify for "holder in due course" status if he had notice of the seller's violation. However, no provision is made for labeling consumer paper as such and no penalties attach to the "holder" even if he does take paper illegally procured by the seller.

The Code also invalidates agreements whereby the borrower waives his legal defenses against a subsequent holder ("assignee") of a credit contract. Two Alternatives are provided. Alternative A, which subjects assignees to buyer's defenses, is definitely superior to Alternative B, which requires notice by buyer to assignee of defenses within three months. Even under Alternative A, certain limitations are placed on the liability of the assignee.

b. Balloon contracts

The Code discourages the writing of "balloon contracts," but does not prohibit them. It merely specifies that the buyer shall have the right to refinance a balloon payment "without penalty" in any case where the balloon is more than twice the average of earlier scheduled payments. Current state laws that deal with balloon payments usually prohibit them.

c. Security for contract

The Code makes certain restrictions on the security that may be taken in a credit sale. In general the seller may not take a security interest in property of the debtor other than in the goods which are the subject of sale. Exceptions are allowed to permit a security interest in goods on which services

are performed or in which goods sold are installed. Also a security interest in land may be taken if goods are affixed to it or improvement services performed on it. The debt must be at least $300 in the case of security interest in goods and at least $1,000 in the case of a security interest in land. These provisions are definitely a step in the right direction, but the $300 and $1,000 limits have been criticized as too low.

d. Add-on sales

The Code reforms but does not eliminate "add-on" sales whereby a buyer's current purchases are permitted to be taken as security for earlier purchases on which payments have not yet been completed, and vice-versa (earlier purchases become security for later purchases). Situations have occurred in which default on the most recent purchase have occasioned loss to the buyer of the entire set of purchases. The Code provides that a buyer's payments must be allocated to the goods in the order which they were bought and the security interest terminated in each item as the debt on each is paid off.

A question remains as to whether "add-on" sales should be prohibited in their entirety. A consideration against such prohibition in the Code as presently written is that multiple separate sales could result in multiple high-charge contracts under the graduated rate structure.

e. Wage assignments

UCCC prohibits wage assignments as do a number of existing state laws. This is a desirable reform. A wage assignment is an agreement which provides that the creditor can take part of a worker's wages directly from his employer if the debt is not repaid when due. Under UCCC an assignment of earnings may not be taken unless the employee is free to revoke his authorization of the assignment.

f. Referral sales

Referral sales are prohibited. A desirable reform. Referral selling is a racket whereby the buyer is persuaded to sign a contract by a promise that he can recoup the purchase price in whole or in part by supplying other customers to the seller.

g. Attorney's fees

Two alternatives are provided: (A) prohibits agreements providing for payment of attorney's fees by the borrower and (B) limits attorney's fees to 15 percent of the unpaid balance. Alternative (A) is clearly superior, particularly since "reasonable expenses" are allowed to the creditor in realizing on his security interest in case of the borrower's default.

h. Confession of judgment

This is prohibited. A desirable and important reform. A debtor who "confesses judgment" signs away his legal rights to challenge the validity of the debt.

i. Blank spaces and contract accelerations

Two notable omissions in the Code are (1) the failure to prohibit blank spaces in contracts (a common requirement under existing state legislation) a source of easy fraud on the debtor (2) the failure to curb the creditor's unrestricted right to require immediate payment of the unpaid balance of the debt thereby precipitating a debtor's default. Unilateral acceleration by the creditor should be restricted to cases in which substantial default has actually occurred.

2. Loans

Restrictions on loan agreements are less extensive than those for sales. Provisions on balloon payments, wage assignments, attorney's fees, and confessions of judgment are the same. But no restraints are put upon the rights of holders in due course or on rights of assignees. "Supervised lenders" (licensed lenders and supervised financial institutions) may not take a security interest in land unless the debt is over $1,000 but other lenders may do so. Again, the $1,000 cut-off has been criticized as too low.

*Restrictions on Creditor Collection Practices*

1. Deficiency Judgments

The UCCC makes a limited attack on deficiency judgments. It provides that a seller who repossesses or takes back goods that were the subject of sale (or other security for the debt) may not also obtain payment for the "deficiency" between what the goods sell for and the unpaid balance of the debt. However, this provision applies only where the cash price of the sale was $1,000 or less, thus being of no effect for larger purchases such as new cars. No restraint on deficiency judgments applies in the case of cash lenders.

2. Wage Garnishment

UCCC would restrict garnishment along the lines of the Federal Consumer Credit Protection Act which limits garnishment to 25% of disposable earnings or the excess over $48 per week (30 times the federal minimum hourly wage) whichever is less. In UCCC the minimum exemption is improved to $64 (40 times the minimum wage), but the 25% figure remains unchanged.

In addition UCCC would prohibit garnishment before judgment and would prohibit employers from firing workers on account of garnishment. Federal law forbids firing on account of garnishment for "any one indebtedness" and makes no special provision for garnishment before judgment.

The principal immediate problem presented by UCCC is whether its 25% limit and basic exemption amount would replace more favorable provisions under a number of existing state laws, for example, laws which provide a 10% limit or which do not permit garnishment at all. A "savings clause" is included in the Federal statute for such situations, but not in the text of the Code.

In the most recent published edition of the Code (Revised Final Draft, November 1968) the "Official Comment" has been rewritten to disclaim any intent to undercut existing laws which provide additional protections to wage-earners. However, the fact remains that the statutory language does not in itself accomplish this result.

A further technical difficulty presented by the Code is that its garnishment provisions cover only situations in which the garnishment has arisen out of a transaction covered by the Code (generally, debt characterized either by installment repayments or by the imposition of a finance charge). Garnishment arising out of debt not covered by the Code, such as service credit (doctor bills and utility bills), would not be affected.

Even assuming the most favorable interpretations of the Code, only modest improvement is made over the Federal provisions which will go into effect July 1, 1970. More comprehensive action on garnishment is needed, either to abolish garnishment altogether, or to severely restrict its application.

*Contract cancellation rights*

UCCC includes a section on "home solicitation sales" giving buyers a three day period in which to cancel a credit contract for goods or services bought from a door-to-door salesman.

The objective of this provision is obviously desirable, but specific points will need to be examined for possible improvements. The provision for a 5% cancellation fee has been particularly criticized.

An additional section, relating to buyer's cancellation rights in the case of a credit sale or loan secured by the buyer's home, is incorporated from the Federal Consumer Credit Protection Act.

*Administration and enforcement*

Administration and enforcement is centered in a single Administrator who is given fairly impressive powers in the form of authority to issue "cease and desist" orders, to obtain injunctions and temporary injunctions from the courts, to bring suit for civil penalties, and to recover overcharges in behalf of debtors. Debtors are also given certain rights of bringing private suits.

Licensing requirements are included for all "supervised lenders" and their assignees (i.e. lenders who charge more than 18 percent per year on loans). These provisions would cover lenders presently licensed under state small loan laws and could have the effect of requiring licensing of at least some high rate lenders in the second mortgage market. Licensing provisions are considerably less stringent than those usually applicable to small loan licensees under much existing legislation. No license would be required for lenders charging less than 18 percent per year.

No licensing is required in the credit sales field, either for retailers or for sales finance companies which buy their paper. They are subject only to registration requirements. A number of states currently have licensing requirements for sales finance companies, and in some states retail dealers (especially automobile dealers) must be licensed for credit operations. These laws would be repealed by UCCC. Licensing requirements involve important powers to suspend or revoke the license of an enterprise to continue in business and can provide an important protection against shady operators in the credit field, as well as in securing general compliance with the law.

Apparently the main weapon in the Code against shady operators in the credit sales field would be recourse by the Administrator to the courts for an injunction against "unconscionable" conduct.

Another notable omission is rule-making power for the Administrator. He is prohibited from issuing regulations except where specifically authorized by the Code to do so. (These relatively few authorizations are nowhere summed up in a list.) It is evidently intended that the Administrator may issue regulations to correspond to those which will be issued by the Federal Reserve Board, assuming the state were to be exempted from the operation of the federal statute with respect to disclosure requirements. However, rule-making powers in the section of the Code dealing with disclosure do not appear sufficient to accomplish this result.

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ATTACHMENT I

FINANCE CHARGE CEILINGS UNDER UNIFORM CONSUMER CREDIT CODE

1. For retail sellers:
   - Installment credit:*
     - 36% on first $300.
     - 21% on next $700.
     - 15% on excess over $1,000.
   - Revolving credit:
     - 2% per month on first $500 (24% per year).
     - 1½% per month on excess over $500 (18% per year).
2. For licensed lenders and supervised financial institutions (small loan companies, finance companies, commercial and industrial loan banks, credit unions):
   - Loans and revolving loan accounts:*
     - 36% on first $300.
     - 21% on next $700.
     - 15% on excess over $1,000.
3. Other lenders:
   - a. 18% per year.
   - b. Mortgage loans are exempt from certain key provisions of the Code if finance charge is 10% or less. This is intended to result in an effective ceiling of 10% on first mortgages.

*Alternatively, a rate of 18% is authorized if the yield would be larger.

(NOTE.—The Code further provides for an escalation of effective ceilings in accordance with rises in the Consumer Price Index. This is done through increasing the sizes of the

loan to which the higher rates apply. For example, if the CPI increased by 10%, and $300 to which the 36% rate applies would go to $330 and the 21% rate would apply up to $1,100 instead of $1,000.)

ATTACHMENT II

CREDITOR'S EARNED INTEREST CHARGES ON LOAN OF $1,50

| Month No. | Normal computation [1] | Rule of 78 [2] | Alternative permitted in revised final draft [3] |
|---|---|---|---|
| 1 | $27.50 | $32.66 | $31.38 |
| 2 | 26.06 | 29.85 | 29.05 |
| 3 | 24.60 | 27.14 | 26.67 |
| 4 | 23.13 | 24.43 | 24.25 |
| 5 | 21.63 | 21.72 | 21.77 |
| 6 | 19.67 | 18.99 | 19.24 |
| 7 | 17.52 | 16.28 | 16.66 |
| 8 | 15.33 | 13.57 | 14.03 |
| 9 | 13.10 | 10.86 | 11.34 |
| 10 | 10.83 | 8.15 | 8.59 |
| 11 | 8.19 | 5.42 | 5.79 |
| 12 | 4.12 | 2.71 | 2.91 |
| Total [4] | 211.68 | 211.68 | 211.68 |

[1] Based on month by month application of 36 percent per year on 1st $300, 21 percent on next $700, and 15 percent on balance over $1,000.

[2] Based on distribution of total finance charge according to rule of 78.

[3] Based on recasting of charges at flat annual rate of 25.10 percent, corresponding to 36 percent on 1st $300, 21 percent on next $700, and 15 percent on balance over $1,000.

[4] Rebate due if loan is paid off after 5 months (the addition of charges for months 6 to 12):

| | |
|---|---|
| Normal computation | $88.76 |
| Rule of 78 | 75.98 |
| Alternative under revised draft | 78.56 |

## PERMISSION TO FILE REPORT ON H.R. 33—PROVIDING FOR INCREASED PARTICIPATION BY UNITED STATES IN INTERNATIONAL DEVELOPMENT ASSOCIATION

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that the House Committee on Banking and Currency may have until midnight Saturday, March 8, 1969, to file a committee report on H.R. 33, a bill to provide for increased participation by the United States in the International Development Association, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Speaker, reserving the right to object, what is the bill that is the subject of the gentleman's request?

Mr. PATMAN. It is the bill, H.R. 33, a bill to provide for increased participation by the United States in the International Development Association. The bill was passed in committee in the last session, but did not pass the House or Senate. The vote was 30 to 2 and there is very little opposition to it. The Secretary of the Treasury made a very fine statement on the need for this bill.

Mr. GROSS. What is the purpose of the bill, if the gentleman will explain briefly?

Mr. PATMAN. It supplements the fund of the International Development Association. Our part will be $480 million, or one-third each year.

Mr. GROSS. In other words, dig into the taxpayers' pockets for some more money for foreign aid; is that it?

Mr. PATMAN. It is something that will help the taxpayers, that is true.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

## NEW LAW NEEDED FOR WAGE BOARD EMPLOYEES

(Mr. EDMONDSON asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. EDMONDSON. Mr. Speaker, today I have introduced a bill entitled "The Prevailing Wage Rate Determination Act of 1969."

This bill is intended to bring order and system to the process of fixing rates of pay for the Federal Government's 765,000 wage board employees who work under the prevailing wage rate system, and I believe it is necessary legislation.

The bill does not tamper with the basic concept of the prevailing wage system. It does seek to eliminate injustice and inequity which have occurred under the system by providing new mechanisms for establishing basic regulations, conducting wage surveys, and adjudicating and arbitrating differences.

For the Federal wage board employee, this bill means each employee doing a specific kind of work will receive the same pay that every other employee doing the same work under the same prevailing wage determination is receiving. Numerous instances have been called to my attention in which different wages are paid workers on identical jobs in the same community.

I believe this bill is essential to guarantee fair and equal treatment to all wage board employees, and I hope action is taken on this matter in this Congress.

## PROPOSAL TO INCREASE THE PERSONAL EXEMPTION TO $1,200

(Mr. DANIELS of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIELS of New Jersey. Mr. Speaker, yesterday, March 4, 1969, I introduced a bill in the House, H.R. 8153, to raise the personal exemption for persons who pay Federal income taxes from $600 to $1,200.

Many Members of this House will recall that on the opening day of the Congress I reintroduced my comprehensive tax reform bill. The purpose of this bill is to provide for a redrafting of the Internal Revenue Code to provide a "break" for middle income taxpayers. It is clear that this reform is long overdue.

It is good to see the House Ways and Means Committee giving serious consideration to the whole tax structure of this Nation. While we may not get all that we want—in terms of tax reform—it does seem as though some readjustment is in the offing.

Thus, if we do revise our system it seems clear that we now can justify an increase in the personal exemption from $600 to $1,200 a year. Clearly, the $600 figure no longer reflects the cost of keeping one's body and soul together for a single year.

Mr. Speaker, it is with this in mind that I have drafted this bill. I hope that when we do get reform of the tax structure we can immediately raise the personal exemption to a figure which more accurately reflects today's high cost of living.

Mr. Speaker, the middle income taxpayer is becoming very disturbed about the fact that he is bearing more than his share of the tax load. And his complaints are justified. It is time that this Congress set about these inequities in the law.

Thus, I hope that we can enact my bill before the end of this session of the Congress. There is a limit to the patience of the American taxpayer and the limit to this patience is rapidly being approached.

## JUSTICE DEPARTMENT MAY BE OVERSTAFFED

(Mr. JOELSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOELSON. Mr. Speaker, I have noticed that the Attorney General will require attorneys in the Department of Justice to report in writing every 12 minutes for the next 6 months how they are occupying their working hours. I suggest that he forget it, because it is an insult to the dedicated attorneys in the Justice Department and a fat waste of time.

I understand that the Attorney General seeks to justify his edict on the ground that it is necessary to prove to Congress that he needs more attorneys. Well, I am a member of a subcommittee of the House Appropriations Committee which handles the appropriations of the Justice Department, and the practice could have the opposite effect on me. If the attorneys have time every 12 minutes to engage in this type of nonsense, I might come to the conclusion that perhaps the Justice Department is overstaffed.

## CLAIMS FOR UNEMPLOYMENT COMPENSATION FOR EX-SERVICEMEN AND FEDERAL CIVILIAN EMPLOYEES

(Mr. KASTENMEIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KASTENMEIER. Mr. Speaker, I am today reintroducing two bills to effect changes in the treatment awarded claims for unemployment compensation for ex-servicemen and Federal civilian employees.

The first involves the difference in the treatment of payments for military accrued leave. Present law requires the mandatory postponement of unemployment compensation benefits for ex-servicemen during the equivalent length of time covered by military accrued leave. Federal civilian employees, however, are exempted from this requirement and are not barred by Federal law from receiving unemployment compensation benefits for the period following the separation from employment to which payments of Federal civilian terminal leave were allocated. Their eligibility is governed by the applicable State unemployment compensation law in the State in which they apply for benefits. Most States disregard lump-sum annual leave payments.

Many servicemen who serve 2 years on active duty often do not, or cannot,

use all or even a major part of the 60 days of leave time they are entitled to during their service. They get paid a lump sum instead. In the case of a private, first class, the lump-sum payment for 30 days' accrued leave time would be $137.70, or a month's pay, less taxes and social security.

If he is not able to locate employment immediately and seeks unemployment compensation, he will find that Federal law now requires him to wait out the 30 days he was paid for as a private, first class. He is not eligible for unemployment benefits until that period has run its course.

My bill would amend the law to provide servicemen the same treatment for military accrued leave as that now provided Federal civilian employees. It is hard to understand how this situation developed in the law, but Congress should put an end to it, especially in view of the far lower pay scale of the 2-year servicemen. This situation was first called to my attention by a constituent, Paul Crocker, of Madison, Wis.

The second bill would affect the method used in assigning wages of Federal civilian employees and servicemen. At first, it would appear that existing law favors the serviceman. For unemployment compensation for ex-servicemen, Federal military wages are assigned to the State in which the ex-serviceman first establishes a claim for benefits following his last separation from Federal service. On the other hand, Federal civilian wages are generally assigned to the State in which the worker had his last official station in Federal civilian employment prior to filing his initial claim.

The difference in wage assignment frequently complicates administration because an ex-serviceman also may have worked as a civilian for the Federal Government. For example, military personnel may work off-duty hours in a post exchange. This could result in assigning his Federal military wages to the State in which he filed a claim, and his Federal civilian wages to the State in which his last official station in Federal civilian employment was located.

The method of assigning Federal military wages is preferable to that in effect for the assignment of Federal civilian wages. Assigning wages to the State in which a claim is first established achieves substantially greater administrative simplicity. It makes it possible for an ex-serviceman to file a first claim in the State in which he wishes to seek work. His claim need not be processed through relatively cumbersome interstate benefit arrangements and the payments to which he may be entitled are made much more expeditiously.

It seems clear to me that these two conflicts in the law are inequitable to the serviceman and should be corrected. A technical description of these two bills follows:

Difference in provisions of title XV of the Social Security Act relating to unemployment compensation for Federal civilian employees and ex-servicemen; and

Methods of handling lump-sum payments for Federal civilian terminal leave and military accrued leave.

The first significant area of difference is in regard to the treatment of lump-sum payments for Federal civilian terminal leave and military accrued leave. Originally, sections 1505 and 1511(f), title XV, of the Social Security Act, provided equal treatment for both types of leave payments. The original requirement postponed both UCFE and UCX benefits for the period following the separation from employment to which payments of Federal civilian terminal leave or military accrued leave were allocated.

Since Public Law 442, 86th Congress, approved April 22, 1960, repealed section 1505 of the Social Security Act, the provisions of the applicable State unemployment compensation law govern the effect of Federal civilian terminal leave on claims for UCFE benefits. However, section 1511(f) of title XV requires that section 1505, even though repealed with respect to payments of Federal civilian terminal leave, shall continue to apply in connection with lump-sum payments of military accrued leave. This results in mandatory postponement of UCX benefits during the period covered by military accrued leave. The repeal of subsection 1511(f), title XV, of the Social Security Act would permit the same treatment for military accrued leave as that accorded to terminal leave related to Federal service.

METHODS OF ASSIGNING WAGES TO STATES

Section 1504 of the Social Security Act requires that Federal civilian wages be generally assigned to the State in which the worker had his last official station in Federal civilian employment prior to filing his initial claim. Exceptions are made, first, when the individual worker in employment subject to the unemployment compensation law of the State in which he is living when he makes his initial application for USFE benefits, provided such State is not the State of his last official station, and second, when his last official station was outside the 50 States or the District of Columbia. In such cases, his Federal civilian wages are assigned to the State in which he is living when he initiates a claim. For UCX purposes, Federal military wages are assigned to the State in which the ex-serviceman first establishes a claim for unemployment benefits following his last separation from Federal military service.

The difference in wage assignment frequently complicates administration because an ex-serviceman also may have worked as a civilian for the Federal Government. For example, military personnel may work off-duty hours in a post exchange. This could result in assigning his Federal military wages to the State in which he filed a claim, and his Federal civilian wages to the State in which his last official station in Federal civilian employment was located.

It is the Department of Labor's position that the method of assigning Federal military wages is preferable to that in effect for the assignment of Federal civilian wages. Assigning wages to the State in which a claim is first established achieves substantially greater administrative simplicity. It makes it possible for an ex-serviceman to file a first claim in the State in which he wishes to seek work. His claim need not be processed through relatively cumbersome interstate benefit arrangements and the payments to which he may be entitled are made much more expeditiously.

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## PILOTS UNIONS MOVE IN DIRECTION OF CONGRESSMAN FASCELL'S "STOP HIJACKING" PLAN

(Mr. FASCELL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, I was delighted to learn that the executive council of the AFL–CIO, meeting last week in Bal Harbour, Fla., has urged the International Federation of Air Line Pilots Associations and all concerned governments to take positive steps in order to stop further hijackings of private and commercial aircraft.

Specifically, the executive council has urged that the above parties spare no effort to reach an international accord under which no government would permit planes of its nationals to fly to any country which provides sanctuary for hijacked planes or for their hijackers.

Also last week, Mr. William M. Masland, North Atlantic vice president of the International Federation of Air Line Pilots Associations, was quoted as saying in New York that his organization may act to deter all types of illegal interference with passenger aircraft, and that this issue will be taken up at the association's annual meeting in Amsterdam March 20–27.

Mr. Speaker, I would like to applaud these actions and to point out that they, in effect, endorse the course which I had suggested in my resolution, House Resolution 218. The text of the resolution, which urges a three-step approach to the solution of the problem of aircraft hijacking, follows:

H. RES. 218

*Resolved*, That it is the sense of the House of Representatives that—

(1) the President of the United States urge the governments of friendly countries, particularly the Governments of Canada, Spain, and of the free countries located within or on the periphery of the Caribbean Basin, to suspend air travel to and from, and the extension of aircraft landing and service privileges to, any country which, in the case of a hijacking of an aircraft, fails to return within forty-eight hours to the country of its registration, the hijacked aircraft, its crew, its passengers and the person or persons responsible for the hijacking; and that

(2) the President advise the governments of such friendly countries of the readiness of the United States Government to participate in an international conference designed to formalize the arrangements referred to in paragraph 1 above; and, finally, that

(3) the President direct the United States representative in the International Civil Aviation Organization to propose that the said Organization sponsor and support a protocol to the Tokyo Convention on Offences and Certain Other Acts Committed on Board Aircraft providing for the prompt return to the country of its registration of all hijacked aircraft, their crews and passengers, and the person or persons responsible for the hijackings.

## FEDERAL MEDIATION FOR NATIONAL AIRLINES STRIKE

(Mr. PEPPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEPPER. Mr. Speaker, one purpose of Congress in establishing the National Mediation Board is to assist carriers and unions engaged in a dispute over rates of pay, rules, and working conditions to resolve their controversy without the need for recourse to strikes, lockouts, or other self-help. The mediatory efforts of the Board are an essential means to that end. By mediation, hopefully, self-help may be avoided. At the least there would be no resort to self-help until mediation proves futile. Yet in the current dispute between the International Association of Machinists & Aerospace Workers, AFL–CIO, and National Airlines, Inc., over the rates of pay, rules, and working conditions of National's mechanical, stores, and related employees represented by the IAMAW, the Board is wholly defaulting in discharging the statutory responsibility with which Congress has entrusted it.

The facts are simple. National recognizes the IAMAW as the collective bargaining representative of its mechanical, stores, and related employees. On August 25, 1966, National and the IAMAW entered into a collective bargaining agreement prescribing the rates of pay, rules, and working conditions for these employees. In accordance with that agreement and section 6 of the Railway Labor Act, National and the IAMAW on October 31, 1968, exchanged notices of the changes each desired in the prevailing rates of pay, rules, and working conditions. Negotiations between the two took place on November 12, 13, 14, 15, and 18, 1968. Negotiations recessed on November 18. Negotiations were resumed and deadlocked on December 9, 1968. On December 16, 1968, National made an application for the mediatory services of the Board. On December 23, 1968, the Board docketed the application "as our Case No. A–8497", and stated that a "mediator will be assigned to mediate this dispute." But the Board has failed to assign a mediator to the dispute at any time thereafter.

The Board's failure to assign a mediator to the dispute is inexcusable. Section 5, first, of the Railway Labor Act imposes a mandatory duty upon the Board. It requires that the Board "shall promptly put itself in communication with the parties to such controversy, and shall use its best efforts, by mediation, to bring them to agreement." The Board does not begin to use its "best efforts" when it does not even assign a mediator to help compose the differences between the parties.

The Railway Labor Act can work only if the National Mediation Board performs its duty to mediate. Without mediation, in the statutory words, there can be no effort "to bring about an amicable settlement through mediation"; there can be no "final required action" by the Board to "at once endeavor to induce the parties to submit their controversy to arbitration" if mediation fails; there can be no presidential establishment of an emergency board if arbitration is refused; and there can be no exhaustion of the statutory procedure allowing the carrier and the union to resort to self-help. The Railway Labor Act does not prohibit a strike by a union. It only forbids striking during the course of exhaustion of the act's procedures. Where the Board violates its duty to mediate, it brings the statutory scheme to a standstill, precluding a resolution of the dispute through mediation, arbitration, or emergency board factfinding, or a resolution of the dispute by resort to self-help.

There is only one alternative to the conclusion that the Board has defaulted in its duty to mediate. That alternative is that the Board erred in its action of December 23, 1968, by which it docketed National's application for mediation services and stated that a "mediator will be assigned to mediate this dispute." Conferences between the company and the union terminated on December 9, 1968. If the Board erred in docketing the company's later application for mediation services and assigning a mediator in accordance with it, the Board should correct that error by vacating its action in docketing the application and by withdrawing its proffer of mediation. Vacation of docketing and withdrawal of the proffer to mediate would effectively mean that no "request for or proffer of the services of the Mediation Board" had been made within the 10-day period following the termination of conferences. Under section 6 of the Railway Labor Act the parties would, therefore, be free to resort to self-help forthwith. The statutory standstill caused by the Board's inaction would be dissolved, and the path would be opened to final determination of the dispute.

The plain upshot, therefore, is that the Board must either fish or cut bait. It must either get into the dispute and mediate it, or it must withdraw from the dispute and allow the parties to settle it by self-help. The Board cannot just continue to do nothing. Its inaction leaves the parties and the dispute in limbo. Congress did not establish the Board to frustrate settlement. It must either get in or get out. Whichever way it jumps, it must get off the fence, and promptly.

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## HOMAN AWARD PRESENTED TO CONGRESSMAN OLIN E. TEAGUE

(Mr. BURLESON of Texas asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. BURLESON of Texas. Mr. Speaker, I am sure all you join in extending congratulations to our able and beloved colleague, OLIN E. TEAGUE. On last evening, March 4, the Veterans of Foreign Wars presented to our distinguished colleague, the Homan Award, the highest honor which this great organization can bestow on a recipient. As was determined by the VFW, no worthier choice could have been made than this man, who is so dedicated to high public service, and I am certain all of you agree with me it was indeed a choice well made.

In response to this high honor, our colleague, "TIGER" TEAGUE, addressed the VFW with inspiring words which should be heard across our land.

Mr. Speaker, I include the speech of Congressman TEAGUE as a part of the RECORD of this date:

REMARKS OF HON. OLIN E. TEAGUE, DEMOCRAT, OF TEXAS, CONGRESSIONAL DINNER, VFW, WASHINGTON, D.C., MARCH 3, 1969

Commander Homan, my colleagues in Congress, distinguished Medal of Honor recipients, Voice of Democracy winners, Ladies and Gentlemen, I receive this award in all humility and gratitude. Thank you very much.

I want to make it very clear I receive it, in the fullest meaning of the word, as a *Member* of Congress and not simply as an individual.

There are in this audience tonight hundreds of Members of both Houses of Congress who have made this award possible—and there are many other Members who could not be with us tonight—who should share this credit. After all, if it were not for the support and votes in the Committees and if it were not for the support and votes in the Congress as a whole, all of the dreams and ideals we share together would turn to dust.

We have made accomplishments in the veteran field for a single reason: We have a responsive and sympathetic Congress. Last year we passed 500 million dollars in new veteran benefit legislation with only two dissenting votes. Not one single time has Congress ever rebuffed the Veterans Affairs Committee on any reasonable request which we have brought before it.

The Congress is most nonpartisan when it comes to the welfare of our veterans and servicemen. I have found in my quarter century in Congress that political partisanship is not a factor when we consider the welfare of those who serve. I would like to express a special word of thanks to our great Speaker, the Honorable John McCormack, and to the distinguished minority leader, the Honorable Gerald Ford, who have done so much to preserve this bipartisan concept.

I want to take a few minutes to make one point which I deeply believe and that is: *We live in a wonderful country*. And the United States with all its turmoil, with all its problems, is a great, good and generous nation. And we ought to remind ourselves of this more often.

I am saying this because we have, as a nation, shown a tendency in recent years to downgrade ourselves and to downgrade our institutions. We have been flooded with the criticisms of a quite small, but highly articulate, minority, so that we are becoming a nation of intellectual pessimists. We have come to accept the castigations of our critics without question and too often refuse to believe the evidence of our daily achievements.

There are still a lot of problems in America but there are a lot more things that are right with America. Our system demands that we seek out and identify our problems. It is true that there are some who still suffer the indignities of inequality and the shame of injustice. We must forever and with all our energy continue to seek to correct these injustices and inequalities. We must always strive to improve the quality of life for all our people, but sometimes it seems to me that we become so engrossed in these problems, so centered on what is wrong, that we seldom acknowledge what is right.

We have a free society in this country. It is the freest society in the world. We are several million light years ahead in the area of freedom compared to those countries which espouse the causes of Communism—countries which are often held up as examples by some who riot on our college campuses and on our streets, claiming we don't have freedom enough.

As a people, we have more freedom of ac-

tion, more freedom of speech, and more freedom of choice than any other people in all of history. As a nation we have more freedom of religion than have the citizens of any other nation. We have no State establishment of religion; our people worship as they see fit, without interference or hindrance, or they can refuse to worship at all, if faith has been denied them. But, of course, there are those who, in the *name* of freedom, would tear from the God-oriented majority of our people the right to express our belief in the Almighty in any public or official way. This again, to me, is the opposite of freedom.

Others, who suffer loss of freedom, can tell us much. All of us in Congress get requests practically every day from people wanting to come in to the United States, but I know of none who have ever received a request from anyone to get out!

Anytime you become discouraged with your country, you need only to travel a little, away from Washington and across the breadth of this magnificent land. You'll find a vibrant, thriving, bustling, vital people, concerned about our problems—yes—but driving ahead, producing, learning, working, worshipping, and playing. You will find that we, as a people, not only have more of the good things of life, we have more time to enjoy them. We are better housed, better clothed, better fed, better educated, in better health, and enjoy the finest communication network and the greatest transportation and distribution systems ever developed by man.

It is time for us, as Americans, to hold our heads high—to take pride in the civilization we have built upon this continent—to take pride in the freedoms we have created—and to be determined to protect those freedoms in every way we can, with every means we have available. We must believe in ourselves *more*.

We might take a lesson from the brave astronauts who so fervently believe in themselves and our space program. Surely one of the great benefits we can gain from the magnificent achievements of our space program is to show more confidence and take more pride in ourselves as a nation. I was at Cape Kennedy yesterday for the launching of Apollo Nine. This ten day experiment is just in its second day and if all goes well, we will all turn our thoughts to the Moon landing. Surely we can draw a little on the courage and confidence of America's astronauts who carry our flag into outer space. I sometimes hear sincere people question the value of the space programs, even to the point of recommending that they be virtually discontinued. I say to you in all earnestness, can we seriously suggest that America lay aside the mantle of space leadership and leave man's greatest adventure to someone else? We all know that this cannot be. Therefore, if brave astronauts circle the earth in preparation for the future, we here, and particularly those of us in the Congress, greatly concerned about the nation's strength and prestige, about this nation's leadership and her future, must continue to do our part.

Let us face our problems. Let us also recognize our progress and our greatness.

As St. Paul says in his second epistle to the Corinthians—and I paraphrase here—"We must strive to show our selves servants of God, with great fortitude in trials, distress, difficulties and . . . riots, with hard work . . . with innocence, knowledge, patience and kindness, *wielding the weapons of justice with right hand and left, whether we are honored or dishonored, spoken of well or ill.*"

To those who abuse their freedom by seeking to impair the rights of others, and by deriding us for our virtues, I would like to paraphrase the epistle:

"We are called imposters, and yet we are truthful . . .

"We are called sorrowful, and yet we are rejoicing . . .

"We are called poor in spirit, and yet we are enriching many.

"We are said to have nothing, and yet we have *everything*."

Let's keep it that way. Let's speak, more often, of what is right with America.

Once more—on behalf of all my colleagues in Congress and myself—thank you for what you have done here tonight. Good night, and God bless you.

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## SPLASHING SOME COLD WATER ON "THE NUKES ARE IN HOT WATER"

(Mr. HOLIFIELD asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. HOLIFIELD. Mr. Speaker, some of my colleagues may have read the article entitled "The Nukes Are In Hot Water" which appeared in a recent edition of that esteemed technical journal, Sports Illustrated. In a writing style characteristic of journalism's earlier and more flamboyant days, the author of this lurid piece imputes almost unspeakable motivations to the Atomic Energy Commission and the Nation's "blind" and "greedy" electric utilities. Their alleged crime: a conspiracy to desecrate our aquatic environment through "thermal pollution," that is, changes in the normal temperature of waterways caused by discharges of waste heat from nuclear power plants using the water for cooling—or condensing—purposes.

I am not at all sure of the technical qualifications of the article's author, one Mr. Robert H. Boyle, but I am confident of one thing—his article was misleading, unfair, and riddled with inaccuracies. I was at first tempted to ignore the ill-informed essay, but since this is at least the second time that Sports Illustrated has published an article by Mr. Boyle on this general subject I thought perhaps it was time to clarify the record in this respect. The fact that the article has been inserted into the RECORD by others would seem to suggest that at least some of my colleagues may have taken Mr. Boyle's utterances at face value.

Let me illustrate the errors of Mr. Boyle's ways with several flagrant examples. First, the article would suggest to all but the most perceptive reader that the potential problem of so-called thermal pollution is confined to nuclear powerplants. In fact, this characteristic is not peculiar to nuclear plants; it is a problem which in varying degrees is shared by all thermal electrical generating facilities no matter what their fuel source—coal, oil, gas, or uranium. Parenthetically, I might add that, as to air pollution, the converse is not true—nuclear plants release none of the air pollutants characteristic of conventional thermal generating plants, such as sulfur compounds and hydrocarbons.

The one sentence in the Boyle article that does indicate the thermal effects problem is shared by fossil plants strongly implies that the Federal Power Commission regulates the thermal discharges of these plants. That is simply not true. The fact of the matter is that there is no Federal agency which licenses and regulates conventionally operated steam powerplants, either from the air pollution standpoint, the thermal pollution standpoint, or the standpoint of overall public health and safety. In rare cases—as, for example, where the operator of such a plant desires to use the reservoir of an existing or proposed hydroelectric development as the source of cooling water for a thermal plant—FPC can condition its approval upon adequate thermal effects controls, but this is the exception, not the rule.

Second, Mr. Boyle's article implies that the fishkill which occurred in early 1963 at Consolidated Edison's Indian Point nuclear station on the Hudson River was caused by thermal pollution. The fact of the matter is that the fishkill was not caused by thermal discharge. Rather it was caused by a combination of the trapping effect of a partially enclosed dock—built to receive fuel for an oil-fired superheater at the same site—and revolving mechanical equipment associated with the cooling-water inlet to the reactor facility. There is some reason to believe that the then existing approximately 4–5° Fahrenheit difference in temperature of the water at the intake possibly may have attracted fish to the sheltered, semienclosed dock area from colder areas of the river during the winter months; however, there is not a shred of evidence that thermal discharge was the proximate cause of this or any other fishkill that may have occurred at the installation. Officials of the AEC, the U.S. Fish and Wildlife Service, and the New York Conservation Department, not to mention officials of Consolidated Edison itself, all confirmed this conclusion when the staff of the Joint Committee on Atomic Energy investigated this matter.

I might add, Mr. Speaker, these same experts told the committee that Consolidated Edison has gone to great lengths to correct the situation that gave rise to the 1963 fishkill, and that a great deal of success has been achieved in this respect. Among the corrective steps which Con Ed has taken are removal of the metal pilings—or "curtains"—around the dock which tended to make the area a seeming natural sanctuary for the fish; installation of improved screens at the point of water intake to keep larger fish out; enlargement of the aperture of the intake to reduce the velocity of the water at this point; and extension of a bulkhead so that heated water emanating from the plant is discharged farther downstream. The latter measure greatly reduces the recirculation—by tidal flow—of this heated water with the water entering the plant at the point of intake, and has resulted in a reduction of the temperature of the water at the intake from approximately 5° Fahrenheit above the ambient river temperature to 1° Fahrenheit or less above ambient river temperature.

It may be that some fish, small in number and in size, continue to get caught in the mechanical equipment associated with the Indian Point intake. However, under present technology this is a problem that to one degree or another is common to all plants which draw their cooling water from the river, bay or ocean on which they are located. Unfortunately, it is a price we have to pay for having electricity readily available in our homes and offices.

It may be of interest to Mr. Boyle and others to see what the Federal Water Pollution Control Administration has said on the matter of fishkills from thermal pollution. I asked Commissioner Moore of the FWPCA about it last year when he testified before the joint committee. He said the FWPCA had no record of any fishkill ever having been caused by thermal discharges from a nuclear powerplant. Subsequently I asked Commissioner Moore to submit a letter to the joint committee listing all fishkills known or believed to have been caused directly by so-called thermal pollution from electrical generating facilities. The FWPCA's response, which I include at this point in the RECORD, indicated that since 1962, 10 such fishkills have been reported, all caused by conventionally fueled powerplants:

U.S. DEPARTMENT OF THE INTERIOR,
FEDERAL WATER POLLUTION CONTROL ADMINISTRATION,
*Washington, D.C., May 17, 1968.*

Hon. CHET HOLIFIELD,
*House of Representatives,*
*Washington, D.C.*

DEAR MR. HOLIFIELD: This is in response to your request to Commissioner Moore for additional information for the record following his appearance before the Joint Committee on Atomic Energy, May 1, 1968. You ask for additional information on a fishkill which Mr. Moore testified had occurred on a Texas River as the result of thermal discharges from a conventionally fueled steam power plant and for a list of all fishkills known or believed by the Federal Water Pollution Control Administration to have been caused directly by so-called thermal pollution from electrical generating facilities. Mr. Moore is out of the city and has asked me to provide this information which I am pleased to do.

The thermal fishkill to which Mr. Moore referred occurred on or before June 15, 1967, in the Guadalupe River below the Central Power and Light Company generating plant at Victoria, Texas. The only record of this fishkill known to us is contained in a memorandum under letterhead of the Texas Parks and Wildlife Department, copy of which is enclosed. Please note that at the end of the fourth paragraph the author states that, "In checking the river water temperature on June 20th, 100 yards below the outlet it was 105 degrees which is still not low enough for fish life to survive." Our research scientists have assured me that the kinds and durations of temperatures reported in this memorandum would be fatal to indigenous fish.

The Federal Water Pollution Control Administration has maintained a national inventory of Fishkills by Pollution since 1962 which consists of a compilation of such kills reported to it by cooperating State and local water pollution and conservation agencies. Since 1962 our inventory contains ten fishkills reported to have been caused directly by heated discharges from electrical generating facilities, all being conventionally fueled. We believe the number of such fishkills to be somewhat higher because the majority of the States are reluctant to and do not report fishkills unless there is a positive proof of the cause and fishkills are not always reported even when the cause is known. A case in point is the above thermal fishkill in the Guadalupe River in Texas which, please note below, was not reported to the FWPCA for inclusion in our inventory of Fishkills by Pollution although one at the same location (Victoria, Texas) was reported. The recorded incidents of fishkills where the cause was directly identified as heat discharges from electrical generating facilities follows:

| Date | State | Stream or lake | Nearest town or county | Degree of severity | Number of fish killed |
|---|---|---|---|---|---|
| Aug. 6–8, 1962 | Pennsylvania | Raystown Branch, Juniata River | Saxton | Heavy | 3,441 |
| Aug. 11, 1962 | Missouri | Discharge Canal to Montrose Lake | Ladue | do | (1) |
| Sept. 7, 1963 | Illinois | Rock River | Rockford | Light | |
| May 28, 1964 | Texas | Unnamed stream | Victoria | do | |
| Aug. 19, 1965 | Pennsylvania | Schuylkill River | Reading | Moderate | 1,000 |
| Aug. 20, 1965 | Ohio | Greater Miami River | Montgomery County | | 11,250 |
| Jan. 19–22, 1966 | do | Ohio River | Toronto | Light | 200 |
| Sept. 2, 1966 | Pennsylvania | Schuylkill River | Philadelphia | Heavy | 50,000 |
| Jan. 1, 1967 | Ohio | Sandusky River | Sandusky County | | 300,385 |
| Jan. 17, 1967 | do | Sandusky Bay | Erie County | | 78,750 |

[1] Several thousand.

Please let me know if we can serve you further.

Sincerely yours,
JOHN T. BARNHILL,
*Deputy Commissioner.*

A number of people seem to suffer under the misconception that nuclear powerplants are presently free from all regulation from the standpoint of thermal effects. This is by no means true, and Mr. Boyle's article in no way helps to dispel this misapprehension. Quite the contrary. Presumably through oversight, Mr. Boyle neglected to mention the fact that nuclear powerplants, as well as other types of steamplants, must comply with applicable water quality standards, including temperature standards, adopted by the States and approved by the Secretary of the Interior pursuant to the Water Quality Act of 1965. It is my understanding that the standards proposed by nearly all of the 50 States have been approvd by the Secretary and are now effective. The owners of plants whose hot water discharges violate such standards can be summoned to court by appropriate State water pollution control authorities—or, if State enforcement actions are inadequate, by Federal authorities—and required to abate the pollution or to effect modifications to the plant to bring it into compliance with applicable standards.

Thus, contrary to the mistaken belief prevalent in some quarters and fostered by Mr. Boyle's article, significant steps already have been taken to combat thermal pollution. The question now is not what ought to be done, but what more ought to be done. One suggestion—one with which I concur—is to complement existing legislation by requiring that Federal agencies which license or otherwise approve activities involving liquid discharges into waterways assure themselves, prior to issuance of the license or approval, that the proposed activity has been reviewed and approved by appropriate State water pollution control authorities. At least as to those activities subject to Federal approvals, this will add an important ounce of preventive medicine to the curative measures already available.

Finally, I believe it is quite unfair to say, as Mr. Boyle does, that "AEC apparently is not interested in preventing thermal pollution." In its own operating programs, the AEC has long recognized the role of thermal effects as a potential problem associated with central station electric generating plants. As part of its research and development programs, both in reactor development and technology and in the biomedical areas, the AEC supports a sizable program to investigate the effects of various environmental conditions, including thermal, on aquatic life. With respect to discharges into waters from installations owned by or operated under contract for the Commission, the Commission does, of course, comply with all applicable laws and directives and recognizes that it must, in that connection, deal with thermal effects of plant discharges.

When it comes to the exercise of the Commission's regulatory authority and jurisdiction over private companies, however, as distinguished from the Commission's powers to control its own operations, the Commission is without statutory authority to take thermal effects or other nonradiological matters into consideration. In other words, while the Commission can—and does—encourage its licensees to comply with applicable water quality standards, it cannot force them to do so—for example, by suspending or revoking their licenses. Proposed legislation is now pending that would expand the AEC's legislative authority in this respect. In the past the Commission has taken the position that legislation providing for Federal regulation of thermal effects should apply across the board, that is, to both fossil-fueled and nuclear plants, but that if Congress chose to regulate only nuclear plants from the thermal effects standpoint the Commission has or is prepared to obtain the technical expertise necessary to carry out this additional regulatory responsibility.

Meanwhile, the AEC cooperates with the Department of the Interior's Fish and Wildlife Service by obtaining its expert advice and recommendations on all projected nuclear power facilities which would be dependent upon water resources for coolant purposes. In addition to its comments on the radiological health and safety aspects of the proposed facility, the Service also makes recommendations on nonradiological matters, including the thermal effects of the discharge of coolant water in the marine environment. I understand that since January 1968 the Service has routinely obtained the Federal Water Pollution Control Administration's concurrence in their reports to the AEC. Upon receipt of these reports copies are sent to the license applicant calling to his attention the Service's recommendations concerning potential nonradiological effects upon the environment. In addition, copies are distributed to various State and local agencies which might be interested in it.

Typically, the Fish and Wildlife Service reports urge that the applicant cooperate with the Fish and Wildlife Serv-

ice, the FWPCA, and State agencies in developing their plans and designs for the facility, and that the applicant's ecological programs to measure the effect of the plant upon the environment be planned in cooperation with the appropriate Federal and State agencies. They further recommend that, if these preoperational investigations show that heated water discharges from the plant would be significantly detrimental to fish and wildlife and the environment, plans should be made to reduce the temperature of the effluent to acceptable levels. In a few cases the Service has noted that cooling towers or other facilities should be constructed if needed to insure protection of the environment.

In any event, as I noted above, these plants are fully subject to the water quality standards adopted in the jurisdiction in which they are located, and can be shut down upon court order if operated in a manner which violates such standards. That the adoption of these standards is having its intended effect may be gathered from the fact that water cooling tower systems are being built in conjunction with a number of nuclear power plants now under construction.

Mr. Speaker, I hope the foregoing will help to sort out fact from fiction in these matters. It is clear that as we move toward the 21st century we are going to have to produce more power to keep up with our soaring demands, and we are going to have to do it in such a way as to minimize the effects on our environment. It is equally clear that constructive steps are being taken to help insure that we achieve our twin goals of clean waters and abundant, economical, and reliable electric power.

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## DRAFT REFORM BILL

(Mr. MIKVA asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. MIKVA. Mr. Speaker, in June of 1967, the 90th Congress enacted the Military Selective Service Act of 1967. I was not a Member of this body at that time, but if I had been, I would have sought then, as I do now, a more equitable solution to the problem of the draft system.

In 1967, the Congress and the Nation made a wide-ranging and thorough investigation of the draft laws and the Selective Service System. This system was found wanting in many respects; it leaves many young men uncertain for 8 years as to their vulnerability to the draft; it places an unequal burden on the underprivileged who can not afford a college education; and it deprives draft registrants of many basic constitutional rights of due process.

Three Presidential commissions recommended broad-scale changes; leaders of the military recommended changes; leading educators recommended changes; many Members of Congress recommended changes; and the public at large voiced its desire for reforms and revisions. In the face of all this discontent with the draft law, Congress merely extended with minor changes the existing law.

During the interval since the passage of the 1967 act, even more criticism has been heaped upon the draft law and the entire Selective Service System. President Nixon has indicated that he will submit legislation to the Congress to reform the draft system. Senators KENNEDY and HART, two of the outstanding leaders of the Senate, have already introduced bills to reform and revise the draft law. Many Members of this House have introduced their own bills to reform the Selective Service. The call for reforms is clear.

I am pleased to introduce a companion bill to S. 1296, a bill that Senator HART of Michigan introduced in the Senate yesterday. Senator HART's credentials hardly need stating in this Chamber. Suffice to say that he has championed the cause of those seeking reform in governmental institutions that malfunction. I am honored to be associated with him in introducing this bill. Senator HART was one of the early critics of the 1967 law. He predicted many of the complaints that would be leveled against the Selective Service System.

Both Senator HART and I feel that this Congress can enact our proposals with deliberate speed. Most of our proposals have been already considered by Congress and the Presidential commissions. We are not asking for a total revision of the entire Selective Service System and the draft law; we are pointing at the most glaring inequities in the present law in the hope that this Congress will remedy many of the problems.

The time for action is now at hand. We must live up to our commitment to the youth of this Nation to make the draft system as equitable as possible. As Senator HART said in introducing his bill:

> The inequities and procedural flaws in the present draft act deprive every 18-year-old male of certain basic constitutional rights.

We must not perpetuate the System merely because it has done an adequate job in staffing our Armed Forces.

As much as I oppose the war in Vietnam and as much as I would like to see us withdraw our troops, I am too much of a realist to think that the need for inducting men into our Armed Forces will disappear overnight. If a volunteer army is feasible and if we can assure ourselves that such an Army would not be a threat to our democracy, I would be in favor of a volunteer army. In my bill I propose that we make a study of the feasibility of such a volunteer army. But any such reform will take time, and right now every male between the ages of 18 and 26 must live with the uncertainties and inequities of selective service.

I would, however, be remiss in not expressing my grave concern over the unrest and violence that has entered so many of our Nation's campuses. I represent a district that embraces the University of Chicago. I am very proud of the university and its student body and it is certainly one of the leading academic institutions in the world. But I have been made painfully aware of the unrest and feeling of alienation that has gripped many of the Nation's campuses. Reform of the Selective Service System will not bring an end to this unrest, but it will demonstrate that the Congress can respond to legitimate complaints with relevant and timely action.

Let us examine the operation of the Selective Service System.

When a young man reaches the age of 18, he must register with his local draft board. For most men this is their first official contact with the Federal Government. At present, it is far from the standard of procedure that government ought to have for its citizenry. Even worse is the substance of that contact.

Fortunately, it is not difficult to find the direction that reform of the system must take. We have the advice of Presidential commissions and of extensive legislative hearings in 1967.

Title I of my bill would follow the practically unanimous opinion that the burden of the selective service should fall upon 19-year-olds. Under the present system, men under 26 are called, oldest first. This creates great uncertainty for men who have started their careers and their families. Most 19-year-olds have not yet begun careers and are less settled in their lives. If 2 years of service is necessary, for most men it will be less disruptive at the age of 19 than at the age of 25. Moreover, the military leaders feel that they can better train and make better use of 19-year-olds than of 25-year-olds.

My bill would create a prime selection group from which draftees would be selected. The prime selection group would consist of, first, 19-year-olds; second, men between 19 and 35 whose draft deferments have ceased; and third, registrants between 20 and 26 who are not deferred or exempt on the date of enactment. A registrant would be in the prime group for not more than 1 year. In order to allow the President flexibility in administering the act, the prohibition against selecting draftees by lottery—added by the 1967 act—would be repealed. If a registrant were not selected during his 1 year in the prime group, his chances of serving would be greatly diminished; he would most likely be called only in times of national emergency when the number of registrants in the prime group is not sufficient to meet the need of the military.

I hope that by making a registrant vulnerable for only 1 year and by drafting 19-year-olds first, we can eliminate many of the uncertainties and inequities that plague all draft-age men. Only by a fair and impartial selection process can we choose who must serve when not all are needed. I believe that reform along the lines contained in my bill will promote such fairness and equity in the system.

But reform in the order and method of selection is not enough. The procedures of the Selective Service System itself must be overhauled. The Selective Service System, which has the responsibility and duty to select which physically able civilians must serve, must be completely independent of the influence and judgment of the military. Until a registrant takes that traditional step forward, he is a civilian and entitled to all the rights and privileges of civilians. In order to make crystal clear that the military

is not exercising an undue influence over the selection process, my bill would prohibit any member of the Armed Forces from serving as a National or State Director of the Selective Service System. I recommend this, not because I feel that the military has actually taken over the system by placing its own personnel in high positions in the administration, but because I think we will all have more confidence in the working of the system if we know that civilians are making the decisions as to who shall serve when not all are needed.

Under my bill the Director would be appointed by the President by and with the advice and consent of the Senate for a term of 7 years, or until he reached 70, whichever came first. Men over 70 would serve, but only for a term of 1 year. The 7-year term is appropriate to take the appointment out of partisan politics. The position of Director is so important in my mind—both because of his tremendous responsibilities and because all Americans must have confidence in his integrity and judgment—that I think it is high time that we provided him with a salary commensurate with his ability and responsibility. My bill would place the Director at level III of the Executive Pay Schedule. I do not think that $40,000 is an exorbitant salary for an individual with such awesome responsibility.

Under the present law, members of the local boards and appeal boards are limited to terms of 25 years and cannot serve past the age of 75. I believe that their terms should be no longer than 14 years, and that once past the age of 70 they should be required to retire. These individuals do a remarkable job. I am familiar with the members and work of the local boards within my district. They have performed their duties conscientiously and with distinction. They are unpaid volunteers who receive little recognition for the devoted service that they perform. The only time we hear of the local board members is when a registrant has a complaint. I feel that it is asking too much to have these men feel that they are obligated to serve for 25 years; 14 years of devoted service is more than the country has the right to request. I feel that a term of 14 years is long enough.

Mr. Speaker, I have practiced law for many years in Chicago. It is distressing to me that under present law registrants can never be represented by counsel when they appeal before their local boards on a classification hearing. I have represented clients in civil and criminal courts and before all types of local, State, and Federal administrative agencies. Not once was I denied permission to represent my client. Not once did I have to leave my client to his own resources in arguing his case before a governmental agency. Yet the Selective Service System, by regulation, prohibits an 18-year-old boy from being represented by counsel when his life may literally be at stake.

The statute is over 40 pages long; the regulations are quite lengthy and technical; the Selective Service periodically issues dozens and dozens of memorandums and other information to the local board. How is an 18-year-old boy expected to read and digest material that an experienced attorney might have difficulty with? If the Congress feels that each registrant should be drafted without exception, then we should do away with deferments and exemptions altogether. It is interesting to note in passing that Congress changed the name of the draft law from the Universal Military Training Act to the Military Selective Service Act precisely because service is not intended to be universal.

As long as Congress provides for deferments and exemptions, each registrant should have the full benefits of the statute and the Constitution. He must be allowed to present his case for a deferment or exemption with full vigor and this frequently requires an attorney. It is only fair that he have the right.

Adding insult to injury, the registrant, under present regulations, is not only denied the right to be represented by counsel at the hearing, he is required to make his own record of what occurs at the hearing. Thus, he is required to present his case for a deferment in an intelligent manner, and at the same time he is expected to take accurate notes to make a record for appeal.

My bill specifically provides that each registrant may present evidence and be represented by counsel at any personal appearance before a local board. Moreover, the local board is required, at the expense of the Government, to make a record of the proceedings and furnish this record on appeal.

The Selective Service System argues that a registrant does not need to be represented by counsel because of the Government appeal agent system. A Government appeal agent is assigned to each local board and in theory the appeal agent is available to advise the registrant of his rights and help him make an appeal. I say in theory because the Marshall Commission found that most Government appeal agents never see any registrants. They are unpaid volunteers who are not sought out by registrants.

In general, appeal agents rarely appear at the local board and most registrants are unaware of their existence. But perhaps this is for the best, since the Government appeal agents are required to serve two masters. They are also responsible to the local board. Under a directive from the Director of the System, the Government appeal agent is required to appeal a classification if he thinks it disadvantageous to the Government. Even worse, the agent is supposed to put on record any information that he may obtain from the registrant that might indicate he should not be deferred. Thus, a registrant may in confidence impart information to the agent and then find out that this information is the basis for denial of his request for a deferment. What respect will an 18-year-old boy have for his Government when he learns that the Government agent specifically assigned to help him actually turns out to be his enemy? What respect should we give such a procedure?

I propose that a registrant appeal agent be assigned to each local board. The registrant appeal agent would be responsible to the registrant alone. He would be required to provide each registrant with advice as to classification at the time of registration, and would be available to provide advice and counsel to the registrant at any point within the classification process.

This service would be available to indigents as well as to the more affluent. Nothing would prevent a registrant from employing counsel of his own choice. In order to assure that the advice will be meaningful, my bill requires that each appeal agent be a member in good standing of the bar of the State in which his local board is situated. Registrant appeal agents would be paid by the Government on a basis of $75 for each full day of work.

The 1967 amendments did not improve upon the then existing law, but they did add two amendments that are repugnant to my sense of due process. One 1967 amendment prohibited judicial review of a registrant's classification or processing by the Selective Service System except as a defense to a criminal prosecution. This strikes me as basically unfair. A registrant may have a valid ground for appeal of classification, but he cannot make his case until he is indicted for violation of a statute. It is not impossible to imagine a case where a registrant might be denied a deferment because of race or because of his unkempt physical appearance. Must he be denied the protection of the courts even in obvious cases of prejudice? The answer must be no. My bill would repeal this prohibition on judicial review.

The second 1967 amendment I object to is the one that requires the Department of Justice either to prosecute violators of the act upon the request of the Director of the Selective Service System, or to report to Congress why it did not prosecute. This most likely is as illegal a delegation of authority as ever came down the pike.

The Director of the Selective Service is in no position to determine whether a criminal violation has occurred. The Attorney General is the only officer who can institute a prosecution, and I have more faith in the experience and expertise of the Federal prosecutor than I do in the Director of Selective Service to determine what constitutes a criminal offense. My bill would repeal this highly questionable and vindictive provision.

The last point of my bill would establish a Presidential commission to study and investigate the desirability and feasibility of an all-volunteer Army, the desirability and feasibility of establishing a National Youth Corps as an alternative to service in the Armed Forces, and the desirability and feasibility of altering the length of service of members of the Armed Forces. The commission would consist of the Secretary of Defense; the Secretary of Health, Education, and Welfare; the Secretary of Labor; a member of House Armed Services Committee; a member of the Senate Armed Services Committee; and two private citizens. The President would be required to submit to Congress within 9 months the results of the commission's study along with any recommendations for changes.

I hope that the study will produce a satisfactory alternative to the selective service as we now know it.

In the meantime, I am confident that if my bill is enacted in the near future, many of the harsh inequities and uncertainties that exist in our present draft

laws and Selective Service System would be eliminated.

Mr. Speaker, I include a section-by-section summary of the Selective Service Amendments Act of 1969:

SECTION-BY-SECTION SUMMARY OF SELECTIVE SERVICE AMENDMENTS ACT OF 1969

SHORT TITLE—SELECTIVE SERVICE AMENDMENTS ACT OF 1969

PRIORITY FOR SELECTION

SEC. 101. (a) Provides that Selection of persons for induction will be made from the Prime Selection Group (after the selection of delinquents and volunteers) in a fair and impartial manner (under rules and regulations established by the President) without regard to actual age, to the extent that such group has sufficient numbers to meet military service requirements.

(b) Provides that the Prime Selection Group will be made up of men who are:

(1) between 19 and 20 and not deferred or exempted;

(2) 19 or over and who are deferred after the effective date of this Act and whose deferments end before age 35;

(3) between 20 and 26 on the effective date of this Act and who are not deferred or exempted.

Requires that in no case shall any registrant be placed in the Prime Selection Group for a total period longer than one year.

(c) Technical, conforming amendment.

(d) Provides that these amendments will be effective 90 days after the date of enactment of this Act.

APPOINTMENT OF THE DIRECTOR

SEC. 201. (a) Provides that the Director of the Selective Service System shall be appointed by the President with the advice and consent of the Senate for a term of 7 years, or until age 70, whichever is earlier. The appointment for a person over 70 shall be for only one year. The Director may not be a member of the Armed Forces.

(b) Provides that the Director shall be paid at Level III of the Executive Pay Schedule.

(c) Exempts present Director from these provisions.

APPOINTMENT OF STATE DIRECTORS

SEC. 202. Requires each State Director to be a civilian and provides for the employment of civilians in the administration of the Selective Service System. Although it does not expressly prohibit the detail of members of the Armed Forces to the Selective Service System, it removes the language that expressly provides for such detail.

LOCAL AND APPEAL BOARDS; REGISTRANT APPEAL AGENTS

SEC. 203. (a)(1) Technical provision, maintaining present authority for members in the Reserves of the Armed Forces to act as counselors to registrants.

(a)(2) Provides that no member may serve on a local or appeal board for more than 14 years, or after age 70. It also provides that no one can be denied membership on either a local or appeal board because of race, religion, creed, color or sex. It also provides for the assignment to each local board of a Regstrant Appeal Agent who is responsible solely to the registrant. This appeal agent shall advise each registrant of his rights on registration and provide counsel if the registrant so desires it. The appeal agent must be a member in good standing of the State bar in which his local board is located.

(a) (3) Requires the local board to furnish a complete record of the registrant's appearance before the local board to the appeal board. It also provides that the registrant may have the advice and counsel of a Registrant Appeal Agent in preparing memoranda for his appeal. It also repeals the statutory prohibition of judicial review of a registrant's classification or processing except as defense to a criminal prosecution.

(b)(1) Technical, conforming amendment assuring that the Director and State Directors may not be members of the Armed Forces.

(b)(2) Provides that Registrant Appeal Agents shall be paid $75 for each day of work spent advising and counseling registrants.

PERSONAL APPEARANCE AND THE RIGHT TO COUNSEL

SEC. 204. Provides that registrants may appear in person and present evidence and be represented by counsel before the local board.

REPEAL OF DIRECTOR'S POWER TO REQUIRE PROSECUTION

SEC. 205. Repeals the requirement that the Department of Justice either prosecute violators of Military Selective Service Act upon the request of the Director of the Selective Service System or report to Congress reasons for not prosecuting.

PRESIDENTIAL COMMISSION

SEC. 301. (a) Establishes a Presidential Commission to study the possible alternatives to staffing the Armed Forces. The Commission shall consist of the Secretaries of Defense, of Health, Education, and Welfare, of Labor, a member of the House Armed Services Committee, a member of the Senate Armed Services Committee, and two private citizens.

(b) Provides that the Commission shall investigate the establishment of an all volunteer army, the establishment of a National Youth Corps as an alternative to service in the Armed Forces, and the altering of the length of time of service in the Armed Forces.

(c) Provides that the President shall submit the results of the Commission's study to Congress within nine months after the enactment of this Act.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 302. Authorizes to be appropriated such sums as are necessary to carry out the provisions of Section 301.

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## AEC BUDGET REQUEST

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, there is a serious hitch developing in the atomic power program.

Nuclear electric stations are not keeping schedule with projections. Delays are occasioned in construction and because of unpredicted safety problems, but the economics of generating power through employment of the atom is bringing a new hesitancy on the part of utilities.

The Atomic Energy Commission itself has admitted that stores of low-cost uranium are so short as to be cause for concern. Chairman Glenn T. Seaborg has said that at the current official price of $8 a pound, economically recoverable uranium reserve total only 148,000 tons. A price rise to $10 a pound would expand reserves to about 200,000 tons but still leave supply below demand, he said.

Dr. Seaborg also said that the cost of building a nuclear plant has arisen to highs of $200 per kilowatt of capacity from lows of about $90 per kilowatt in the mid-1960's.

The latest word on the accomplishments of the civilian reactor program to an important extent subsidized by this Government is that Niagara Mohawk Power Corp.'s atom plant under construction near Oswego, N.Y., will produce electricity costing about 50 percent more than the cost of power from a coal-fired plant in the same area. Despite this disparity and the question of uranium supply, AEC has asked for another $137 million to conduct the civilian power reactor program in the next fiscal year. To me it is indisputable evidence of the need for a thorough study of the AEC's entire nonmilitary activities before permitting the expenditure of another dollar of Federal funds for this purpose.

In the 90th Congress, I introduced a resolution calling for investigation of the AEC's civilian reactor program. Twenty-six of my colleagues introduced identical resolutions. On January 3, of this year I introduced House Joint Resolution 83, for the same purpose, and I would hope that—particularly in view of the above data which I have quoted from the AEC—the House will quickly adopt this measure.

Mr. Speaker, one of the most persuading testimonies on the need for such an investigation was presented by Brice O'Brien, general counsel of the National Coal Association, to the San Diego chapter of the American Nuclear Society on January 21 of this year. Mr. O'Brien has stated very succinctly how the AEC is overselling atom power to the American public without justification.

My colleagues will find Mr. O'Brien's paper highly informative. Mr. O'Brien, who is not an engineer, resorts to no jargon that might be confusing to a reader of limited technical knowledge. Long established as an outstanding tax lawyer, he has become a thorough student of the atom's subsidized incursion into the electric generating field. In consequence, he has appeared before numerous scientific and engineering groups interested in obtaining more objective reports on AEC activities than are otherwise available. His address follows:

REMARKS OF BRICE O'BRIEN, GENERAL COUNSEL, NATIONAL COAL ASSOCIATION, TO THE SAN DIEGO CHAPTER, AMERICAN NUCLEAR SOCIETY, JANUARY 21, 1969

As I speak to you tonight, I have some knowledge of how Daniel felt in the lions' den—but I've faced this situation on previous occasions, and I have come to the conclusion that I actually do have something to contribute to your thinking. There has been such an "oversell" of atomic energy that many people have lost sight of some rather fundamental facts of life in considering the energy picture of the future.

Let me make it clear at the outset that we are not trying to halt the development of atomic power. Whether or not the Government was justified in making the huge effort which brought the atomic power industry into existence is, at this late stage in the game, relatively immaterial. We recognize that atomic power is here, *perhaps* to stay. More about the *perhaps* later.

We are trying to show people why atomic power will not grow any faster than—if as fast as—the rate now forecast by AEC. If we are correct—if atomic power takes no more than half of the electric utility market by the end of the century—the coal industry has a very bright future. Unfortunately, the oversell of the atom has led many people to the erroneous conclusion that the coal industry is on the way out. Even the AEC says that isn't so, but the message too frequently gets lost in the glamor surrounding the atom.

What are some of the fundamental facts which have been lost sight of? Let's start with the supply of coal. I'm sure many of you are convinced that we must push atomic

power as fast as possible to avoid running out of coal. It is, of course, true that reserves of coal are finite, and if civilization survives long enough, eventually we will run out of coal—but the question is, how soon? We are producing a little over half a billion tons of coal per year in the United States. How much do we have left?

I have brought with me for distribution a 1968 release by the U.S. Geological Survey, showing coal reserves on a state-by-state basis. The Geological Survey thinks we have about 3,200 billion tons and that we can recover about half of that amount, or 1,600 billion tons. Remember, this compares to our present production of a little over half a billion tons per year.

Of course, some of that coal will be more expensive to produce. But even on that point, the Bureau of Mines concluded a few years ago that about 220 billion tons of coal can be recovered, with today's technology, "at or near" present costs. If the technology improves, then, of course, greater quantities will be recoverable at the same cost level.

As the years go by, we expect very substantial increase in coal production—and this naturally will decrease the reserves in terms of remaining years of supply. Well before the end of this century we expect to double our coal production. But even if it doubles and then doubles again, our coal reserves have to be measured in centuries, not in years.

Unlike uranium, the distance of coal from the market is important from a cost standpoint—and it will remain important unless, at same time in the future, long distance transmission of electricity becomes extremely low cost, or we develop low cost methods of converting it to liquid or gaseous fuel. The Geological Survey shows the coal reserves by states, and you will notice that some of the western states are in particularly good shape on this—such as Colorado, Montana, New Mexico, North Dakota, Utah and Wyoming. Already long distance transmission of electricity is making some of those coal reserves available to the West Coast. I'm sure you know that construction of coal-burning plants to send electricity to California is well under way, as far east as New Mexico.

The coal industry does have some problems. For example, much of the western coal is located in areas where it is difficult to find the water supply necessary, with today's technology, to make electricity. In such cases, it will be necessary to take the coal to water, by unit trains or coal pipelines. Eventually, in the distant future, it is reasonable to anticipate new methods of generating electricity, which will require less water. There are several such methods which show promise, but as you know most of the Government's energy research funds have been devoted to atomic power during the last 20 years, to the neglect of these possible new methods of generating electricity with coal.

Another serious problem for coal is the demand that sulphur oxide emissions be curtailed or eliminated. Most of the western coal has a low sulphur content, so the problem will not be as severe as in many areas of the East. We are hopeful that a practical solution to this problem is only a couple of years away. In fact, one method of removing sulphur from the stack emissions is incorporated in a plant which is already operating, and another method of doing so is being installed in a plant now under construction. We expect the cost increase for sulphur removal will be about a dollar per ton of coal burned, or somewhat less than that, but it is a bit too soon yet to get dogmatic about such estimates. The various processes for removing sulphur are discussed in some detail, with cost estimates, in the recent report of the President's Energy Policy Staff on "Considerations Affecting Steam Power Plant Site Selection." As that report notes, some of the processes being worked on may even break even after credit for sale of byproducts.

We are encountering a few problems with respect to manpower—a problem not uncommon with other industries. In our case, it was complicated for a while by the oversell of atomic power, but our companies are now finding it possible to convince young men that the atom isn't going to run coal out of business and that coal offers a good long-range future, with the highest basic wage rate of any major industry.

One more feature of the coal industry is worth spending a couple of minutes on. For 80 years the coal industry was plagued with overcapacity, because it didn't cost much to open a new mine. When the country needed 200 million tons, we had mines capable of producing 400 million tons. When our market got up to 400 million tons, we had mines capable of producing 600 million. The result was that nobody made any money, except in wartime periods of accelerated demand. In addition, this situation caused a great deal of labor strife, because lack of profits imposed a necessity to try to hold down costs. As the U.S. Supreme Court noted, the history of the coal industry was written in red ink and blood.

As late as 1962, the Atomic Energy Commission in its Report to the President took note of this situation. In the Appendices, page 16, there was the following perceptive comment:

"The coal industry is an important national asset and is expected to supply increasing energy requirements during the remainder of the century, even under conditions of a rapidly growing nuclear power industry. The coal industry cannot be expected to expand to do this under subnormal profit conditions. The industry's need for capital is unlikely to be satisfied by either investors or lenders if returns on capital continue at such low levels. It seems from the foregoing that any real evaluation of the future of coal prices should start not from present depressed prices but from a current figure of perhaps $5.25 per ton, a figure that includes taxes and a profit that may be sufficient to attract the capital required for future expansion."

We still haven't hit that $5.25 per ton figure, on the average for steam coal, but I do want to point out that AEC's 1962 prediction about the coal industry being forced to make some profit is being borne out. Part of the reason can be ascribed to the threat of atomic power. It is no longer cheap to open a new coal mine. Today, you have to spend a lot of money buying some pretty expensive equipment. This equipment, of course, has increased productivity—we produce about 19 tons per man per day in the United States, compared to something like three or four tons per man per day in the rest of the world. Without the high productivity, we couldn't pay the wages we do and still compete with other forms of energy. But it means you have to invest quite a bit of money to open a new mine. A few years ago all the propaganda about atomic energy scared our people to death, before we realized that somebody is going to have to find a great deal of uranium even to keep the atom going. As a result, new mines have not been opened on speculation, and we have gotten rid of excess capacity. You know, just to maintain capacity, you have to open about 20 or 25 million tons per year in new mine capacity, because a mine is calculated to last 20 or 25 years. In order to expand capacity at the rate necessary to meet the nation's demands for coal, this means you have to open new mines each year with capacity of 40 or 50 million tons. At $5 to $10 per ton of annual capacity, that means a lot of new capital every year—almost half a billion dollars a year. That might not be much money to the oil industry, or to the AEC, but it is a lot of money to the coal industry. For several years new mines have been opened only with a long-term, guaranteed market for most of the output. The result is that, today, our capacity just about equals our market. Our industry is making a few dollars, for a change—not an exorbitant amount, but at least a return on investment. There is no point in hollering at the coal industry for this situation—it is purely and simply a result of the free enterprise system. If a man can't get at least 5 per cent return on investment in a coal mine, he would be a fool to invest in it, because he can put it in common stocks and do better.

I don't mean to say that we will never again be a "moving target." We have some pretty sharp brains in the coal industry. Right now I don't think it would be sensible to forecast a decline in the cost of coal, faced as we are with the necessity of sulphur removal and problems of that sort which are going to cost money. In the long run, however, I see no reason why the coal industry's history of productivity achievement cannot be continued, and perhaps it can be continued to the point where costs will be reduced in spite of the problems confronting us. But the utilities never again will be able to rely on the "spot purchase" market—where they used to wait and buy coal on a month-to-month basis from the cheapest bidder. From now on, and they know it, they are going to have to enter into long-term coal contracts if they expect to have coal available when they need it. And this has a connection with the possibility that atomic power plants will be late coming on line—the utilities that have not entered into long-term coal contracts are going to have trouble finding additional coal available when they need it.

I'd like, now, to turn my attention from the coal industry to atomic power. Let's take a short glance at today's picture of competition between the two.

A coal-burning plant ordered today will cost about $135 per kilowatt of capacity. With a plant factor of 80 per cent, and with a 14 per cent carrying charge, this gives a capital carrying charge of about 2.7 mills per kilowatt hour. The average cost of bituminous coal delivered to utilities has been about 25 cents per million Btu, and coupled with a heat rate of 9,000 Btu per kwh, this gives us a fuel cost of 2.25 mills/kwh. When we add operation and maintenance of 0.3 mills, we wind up with a total cost for coal power of about 5.25 mills per kwh.

A nuclear plant ordered today will cost about $170 per kw, for a capital carrying charge of about 3.4 mills per kwh. With $8 per pound yellowcake, 88 cents per pound of yellowcake for conversion to feed, $26 per unit of separative work, $90 per kilogram for fabrication, 10 per cent carrying charge on fuel inventory, $40 per kilogram for reprocessing, and a plutonium value of about $8 per gram, the anticipated fuel cycle cost for the light water reactor is about 1.8 mills/kwh. Adding .42 mill for operation and maintenance, it appears to us that atomic power from plants being ordered now, if they work as well as expected, will cost about 5.62 mills/kwh.

We know, of course, that it is possible to juggle these figures to reach almost any result you want—primarily because the atomic costs are still merely forecasts, and when there is no experience to rely upon you can write your answer first and then work backward. We know, too, that the atomic proponents are forecasting that fuel cycle costs will go down a great deal in the years ahead—due primarily to mass production and the "learning curve." Recent events, however, have indicated that the atomic fuel cycle costs may go upward, not down, even if these plants work as well as expected—because many companies have been trying to "buy into" the nuclear business with loss leaders, and they are rapidly reaching the point where they must charge enough to make a profit or else get out of the game. Further, we believe there will be a very substantial increase in the cost of uranium within a few years after reactors ordered today are put into service.

As indicated, our computations lead us to believe that, on the average, a coal plant

is nearly .4 of a mill per kwh ahead of atomic at this stage. If sulphur control adds nearly a dollar a ton to the cost of using coal, that will wipe out the difference. Thermal pollution will add to the cost of using coal, too—but it will add 50 per cent more to the atomic costs because the atomic plants emit about 50 per cent more heat to the water than a coal-burning plant. The "guesses" (according to AEC's "Current Status and Future Technical and Economic Potential of Light Water Reactors") are that control of thermal pollution will add about .24 mills/kwh to the cost of atomic power, so coal's advantage here should amount to about .08 mills/kwh.

What of the future as far as competition goes? Well, we in the coal industry do not consider the light water reactor to be a permanent competitor, because we believe it will be impossible to find enough low-cost uranium to meet the scheduled growth of atomic power through the end of this century, if we have to rely on light water reactors. Without the development of a competitive breeder reactor, we believe that atomic power is doomed to be merely a passing curiosity in the annals of history. To explain the reasons for that belief, it is necessary to repeat some rather well-known figures about yellowcake reserves and yellowcake consumption.

In the last couple of years the AEC has reduced rather substantially anticipated yellowcake requirements by reducing the tails assay of the enrichment plants and by upgrading anticipated performance from future fuel cores. Even so, AEC estimates (page 11, "Forecast of Growth of Nuclear Power, December 1967") that the average light water reactor will need .69 of a ton of yellowcake per megawatt for start-up and will have net requirements of .13 of a ton per megawatt per year, if plutonium is recycled. Figured over a 30-year lifetime, that comes out to about 4.6 tons of yellowcake per megawatt of light water reactor. AEC expects we will have some 734,000 megawatts nuclear by the end of the century. If we do, and if it is all light water, that capacity means we will have to produce over 3⅓ million tons of yellowcake for these reactors alone.

A quick look at known reserves of yellowcake, together with "estimated additional," shows that such a quantity means. As far as "known" reserves are concerned, it depends on what definition you are reading—but they are somewhere under 200,000 tons. Counting some by-product sources, AEC postulates that about 380,000 tons of uranium reserves are "reasonably assured" at a cost of $10 per pound. AEC also estimates another 480,000 tons of possible additional reserves in this price category, if they can be found. In addition, AEC estimates another 700,000 tons in the $10 to $30 price range. When we add all these together, we come up with possible uranium resources in the price range of $30 per pound of 1,560,000 tons. That's not a very large amount—it is less than half the amount we would need to feed the atomic power plants built between now and the end of the century, if they were all light water reactors, and if AEC's projections of atomic growth turn out to be correct.

It is true that AEC estimates we have a great deal more uranium in the crust of the earth, if price is no object. But in the light water reactor, price is an object. There is no use talking about uranium costing more than $30 per pound of yellowcake if it is going to be used in non-breeder reactors, at least in the U.S. Every dollar added to the cost of a pound of yellowcake amounts to about 0.83 of a cent per million Btu in terms of competitive coal. If coal and atomic power are competitive, at current prices, at about 24 cents per million Btu for coal, then a $30 per pound price for yellowcake would make coal competitive at 42 cents per million Btu. There isn't any point in speculating about higher prices—coal isn't going to cost any more than that in the United States for an extremely long time to come.

Before I leave this subject of uranium reserves, let me refer to an argument that has been thrown at me a hundred times. Fifty years ago we were running out of oil and gas, I am told, but we still have a lot of it—won't the same be true of uranium? Maybe it will be. I don't know, and nobody else knows—only time will tell. But I want to point out that gold, which sells for $35 an ounce (not $8 a pound) is found throughout the crust of the earth and in the oceans. Nevertheless, it is found in such dilute quantities that it cannot be produced profitably for $35 an ounce. In the 1962 Report to the President, the AEC estimated that about 99 per cent of the earth's uranium reserves are in such dilute quantities that they will cost from $100 to $500 a pound to produce. The AEC may have been wrong in 1962, or they may have been right. Time will answer that question. But I point out to you that a great search for uranium has been under way for almost three years now, and we still don't hear any boasting about what has been found—the boasting is still confined to the number of holes that have been drilled. I find it amusing to note that nobody finds a thousand tons of yellowcake anymore—they find 2 million pounds of it. Makes it sound more impressive, doesn't it? How long does this go on before we get realistic about reserves?

For the foregoing reasons, we take it for granted that the atomic power industry cannot long survive without a breeder. Now, then, as to the breeder. How much is it going to change the picture?

Well, of course, there are a few problems in the way right now. I'm sure you are all familiar with the materials problems. Apparently it will be many years before we even know what causes these problems, and it will probably be a very long time before we know what to do about them. Until we do, we just aren't going to get the kind of fuel exposure necessary for a really successful breeder. In addition, of course, we are faced with the fact that the "alpha" problem is worse than anticipated. So from the purely technological standpoint, it seems to us that the successful "breeder" is quite a long way off yet.

From the standpoint of economic competitiveness, the breeder seems to be even further away. As I read the situation, the AEC hopes to build about three subsidized demonstration breeders, and after they are in operation—sometime in the 1980's—AEC thinks it will be possible to offer to industry breeders with a total power cost of under 7 mills a kilowatt hour. About four mills of this will be made up of capital cost—some $200 per kw or more, with slightly over 2 mills for fuel cycle cost, and the rest representing operation and maintenance other than fuel. From that point forward, AEC hopes, mass production will bring the cost of power down. But there's the joker. How are you going to get mass production of a machine that can't compete with coal?

I think this is the biggest problem overlooked by the proponents of the breeder—the fact that mass production economies cannot be achieved for the breeder until it can compete with coal. The breeder may very well be economically competitive in the high fuel cost areas of the world, such as Europe and Japan, within the next 15 or 20 years. But in the United States the situation is greatly different. In Europe and Japan the breeder will compete with fossil fuel costing $12 and $15 a ton, but with our abundant supply of low-cost coal the breeder in the U.S. is going to have to compete with $6 to $8 per ton coal. I think this is one reason why other countries are dashing ahead into the actual construction of experimental breeder reactors—they can use such machines even if the power produced is high cost power. In countries like that, the breeder has to compete primarily with nonbreeders, and the high cost of uranium will drive nonbreeders to the wall in the next 15 or 20 years. But in the U.S. the breeders are going to have to compete with low-cost coal for a very long time into the future, and even after the Government has spent billions of dollars to promote them I think it is very questionable whether they will be able to make the grade until that distant day when our reserves of low-cost coal are approaching exhaustion.

There used to be a rather widespread impression that we won't have to worry about shortage of uranium once we perfect a breeder, if that breeder can afford to use high-cost uranium. Even if a breeder with a short doubling time is developed, there will be a need for large quantities of newly-mined uranium for a long period of years—long enough to phase out all existing light water reactors and to put the entire breeder system on a self-sustaining basis. During that transition period, the existing light water reactors will have to compete with foreign light water reactors and with breeders for the uranium available. There will not be one yellowcake price for breeders and a lower one for nonbreeders. There will not be one yellowcake price for foreign light water reactors and a lower one for domestic LWR's. Under these circumstances, I find it very difficult to understand how utilities can afford to keep ordering light water reactors at the rate forecast for the next 15 years—and in fact I believe that they will not do so. I believe that within a few years the growing understanding of the uranium reserve situation will result in a definite slowdown in the rate of growth of light water reactors, with industry adopting a policy of waiting for the development of successful and reliable breeder reactors. This falling off in LWR orders should come, in my opinion, about five years from now, because by then I think it should become apparent that new reserves of uranium will not be readily available at the low cost needed to compete with coal in the United States.

We in the coal industry have never objected to Government research in the energy field—and that, of course, includes Government research in atomic energy. We do, however, believe that coal is being discriminated against in the allocation of this research effort, and we believe more attention should be paid to the development of more efficient methods of producing electricity from coal. We have little doubt that systems like MHD could be developed more quickly and much more cheaply than the breeder reactor, and we believe such systems would be of more benefit to the consumer and to the environment than the breeder would be.

There are some other Government policies in the atomic program to which we do object, however—so far, without much success. For example, we think the Government's policy with respect to the uranium stockpile is wrong. AEC has announced its intention to dispose of this stockpile at $8 a pound, a figure which will not recover any part of the Government's cost of interest. There is no reason why Government shouldn't recover its cost of interest, by compounding that interest from average date of acquisition to date of sale. The Government realized a net profit of $2 billion from the disposal of the silver stockpile, and we see no reason why it shouldn't at least break even from the disposal of the uranium stockpile.

We have objected, without success, to the extension of that part of the Price-Anderson Act which exempts utilities and reactor manufacturers from liability to the public for the damages in excess of $560 million. We feel that any utility which doesn't have confidence that $560 million will cover the damage simply should not build the plant, and we further feel that the public is being deprived of a safety incentive by the elimination of financial responsibility for accidents.

We have also supported the idea that AEC's

regulatory functions should be made separate and independent from its promotional functions. The law directs AEC to promote the use of atomic power as fast as it can, and at the same time it directs AEC to regulate power plants to protect the public safety. In this way, the law imposes upon AEC a conflict of interest. As atomic power plants fail to perform up to expectations, and as the difficulty of meeting coal's competition rises, we think it is only human nature to expect industry to bring pressure on AEC for permission to do some corner-cutting. Historically, one of the problems with Government regulation has been that a regulatory agency tends to become a captive of the industry it is regulating. The danger is much more serious here, where the regulatory agency is charged by law with promoting. The public is entitled to the protection of an independent regulatory agency.

Our most bitter complaint, however, deals with what we call the "oversell" of the atom. I think you are familiar with what I am talking about—the predictions that atomic power will transform the earth into Paradise. Since we started complaining about this, there has been some easing-up, but even yet we find the AEC discussing, as though they were just around the corner, agro-industrial centers and blooming deserts.

I realize, of course, that predictions like that make it easier to sustain appropriations of billions of dollars a year. I submit, however, that the "oversell" of the atom harms the national economy. It tends to cause people to overlook some of the very serious policy questions involved in the direction of our atomic program. Moreover, it jeopardizes the future availability of the energy which our country will need—both atomic and fossil. It jeopardizes the future availability of atomic energy, because it results in increased construction of nonbreeders which waste scarce fissile material. It jeopardizes the future availability of fossil energy, because it shakes the confidence of the investors who must decide whether to take the capital risks required to make fossil fuels available. It also increases the difficulty of attracting necessary manpower to the coal industry.

Everything atomic automatically makes headlines, and even though AEC frequently states that the use of fossil fuels will have to continue to increase, such statements are frequently drowned out by the fanfare for the atomic glories to come. In this manner, members of the public and of Congress are frequently misled into believing that atomic energy will soon make our fossil fuels obsolete.

I don't believe this "oversell" of atomic power is justified. In the first place, there is considerable doubt at this time whether the light water reactors will ever produce power as cheaply as low-cost coal. At best, the nonbreeder will be able to reduce the cost of power slightly—not enough to revolutionize our way of living, by any means. As to the breeder, I find it difficult to see how the cost of power can ever become lower than about 4 mills per kilowatt hour, even if the fuel cycle boils down to almost nothing. But even if the breeder could some day produce 2 mill power—a figure which I find incredible even for the long-range future—would it really revolutionize our way of living? For many years Bonneville Power Administration sold power at 2 mills (notice I said "sold," not "produced"), and it didn't cause drastic changes in the national way of life.

Why not? Let' see what 2 mill power really amounts to: That's 60 cents a million Btu, in terms of heat. We are still delivering coal for about 25 cents a million Btu. How is 2 mill power going to change so many things? Oh, of course I know that if an atomic plant could produce electricity for 2 mills, it probably could produce just plain heat for about half of that—but that would still be about 30 cents per million Btu, and heat at that price isn't going to revolutionize the economy. It won't make the deserts bloom—at least not until the necessity of producing additional sources of water becomes so overpowering that we are forced to devote a very large part of our total resources to that task.

On the subject of desalting, let me quote from my testimony of September 19, 1966, before the Senate Interior Committee, with respect to the subsidy for the dual-purpose plant to furnish water to the Metropolitan Water District:

"Man must, of course, have water. But it must be the cheapest water available . . .

"Why, then, is this plant proposed? In my opinion, it is being proposed as the result of considerable salesmanship, and perhaps some arm-twisting, in a premature attempt to give a semblance of reality to the optimistic predictions about what will happen in the distant future. I do not believe that the 27 cent figure, as high as it is, truly reflects the full costs of the water to be produced in the MWD plant . . .

"It isn't merely money and uranium that is being wasted here. It is also time, attention and talent which is badly needed in other areas. Money allocates resources, and we believe the allocation of this amount of resources to the obtaining of high cost water from desalting will be injurious to the programs that should be given higher priority in the water field. Those programs involve water management, water transportation, water conservation, and reclaiming of water. In some few instances, none of these alternatives will be available, and the only solution to requirements for water will be furnishing high cost water through desalting. But in those instances the quantity of high cost water which will be useful will be much smaller than the amount to be produced at the MWD plant. And conventional fuels are, of course, the least expensive source of heat for small plants . . .

"The MWD plant will involve a nonbreeder. . . . Even if desalting on a large scale must some day be paid for by mankind, the energy to do it will have to be furnished by breeder reactors of the future or by plants using fossil fuels. There is little chance that the vast quantities involved could be supplied from yet-to-be-discovered supplies of low-cost uranium, if used in a non-breeder."

You may wonder why I am repeating my remarks of more than two years ago, since the MWD project has fallen on its face in the meantime. The reason I do so is that Commissioner Ramey hasn't given up yet—he is still trying to force somebody, somewhere, to build a nonbreeder to furnish high cost desalted water, even though it is now readily apparent that nonbreeders will never produce water at a bearable cost. Commissioner Ramey doesn't care about the cost—he just wants to see this thing work, whether it is worth it or not. I quote to you from a speech he made at the Symposium on Nuclear Desalination in Madrid, Spain, on November 18, 1968:

"We must cut through the underbrush of economic criteria, opportunity rates of interest, and priorities on capital, and face up to the need of full-scale first-generation demonstration plants."

Let me read that to you again . . . What is he saying? I think he is saying, "Who cares whether it is worth it or not; let's build it." That kind of thinking could get us into some real trouble, if carried far enough. You know there has been a lot of talk about building a huge dual-purpose atomic plant in the Middle East, to help settle the troubles between Israel and her neighbors. I think such a plant would unify them all right—they would join hands in opposition to the United States, in retaliation for saddling them with such a white elephant.

After all, what is to be proven by the construction of a huge desalting plant which is known from the beginning to be uneconomic? We already know that atomic power plants will produce heat. We already know that heat can be used to desalt water, at high cost. High cost water can be useful in small quanities—but for the next 20 years high cost water will not be useful in huge quantities. So why build these plants? I do not believe that taxpayer funds should be used to help build a $700 million monument to the memory of James Ramey.

Another policy area of interest to us is the question of how the Government gets out of the uranium enrichment field. This is going to be a serious problem in the near future, and this year Congress is expected to consider ways and means of turning the existing three plants over to a private enterprise. That is going to be complicated by the AEC's long-term contracts to do the enrichment for the rest of the world. We sympathize with AEC's efforts to restrict the number of members in the atomic bomb club, but I hold the personal conviction that other countries will build their own enrichment capacity no matter how attractive our price may be. We are, of course, interested in the price to be paid by industry for the existing three plants, but to us the primary objective is to have Government announce as soon as possible that no more Government funds are going to be spent on enrichment capacity—either in expanding existing facilities or in constructing new facilities. From now on this job should be left to industry—and we think there is a reasonable chance the Congress will feel the same way.

I hope you have the patience to bear with me while I dscuss one further item of policy. It is my personal conviction that, by encouraging the construction of nonbreeder reactors, we are running the risk that we are "feeding the seed corn to the hogs."

As the members of this group know, the only fissionable material found in nature is U-235, which constitutes 7/10 of 1 per cent of natural uranium. This is the only material we have to use as the "trigger," or "seed corn," for starting breeders. There is no fissile material in thorium.

In using this limited fissile material in light water reactors, rather than saving it to start breeders, we are running the risk of incurring an extremely heavy economic penalty for future generations. Everyone seems to assume that, when breeders are developed, we will start breeders with nonbreeder plutonium and fill the void with additional nonbreeders. That might happen if we find unlimited quantities of low-cost uranium, but it cannot happen if the cost of uranium rises substantially—because the nonbreeders will be unable to compete with low-cost coal. When and if that happens, the additional breeders will have to be started (if at all) with U-235. The cost of that U-235 will be important.

AEC believes that in 1988 we will have 333,000 megawatts of nuclear capacity. If so, and if it all operates at 80 per cent plant factor, the 1988 production of plutonium will be 66,600 kilograms. If the total in-core and out-of-core plutonium inventory of the breeder is 4 grams per kilowatt, we will be able in 1990 (two years after the plutonium is produced) to start 16,650 megawatts breeder capacity. If the growth of nuclear capacity is to reach the rate forecast by AEC, that will be far short. At that time, to reach the forecast growth, it will be necessary to add about 29,000 megawatts nuclear. Everyone seems to think the balance of 12,350 megawatts to be installed at that time will be light water reactors—but that won't be the case, because uranium will be too high cost for the construction of additional light water reactors. After all, light water reactors, like breeder reactors, will have to compete with low-cost coal in the United States. The balance of the projected growth of nuclear will have to be in the form of breeders started with U-235.

Now, it has been said that the cost of U-235 will be immaterial to a breeder. That would be true if the excess production of plutonium amounted to 10 percent of inventory per year—in other words, a compound doubling time of about seven years. If you are realistic, you will agree with me that such a machine will not be in operation during this century. With a longer doubling time, the cost of the inventory is very important. If we waste so much low-cost uranium in light water reactors that we have to start breeders with U-235 from $100 a pound uranium, instead of $20 a pound penalty on future generations.

Let me give a theoretical example of what may happen. The 333,000 megawatts of light water reactors which are supposed to be in operation in 1988 will, during their 30-year lives, use the U-235 from about 2 million tons of yellowcake. Only half of this will be truly wasted, because the plutonium produced will start about half as many breeders as could be started if the U-235 were conserved to start breeders. Therefore, we will have needlessly increased from $20 to $100 a pound the price humanity will have to pay for one million tons of yellowcake. Figure that out—the penalty under such circumstances will be $80 a pound, $160,000 a ton, for a total of $160 billion. Now that is quite a gamble. Suppose it actually turns out that way? What is the possible pay-off—the amount, if any, by which we reduce the cost of electricity with light water reactors. Gentlemen, I don't like the odds. I think we are doing what Commissioner Ramey wants us to do with desalting plants—we are clearing away the underbrush of economic criteria.

Back in 1962, in the Report to the President, AEC expressed some concern about whether the breeder would be available in time to use low-cost uranium. At that time, they thought the light water capacity in 1980 would be 40,000 megawatts, and they reached the conclusion that the advent of the breeder would probably be "timely" in respect to uranium reserves. Now that the 1980 capacity of light water reactors is forecast at 150,000 megawatts, the advent of the breeder is no longer "timely." It is probably too little and too late. We can't speed up the breeder. We can accomplish the same purpose—and I think we should—by slowing down construction of the wasteful nonbreeders.

Thank you for bearing with me.

## COHN-BENDIT SHOULD BE DENIED VISA

(Mr. COLLIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLLIER. Mr. Speaker, I take this time to call the attention of the Members of this House to a report which came through the wire service from Frankfurt, Germany, yesterday. This report reveals that Daniel Cohn-Bendit, leader in the widespread French rioting last year, has applied for a visa to the United States. A spokesman for the U.S. consulate stated that his application had been sent to Washington for consideration.

Cohn-Bendit has frequently described himself as an anarchist, although this was not entirely necessary in the light of his known activities.

It is reported that Danny the Red has stated that he has invitations to speak at Georgetown University here in Washington and at the University of California in Berkeley.

I have written the State Department indicating my unalterable opposition to approving this man's application for a visa and I am seeking to learn whether the invitations to speak on these two college campuses are from individual students or student groups or official university sources.

I trust that all of my colleagues in this House will join me in asking that Cohn-Bendit's application for a visa be denied by the State Department.

## AMERICA MUST MAINTAIN ROLE AS MARITIME NATION

(Mr. KEITH asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. KEITH. Mr. Speaker, America's role as a maritime nation has depended for over two centuries not only on its ships, but also on the men who sail them. To maintain this tradition of quality leadership at sea demands new thinking regarding maritime education.

It has been 10 years since the Maritime Academy Act was passed providing a subsistence amount to qualified students of not more than $600 per year. Since that time salaries and other educational costs have largely doubled while the student subsidy has remained the same. It is becoming increasingly difficult for young men of good background and excellent scholarship to attend our maritime academies for the full 4 years. These students attend class 11 months of the year. They are, therefore, not able to work in the summer months to pay their costs as many other college students do.

May I also point out that many of those who now graduate from the State academies with this excellent training find jobs in fields other than the merchant marine. Their education has been subsidized at taxpayer expense with no guarantee as to where and how the graduate's skills will be used.

For these reasons, Mr. Speaker, my six colleagues and I are filing this bill that contains two important provisions. First, it raises the amount of subsistence to $1,000 per student per year. This is a modest increase of $400 per year. Second, it requires the student to repay the loan over a 10-year period should he decide to enter a vocation other than the merchant service of the United States. This provision is similar to the National Defense Education Act.

This bill represents over 2 years of research and discussion with authorities on maritime education and law. Despite this lengthy drafting period, we recognize that the end product is not a perfect bill. There are those who frown on placing the U.S. Merchant Marine Academy at King's Point under the obligations this bill provides. I hope that objections such as these will prompt full and free discussion when the bill is heard in committee. From such an exchange of ideas we can produce legislation that will properly recognize the importance of our maritime education program.

Preeminence in maritime education has been ours through our Federal and State academies. We desperately need to encourage more young men to enter the merchant marine service while at the same time affording the taxpayer the knowledge that we are trying to give him true value on his investment.

I hope the bill will receive early consideration, as the need for improvement in our maritime education program is long overdue.

Mr. Speaker, I include after my remarks, a copy of the bill:

A bill to amend the Maritime Academy Act of 1958 to require repayment of amounts paid for the training of merchant marine officers who do not serve in the merchant marine or Armed Forces

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 6 of the Maritime Academy Act of 1958 (46 U.S.C. 1385) is amended to read as follows:

"REPAYABLE ADVANCES

"SEC. 6. (a) The Secretary may make grants to each academy or college with which he contracts under section 4 if such academy or college agrees to use the funds so granted to make, on behalf of the United States, repayable advances to its students, subject to the conditions provided for in subsection (b). Such repayable advances shall be made at a rate not in excess of $1,000 per academic year and shall be used to assist in defraying the cost of uniforms, books, and subsistence for such students.

"(b) (1) Each repayable advance shall be evidenced by a note or other written obligation which provides that it will be repaid to the United States in equal installments over a period beginning nine months after the date on which the student ceases to pursue his course of instruction at the academy or college and ending ten years and nine months after such date, except that (A) installments need not be paid during any period, not in excess of four years, he is serving in a licensed capacity aboard an American-flag vessel operating under the laws of the United States or in the Armed Forces of the United States, and (B) such advance shall be canceled for service in a licensed capacity aboard an American-flag vessel operating under the laws of the United States or as an officer in the Armed Forces of the United States at the rate of one fourth of the total amount of such advance for each qualifying period of such service. Such a repayable advance shall be made without security and without endorsement, except that, if the recipient is a minor and the note or other evidence of obligation executed by him would not, under the applicable law, create a binding obligation, either security or endorsement may be required. For purposes of subparagraph (B), 'qualifying period of service' means eight months of service in the case of service irn a licensed capacity aboard an American-flag vessel operating under the laws of the United States, and twelve months of service in the case of service as an officer in the Armed Forces of the United States.

"(2) The liability to repay any repayable advance shall be canceled upon the death of the person receiving the advance, or if he becomes permanently and totally disabled as determined in accordance with the regulations of the Secretary."

SEC. 2. The first proviso of section 12 of the Act of March 4, 1915 (46 U.S.C. 601 is amended by inserting before the colon at the end thereof the following: "or regarding repayment of a repayable advance made under section 6 of the Maritime Academy Act of 1958.

SEC. 3. Section 216 of the Merchant Marine Act, 1936 (46 U.S.C. 1126), is amended by adding at the end thereof the following new subsection:

"(g) Funds paid by or on account of a midshipman at the United States Merchant Marine Academy shall be deemed to consti-

tute a repayable advance to such midshipman and such funds shall be deemed to have been paid at the rate of $1,000 per academic year. The provisions of subsection (b) of section 6 of the Maritime Academy Act of 1958 shall be applicable to repayable advances referred to in this subsection to the same extent as such subsection (b) applies to repayable advances made under such section 6."

SEC. 4. The amendments made by this Act shall be applicable with respect to students who matriculate at a maritime academy or college after the date of enactment of this Act.

## SMALL BUSINESS ADMINISTRATION LOAN POLICIES REQUIRE IMMEDIATE REVISION TO MEET THE REALISTIC NEEDS OF DISASTER VICTIMS

(Mr. TALCOTT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. TALCOTT. Mr. Speaker, most of my congressional district is, and has been, declared a disaster area due to the extraordinary rainfall and floods.

It was the intent of Congress that the Small Business Administration provide loans to disaster victims. The Johnson administration led the public into believing that Federal funds would be available for loans to small businesses damaged or destroyed by natural disasters.

Most businessmen who have applied for Small Business Administration disaster loans have been told that they are not eligible or that there is no money available. This is a gross misrepresentation by the Federal Government. It is cause for great frustration and disillusionment to the devastated small businessman trying to dig his business out of the mud and to rehabilitate himself.

Under present conditions the Small Business Administration disaster loan policy is a disaster.

In May 1968, the Small Business Administration administratively denied low-interest loans to any victim who could arrange a private loan at the higher going rate of interest or who had any asset which could be converted to cash. Small Business Administration policy practically requires the businessman to sign a pauper's oath before he can participate in the Small Business Administration disaster relief program.

The Johnson administration revised its SBA loan policy and procedures because of the budgetary strictures. The Johnson administration got in a budgetary bind so it cut the heart out of the SBA. So the small businessman who is devastated by disaster is receiving no help.

The SBA revised its procedures administratively to deny loans; it could now well revise its procedures to grant loans.

In a declared disaster, SBA should grant low-interest loans to all defined disaster victims to the full extent of their documented loss—less, of course, insurance entitlements. SBA loans should be made to all declared victims, regardless of their business or personal assets or their ability to borrow privately.

SBA loans are not grants; all loans are repaid.

A declared disaster is a disaster to every victim of flood. All disaster victims need help.

The more financially responsible the disaster victim, the more likely he will repay the SBA the full amount of any loan.

SBA loans must be prompt and uncomplicated by redtape. The simpler the procedure and the fewer the prerequisites for qualification, the more helpful the SBA loan program will be to the disaster victims.

The present 3-percent interest SBA loan is unnecessarily low. Even small businessmen who suffer great disaster do not ask such low-interest-rate loans in today's interest market.

Interest at 2 percent below the FHA interest rate would satisfy the disaster victims, and not cost the Federal Government so much during periods of high interest rates. The current FHA interest rate is 7½ percent. Under my proposal, the SBA interest rate would be 5½ percent.

An alternate interest rate could be a rate equal to the Government's cost for borrowing money during the year of the loan—currently approximately 5⅜ percent.

Either interest rate would be appreciated by the bona fide small businessman.

Neither interest rate would cost the Government more than it is required to pay to borrow the money.

An SBA policy of providing 5½-percent interest rate loans for the full amount of the net loss of a declared disaster victim would put the SBA back in the disaster relief business, be most helpful to the disaster victim, and cost the Federal Government very little other than the administration of the program.

Mr. Speaker, many disaster victims in my congressional district have experienced similar frustrations and disappointments with the Farmers Home Administration—FHA.

Numerous disaster victims in the business of farming were led to believe that the FHA could be of assistance with low-interest-rate loans only to discover that FHA had no program that was useful to them in their plight.

My proposals for SBA could have similar application to FHA.

Mr. Speaker, I urge all Members to join me in advocating my proposals to the Small Business Administration, the Bureau of the Budget, the Small Business Committee, and the Farmers Home Administration.

## HOW NEW IS THE "NEW LEFT"?

(Mr. HARSHA asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HARSHA. Mr. Speaker, in consideration of the manner in which the self-styled "new left" seems determined to compound the problems of disorder, disruption, and violence which it has visited upon many of the Nation's institutions of higher education, it has occurred to me that the "new left's" pattern of performance and modus operandi is not really new at all; rather, that both are really as old as, at least, the classic pattern of agitation, propaganda, and revolution set down long ago by such experts on revolution as Marx and Engels and Lenin and Trotsky.

My consideration of this matter which, today, so gravely concerns this Nation, was greatly implemented by my discovery that many of the so-called new left's complaints and demands and charges with reference to campus and academic matters are, at least, 35 years old; I have discovered that, at least, there is a striking similarity between some of the current complaints and demands and charges and some of those set down, way back in 1934 by a Cambridge University student named Donald Maclean—better known today as a British foreign officer and identified Soviet agent.

I would find cause to doubt that any of this will come as news to Communists, but I do believe that it may come as news to many of my congressional colleagues, even as it did to me; I also believe that this will come as news to many students who, in consideration of this and related facts, may determine that they have been tempted to follow a leadership and an ideology which, in reality, is quite contrary to their interests as American students.

For these reasons, with particular reference to consideration of the possible need for congressional efforts to help seek remedy and relief from the present campus situation, I submit, here, the full text of the March 7 edition of my regular weekly report to my constituency.

REPRESENTATIVE WILLIAM HARSHA ASKS: HOW NEW IS THE "NEW LEFT"?

President Nixon, Vice President Agnew, and the Nation's governors have now lent their voices to mounting expressions of growing concern over the continuing wave of disorder and violence on campuses across the country.

This is an encouraging development; particularly to those Americans who appreciate the following:

This obnoxious phenomenon began in this country in 1963.

It quickly demonstrated itself to be a part of an international pattern.

It turned from demand to disorder and from disorder to violence.

Its leaders proved themselves to be the agents for an ever-vocal minority which screamed for "peace" and "freedom" and "liberality" and "tolerance" while imposing the converse upon the majority.

Their followers proved, at best, an oddly-mixed bag which, for varying reasons, were satisfied to travel under the straggly banner of the so-called "New Left."

It is, however, becoming increasingly apparent that this "New Left" is being manipulated by youth groups and cadres of the "Old Left"; the Communist Party's W.E.B. DuBois Clubs, the Socialist Workers Party's Young Socialist Alliance, and the more-recently-formed Peking-oriented Progressive Labor Party.

We have no more authentic source for support of this statement than the publication of the radical Students for Democratic Society, New Left Notes, which has admitted that such groups are vying for control of SDS itself.

There is, in short, no cause to doubt that the "Old Left" seeks to use the "New Left" for the "Old Left" objective of building

cadres for the furthering of its own revolution.

I would ask members of this so-called "New Left", with all its claim to non-conformity, how new their demands really are? How non-Communist-serving their misconduct is?

For example, I would ask them to identify the authorship of an expression of complaints and charges and demands which, as posted in a campus publication, has come to my attention:

It complains of "an unsuccessful attempt . . . by . . . (University) authorities to ban a Free Speech meeting."

It complains that "Anti-War articles in two college magazines were censored."

It complains of "the capitalist, dictatorial character of the University . . ."

It charges "economic exploitation of the student," and "reactionary valueless teaching on every faculty."

It demands: "Complete freedom of speech and action . . . student control of college magazines without interference from the authorities . . . The right to use college and university lecture rooms for all political discussion on lectures . . . A share in the control of tutorial fees and of college and lodging-house charges . . . Representation on the Appointments Board . . . The abolition of petty restrictions . . ."

I am confident that it will come as no surprise to "New Left" activists that these complaints and charges and demands were in behalf of the "Federation of Student Societies" at England's Cambridge University, nor that they were published in the student organ, *Granta*.

I am, however, confident, that "New Left" activists will be surprised to learn that the publication date was not February, 1969, but March, 1934, (March 7, 1934, to be exact)—35 years ago!

They were contained in a letter to the Editor from a member of the Cambridge University Socialist Society which the writer identified as "a section" of the school's "Federation of Student Societies."

The author of the letter was Donald MacLean. In the event that any of the "New Left"-oriented has been too busy demonstrating to read pertinent history, let me offer this brief but vital identification of Donald MacLean:

In 1951, Donald MacLean, and a colleague, Guy Burgess, fled to the Soviet Union with British and American secrets in what became known, and officially admitted, as the Great Spy Scandal of the Foreign Service.

Four years later, Vladimir Petrov, a defected Soviet spy, gave vibrant testimony to what had been strongly feared and suspected: Donald MacLean and Guy Burgess were long-time Soviet agents.

So much for the "newness" of the "New Left" and its campus demands. Let undergraduates be alert to the possible nature of the spinners of webs into which they might be drawn.

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## H. R. GROSS: THE TAXPAYERS' FAVORITE MR. "YES" ON WATCHDOGGING THE TREASURY

(Mr. HALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HALL. Mr. Speaker, for over 20 years our distinguished colleague from Iowa, the Honorable H. R. GROSS, has been leading the uphill struggle against wasteful Government spending. His unyielding and uncompromising position has certainly earned his place as the number one "watchdog of the Federal Treasury." The savings he has accomplished are not capable of computation, but a conservative estimate would place them well into the millions of dollars.

I have had the pleasure to work side by side with this relentless crusader for the taxpayers' pocketbook. His successes are accomplished through diligent research and study. I know of no Member of Congress that labors so consistently, so long, and hard.

A biographical profile of this amazing legislator has been skillfully written by Robert E. Bauman in the February 22, 1969, issue of Human Events. It is entitled "H. R. GROSS: The Taxpayers' Favorite Mr. 'No'." Many Members will remember Practicing Attorney Bauman as a former aide to Republicans in the House.

Mr. Speaker, I insert this article into the RECORD at this point:

H. R. GROSS: THE TAXPAYERS' FAVORITE MR. "NO"

(By Robert E. Bauman)

(NOTE.—Mr. Bauman spent several years as an aide to Republicans in the House. He is a former National Chairman of Young Americans for Freedom. Currently a Maryland lawyer, Mr. Bauman also serves as Secretary of the American Conservative Union.)

During the delivery of his last State of the Union speech before a joint session of Congress on Jan. 15, 1969, soon-to-be ex-President Lyndon Baines Johnson glanced up at "The President's Gallery" in the House Chamber and was dismayed to see tears in the eyes of his beloved First Ladybird. Later, LBJ told reporters at the National Press Club, he had asked his wife what the tears were for.

"They were tears of fear," she told him. The reaction was their 19-month-old grandson, Patrick Lyndon Nugent, was waving his baby bottle around, causing Mrs. Johnson to fear "it would slip and hit H. R. Gross right on the top of the head." A bit ruefully, LBJ added, "I guess she felt that every Congress should have one H. R. Gross. I guess she wanted to preserve him."

Presidential solicitude for his personal welfare was no doubt a surprise to Rep. H. R. Gross. But the veteran conservative who has represented Iowa's 3rd Congressional District since 1949 was safely out of range of little Lyn's brandished bottle. He was not even in the Chamber. "I didn't go to that love-in," said Rep. Gross. "I've got better things to do."

Of the thousands of members of Congress Lyndon Johnson has known since he came to Washington in 1934, what made him single out this recalcitrant Republican from Iowa as he bade farewell to Capitol Hill?

Harold Royce Gross (universally known to friend and foe as "H.R.") has become accustomed to such critical distinction almost since the day he first took his oath of office in the House more than 20 years ago. With tightfisted determination, he built a reputation as a fighting conservative who never misses a chance to promote ethics in government, insist that Congress live up to its own rules and—most important—save the taxpayers from being fleeced.

A constant reminder of his philosophy is a framed quotation that sits on a table in the lobby of his office. It states: "Nothing is easier than the expenditure of public money. It does not appear to belong to anybody. The temptation is overwhelming to bestow it on somebody." Next to it is a photo of a Rockwell, Iowa, swimming pool with the caption: "Constructed without *any* Federal funds, 1967."

To meet Rep. Gross gives no hint of the emotions he has aroused in politicians from President down to precinct worker.

Small in stature (only five feet, six inches and 135 pounds), he has a stern visage that infrequently breaks into a relaxing grin—a blend of a small-town-banker-about-to-foreclose and Buster Keaton's mischievous but deadpan self-composure. A square and determined jaw, drooping eyelids that give him a slightly sleepy look, thinning grey hair, garnished with eyeglasses and a pipe, Gross could easily pass for anybody's uncle.

In private, Rep. Gross is soft-spoken, as gloriously uncomplicated and matter-of-fact as the 400,000 Iowans he represents in Congress. He talks fluently and forcefully about his background and beliefs, always with a strong sense of conviction, bordering on self-righteousness. On the Floor of the House he can be abrupt and biting, his voice rising to just the degree of indignation appropriate to his target, personal or legislative.

When Democrat Wayne Hays (Ohio) tried to interject a word in favor of a 1964 pay raise proposal, for instance, Gross acidly remarked: "Does the gentleman, who is a pretty good spender in his own right of the taxpayers' money, think he can make a contribution at this time?" Hays burned, but Gross, momentarily at least, managed to block the measure.

Gross' sarcasm also swept over Rep. Frank Thompson (D.-N.J.) and other liberal House Democrats who were trying to double the federal subsidies for American artists last year.

Bluntly condemning the proposed increase as "twaddle," Gross proclaimed that if the $135 million were voted he would send a cable "to the Marines at Khe Sanh"—then under Communist siege—and tell them "what wonderful progress is being made here at home. . . ." The Democrats lost that one too.

Gross' taste in clothes, like his politics, is conservative. It runs to suits in grey or dark blue set off by neckties considered fashionable at local meetings of the VFW, American Legion, the Elks and the Masons, in all of which he holds membership. Working late at his office typewriter, as he often does, one expects to see galluses on his shirt sleeves and perhaps a green eyeshade.

A Presbyterian, Gross enjoys fresh water fishing for relaxation, and has been known to have a drink or two at the very few Washington social gatherings he and his wife, Hazel, attend. Says Gross, "I've never owned a tuxedo and my wife has no ball gown. We don't need them."

Lyndon Johnson in particular has many reasons to remember H. R. Gross; the Iowan's determined effort to ferret out the facts in the Bobby Baker affair; his successful battle to stop the nomination of Hubert Humphrey's crony, the scandal-tinged Max Kampelman, as president of the D.C. City Council; his constant exposure of waste and graft; his unrelenting use of the rules of the House of Representatives as a tool to cut, hack, and prune millions of dollars from "Great Society" legislation.

Johnson, in fact, hardly had time to savor his 1964 presidential victory before Gross managed to pounce. During House debate on the bill appropriating the extra funds necessary to accommodate the color broadcasting equipment, the Iowa curmudgeon asked the pertinent question: "Is there any way, at the time the inaugural [ceremonies are] being carried out, that we can somehow picture the federal debt in living color?"

Indeed, every occupant of the White House during Rep. Gross' tenure in Congress has had reason to be wary. The Iowa Republican acknowledges that he had "differences of opinion" with Presidents Truman, Eisenhower, Kennedy and Johnson, and expects the same may be true with President Nixon ("though that depends on him," Gross adds with a smile).

Sharp-tongued and quick-witted, Rep. Gross arrives in the House Chamber each day before the session begins at the stroke of noon. As the chaplain's daily prayer ends and the Clerk reads the journal of the previous day's proceedings, Gross sits, grim-faced and thoroughly prepared for anything that might happen.

Though only party leaders have assigned seats in the House, Gross has by now ac-

quired what has become "his seat," at the end of the Republican leadership table, three rows from the front and strategically located on the center aisle which divides the Democrats and the Republicans. From this spot, directly in front of the rostrum and the Speaker of the House, Gross cannot fail to be recognized—unless by intention.

Throughout a typical daily session of the House, Gross will often be on his feet, offering amendments and asking questions about bills, although he usually already knows the answers himself. If ever a surprise bill is called up, it will automatically invite Gross' closest scrutiny. He refuses to rest until he is confident that nothing has been put over on the American taxpayer.

As a result of his keen watchdog abilities, Gross was instrumental last year in blocking a bill that would have jumped congressional retirement benefits by a whopping 33⅓ per cent. Gross discovered that the pension hike plan, which, if it was to be considered at all, should have been before the Post Office and Civil Service Committee, had been transferred to the Foreign Affairs Committee. The actual title of the bill, he disclosed, referred to Foreign Service retirement benefits, but didn't carry a single word about gigantic congressional pension increases. The pension boost, further, was deviously put under the heading, "other purposes." Largely due to Gross' roar of indignation about this pigskin-under-the-jersey move, the bill was flattened.

Gross was unsuccessful this year in stopping congressmen from padding their pockets with the taxpayers' money. But when Congress handed itself a hefty salary hike two weeks ago—raising the annual salaries for legislators from $30,000 to $42,500—it was not through inattention of the Iowa lawmaker.

Under somewhat peculiar procedures established by Congress in 1967, federal pay hikes for congressmen, top government executives and judges were to be formulated by a special commission. Based on the commission's findings, the President was to submit his own pay proposals to Congress—which LBJ did on January 15. These recommended pay hikes, in turn, would automatically go into effect within 30 days unless either the Senate or the House decided to veto them.

Most lawmakers loved the whole arrangement. Under it, they didn't have to initiate, debate or really be held accountable for the pay hikes. They could always blame the commission or the President rather than themselves for setting whatever salaries they might receive. Furthermore, they were well aware the procedure gave little time for the foes of any pay raise proposal to muster strong opposition within the 30-day period.

Iowa's economy crusader, however, was not willing to let his colleagues get off so easily. He first put House members on the spot in 1967 when he came within a whisker of defeating the commission procedure through a rollcall vote. When LBJ submitted his pay proposal this January, Gross immediately put veto measures before the Post Office and Civil Service Committee and the Rules Committee, hoping the House would get a chance to strike down the pay raise before it went into effect on February 14. After both committees killed his proposal; i.e., wouldn't let it come to the floor for a vote, the majority of the House felt certain they were now home free and wouldn't have to face any rollcall test on the pay raise. Thus, they seemed to be in a very enviable position which would permit them to receive a pay hike while being able to tell economy-minded voters back home that they had no chance to block it. But they hadn't fully reckoned with Gross' bag of tricks.

As the House turned from the issue of the pay raise and routinely voted to adjourn for the Lincoln Day recess beginning on February 7, Gross suddenly objected on the ground that a quorum wasn't present. Gross' objection forced a rollcall on whether the House should adjourn.

The Iowan's purpose was clear: since the pay hike would take effect during the recess, all those voting for adjournment were, in effect, voting to let the pay raise bill go through. The adjournment motion carried 241 to 125, but Gross had finally managed to force each lawmaker to take some sort of stand on the pay raise issue.

This kind of dedicated and constant vigilance keeps every member of the House on his guard, trying to guess what Gross may do. Says one Northern liberal, attesting to Gross' effectiveness, "I've attended many committee hearings when the chairman will study a bill and make sure we can answer the knotty questions Gross will ask. Many times items will be dropped before the bill hits the floor because of him."

What gives Rep. Gross such undeniable leverage is his mastery of the parliamentary rules that govern the conduct of the U.S. House of Representatives.

Without hesitation, he can summon from the rule book motions that automatically give him another five minutes to speak (this motion—"to strike the enacting clause" in bill—must be offered in writing, so Gross always carries a printed copy in his pocket).

Perhaps most frequently, Rep. Gross will object to a "unanimous consent request," the parliamentary device which permits the House to conduct so much of its business without formal recorded votes. So often did Rep. Gross invoke the rule which required "an engrossed third copy" of a bill once it is passed (which meant, printed with all amendments that had been adopted) that the Democratic leadership had the House rules amended to eliminate the requirement. Subsequently, a federal minimum wage bill was passed by the House and only later was it discovered that the incorrect wording of one of the amendments had dropped thousands of people from coverage under the law.

There are hundreds of other rules governing Congress which have allowed Rep. Gross to stall or stop the legislative process. He has mastered them all, and by his unrelenting presence, assures that they will be used to the fullest. To the delight of conservatives, his precious knowledge is almost always utilized in defense of conservative principles.

Not without cause, most liberals, and even some "sophisticated" conservatives, whether in Congress or in the fourth estate, have only a haughty disdain for Gross and his "obstructionism." They view his work on the House Floor as "negative, reactionary, a thwarting of progress."

*Redbook* magazine once called Gross "one of the 10 worst members of Congress," and in 1954 *Life* ranked him on the "Neanderthal Right" with such notables as the late Sen. Joe McCarthy of Wisconsin, former Senators Bill Jenner of Indiana and John Bricker of Ohio.

*Life* had the creator of *Pogo*, Walt Kelly, depict a band of Capitol Hill conservatives as so many willful children impeding the progress of the legislative school bus by their antics. Rep. Gross was pictured as a kid with a slingshot sitting next to the driver. He values the cartoon highly, mostly due to what he terms the honor of being included with such "great names out of the past."

In a 1965 *Newsday* story, entitled "Congressman No," the Democratic majority leader of the House, Rep. Carl Albert of Oklahoma, took a different view. He conceded that Gross made his life more difficult, but added that he considered him "a charming person of integrity and conscience." Said the Democratic leader, "He has long been a symbol of economy and undoubtedly has saved many millions of dollars over the years."

What started Rep. Gross on the path to his unchallenged title of "watchdog of the Congress"? In a recent interview the Iowa lawmaker said he well remembers the day during his first term when he objected to a Senate-passed "housekeeping" bill which contained certain "goodies" for the Senate side. Even before this, Gross says, he had the "uneasy feeling that things had been getting by the House that shouldn't have."

The bill on which he decided to take his first stand was inconsequential. Unfortunately for Gross, it was being handled on the House Floor by the late Rep. E. E. Cox of Georgia, famous for his sulphurous temper.

The Georgian, then in his 80s, had only a few years before attempted to clout the current dean of the House, the late Adolph Sabath of Illinois, with an inkwell. If Cox had so little concern for the welfare of a fellow Democrat, he had none at all for the freshman Republican congressman from Iowa who challenged him on that long-forgotten day in 1949.

So challenged, Cox was furious. In a stroke of genius, Rep. Gross resorted to what has become a familiar tactic in his bag of legislative devices—he made the point that a quorum of the House was not present. During the rollcall (which requires the attendance of at least a majority of the full House membership of 435) Cox crossed over to Gross and "gave me a short sermon about comity between the House and Senate," according to the congressman.

When the quorum ended, Cox restated the need for "comity" with the Senate, calling for the immediate passage of the housekeeping bill. Rep. Gross rose to his feet, objecting again, and questioned whether this bill constituted "comity" or "comedy," though in any case he doubted it would amuse the taxpayers. At that, recalls Gross, "Cox hit the ceiling, and took my hide off in short strips."

From that day forward, Rep. Gross has made it his business to know exactly what goes on in Congress, regardless of alleged "comity" towards any individual or group.

Seventy years ago, June 30, 1899, Harold Royce Gross was born on a farm near Arispe in southern Iowa. He recalls that his family was poor but "my father worked hard and he was a money-maker." Young H. R. milked cows and worked in the fields when he wasn't attending rural schools.

"Those were the days of horsepower all right," he remembers. "My father worked so hard he didn't have much time for the family. My mother was the one person who had the most influence on me as a boy." Gross remembers that his father and mother were both Republicans ("everyone was in Iowa, then"), but it was his mother who took a sustained interest in politics.

Somewhat regretfully, Gross says, "I don't brag about it, but I never finished my second year in high school. I guess I'm one of the original 'drop outs' and I don't recommend it to anyone." The year was 1916 and Pancho Villa, the Mexican revolutionary bandit, was terrorizing Americans living along the Texas border. Gross recalls wistfully, "I was 17 years old and I was tired of farming. I wanted to get out and see the world. I was adventurous."

As times change, the path taken by a 17-year-old Iowa "drop out" in 1916 was not to any latter-day Hippie haven. Instead, he "ran away from home, lied about my age and joined the U.S. Army. To this day, Army records show my birthdate as 1898." He was immediately transferred to the Mexican border where he served under the command of soon-to-be Gen. John J. "Black Jack" Pershing.

In 1917, when the United States entered the First World War, the young lad from Arispe, serving in the First Iowa Field Artillery, AEF, was among the first soldiers to be sent to France. His unit saw combat action at Chateau Thierry, and in the Meuse-

Argonne Valley campaign, some of the fiercest battles of the war.

Recalling those days, Rep. Gross noted that he has not been out of the United States since he returned from France in 1919, "unless you can call a fishing expedition 40 miles into the Gulf of Mexico last year a trip abroad." Chided about his constant opposition to congressional "junketing" overseas, Gross said, "I just might take a trip one of these days to see the places I've been, but it'll be at my own expense."

In 1919 Gross entered the University of Missouri School of Journalism as a special student. Because he lacked a high school diploma, he could not attain a degree, but he was allowed to audit the courses. There he met the late Scripps-Howard columnist Lyle Wilson, who later recalled Gross as "an opinionated, slightly built, hard-nosed fellow," a description of Gross that Wilson later said didn't need changing much with the passage of time.

From 1921 to 1935, Gross held various jobs as reporter and editor for Iowa newspapers. Ironically, one of his journalistic heroes was that great debunker of small town America, H. L. Mencken, whose own biting wit was not unlike the famous Gross sarcasm: "Any comparison between Mencken and myself is odious," says Gross. "Mencken had a great intellect," he adds modestly.

In 1929, on the day before his 30th birthday, the young editor was married to Miss Hazel E. Webster of Cresco, Iowa, "a fine Iowa farm girl who has been of tremendous importance in my life," says the congressman. Now an attractive gray-haired grandmother, smartly dressed and vivacious, Mrs. Gross has supported her husband throughout his sometimes stormy political career.

They have two sons, Phil, 36, an attorney with the Securities and Exchange Commission in Washington, and Alan, 32, who is making a career in the U.S. Air Force. Both are married and Alan has a young son.

"When I first ran for Congress we had two little boys to take care of," remembers Rep. Gross, "but my wife worked the typewriter at home. As soon as the boys were old enough, she accompanied me in almost all my campaigning." Mrs. Gross shares her husband's belief and is one of his strongest defenders.

When Gross was one of the few congressmen to object to giving Mrs. Jackie Kennedy Onassis a government pension ("She certainly doesn't need it.") Mrs. Gross commented, "I don't care if it does defeat him, he's absolutely right." Gross was re-elected afterwards with a bigger majority than ever.

Within six months after his marriage, the Great Depression was upon the land. Nowhere did it have a more damaging effect economically than on the farms and the farmers of the Midwest.

Rep. Gross still speaks with undisguised passion about the plight of Iowa farmers during the Depression. He recalls seeing crops, livestock and land sold at public auction, to satisfy mortgage claims and debts. "Why, they would take everything but the farmer's wife and children, including the shirt off his back," Gross recalls.

Iowa has always had a strong tinge of prairie radicalism in its politics, beginning in the 1870s when, with much of the Midwest, Iowa was swept by the Grange movement and the Populist and Greenback parties. The same underlying economic inequities that plagued the farmers before the turn of the century gave rise to the National Farmers Union which flourished during the Depression.

It was this "radical" group, demanding help for the farmers from the federal government, which attracted the young H. R. Gross. "Hogs were selling at 5¢ a pound; $5 a hundred," he recalls. "You can't understand what they did to the farmers and I grew up as a farmer. Farmers were taking an awful beating." Rep. Gross notes that the National Farmers Union "of that day was far different from the left-wing group it has become today."

"I'll always fight for the farmer," says the Iowa Republican. "Agriculture is the basic industry of America. New wealth comes from the soil, and I think the farmer should be able to get his fair share. The farmer is the only businessman who is forced to buy on a closed market with fixed prices, but must sell his products on an open market where supply and demand determine the price. I don't want government regulation of price supports, but we can't permit our farm economy to collapse."

In 1933. with the Depression at its worst, the Democrats swept to power and, for the first time in memory in Iowa, they took control of the governor's chair and both houses of the state legislature. Gross was then the editor of a National Farmers Union newspaper. He recalls how, even though the Democrats were in control, Iowa farmers got the "short end of the stick."

On the first day that the new Iowa legislature met in Des Moines in 1933, a bill was introduced allowing banks and insurance companies to declare a moratorium on all payments to their depositors and policyholders, the majority of them farmers. Within 24 hours it was passed and signed into law.

"I raised unshirted hell with those politicians in my newspaper," Gross said. "Especially when it took them more than a month to call a moratorium on the forced sales of the farmers' land. Meanwhile, almost every farmer who was behind in his debts lost his land and even his chattels."

Within a year, "Charlie" Gross, as he was called in those days, was to be given the chance that would propel him into politics and the U.S. Congress. In 1934, radio station WHO in Des Moines, the state capital, went on the air, and Gross was the first news director and newscaster.

"I was billed as 'the fastest tongue in radio,' because of my rapid-fire 'Walter Winchell' delivery," says Gross. "I was supposed to give the news, but I guess a little opinion crept in."

As sportscaster and staff announcer, a young fellow from Tampico, Ill., read the commercials for Gross' daily news program. His name was Ronald "Dutch" Reagan, now the governor of California. To this day the two are close friends.

For the next six years the powerful 50,000 watts of WHO broadcast the voice of the Iowa crusader for farmers' rights, "Charlie" Gross. Gross' words beamed out over some of the richest and best farm land in the nation. (Not until 1965 was a greater share of Iowa's income to be produced by industry rather than by farming). In the 1930s, the great majority of the Iowa voters lived on farms or in small towns. To them, Gross' words, chattering daily out of the old Atwater-Kent radio on the kitchen shelf, were good as law.

"I was accomplishing Rule No. 1 in politics," says Gross. "I was becoming known all over the state of Iowa."

In 1940, without consulting Republican party leaders, Gross did an unheard-of thing. He filed for the GOP nomination for governor against the incumbent Republican, George A. Wilson, just ending his first two-year term. "I had no money and no organization, but the people knew me," says Gross.

In a rough-and-tumble primary, the party leaders "to a man" openly broke the party's tradition of neutrality and opposed Gross. They fielded a third candidate (who got 20,000 votes) in order to drain away his rural support. Even so, "the fastest tongue in radio" came within 16,000 votes of unseating the Republican governor of Iowa. Gross did carry a majority of Iowa's 99 counties, most of them rural. While Republican leaders were shaken, Gross' problem was more acute: He was out of a job, having resigned to make the race for the nomination.

From 1940 through 1944 Gross served as a news commentator for station WLW in Cincinnati, Ohio, and, for a time, at WISH in Indianapolis, Ind.

For most of his life, Gross made his home in Waterloo, Iowa, a trading and packing center for the surrounding agricultural area. With 36,000 citizens, Waterloo was already a big town by Midwestern standards when Gross moved there after the First World War. Today its size has doubled. Waterloo is the county seat of Black Hawk County, named after the local Indian tribe which had to be subdued by force in the famous Black Hawk War of 1832, a war in which young Abe Lincoln fought.

Iowa, more than any other state in the Union, has come to typify small-town and rural American life. Not only did composer Meredith Wilson immortalize "River City, Iowa" (actually Mason City) in his Broadway hit musical *The Music Man,* but it was at Nashua, in 1864, that the Rev. William S. Pitts was inspired by a small brown painted frame church to pen the words of the hymn, "Come to the church in the wildwood, come to the church in the vale. . . ." Thousands of Protestant congregations all over America have since lustily repeated the invitation in song.

Both of these typical American towns are located in the heart of north central Iowa in Gross' 3rd Congressional District. Dotted by many small towns with tree-shaded streets and neat frame houses, most of the rolling countryside is one long stretch of verdant farmland. Iowa contains more than 25 per cent of the nation's "Grade A" soil, and of this almost 98 per cent is used for farming. The 3rd district produces corn, soybeans, cattle, hogs and dairy products.

But not even this tranquil part of America was immune from post-World War II labor strife. At the Rath Packing Co. in Waterloo in 1948, one of the most violent strikes in Iowa's history took place. The Republican governor, Robert D. Blue, was forced to send in troops to restore order. The incumbent 3rd district congressman, Republican John W. Gwynne, was ending his seventh term in Washington, and his reputation with the labor unions was not favorable.

In the 1948 Republican primary H. R. Gross filed against Rep. Gwynne. "I had decided to show a few people who had opposed me for governor in 1940," Gross said. "Most of my support came from the rural areas, but I've never hidden the fact that the old American Federation of Labor union gave a $1,000 contribution to my campaign."

Gross still proudly carries in his wallet a yellowed newspaper clipping encased in plastic, containing the Chicago *Tribune* editorial endorsements for the 1948 general election. The editorial strongly backs Dan J. P. Ryan, Gross' Democratic opponent, with the stern admonition that a little-known candidate, H. R. Gross, had accidentally won the Republican nomination for Congress and what's more, was suspected of having strong "leftist tendencies."

Says Gross with a laugh, "Willard Edwards and Walter Trohn of the *Tribune* still kid me about my 'leftist tendencies'."

Republican leaders had also branded Gross as a "radical leftist' 'in the 1948 primary, but when he won they closed ranks and he was elected in November by a 20,000-vote majority. The same election saw Gross' 1940 opponent for governor, George Wilson, go down to defeat in his try for a second term in the U.S. Senate.

Since 1948 Rep. Gross has continued to pile up large majorities at the ballot box, always running well ahead of the rest of the ticket. Only in 1964 did he have a close call. He won by only 419 votes out of the 166,000

cast, but he still led the Republican ticket. In 1968 his majority was a comfortable 43,000 out of 157,000 votes.

Today H. R. Gross is the dean of the Iowa delegation in Congress. In terms of service, he outranks all but 46 other members of the House and ranks seventh in seniority among House Republicans. Since 1963, to the despair of the liberals, he has served on the prestigious House Foreign Affairs Committee, and now ranks second in seniority among Republicans on the House Committee on Post Office and Civil Service, whence he can keep an eye on the federal bureaucracy.

Gross' statistical record in Congress indicates that he has been one of the most conservative and faithful members in either party.

He has responded to 95 per cent of the rollcalls during the last 20 years (many of which he demanded himself).

The Americans for Constitutional Action (ACA) gives him a cumulative rating of 97 per cent conservative in his voting:

The American Conservative Union (ACU) in its Democratic margin of victory score (DMV) reveals that Gross has voted with the majority of his GOP colleagues on 96 out of a possible 99 key rollcalls since 1961. This clearly indicates that Gross and a majority of his Republican colleagues agree on most major issues.

Conversely, the AFL-CIO, COPE and the liberal Americans for Democratic Action (ADA) often give Gross scores of zero, on the same legislative record. "But," notes Gross, "I've always had the support of rank-and-file labor."

Rep. Gross sees no inconsistency in his continuing fight for the rights of the farmers "or any individual citizens." He has observed that opposition to accumulation of excessive power in the hands of big government is fully compatible with his battles of yesteryear against economic interests that showed little concern for the rights of individuals. "I don't think I have changed," says Gross. "Some others may have changed, but I haven't."

Rep. Gross' conservative philosophy draws the standard liberal complaint that he is negative and not "constructive." Sneers one liberal, "the list of issues he's opposed in one form or another would all but comprise the legislative record of each Congress he's attended."

Gross views it differently: "I believe you can be tremendously constructive on behalf of the people of this country by opposing the destruction of America and the freedom of its citizens."

Gross concedes that a conservative's views are "essentially negative," since they propose the limitation of government as a constructive good. He agrees with *National Review* columnist Frank Meyer, who wrote, "If eternal vigilance be the price of liberty, then eternal 'no' to encroaching government is its watchword." Thus Gross is not particularly disturbed by the epithet that he is the "Abominable No-Man of the House."

As they are translated into concrete actions, Rep. Gross' political ideals have been mightily aided in Washington by his perseverance in searching for the truth. He readily admits that he receives tips from many sources, the press, sympathetic government employes and, occasionally, a congressional colleague who doesn't have quite the taste for battle that Gross has.

"I get all these tips, but the hard part is checking them out to be sure before I speak." Gross pores over thousands of pages of print each week, reading public documents that many congressmen have never seen. He finds such publications to be a gold mine of information about wasteful government spending, excess federal employes and just plain wrongdoing.

He has also turned up a number of major scandals, including many facts in the Bobby Baker case, corruption in the foreign aid program, the Adam Clayton Powell affair, the granting of federal bank charters as political favors and even proof that the late Bobby Kennedy authorized wiretapping as attorney general, a fact Kennedy had denied vehemently, in effect calling FBI Director J. Edgar Hoover a liar.

Minor details do not escape the Iowa congressman. He was just as concerned to discover that the then secretary of the interior, Stewart Udall, was planning to pay $600,000 for Arizona land assessed at only $9,000, as he was when he found that the National Bureau of Standards was willing to spend $44,700 for one stainless steel flagpole which Gross estimated could be purchased for $820.

In each Congress, Rep. Gross has sponsored bill number H.R. 144 (the number of units in a gross), which provides for the systematic reduction of the national debt. He has been a strong critic of LBJ's policy toward Rhodesia, which he views as unnecessary aid for the "leeching British," who will not help the U.S. in Viet Nam.

One of his pet projects has been cutting the foreign aid program. In one day in September 1967, the House agreed to a number of his amendments with the net effect that $588.8 million was cut from the foreign aid bill. His amendment barring any U.S. aid to nations trading with the North Vietnamese was also adopted.

Gross has certain "pet peeves" that "turn him off" completely. The reason he insists on so many quorum calls, he says, is because he believes that "a congressman's duty is on the House Floor," not in the gym or junketing abroad. He is especially critical of the "Tuesday to Thursday clubbers," that wandering band of East Coast congressmen who spend three days a week in Washington and the remainder in their nearby districts in New York, Boston, or Philadelphia.

Says Gross, "Congress isn't a part-time job, it's a full-time responsibility." Often, his own homework includes stacks of bills and reports and each weekend he takes home the "calendars" of private and consent bills, studying them for problems until late at night.

Asked how he can afford to spend so much time on the House Floor away from his office, Gross explains that he has an excellent staff, headed by his veteran administrative assistant, Bob Case, 46, who has been with him since 1953. "Besides, I get in early and stay late if need be." Eventually, Gross' constituents in Iowa are pleased and he says proudly, "I know of no instance in which my district has suffered because of my activities in Washington."

This seems to be a valid claim. For example, in 1968 Gross' campaign literature used the theme, "Now we see how right he's been." It included a list of the principles supported by the congressman "for 20 years in Washington." Gross campaign auto bumper stickers bear the simple legend, "H. R. Gross, the Man of Principle."

An illustration of how powerful the respect for Rep. Gross is in his home state occurred in April 1968 at the Iowa Republican Convention.

More than two-thirds of the 3,480 delegates from every precinct in Iowa rebelled against a handpicked slate of delegates to the Miami Beach GOP National Convention. Suspending the rules, they replaced a delegate at large with none other than H. R. Gross, once considered a party "maverick," and in 1968 a vocal Reagan for President supporter. "We really took them apart," recalls Gross. He left it to others to observe that this was an impressive personal tribute from the Republicans of Iowa for their own "H. R."

Gross' party support seems to cut across any ideological lines. Though he hardly feels at home with the liberalism of some few Iowa Republicans, Gross has been staunchly supported by his fellow Waterloo resident, Jack Warren, the GOP state chairman. In 1964, Warren, as a GOP delegate at San Francisco, voted for William Scranton over Sen. Goldwater. But, says Gross, "Jack has been one of my firmest supporters, right up to the hilt."

Those outside Iowa who know of H. R. Gross react to him in much the same manner as do his colleagues in Congress. They either like him or can't stand him, but few have no opinion at all.

Gross acknowledges that he gets thousands of letters from outside Iowa each year, many of them as the result, he notes, of news stories about him appearing in *Human Events*. When he announced in late December 1968 that he would move to bar Adam Clayton Powell from the House at the opening of the 90th Congress, even if no one else did, he was flooded with approving mail.

Reaction has not always been so favorable. When Gross forced a rollcall vote on a federal pay raise bill which was then narrowly defeated by the House, threatening phone calls to his home produced an FBI guard until the hotheads cooled off.

The attitude of his House colleagues is just as divided. Gross is no respecter of party lines in his opposition to what he considers wrong. One Western Republican on one day was praising "good old H. R." for tearing into a Democratic bill, and the next day was heard to refer to Gross as "an old s.o.b." because he had blocked consideration of the Westerner's pet private bill.

Gross is accustomed to all this. "Sometimes it gets to you, but I decided long ago when I started in this business that I wasn't going to win a lot of friends in Washington or attain any leadership posts. You can't aspire to leadership and do the things I feel I must do."

Yet even in the tough arena of the House of Representatives, Rep. Gross has won an unusual measure of affection. Even the reporters in the Press Gallery know that his acid quips will liven up the legislative stories they must file each day.

On his birthday a few years ago, one congressman after another arose to pay tribute to the little man from Iowa who had caused them so much "trouble" over the years. So florid did the praise become that Gross, embarrassed by it all, blushed a deep scarlet and retired to the rear of the Chamber, somewhat misty-eyed, some noticed. Today, most members of Congress agree with the observation of one who said, "it would be a pretty dull place without H. R. to keep us on our toes."

What lies ahead in the 91st Congress for H. R. Gross, now that a Republican once again sits in the White House? Will he support President Nixon, or will he oppose him?

In the first session of the 83rd Congress (1953) during President Eisenhower's first term, Rep. Gross (like many other conservative Republicans) voted against Ike's proposals 25 out of 34 times. In the second session of the same Congress, he opposed Eisenhower more than 50 per cent of the time. Says Gross, "What I said then still goes. I'm not going to repudiate my past votes. I'm never going to toss my convictions overboard."

Rep. Gross, puffing quietly on his pipe in his office in the Rayburn House Office Building, told this writer that he is "hardly very hopeful about the future of this country. The Republican party, lacking strong leadership, has tended to drift to the left. I believe that unless President Nixon takes drastic action, we may face a serious national and international economic crisis within a very short time."

"There is no reason Nixon cannot cut the budget rather than retain the 10 per cent

surtax. But," the Iowa congressman wryly notes, "that's rather negative, isn't it; not very constructive letting taxpayers keep their hard-earned money?"

About Congress as an institution, Gross feels that the American people are perhaps far ahead of their representatives on such issues as reduced federal spending and ethics in government. "The people want a change but we don't seem to have the political courage to give it to them," he observes.

Though Rep. Gross certainly doesn't look or act his 70 years, he was asked if he might be considering retirement at the completion of his present term in Congress. Smiling that slow, sly smile of his, the man *Time* magazine called "the conscience of the House," let the words out slowly and emphatically: "I have no plans for retirement."

For many, hearing that statement will be a great relief. For others, it will mean only further anguish. In any case, one must conclude any study of the life and work of H. R. Gross with the impression that, until the very last rollcall, he will be true to the Iowa state motto:

"Our liberties we prize, our rights we will maintain."

## TIME FOR ACTION NOW, MR. PRESIDENT

(Mr. HALL asked for and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HALL. Mr. Speaker, the Constitution says the Congress of the United States raises and supports the armed services and determines policy therefor. On last October 31, 1968, the then Commander in Chief announced a bombing halt over agressive North Vietnam. Most of us stopped wherever we were and prayed for its success in our own way.

That halt and the so-called peace talks were predicated upon mutual reciprocity, and it was stipulated that any and all means would be resumed toward throwing the aggressors out of the freedom-loving country of South Vietnam, if good intent and faith on the part of either side was breeched. Many of us predicted at the time that the peace overtures were "phony," and that, as in the case of Korea, our men would continue to be slaughtered, the enemy would build up its logistical capability and sinews of war, and that we would undergo military reprisals for our peace overtures. With the entire world wanting and aching for peace, it was indeed difficult to insist on honor, freedom, and able and successful immediate conclusion of hostilities.

Mr. Speaker, it is reported today that through a series of savage attacks by North Vietnamese Regulars through the demilitarized zone and others from inconceivably allowed sanctuaries, 30 American lads pressed into service in a nondeclared, no-win war have been sacrificed. Now, over 32,300 have been killed in action. Over 200 more of our men have been wounded. Minimum intelligence and indeed the carefully read news media reports indicate direct and restored rail, barge, and truck lines to the front through enemy territory. Now armored tanks charge us from sanctuaries. This is augmented by continual trade by our allies with North Vietnam. The harbor of Haiphong is crowded by vessels of our so-called allies and the entire military-industrial complex of North Vietnam has been recouped and restored since our ill-advised bombing halt. This has cost untold military lives. Why, oh why, Mr. Speaker, were we so naive as to think that if we got in bed with the Communist cobra, tiger, or bear, that we would escape without being badly bitten? Furthermore, the expected diversions around the world are obvious in the Near East, in Peru and Africa, in Cuba, and again in the form of a Berlin blockade. These are obviously for the purpose of dispersing the strength and forces of the only free nation capable and willing to assist its neighbors and who have the will remaining to combat aggression from either within or without, by the Communist power play and conquest.

Mr. Speaker, I for one say it is high time we girded on our own armor of truth and will, faced the aggressor in a four-square manner and made good our commitment to the men in the field by resuming our bombing, if necessary to bring the Communist aggressor to his knees for a plea for peace. We have other important options and can help by closing the Port of Haiphong, by eliminating sanctuaries to the aggressor in South Vietnam. With the U.S.S. *Pueblo* affair, the diversions and now the obvious post-Tet aggressions in Saigon as well as in Danang and from the Laotian border at A Shau, we can do no less. I compliment the President on his statement last evening and call upon him as the Commander in Chief to maintain general civilian control, perhaps even continue peace talks; but, to let the military win the war in South Vietnam by whatever contingency operation is necessary in the shortest possible time with the least additional loss of life and drain upon the U.S. taxpayers so that we can turn control completely back to the South Vietnamese, our SEATO allies, and bring our men home. The Communist aggressors have asked for it, our President has been most forebearing and patient and now the American people want an end to this bogged-down war of gradualism by whatever is the best option. Let us now give the aggressor what he deserves.

## HEW WILL STUDY EFFECT OF VIOLENCE ON TV

(Mr. ROGERS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Florida. Mr. Speaker, we have just had the Secretary of Health, Education, and Welfare, appear before a committee of the Interstate and Foreign Commerce Committee. I thought the House would be interested to know that in answer to a question which I proposed to him, the Secretary said the Department of Health, Education, and Welfare, will undertake a study of the effect on the American public of violent shows and scenes on TV.

I believe all of us feel and know that undoubtedly this violence that is portrayed on TV does affect the high crime rate in America. Certainly there is an increasing rate every year in this country. Something is going to have to be done.

I commend the Secretary for saying he will undertake this study. It will begin, the Secretary hopes, within about 2 weeks. It is necessary that something be done about the amount of violence being shown on TV in this Nation today.

## MRS. S. E. BARTLEY

(Mr. ROBERTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROBERTS. Mr. Speaker, I am sorry to have to report this morning that Mrs. S. E. Bartley, the younger sister of the late Speaker Sam Rayburn, passed away late yesterday in Bonham. She had been ill for many months, and I wanted to let my colleagues know that she has now passed away.

Miss Meddie Bell, as she was affectionately known, was a great lady and a warm personal friend of mine. Her gentility and charm were a constant source of inspiration to our beloved Speaker and to all who knew her. We wish to extend our most sincere sympathy to her son, Federal Communications Commissioner Robert T. Bartley, and her sister, Mrs. W. F. Thomas, who survive.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. ROBERTS. I am delighted to yield to the distinguished Speaker of the House.

Mr. McCORMACK. Mr. Speaker, I am very sorry to learn of the death of Mrs. Bartley, the sister of our late beloved Speaker and my dear and valued friend Sam Rayburn.

Mrs. Bartley enjoyed more than the usual close family ties with the late Speaker. She was one of the sweetest ladies I have ever met and had a beautiful outlook on life and an understanding mind in relation to her fellow human beings that was an inspiration for all others to follow.

Since the death of our late Speaker, my dear and beloved friend—I wish he were here with us today—Mrs. McCormack and I have kept very close to Mrs. Bartley, telephoning her with some degree of frequency because of our deep respect and friendship and to let her know that the memory of her dear brother, the late Speaker, is always uppermost in the minds of Mrs. McCormack and myself.

I extend to the loved ones of Mrs. Bartley the profound sympathy of Mrs. McCormack and myself in their bereavement.

Mr. ROBERTS. I thank the distinguished Speaker.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. ROBERTS. I am delighted to yield to the gentleman from Louisiana.

Mr. BOGGS. I should like to join in the statements made by the gentleman from Texas and the distinguished Speaker of the House of Representatives.

Mrs. Bartley was indeed a lovely lady, one whom Mrs. Boggs and I had the pleasure of knowing for a great many

years. I am saddened beyond words to hear of her passing.

I am saddened to know of the passing of any member of the Rayburn family. It is a very great family.

I know the gentleman in the well, Mr. ROBERTS, has been proud to have been associated so closely and so intimately with Speaker Rayburn and the other members of the family.

I join Speaker MCCORMACK in expressing to her family our heartfelt sympathy.

Mr. ROBERTS. I thank the distinguished gentleman from Louisiana.

Mr. Speaker, the funeral will be at 10 o'clock Saturday morning.

## PRESIDIO "MUTINY" TRIALS: A TEST OF MILITARY RULES AND JUSTICE

(Mr. BINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BINGHAM. Mr. Speaker, recent coverage of the naval inquiry into the capture of the U.S.S. *Pueblo* greatly overshadowed equally important proceedings taking place concurrently in California involving military rules of conduct and the civil rights of American men in uniform. I refer, of course, to the trial and sentencing of the first four of 27 American soldiers accused of "mutiny" for taking part in a sitdown protest against the shooting of a fellow prisoner and what they considered intolerable living conditions at the Presidio stockade.

The sentence meted out to Pvt. Nesrey D. Sood, the first of the accused to complete trial, was 15 years at hard labor, forfeiture of all pay, and eventual dishonorable discharge. Three other men have subsequently also been convicted, and have received sentences ranging from 16 to 4 years at hard labor, dishonorable discharge, and forfeiture of pay.

In view of the nonviolent nature of the protest and other factors, these sentences appear almost incredibly harsh. It is difficult to imagine that these men are not being used by the Army as "examples" to deter any further protest behavior of this kind by members of the Armed Forces.

The United Nations declared 1968 as the International Year for Human Rights, but our efforts to insure basic human rights whenever and wherever they may be in danger must not be allowed to wane with the passing of 1968. Few areas of American life pose greater potential for denial of basic human rights than the Armed Forces, and there is particularly pressing need to continue to seek and expand protections for the human rights of the man in uniform.

The Congress last year made some long overdue changes in the system of military justice expanding the rights of defendants in military cases. Presumably the attorneys for Private Sood and other men will not fail to appeal the decisions to the civilian Court of Military Appeals, and I hope that the court of appeals will take special efforts to reassess not only the question of guilt or innocence, but also the appropriateness of the sentences.

Additional trials and possible sentencing of men accused of participation in the Presidio sit-down deserve to be carefully watched by Members of Congress as indices of whether we have adequately "civilianized" our system of military justice, and whether we have yet provided adequate safeguards for the human rights of our men in uniform. I hope my colleagues in the Congress will join with me in a continuing evaluation of the rules of conduct involved in this case, and the appropriateness of the sentences handed out at both original and appeals levels.

## CONTINUED VIOLENCE AGAINST SOUTH VIETNAM

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, President Nixon last night warned North Vietnam that the United States would not tolerate a continuation of the violence against the cities in South Vietnam that led to "heavy casualties among American troops." The President carefully avoided commitment to any specific course of action, saying only that he would very soon decide on "an appropriate response."

It is certainly deplorable, Mr. Speaker, that the other side in Vietnam has chosen to undertake this latest round of attacks, which have cost the lives of many innocent Vietnamese civilians as well as of American troops. The President's concern at the continuing high rate of American casualties is certainly shared throughout the Nation. Since the Paris peace talks technically opened on May 10 of last year, over 9,000 American soldiers have died in Vietnam and over 30,000 have been wounded. The 300-plus deaths in battle last week in the wake of North Vietnamese-Vietcong offensive sounded a particularly tragic note.

In the face of this situation, and of these appalling statistics, it is tempting to suggest that the appropriate response lies in a stepped-up American military effort. This has been the standard response of our policymakers for 5 years. If we will just put in a few thousand more American troops, they told us time and again, we can win on the battlefield. Or if we bomb the North. Or if we adopt more aggressive search-and-destroy tactics. Or if we introduce new weapons systems. There has always been a military panacea dangled before our eyes. And since we are, as a nation, impatient with the inconclusive, we have been all too ready to succumb to the allure of a quick solution supposedly attainable through direct action.

But it has not worked. Neither the troops, nor the bombing of the North, nor the new weapons and new tactics have succeeded in producing a military resolution of the dismal conflict in which we are so deeply mired. When President Johnson halted the bombing of North Vietnam, we were first given reason to hope that the lesson had finally been learned by our policymakers. Finally, it seemed, we were prepared to admit officially what a number of us had been saying for some time—that only a political solution could end this war, and that such a solution could only be achieved by gradually scaling down both the overall level of the fighting and, most importantly, the level of American participation.

Mr. Speaker, I do not wish at this point to go into the overall effects of the South Vietnamese political, economic, and social structure which have flowed from the massive American presence in that shattered country. Suffice it to say that those effects have not been entirely beneficial. My concern today is with the international consequences of our presence there as they relate to the prospects for solution and to the choices which presently confront President Nixon.

I still believe, as I have said on many previous occasions, that we must shift more of the responsibility both for the war and for the political future of South Vietnam to the Vietnamese themselves. For in the end, it is among Vietnamese—Saigon, Hanoi, NLF, and other groups which constitute a significant part of the South Vietnamese population—that the fate of Vietnam must, and will, be settled. Only when these elements become engaged in negotiating the political future can we look with any real hope to eventual settlement of the conflict. Meanwhile, our presence in force in South Vietnam is a prop to the present government in Saigon and, at the same time, an obstacle to the kind of Vietnamese bargaining process from which a final settlement must emerge. Our massive military force is also a sore temptation to our own commanders, who often seem to believe their own arguments that military solution is still possible. Even before the latest North Vietnamese-Vietcong offensive, for example, our forces were suffering about 200 deaths each week, a rate which suggests a fairly high level of American military activity, even though the other side was initiating little fighting. Indeed, reliable reports indicate that we did, in fact, substantially step up our operations in the area around Saigon, using for this purpose forces released from the corps areas farther north by the general diminution in fighting there. Which should they be judged the initial offensive, and which the response?

Thus, I would urge the President not to permit the latest North Vietnamese-Vietcong actions to divert us from the course we have been pursuing—solution in Vietnam through negotiations rather than through military means. For the North Vietnamese-Vietcong offensive is itself most readily explainable in the negotiating context as an effort by the other side to prove that their military credentials in the bargaining process are still intact. From the viewpoint of the other side—a viewpoint which we must always make a special effort to understand—this may have been made particularly necessary by the relatively low level of activity they maintained in recent months while we seemingly continued a high level of operations. This evi-

dent contrast was reinforced by a spate of recent reports from Saigon suggesting that we were approaching a military victory. While we cannot know for sure, it would appear logical to assume that North Vietnam and the Vietcong felt compelled to demonstrate once again that they retain a substantial capability for offensive action, and that military victory is still effectively precluded as a rational goal for our side.

In consequence, we should intensify our efforts to make the negotiating process more fruitful. As I have suggested, the most useful American contribution at this point lies not in more force, but in less force—in a scaling down of the level of the fighting and of our own participation. Specifically, I would urge that the President take four immediate steps. First, he should announce plans for withdrawal of a specified number of American troops during the coming year. Second, he should order that American troops participate in search-and-destroy operations only when these are directly concerned with the protection of American installations. Third, he should instruct our negotiators in Paris to resume serious contacts with the other side, including secret sessions which have apparently been in suspense since our team was changed nearly 2 months ago. And, fourth, consideration should be given to proposing an immediate cease-fire, continuation of which would be contingent on its observance by both sides, since this is the only course that can substantially reduce the casualties which are of such deep concern to all of us.

Beyond these first steps, as I noted earlier, we must move the entire subject matter of negotiations more directly into the area of ultimate political settlement, which Saigon has so far refused to discuss. Here, "compromise" will be the key word; it is also the sticking point for our allies in Saigon. Inevitably, the position of those presently holding the reins of government in South Vietnam will be threatened by any compromise solution. Equally inevitably, they can be expected to resist our efforts to achieve such an outcome. It is unreasonable to expect that we can satisfy the current South Vietnamese Government as we pursue our search for a negotiated solution—or, indeed, that we should feel bound to do so. Recent calls by Vice President Ky for resumed bombing of the north clearly indicate the kind of approach he would like to follow. But, as we have learned from our own sad experience, this road leads only to a dead end. We must, therefore, stand firm, and refuse to grant Saigon a veto power over our efforts to achieve the negotiated settlement which alone can lead us to peace in Vietnam.

## TRIBUTE TO THE LATE LEVI ESHKOL

(Mr. ANDERSON of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON of California. Mr. Speaker, I rise today to join in mourning the passing of Levi Eshkol, the Prime Minister of Israel. Mr. Eshkol has led his nation since 1963 for almost one-third of her life. Before that he had served in the Israel Cabinet as Finance Minister and as Agriculture Minister. His term as Prime Minister saw the fruition of his economic planning and the stability of the Israel economy.

Prime Minister Eshkol, the third in the history of Israel, was known as a man who could draw together dissident factions within his party and his nation with the voice of reason and conciliation. During his term, the State of Israel moved forward with the deliberate stride of a nation with the determination to achieve the highest possible goals.

Levi Eshkol was, in many ways, the embodiment of the modern Israel. He immigrated to Israel in 1913 from his native Russia and became a farmer in a kibutz, which he founded. An early member of the labor movement, he continued to remain active in union and labor affairs throughout his life, as a member of the Israel Labor Party, known as Mapai, in the Knesset, and as a Minister in the Government.

His ties with the workers and farmers made him a true representative of the people of Israel. Like all Israelis, he was actively involved in the struggle for independence in 1947–48 and was one of the organizers of the Israel defense forces which have so brilliantly defended that valiant nation three times in the 20-year history of Israel statehood. The nation he saw grow and mature became a home for the downtrodden of Europe and the homeless Jews of Africa and Asia.

Levi Eshkol's dedication to his country and his people shall serve as a living inspiration not only for the leaders of Israel but also for the leaders of other nations who are striving to make their countries free, independent and strong. The loss of this great statesman shall be sorely felt in Israel and shared by free men and nations throughout the world.

## PAN-AMERICAN DAY CELEBRATION

Mr. FASCELL. Mr. Speaker, I offer a resolution (H. Res. 295) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 295

*Resolved*, That the House of Representatives hereby designates Monday, April 14, 1969, for the celebration of Pan-American Day, on which day, after the reading of the Journal, remarks appropriate to such occasion may occur.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## THE OIL COMPANIES ARE A FOURTH LEVEL OF GOVERNMENT

(Mr. PODELL asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, today it has been announced that the Justice Department would allow the merger of Atlantic-Richfield Oil Co. and Sinclair Oil Corp., the 10th and 11th largest oil companies, respectively, in the United States. The new firm founded will be the country's sixth largest oil company. A civil antitrust suit is theoretically kept alive because the Justice Department continues to oppose Atlantic-Richfield's acquisition of Sinclair's crude oil refineries and its marketing system in the Midwest and Rocky Mountain States. Yet to all intents and purposes, this merger will now become an established fact. Once spliced, this knot will not be undone.

So another milestone is passed, Mr. Speaker, in the formation of a fourth level of government in this Nation. The oil companies have tightened the noose another notch that they have so securely placed around the neck of the American public.

On all levels these colossal petroleum companies have thrown a shadow across the life of the Nation and the world. Through the 27½-percent oil depletion allowance, they are making a mockery out of the Nation's tax system, fastening an ever-increasing burden upon the lower and middle income taxpayer.

They drill for oil anywhere they choose to, disregarding the beauty of our land and the balance of our environment. The disaster that even now continues in the Santa Barbara Channel off the California coast is but the latest atrocity perpetrated upon the ecology of America.

They have an economic hammerlock upon the cost of energy in most areas of the country, prohibiting the entry of any new source of fuel that might lower prices even the slightest amount for the average person who drives. Blockage of the free trade zone in Maine at Machiasport is only the most recent and classic example. Now, after one administration had filed an antitrust suit to block a merger which tightens and consolidates their death grip, the present administration allows that merger to gain de facto recognition. Of course the oil industry gains, and its profits will again soar. Only the people lose. Only the drivers of cars and commuters will be the poorer for this.

Mr. Speaker, I protest the action of the Justice Department in allowing this fait accompli by the oil companies involved. It would be fascinating indeed to find out how much each of these companies paid in taxes over the past few years. It would be revealing in the extreme to discover what fair share they have paid into the National Treasury to merit such consideration as they have now received.

Too much power and wealth are being concentrated in too many hands. Too many powerful hands have too many strategic grips upon the windpipe of hundreds of millions of Americans.

## MORE ON THE F-111

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, in the

CONGRESSIONAL RECORD of February 20, 1969, as an extension of remarks, I took occasion to express my views on the F–111 aircraft. My remarks were prompted by the announcement in the Washington Post on February 14, 1969, that the 11th F–111 had crashed somewhere in the Nevada area.

This morning's Washington Post announced the loss of yet another F–111. By letter of February 24, 1969, my distinguished colleague from Texas's 12th Congressional District replied to my remarks, and also inserted his reply in the CONGRESSIONAL RECORD of that date.

In response to his letter I have now spelled out my views more fully in a letter to the distinguished gentleman from Texas so that the RECORD will be complete. I am inserting my remarks as an extension of these remarks.

My letter to our distinguished colleague follows:

Hon. JIM WRIGHT,
*U.S. House of Representatives,*
*Washington, D.C.*

DEAR JIM: Your letter of February 24th concerning the F–111 aircraft is greatly appreciated. From the facts cited, I gather that you draw two basic conclusions: first, that compared to the experience with other fighter aircraft, the comparative accident record of the F–111 is not unfavorable; and second, that based on the testimony of the pilots who have flown the F-111, it has proven to be an outstanding aircraft.

Let me assure you that I am not unmindful of either the statistical information you have provided or the enthusiastic reports on the aircraft by those associated with the program. The trade literature has been replete with material of this kind, much of which has found its way into the *Congressional Record*.

In looking at the accident record of the F–111 it is necessary to go beyond the comparative statistics and examine the causes in detail. You are certainly familiar with this whole story (so admirably summarized by Senator McClellan in the *Congressional Record* of September 27, 1968), and I will not repeat it here. Let me only say that so far as I can determine, only one of these losses has been due to pilot error. Others are attributable to such causes as: "structural failure of speed brake; weapons bay gun caused fire; control lost due to jamming by sealant tube or to broken actuator rod; failure in the control system." Potentially, of course, the most serious defect showed up during a fatigue test in August 1968 when a crack developed in the steel fitting which sustains the movable wings, a finding which led to the temporary grounding of all F–111's pending further investigation.

No one can say whether this potentially critical weakness in the F–111 might have been obviated if the civilian leadership in the Department of Defense had followed the recommendation of the Air Force Source Selection Board which would have provided a titanium fitting for this purpose, a recommendation subsequently concurred in by all the senior Air Force and Navy officers involved in the source selection. In overriding the recommendation of the Air Force Selection Board, it was argued, *inter alia*, that the use of titanium for this purpose represented an unacceptable technological risk. The same was said with respect to the proposed use of thrust reversers in the rejected design. Yet both of these developments were subsequently proven out.

Little purpose would be served by reciting here the whole sorry history of this misbegotten aircraft. The "Sad Story of the TFX" has been set forth on frequent occasion over the course of the past 5 years, with the speech, under that title, by Senator Curtis in the *Congressional Record* of October 3, 1968 being the most recent example. Let me only note that in assessing blame for this fiasco, there is no need to point the finger at any particular source; there is plenty to go around. From the deferral by the Eisenhower Administration of the original TFX program proposed by the Air Force in April 1960; through the decision to enforce "commonality" in an Air Force and Navy fighter, and disallowal of the Navy's proposed Missileer for fleet air defense; through the source selection process which reflected a management philosophy which placed too much emphasis on cost and too little emphasis on performance; to the situation we find today, in which a former Secretary of the Air Force, Senator Symington, has suggested in a speech carried in the *Congressional Record* of October 8, 1968 that serious consideration should be given to cancelling the entire F–111 program;—this entire history can only lead one to the conclusion that something is wrong in the way we are handling the development and production of military aircraft.

Let me only say for myself that I have absolutely no doubt that if the original 1960 Air Force and Navy proposals to develop the TFX and the Missileer had been approved, we would be far better off on all counts than we are today. We would have had superior aircraft, at an earlier time, and at less cost; and we would have been able to buy more of them. It seems inexcusable to me that we should fritter away precious development leadtime through managerial ineptitude at the same time that we pay lip-service to the importance of staying ahead in the technological race. The advances made by the Soviet Union in new aircraft during this period that the United States has been bogged down in the F–111 must be of concern to all of us, with Senator Symington again leading the way in pointing out the dimensions of the predicament in which we find ourselves.

Nor do I intend to explore at length your favorable assessment of the F–111 based on the testimonials of the men who have flown the aircraft. I am not at all surprised that these men would be enthusiastic about the plane, or that Senators Cannon, Muskie, and Goldwater, and Congressman Robert Price and yourself should be impressed with their testimony. The only thing that would have surprised me is if they had not been enthusiastic. No one questions the proposition that the F–111 has many characteristics that represent a marked advance over other fighters for the deep interdiction role under all conditions of visibility. But as suggested above, there is likewise no doubt in my mind that the state of the art would be even more advanced today, and operational capabilities would be greater, had we pursued other paths of development.

I would remind you also that it is hardly to be expected that the Air Force would wish to convey any impression other than a favorable one toward the F–111. "What else is there to buy?" For the present, it is either the F–111 or nothing. This same disposition was previously demonstrated in Congressional testimony by the Navy prior to cancellation of the F–111B, despite the known Navy objections to the program during the entire course of its development. I would fully expect that Air Force witnesses would do likewise during the upcoming hearings, and I need not tell you that it is sometimes necessary to evaluate such testimony in the light of the known constraints under which officials of the executive branch are required to testify. In this connection, I would call your attention to the *Congressional Quarterly* of February 16, 1968, in which it is reported that the Air Force was under instructions, according to a Defense Department source, "not to bad mouth the F–111A, probably because of the Air Force's responsibility for the basic design of the over-all F–111 system and (Air Force Secretary Harold) Brown's role in pushing the proposal through the Defense Department. There's a lot of discontent about the Air Force plane that you just won't hear in public."

Just a final word in connection with the culpability of the contractor in the case of the F–111. Because a judgment of this kind is essentially a subjective matter, pursuing the question further would serve little purpose. I have no doubt that you have read the article that appeared in the September 30, 1968 issue of *Barron's* entitled, "General Dynamics Owes the Nation an Accounting." The essential conclusion of the article was that "by brazenly overselling the virtues of the airplane to shareholders as well as to the U.S. public, and by ignoring its palpable defects, corporate management may have overstepped not merely the bounds of propriety but also the confines of the federal securities laws." In inserting the article in the *Congressional Record* of October 7, 1968, Senator Symington expressed his agreement.

In this reply I have taken occasion to refer to certain members of the United States Senate. As you are well aware, others, in both Houses, who have opposed the F–111 since its inception could have been cited. While I recognize your own great personal interest in this matter (witness your many insertions in the *Congressional Record* through the years of material reflecting favorably on the F–111), I am sure you would not want to leave the impression that the many distinguished Senators who have opposed the F–111 have done so because—to use your expression—they are "headline-hungry politicians." Their concern for national security is no less genuine than your own, and I assume that you had no intention of suggesting that opposition to the F–111 is politically motivated.

Normally, I would consider a letter such as this to be a completely personal matter. However, inasmuch as you saw fit to insert your letter to me in the *Congressional Record*, I am doing likewise so that the exchange will be complete. It would be my hope that this exposition of our differing views may help to throw further light on the issues involved in the F–111 so that the Congress and the public may be in a better position to judge the correct course for the future.

In view of the foregoing, I feel that there is no need for me to retract my prior statement although should I be convinced to the contrary I will be most happy to do so.

With all best wishes,

Sincerely,

BERTRAM L. PODELL,
*Member of Congress.*

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## PODELL CALLS FOR ABOLITION OF HUAC'S SUCCESSOR COMMITTEE—HOUSE COMMITTEE ON INTERNAL SECURITY

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, I have today introduced a resolution to abolish the House Committee on Internal Security as I was unable to get the floor to submit this resolution on February 18, 1969, when the fate of the former House Un-American Activities Committee was being debated. My reasons, Mr. Speaker, for seeking to abolish HUAC's successor—

House Committee on Internal Security—are as follows:

My reasons derive from the very character of our Government. Congress has the duty to establish by law an order of rights and of obligations corresponding to those rights. The executive branch has the duty to enforce obligations by apprehending and prosecuting those who violate the rights of others. The judiciary has the duty to protect rights by determining in the light of known, standing laws whether violations of rights have occurred and by imposing penalties on those guilty of violating the rights of others.

Our Constitution carefully separates the legislative, executive, and judicial powers to insure that people will be governed impartially by laws of a general character. The separation of powers is meant to guarantee that people are secured in their rights against arbitrary abuse of power. In No. 47 of the Federalist, James Madison declared:

> The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny.

Our legal order of rights and duties must be maintained ultimately not by force primarily but by the people's consensus regarding the nature of rights. It is precisely against this consensus among the American people that the Communists aim their attack in order to bring people to see things differently and thereby to give rise to what they call "revolutionary consciousness."

The Un-American Activities Committee from its beginning sought to counterattack by exposing Communist propaganda activities. It strengthened itself for the counterattack by taking over powers which are executive and judicial. The Internal Security Committee which replaces HUAC is sure to do the same.

The committee seeks to absolve itself of the charge that it concentrates legislative, executive, and judicial powers in its own hands by disclaiming any purpose of punishing individuals. It claims only the purpose of exposing subversive activities. It has, in fact, punished many individuals. It has punished them by causing them to suffer community rejection and loss of jobs. Nor is the committee justified by the fact that one or several or all of the individuals punished may have been Communists. It is not the function of Congress to punish anyone. The Constitution forbids legislative punishment—punishment by a so-called bill of attainder. Nor is anyone to be penalized except for violating a general, standing law. The committee exercises its subpena power to compel the appearance of individuals in order, it says, to gage the need for additional internal security legislation; it, therefore, compels individuals to appear before it without reference to any existing statute, that is to say, arbitrarily. Arbitrary, legislative punishment subverts our Constitution—the separation of powers and the Bill of Rights—and it could not be an effective defense against internal subversion from other quarters.

Congress has provided the Justice Department and the Federal courts with legislation such as the Espionage and Sabotage Act and the Atomic Energy Act adequate to maintain our internal security. The Attorney General has necessary authority to proceed on the basis of standing law against anyone who acts overtly to destroy the United States. And the Federal Bureau of Investigation has authority to investigate espionage, sabotage, and other subversive acts against the United States.

The chairman of the Internal Security Committee stated a few days ago that he intends "to make a study of revolutionary violence within this Nation," and that the committee intends to investigate Students for a Democratic Society. The committee will not be performing any service that the FBI is not performing better and in a fully lawful manner. In discussing the 1961 FBI appropriation last year before a House subcommittee, Director J. Edgar Hoover said that the Bureau was zeroed in on the following kinds of activities and groups, among others: the Communist Party, U.S.A.; demonstrations protesting U.S. intervention in Vietnam; Students for a Democratic Society; the WEB DuBois Clubs of America; white hate groups; Klan-type organizations; the Minutemen; militant black nationalist groups; racial disturbances; and espionage.

Last summer, Mr. Hoover reported to Attorney General Clark about what went on at an SDS convention at East Lansing, Mich. Speaking of a closed-door workshop, Mr. Hoover said:

> The participants discussed various devices which might be developed for use in planned attacks on Selective Service facilities and in connection with other forms of violent demonstrations. They explored the use of combustible materials and the various types of bombs which could be devised to destroy communications and plumbing systems of strategic buildings.
>
> They even discussed the finer points of firing Molotov cocktails from shotguns, as well as similar forms of so-called defense measures which could be used in defiance of police action.

On the record, it seems to me that the FBI is well able to keep our Government informed about threats to our internal security.

But the Committee on Internal Security is incapable of defending us against the Communist assault on the consensus of the American people regarding the nature of rights. This consensus is the ultimate support of our Constitution and of our legal order. It has its existence in the minds of the people. We do better, I believe, to place our confidence in people's sense of values than in a legislative commmittee that seeks to make itself into prosecutor, judge, and jury. Speaking of the separation of powers, George Washington wrote to the Marquis de Lafayette:

> That these Powers . . . are so distributed among the Legislative, Executive, and Judicial Branches, into which the general Government is arranged, that it can never be in danger of degenerating into a monarchy, an oligarchy, an aristocracy, or any other despotic or oppressive form, so long as there shall remain any virtue in the body of the People.

## THE SAGA OF KLEINDIENST'S STOPWATCH

(Mr. DINGELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DINGELL. Mr. Speaker, so far this month at the Department of Justice things have broken about even. They have lost a major petroleum merger case, but have gained a new time recording system. It is not clear which of these is the more appalling; but since I will have extensive remarks in the near future concerning the Atlantic-Richfield-Sinclair merger suit, I will, at this time, confine my remarks to an analysis of the handiwork of Deputy Attorney General Richard G. Kleindienst, the new stopwatch approach to measuring productivity of professional personnel.

Mr. Kleindienst has circulated a memorandum to each of the attorneys employed by the Department of Justice requiring them to report their activities by 12-minute segments. Attached to the memorandum is a 10-page document entitled "Instructions for Preparation of Time Sheets," a form denominated "Department of Justice Deck Sheet," a second form denominated "Department of Justice Attorneys Daily Time Summary," three pages entitled "Division and Subunit Code Sheet," one page entitled "Civil Cause and Action Codes," and seven pages of "Activities Dictionary."

Mr. Kleindienst's master plan for achieving greater efficiency is both complex and ingenious. It would require each attorney to write down the "case matter" or other items for which he had spent each 12 minutes of his day. A separate computation is to be made for matters taking less than 12 minutes, which Mr. Kleindienst calls "de minimis time" and in his instructions he recommends—

> That you keep a tally of such items on your desk sheet, and enter the total in the de minimis time box recorded in hours and tenths; i.e., 1½ hours is 01.5, 2 hours is 02.0, 24 minutes is 00.4, etc.

On the identification of what the individual lawyer is doing, Mr. Kleindienst's instructions, while voluminous, seem to me to be of limited comprehensibility, which is to say, I cannot tell what the gentleman is talking about. Consider, if you will, the following: There is a five-digit identification for the division and subunit in which the attorney is employed, a two-digit identification system for the type of litigation on which the attorney is working and a seven-page list of three-digit codes showing the precise nature of the activity such as "correspondence—legal," and "requesting, guiding, and directing investigations."

Despite the use of 10 digits of identification, there still appears to be a certain amount of ambiguity in such items as No. 931, "Special assignments" and No. 972, "Processing routine cases and/or matters." Again, it is not clear what distinguishes No. 202, "Conducting own investigation activities" and No. 921, "Conducting own investigations." It is difficult to be critical of the drafter of the list as he has evidently made a sincere effort to be helpful to the members of the bar

employed by the Department of Justice. As an example, in item No. 307, "Preparation of pleadings," the accompanying parenthetical material helpfully points out that pleadings means complaints, answers, indictments, and so forth.

Frankly, while I commend the inclusion of this item, I must say that it would appear to raise some questions about the personnel policies of the Department. I would have hoped that it was entirely unnecessary to point out to the distinguished practitioners at the Department the meaning of the word pleadings. Let me add that I am not being critical of the competence of the Department of Justice lawyers—quite the contrary; I feel that we are most fortunate in having dedicated and expert lawyers serving us in the Department of Justice.

Frankly, it seems to me that this is the sort of situation to which one could easily take affront were it not so comical. Mr. Kleindienst's memorandum is said to apply to all Justice Department attorneys, including himself and the Assistant Attorneys General. He apparently did not have the temerity to include Attorney General Mitchell in his definition of "all," even though the memorandum did underline the word.

Many portions of the instructions are clearly eligible for an award for excellence in bureaucratise, which is to say, utter turgidity. Consider the following:

> In breaking down your day's work into reportable units, if you work on different matters, cases, and non-case oriented or mass case handling activities during the day, report each and enter the activity and time. If on the other hand you are performing like activities for different cases and matters of an identical type, and there are eight or less, report them separately, but if there are between nine and 36, list the proper identifying numbers in an uninterrupted series. If there are over 36, call the function a mass-case handling function.

In terms of practical application, this stopwatch approach to greater efficiency from professional staff members, the mind boggles. While the presence of Mr. Kleindienst inter alia would make it difficult to commend the White House on the outstanding nature of all its appointments, still one must concede that there have, indeed, been thoroughly outstanding individuals named to some key positions. One such example is Assistant Attorney General for Antitrust Richard McClaren. Consider, if you will, our Mr. McClaren ensconced at his duly impressive subcabinet desk analyzing the proposed merger of the U.S. Widget and the General Snooze Corp.—applying, as his position requires him to do, the rather involved criteria of section 7 of the Clayton Act, considering the various, allegedly anticompetitive factors involved in the merger and all the myriad, relevant aspects which will affect the economic future and industrial destiny of thousands of people and millions of dollars.

Assistant Attorney General McClaren, to this point, is in compliance with "Instructions for Preparation of Time Sheets," pursuant to Mr. Kleindienst's instructions, he has identified the activity he is performing on the appropriate time line in the form that the Deputy Attorney General has thoughtfully provided for that purpose. He, likewise, has indicated here the nature of the activities by the dictionary's code. This took some thought, of course, since it was not clear whether he was "Requesting, guiding and directing investigation," item 201; "Conducting own investigation activities," item 202; or performing item 203, "Review and analysis of investigation reports." Further, as the day wore on, Mr. McClaren noted that he seemed to be both "Reviewing work performed by U.S. attorneys," item 110; and work "Performed by or in legal divisions and offices," item 111. Furthermore, there was a doubt in his mind as to whether perhaps what he was really doing was item 306, "Researching, analyzing legal-factual problems and developing solutions."

You can imagine the mounting consternation encountered by Mr. McClaren as he slowly realized that if he were to stay in compliance with the memorandum as he "performed some other activities on the same item," he was to add them. What was worse, he discovered that when he stopped working on that item and was interrupted, as the telephone seemed to do, from time to time—item 103, "Extended telephone contact—legal"—he was required to note the time this took place and "draw a vertical line down through the appropriate column to the appropriate time line." He then discovered that he had to identify the next item on which he had started working in the same manner. Only because of Mr. McClaren's substantial intellectual capacity, was he able to devote as much time to the problems of U.S. Widget as he was to Mr. Kleindienst's timetable. I think he deserves all our commendations.

If this is an economy move, or an attempt to attain greater efficiency, this, too, presents some interesting problems. There are currently employed by the Department of Justice 2,076 attorneys—as of January 27, 1969—the Department gives me the figure of $16,500 as its best estimate of the average annual salary. For a 50-week year, this is $330 a week. A 5-day week brings this to a daily pay of $8.25 an hour. It will, Mr. Kleindienst assures us, take not in excess of 15 minutes a day to fill out the form. I am informed by a number of those who will have to do the reporting that half an hour understates the time involved. But, in the sense of charity one should exhibit when dealing with a new administration, let us accept for the purpose of computation Mr. Kliendienst's figure. The wage for 15 minutes is $2.06. This multiplied by the number of employees, 2,076, gives a daily cost of $4,276.56. The weekly cost would be five times that or $21,382.80. The annual cost would be 52 times this or $1,111,905.60 unless, of course, one prefers to accept the estimate of those employees who say it would be double this or $2,223,811.20.

Nor is this the limit of the enormity of the Department of Justice turning itself into some sort of time-study analysis apparatus. If there are to be mounds of reporting forms, 2,076 each day, clearly then someone at the highest level must read them. It is unthinkable that one would require an Assistant Attorney General to complete a form which would be analyzed by a GS-7. Thus, one may anticipate in the near future an Office of Time Research or, perhaps logically, an Assistant Attorney General for Personnel Timekeeping Practices.

The vast number of vital problems facing our society today—it is, I think, clear that the very able lawyers employed by the Department of Justice can best serve our people if they are not burdened with this type of sophomoric nonsense. If there are a few incompetent or unproductive attorneys on the staff—fire them—do not burden the entire agency in this manner.

If Mr. Kleindienst and his colleagues will provide the leadership, the imagination, and the flexibility demanded by our present circumstances, they will, I am sure, discover, in short order, that their loyal employees will rise to the occasion.

Mr. Speaker, because of its importance and interest to the Members of the House, I place the "Instructions for Preparation of Time Sheets" and the accompanying documents in the RECORD following my remarks, together with two articles on this subject from the Washington Post of March 2 and March 5:

INSTRUCTIONS FOR PREPARATION OF TIME SHEETS

I. TIME RECORDING DESK SHEET

Use of this form is optional but is recommended for the purpose of accuracy. If you can record all required time in your Attorneys Daily Time Summary Sheets without using this form, please disregard it.

When you start working on a case, matter or other item, identify the item on the appropriate time line and indicate the activity you perform in the column provided for that purpose. Activity must be indicated here either by dictionary code or verbal description. If you perform some other activities on the same item, please add them. When you stop working on this item or are interrupted, note the time this takes place and draw a vertical line down through the first column to the appropriate time line. Then identify the next item you start working on in the same manner. Similarly identify the activity and repeat the process throughout the day, keeping track of your time as you go.

If you are working outside of your office or where you do not have the desk sheet available enter such time and activities when you return. Note the times you take leave or perform functions which are classified as de minimis time (which will be defined later on). If you do any work in hours other than the hours indicated on the desk sheet, enter that information in the spaces provided at the bottom of the sheet. At the end of the day, using this sheet as an information source, as well as your daily diary, case files, tickler cards, or other materials you use, complete the Daily Time Summary. Summarize all time so that there is only one line taken on the Daily Time Summary for each item. When your Daily Time Summary is prepared, destroy the desk sheet.

II. ATTORNEY'S DAILY TIME SUMMARY

The following instructions are geared to the various reporting boxes and columns on this form:

1. *Attorney's Name.*—Last name first.

2. *Attorney's Identification Number.*—enter the 6 digit number which is your Employee Identification Number for payroll purposes. It is on the Statement of Earnings which accompanies each pay check.

3. *Organization.*—Enter the 3 digit code which indicates your Division. In the next box for sub-unit, enter the code indicating same. Leave the District box blank. Codes are on an attached sheet.

4. *Date.*—Enter the year, month and day in that order. February 25, 1969 is written as : 69 : 02 : 25 :

5. *Page.*—Enter a 1 in the page box if your daily time record is a single sheet. If more sheets are needed, number them in consecutive order as each page is begun. Staple multiple sheets together.

6. *Leave Time.*—If you take either annual or sick leave during any day when you are working, enter the time in the appropriate box. If you take leave of either type for an entire day or longer, instruct your secretary, or the stenographer who handles your typing, to enter the information at the top of the sheet and put 8 hours of leave time in the leave box. All leave is to be recorded in whole hours and entered with a decimal preceding the last zero. 2 Hours, is 02.0, 4 hours is 04.0, ten hours is 10.0, etc.

7. *De Minimis Time.*—These are minor interruptions or minor functions which if recorded as time applied to cases or matters would result in an excessive amount of recording of minor items. Such things as a short telephone call, checking a citation, looking up a name in Martindale, or another lawyer coming in for a short discussion of one of his cases are in this category. As to time, the general rule to apply is anything of less than 12 minutes duration is de minimis time. It is recommended that you keep a tally of such items on your desk sheet, and enter the total in the de minimis time box recorded in hours and tenths; i.e., 1½ hours is 0.15, 2 hours is 02.0, 24 minutes is 00.4, etc.

8. *Identification Column.*—On each case and/or matter, if it has come in from the field and is identified by a complaint number if criminal, or a claim number if civil, identify it by that number. If the file is identified only by a DJ File Number, enter that. If there is a choice, enter the complaint or claim number. If the activity is oriented to a specific case or matter and there is no identifying number to use, please indicate that on the back of your timesheet and put a checkmark in the "Remarks" column.

Whatever number is used, the first digit must be written in the column farthest to the left so that all empty spaces in the column are to the right of number: 39745 is written

| 3 | 9 | 7 | 4 | 5 | | | | | |
|---|---|---|---|---|---|---|---|---|---|

If the activity is either non-case oriented or mass-case oriented, simply draw a horizontal line across this column in the space in which the time and activity is entered. A non-case oriented function is one such as doing general research on a subject, making legislative recommendations, performing administrative functions, or training other attorneys. A mass-case oriented function, on the other hand, is one such as reviewing each day a large number of civil cases which are being handled in the field, or handling a large group of similar cases or matters such as Section 2410 Tax liens, or small civil claims, or reviewing groups of foreclosures on private homes. The dictionary of activities which is provided lists non-case oriented and mass-case oriented functions, all of which are coded with a 3 digit code beginning with nine, which go into the activity column. As a general rule, if you are working on groups of cases like this at a rate so that over 36 would be handled in an 8 hour day, call the function a mass-case handling function. As work is done on differing individual cases and matters where the work is in excess of 12 minutes duration, the case or matter is to be identified by number and the time and activity filled in on each. However, there is a middle ground between these two situations. An attorney could be processing Dyer Act cases and find that no single one takes up a great deal of time. If on his desk sheet at the end of the day he finds that he has performed essentially the same activities for each of those cases, and there were ten of them, and the total time is 2.5 hours, he is to list the complaint numbers in a series on his Summary Time Sheet and indicate the total time spent on the last line of the series.

"In breaking down your day's work into reportable units, if you work on different matters, cases, and non-case oriented or mass case handling activities during the day, report each and enter the activity and time. If on the other hand you are performing like activities for different cases and matters of an identical type, and there are eight or less report them separately, but if there are between nine and 36, list the proper identifying numbers in an uninterrupted series. If there are over 36, call the function a mass-case handling function."

9. *U.S. Code—Title—Section.*—The next two columns identify criminal cases and matters by type. Enter the Title and Section of the U.S. Code for the offense alleged, or for the most representative offense if there is more than one. Do not enter U.S. Code numbers for definition or other non-substantive sections of the Code.

10. *Civil—Cause of Action Code.*—Enter the appropriate cause of action code from the code sheet provided.

11. *Agency.*—This column applies only to cases or matters identified by Civil Cause of Action Codes 92 and 93—civil claims. It is necessary that those be further identified by referring agencies which are coded on the Civil Cause of Action code sheet. Leave this column blank for any other type of item.

12. *Type.*—In the next column please indicate whether each item which is identified by a claim, complaint or DJ file number is a case, matter, or appeal by entering a 1, 2, 3, respectively on the proper line.

13. *Line No.*—In this column enter the number of the horizontal lines on the sheet in which the entries appear in consecutive order from the top. If six items are listed whether they be cases and/or matters, non-case oriented activities, or mass case oriented activities, the respective lines would be numbered one through six. However, if on line two you should start the series of ten Dyer Act cases which took 2.5 hours described in the Identification Section, then list the ten complaint numbers on line 2 and the next nine lines, and on each of the lines on which a complaint number of the series appears enter the number 2 in the line number column. Enter the time spent on the series and the activity on the line on which the series ends. Do not break up a series by other items in the time sheet. The line number for the first entry below the series is 3, the next 4, and so on.

DEPARTMENT OF JUSTICE TIME RECORDING DESK SHEET

Date .....

| Time of day (10th of hour in parenthesis) | Case, matter, or other item | Activity |
|---|---|---|
| 9:00(0) | | |
| 9:12(2) | | |
| 9:24(4) | | |
| 9:36(6) | | |
| 9:48(8) | | |
| 10:00(0) | | |
| 10:12(2) | | |
| 10:24(4) | | |
| 10:36(6) | | |
| 10:48(8) | | |
| 11:00(0) | | |
| 11:12(2) | | |
| 11:24(4) | | |
| 11:36(6) | | |
| 11:48(8) | | |
| 12:00(0) | | |
| 12:12(2) | | |
| 12:24(4) | | |
| 12:36(6) | | |
| 12:48(8) | | |
| 1:00(0) | | |
| 1:12(2) | | |
| 1:24(4) | | |
| 1:36(6) | | |
| 1:48(8) | | |
| 2:00(0) | | |
| 2:12(2) | | |
| 2:24(4) | | |
| 2:36(6) | | |
| 2:48(8) | | |
| 3:00(0) | | |
| 3:12(2) | | |
| 3:24(4) | | |
| 3:36(6) | | |
| 3:48(8) | | |
| 4:00(0) | | |
| 4:12(2) | | |
| 4:24(4) | | |
| 4:36(6) | | |
| 4:48(8) | | |
| 5:00(0) | | |
| 5:12(2) | | |
| 5:24(4) | | |
| 5:36(6) | | |
| 5:48(8) | | |
| 6:00(0) | | |

Use box below for work done during other hours of the day

(Enter beginning and ending time of work done on each item to nearest 10th of hour)

| Time of day | Case, matter, or other item | Activity |
|---|---|---|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

14. *Activity.*—A dictionary of activities has been provided identified by 3 digit codes. Enter the code which exactly or substantially fits the activity you have performed. If you have performed more than one activity on the item, list additional codes on the lines below in the code column. When using additional lines for activity codes, draw a vertical

line through the identification column from the identification number of the case or matter to the line on which the last activity code for it appears. When using additional lines, be sure to skip a line before making the next item entry to prevent confusion. Non-case oriented and mass case oriented activities all begin with a code of which 9 is the first digit. Where you enter this code there should be no claim, complaint or DJ file number in the identification column. A horizontal line is to be placed in the appropriate space instead.

15. *Time.*—Enter the total time spent on each case, matter or mass case oriented or non-case oriented item in hours and tenths. Two hours and 24 minutes is entered here as 02.4. Three hours exactly is entered as 03.0. Ten hours exactly is entered as 10.0. The only exception to entering time per each item is when entering the time for identical work function recording in series.

16. *General.*—When you have completed your time sheet entries for the day, add up all of the time including leave and de minimis time and enter the total in the appropriate box at the bottom of the sheet. If it appears that this does not cover your complete day, take a few minutes to go back over your diary, the desk sheet, and your files and have your secretary review her notes to find what was omitted. Each day's time sheet will be collected by noon of the following day.

If you are in travel status, or conducting a trial or for some other reason performing functions where you do not return to your office in the evening, take some blank time sheets with you and some of the desk sheets if necessary and record the time when you have finished for the day. Bring your completed time sheets with you when you return to the office, if you are going to be out for more than 1 week, mail the completed time sheets for the week to your secretary each Friday evening. Record total time in hours to tenths; i.e., 08.2, 08.0, 10.5, etc.

17. *Travel Time.*—Report travel time under code 905 of the activity dictionary where per diem is payable whether it is caused by one or several cases or no particular case, as such time is to be reported as a separate non-case oriented activity in any event. However, time spent on short local trip or trips to nearby cities to handle a specific trial, or conduct an investigation on a specific case, should be counted as part of the indicated substantive activity. This should only be done if it is a regular part of your activities, and no per diem is paid. The same applies to waiting time in court.

18. *Remarks.*—It is understood that the dictionary as presently written may not cover all activities of all attorneys and there may be other areas where the reporting procedures established will not properly relate to the work done. In all such instances put a check mark in the remarks column and write your remarks on the back of your time sheet. We would also appreciate having any suggestions you might wish to make or observations on the entire procedure as you report your time. "Other Activity" categories and codes have deliberately been excluded from the dictionary so that areas where the dictionary might be insufficient will be pinpointed.

Because of the multiplicity of such activities please indicate in your remark recommendations of additions or changes in the dictionary whether or not the activity to be reported is frequent and recurring. Ultimately, "other activity" categories will be established but they will be limited to infrequent and non-recurring items. Also, put a large check mark in the upper left hand corner of any time sheet containing a remark and advise the clerk collecting them not to include that time sheet with others which do not contain remarks.

Your Division's administrative officer will advise you of who to contact in the Division if you have any questions.

Report 2-606

DEPARTMENT OF JUSTICE

ATTORNEYS DAILY TIME SUMMARY

| Attorney name | 4 Attorney ident. No. 9 | Organization 10 Div. 12 / Dist. | 13 Sub. 14 | Date 15 Yr. / 17 Mo. / 19 Day | Page No. 21 22 |
|---|---|---|---|---|---|
| | | | | | |

| | 48 Code | 50 | 51 Time 53 |
|---|---|---|---|
| Leave time | 0 1 | 1 | |
| De minimis time | Ø 1 | Ø | |

| Identification: 23 DJ File No. / Complaint No. / Claim No. 33 | 34 Criminal U.S. Code 39: Title | 36 Section | 40 Civil Cause of Action: Code 41 | Agency 42 44 | 45 Type: 1. Case 2. Mat. 3. App. | 46 47 Line No. | 48 50 Activity | 51 53 Time | Remarks |
|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | Total time (all types) | | |

Record all time in hours to the nearest tenth. 2 hours and 24 minutes is recorded 02.4. Where activity codes are used indicating non-case oriented functions or mass case processing, draw a horizontal line through the first column in the appropriate space.

DIVISION AND SUBUNIT CODE SHEET

DIVISION

035 Deputy Attorney General
131 Tax Division—Washington

SUBUNIT

01 Deputy Assistant Attorney General—Appeals and Settlements
02 Deputy Assistant Attorney General—Criminal and General Litigation
03 Criminal
04 General Litigation [1]
05 Appellate
06 Review
07 Deputy Assistant Attorney General—Refund Litigation
08 Court of Claims
09 Administrative
10 Litigation control unit
11 Research and digest unit
12 Refund trial No. 1
13 Refund trial No. 2
14 Refund trial No. 3
15 Northern and Eastern units of litigation section
16 Southern and western units of litigation section

See footnotes at end of table.

DIVISION AND SUBUNIT CODE SHEET—Continued

| DIVISION | SUBUNIT |
|---|---|
| 132 Tax Division—Field | 01 Refund trial No. 2—Fort Worth Office |
| 141 Civil Division—Washington | 01 General claims |
| | 02 General litigation |
| | 03 Court of claims |
| | 04 Appellate |
| | 05 Patent |
| | 06 Torts |
| | 07 Fraud |
| | 08 Judgment and collections unit |
| | 09 Admiralty and shipping |
| 142 Civil Division—Field | 01 Admiralty field office—New York |
| | 02 Admiralty field office—San Francisco |
| | 03 Customs—New York |
| | 04 Foreign litigation unit |
| 148 Civil Division—Office of Alien Property | ---------- |
| 151 Land and natural resources [2] | 01 General litigation—water resources |
| | 02 General litigation—other |
| | 03 Land acquisition—title |
| | 04 Land acquisition—condemnation |
| | 05 Appellate—seabed resources |
| | 06 Appellate—other |
| | 07 Indian claims |
| 161 Criminal division | 01 Administrative |
| | 02 Administrative Regulation Section—Immigration and Naturalization Unit |
| | 03 Administrative Regulation Section—Selective Service Unit |
| | 04 Appellate |
| | 05 Fraud |
| | 06 General crimes |
| | 07 Legislative and special projects |
| | 08 Narcotics and dangerous drugs |
| | 09 Organized crime and racketeering—labor unit |
| | 10 Organized crime and racketeering—gambling, liquor and narcotics |
| | 11 Organized crime and racketeering—other |
| 171 Civil rights division | 01 Administrative |
| | 02 Assistant for title VII litigation |
| | 03 Planning and coordination |
| | 04 Assistant for title VI litigation |
| | 05 Eastern litigation |
| | 06 Central litigation |
| | 07 Northeastern litigation |
| | 08 Southern litigation |
| | 09 Western litigation |
| 181 Internal security division | 01 Appeals and research |
| | 02 Criminal |
| | 03 Registration |
| | 04 Civil |
| 211 Antitrust division—Washington | 01 Administrative |
| | 02 Director of Operations—Office |
| | 03 Director of Policy Planning—Office |
| | 04 General litigation |
| | 05 Special litigation |
| | 06 Special trial |
| | 07 Trial |
| | 08 Appellate |
| | 09 Economic |
| | 10 Evaluation |
| | 11 Judgment and enforcement |
| | 12 Foreign commerce |
| | 13 Public counsel and legislation |
| 212 Antitrust Division—Field | 01 Chicago office |
| | 02 Cleveland office |
| | 03 New York office |
| | 04 Philadelphia office |
| | 05 Los Angeles office |
| | 06 San Francisco office |
| 021 Office of Legal Cousel | ---------- |
| 055 Pardon attorney | ---------- |
| 075 Board of parole | ---------- |
| 095 Board of immigration appeals | ---------- |

[1] Indicates State and local unit.

[2] A small number of field personnel are included in appropriate subunits.

(NOTE.—In those instances where your subunit code has not been designated, report under the appropriate division code only.)

CIVIL CAUSE OF ACTION CODES

01 Civil penalties and forfeitures involving violations of laws relating to ship inspection and documentation

02 Civil penalties and forfeitures involving violation of laws relating to obstruction to navigation

03 Civil penalties and forfeitures involving violation of laws relating to water pollution

04 Admiralty

05 Civil penalties and forfeitures involving

violation of laws relating to ship safety
08 Contract actions, other than negotiable instruments
12 Negotiable instruments
16 Frauds—referred to U.S. Attorney by Fraud Section of the Civil Division
21 Frauds—other than above
24 Enforcement—including mandatory injunctions
26 Narcotic Addict Rehabilitation Act
28 Forfeitures
33 Lands—other than condemnation
36 Land Condemnation
40 Patent
44 Penalties
48 Tax Actions other than Lien and Foreclosure suits under Title 28 USC 2410
51 Tax Actions—Lien and Foreclosure under 28 USC 2410
55 Torts suits in which United States is plaintiff
56 Torts suits in which United States is defendant
57 Torts suits other than U.S. plaintiff/defendant
60 Veterans' matters
62 Judicial foreclosure by government
65 Claims for damage to government property other than that included in 66
66 Claims for damage to government owned ships, cargoes and other maritime property
68 Enforcement of foreign judgment
72 Habeas Corpus
75 Civil Rights Act of 1964
76 Application for Executive Clemency
81 Naturalization proceedings—other than cancellation of Naturalization suits
84 Cancellation of Naturalization
88 Miscellaneous action
91 Claims for conversion of Government property other than ships, cargoes, or other maritime property

In addition to the cause of action code, for claims coded "92" or "93" only, enter the referral agency code in "Agency" column.

92 Claims for civil penalties and forfeitures referred by
  010 Department of Agriculture
  560 Federal Communications Commission
  680 Interstate Commerce Commission
93 Claims (excluding Tort Claims) referred by
  010 Department of Agriculture
  123 Army and Air Force Exchange Service
  540 Civil Service Commission
  652 Federal Housing Administration
  620 General Accounting Office
  812 Small Business Administration
  400 Treasury
  830 Veterans' Administration
94 Mortgage foreclosure where United States is Lienor
95 Judicial foreclosure by government
97 Injunction suits under Agriculture Adjustment Act
98 Injunction suits under Packers and Stockyards Act
99 Injunction suits under Perishable Agricultural Commodities Act

ACTIVITIES DICTIONARY

I. CASE AND MATTER ORIENTED ACTIVITIES

*A. General—At any stage of proceedings*

Code Activity
101 Correspondence—Legal
102 Conference—Legal
103 Extended telephone contact—Legal
104 Liaison with press and civic associations
105 Liaison with "client" Federal Agencies
106 Liaison with State and local agencies
107 Interstate compacts and similar intergovernmental matters
108 Liaison—Interdivisional
109 Counseling and advice to U.S. attorneys and others
110 Review of work performed by U.S. attorneys
111 Review of work performed by or in legal divisions and offices
112 Settlement negotiations and conferences
113 Settlements—Preparation of memoranda or correspondence
114 Considering or evaluating offers in compromise
115 Preparation of reports

*B. Investigative*

201 Requesting, guiding, and directing investigations
202 Conducting own investigation activities
203 Review and analysis of investigation reports
204 Grand Jury investigation
205 Counseling investigators—Extradition and other activities

*C. Preparation*

1. Litigation Oriented Activities

301 Contact with complainants
302 Locating, selecting, and interviewing witnesses
303 Processing agency's requests for litigation
304 Processing requests for authority to dismiss indictments
305 Researching, analysing and reporting on specific points of law
306 Researching and analysing legal-factual problems and developing solutions
307 Preparation of pleadings (complaints, answers, indictments, etc.)
308 Preparation of memoranda of law
309 Preparation of trial briefs
310 Attendance at arraignments
311 Attendance at Grand Jury presentments

2. Nonlitigation Oriented Activities

320 Reviewing title evidence
321 Preparation of preliminary title opinion
322 Preparation of final title opinion

*D. Pretrial and motion practice*

401 Preparation of documents in support of or opposition to motions addressed to pleadings
402 Preparation of documents in support of or opposition to motions addressed to the merits
403 Argument of motion
404 Taking of depositions
405 Other discovery proceedings
406 Pretrial hearing, conference, or argument

*E. Trial*

501 Trial before U.S. Commissioner
502 Jury trial—Federal court
503 Nonjury trial—Federal court
504 Jury trial—State or local court
505 Nonjury trial—State or local court
506 Miscellaneous hearings
507 Preparation of documents necessary to conduct of trial (requests to charge, etc.)
508 Preparation of exceptions to Commissioner's reports and briefs
509 Preparation of exceptions—Other
510 Analysis and summarization of testimony, evidence or records

*F. Posttrial motion practice*

601 Preparation of documents
602 Argument

*G. Postjudgment collection activities (civil judgments and fines)*

701 Negotiation—Reaching agreement with debtor as to amount, method of payment, installments, etc.
702 Servicing—Time spent reviewing accounts including requests for changes in repayment conditions, contacting debtors and determining future efforts
703 Evaluation—Determine whether debts should be compromised or closed as uncollectible
704 Conduct of Supplementary proceedings against debtor, his property, or his legal interests

*H. Appellate*

801 Reviewing opinions of lower courts and recommending whether or not appeal should be taken
802 Preparing memoranda to the Solicitor General recommending for or against appeal to Federal or state appellate courts, for filing briefs *amicus curiae* and petitions for rehearing *en banc*
803 Preparing memoranda to the Solicitor General recommending for or against certiorari
804 Preparing petitions for writ of certiorari or jurisdictional statements
805 Preparing briefs in opposition to petitions for certiorari or motions to dismiss or affirm
806 Preparing briefs on the merits in court of appeals cases
807 Preparing briefs on the merits in state appellate court cases
808 Preparing briefs on the merits in Supreme Court cases
809 Reviewing briefs in opposition to petitions for certiorari or motions to dismiss or affirm
810 Reviewing petitions for certiorari or jurisdictional statements
811 Reviewing briefs on the merits—any court
812 Preparing or reviewing petitions for rehearings *en banc* in Court of Appeals cases
813 Preparing or reviewing any appellate documentation other than that specified above
814 Preparation for oral argument
815 Arguing appeals in any Federal appellate court
816 Arguing appeals in any State appellate court
817 Preparing responses to bail applications, requests for stays, requests for extensions of time, miscellaneous motions and other procedural steps ancillary to the appeal
818 Conferring with other offices and divisions on appellate policy positions

II. OTHER ACTIVITIES

*A. Noncase oriented*

1. Nonlegislative

901 General administration—Reports, budgetary functions, PPBS, Personnel, etc.
902 Supervising—Work planning, assigning and follow-up of work done by subordinate attorneys, coordinating with other sections, and other duties associated with the orderly performance of the professional staff
903 Review of and reply to citizen, congressional, White House, or other non-agency inquiries
904 Other correspondence—legal and nonlegal
905 Travel (covering periods for which per diem is payable)
906 Conferences—legal and nonlegal
907 Responding to inquiries from, maintaining liaison with, and counseling other Federal agencies
908 Analysis and comment on proposed rulings, policy positions, recommendations for prosecution, regulations, and other actions of Federal agencies
909 Advising U.S. attorneys or other Department attorneys on policy and procedure
910 Liaison with State and local agencies
911 Liaison with press, civic, and professional organizations
912 Delivering speeches and speech preparation
913 Preparation of handbooks, manuals, and other instructional or descriptive materials
914 Training attorneys and others
915 Attending training sessions
916 Professional development—keeping current with legal publications and changes in the law

917 Researching and analysing legal-factual problems and developing solutions
918 Preparation of legal memoranda, prosecutive or otherwise
919 Contact with complainants, actual or potential
920 Requesting, guiding and directing investigations
921 Conducting own investigations
922 Review and analysis cf investigation reports
923 Counseling investigators and other nonattorneys
924 Interviewing, report preparation and other activities re Civil Rights Community Observation function
925 Consultation, conferences, site inspection and other activities re Civil Rights Community Counselling function
926 Preparation of formal opinions of Attorney General
927 Preparation of intra-departmental opinions
928 Preparation of informal opinions
929 Review of Executive orders, proclamations, regulations, and similar items
930 Review of departmental regulations, orders, and similar items
931 Special assignments

2. Legislative

950 Liaison with Congress, BOB and other agencies, and divisions re legislation.
951 Review of pending or proposed legislation
952 Preparation of reports on legislation
953 Appearance before committees
954 Drafting of proposed legislation and supporting materials
955 Preparation of testimony for hearings
956 Consulting with noncongressional advisory bodies

*B. Mass case oriented functions*

960 Conferences—Legal and procedural
961 Review of work performed by U.S. attorneys
962 Review of work performed by divisions
963 Attendance at arraignments
964 Attendance at grand jury presentments
965 Attendance at U.S. Commissioner's trials
966 Processing of unnumbered preliminary matters by subject
967 Negotiation of judgment or fine payment methods, installments, amounts, etc.
968 Servicing of judgment or fine payment accounts, contacting debtors and determining future efforts
969 Evaluation of outstanding judgments for closing as uncollectible
970 Processing section 2410 tax liens
971 Evaluating and processing requests for authority to dismiss indictments
972 Processing routine cases and/or matters (specify type by entering title and section if criminal, or cause of action if civil in proper column on timesheet.)

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[From the Washington Post, Mar. 5, 1969]

JUSTICE TO TAKE TIME TO BRIEF TIMEKEEPERS

(By Eve Edstrom)

The Justice Department will spend 1575 attorney hours, beginning today, to explain its new system for making more efficient use of its attorneys' time.

That system—by which Justice attorneys have been told to clock themselves at 12-minute intervals—was said to involve procedures that would take less than 15 minutes of each attorney's daily time.

To explain the system, 90-minute sessions have been scheduled to brief the 1050 attorneys involved.

"That's 1575 man hours," one attorney told The Washington Post yesterday. "And each attorney earns between $8 and $10 an hour. Just figure what this ridiculous system is costing taxpayers even before it has begun."

A memorandum, announcing seven 90-minute sessions so that all attorneys can attend, was circulated yesterday and signed by Leo M. Pellerzi, assistant attorney general for administration.

Pellerzi, according to Deputy Attorney General Richard G. Kleindienst, was a chief author of the time-recording plan that Kleindienst ordered effective Monday.

But Pellerzi yesterday shied away from taking credit for the time sheet system that Sen. Sam J. Ervin (D-N.C.) has described as "nitpicking of the nittiest kind."

Pellerzi said that the plan is patterned after one that has been used by Interior Department attorneys since 1967. But an Interior spokesman said it has no elaborate 12-minute time sheets.

Pellerzi appeared piqued that news accounts about the foot-long time sheet, which breaks each day into 12-minute periods from 9 a.m. to 6 p.m., did not note that attorneys were told to "destroy" the sheets after transcribing their activities onto a summary form.

He emphasized the time sheets are not devised to evaluate an attorney's performance or to keep tabs on him. For example, he said it is recognized that some attorneys do their best thinking while "gazing out of a window."

This presumably will be recorded as time spent working on a case because the Justice Department's coded dictionary for attorney activities to be listed on the form does not include such items as window-gazing.

Pellerzi said the information gathered from the time system is needed so the Justice Department can give "creditable" information to Congress concerning the Department's needs.

But just when the Department will be able to do this was left up in the air yesterday.

Kleindienst said the coded information eventually would be fed into a computer, but the Department probably would have to ask Congress for additional money to do this. He said he recognized "no useful purpose" would be served if the time sheets wound up as so many pieces of paper in a closet.

Pellerzi said he thought Justice division budgets could absorb the cost but that it would take a few months before the system shook down and the information could be computerized.

This might not be before the summer, he said, and would not provide a fair test because legal work is affected by judicial recesses. Therefore, the next fiscal year could be six months old before any results of the plan are known.

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[From the Washington Post, Mar. 2, 1969]

JUSTICE PUTS STOPWATCH ON ITS LAWYERS

(By Eve Edstrom)

Justice Department attorneys have been told to clock their work at 12-minute intervals under an elaborate time-recording plan ordered by Deputy Attorney General Richard G. Kleindienst.

The plan is attached to a memorandum carrying Kleindienst's signature. It reinforces Kleindienst's reputation as a "Mr. Tough," who was said to have made more enemies than friends when he managed President Nixon's Western regional drive for Republican Convention delegates last year.

Justice Department attorneys were incredulous Friday when they received the memorandum, ten pages of attached instructions for keeping tabs on their daily doings, a "dictionary" of 125 coded numbers to describe their activities and sample time sheets—one of which is more than a foot long.

The instructions are so complex—24 minutes is to be recorded as 00.4, or example—that one attorney said "this is the most complicated case ever assigned to me by the Department."

Kleindienst refused to discuss the memorandum with The Washington Post yesterday. In response to a query, his secretary, Trixie Landsberger, reported that Kleindienst said, "I did not authorize the release of the memorandum and prefer that it not be quoted in The Washington Post."

In the memorandum, dated last Thursday, Klendienst said, "The intention is not to use time records as a pressuring device."

Instead, he said, it is a way "to assist the individual attorney in developing a better perspective over the use of his time as relative to Department goals."

". . . The long-term effect, if time is accurately recorded, will be a relief of individual pressure through provision of adequate personnel and resources to handle our work," Kleindienst said.

But one attorney sputtered that the "long-term effect will be to drive us right out of the Department. This is an insult to our integrity."

BEGINS MARCH 10

Kleindienst said the time-recording plan would begin March 10 for all—"all" was underlined—Justice Department attorneys here including himself and the Assistant Attorneys General. The offices of U.S. Attorneys will be included at a later date, he said.

The time-recording procedures, he said, will take less than 15 minutes each day, and the daily time sheets will be collected by the following noon. Attorneys on out-of-town assignments will mail their time reports each Friday night.

The attached instructions note that there may be "minor" interruptions, such as short telephone calls, during the work day. Such interruptions are called "de minimis time"—anything that takes less than 12 minutes.

It is recognized that listing such interruptions "would result in an excessive amount of recording."

ON TIME SUMMARY

Even so, it is "recommended" that each attorney "keep a tally of such items" and then enter a total in hours and tenths—1½ hours is 01.5—in a "de minimis" time box.

That box is included on the attorney's daily time summary, which is the one to be collected by the Justice Department. But that summary is to be based on a "time-recording desk sheet" which breaks the day into 12-minute intervals, beginning at 9 a.m. and ending at 6 p.m.

Use of the 12-minute form is "optional but recommended for the purpose of accuracy." Activities performed are to be listed in the various time slots and if work is interrupted, "note the time this takes place and draw a vertical line down through the first column to the appropriate time line.

DAILY TOTAL

"Then identify the next item you start working on in the same manner," the instruction sheet says." Similarly identify the activity and repeat the process throughout the day, keeping track of your time as you go."

At the end of the day, items on the desk sheet are to be summarized so that each activity represents only one line on the form that is to be collected.

"If it appears that this does not cover your complete day, take a few minutes to go back over your diary, the desk sheet and your files and have your secretary review her notes to find what was omitted," the instructions continue.

The time summaries will include several numbers. An attorney must list his six-digit identification number. The three-digit code indicating the division for which he works and the two-digit code for the subunit. These code sheets are also attached to the memorandum.

In addition, the year, month and day is to be listed by number, along with numbers for criminal or civil cases and coded dictionary numbers for activities—104, for example, is liasion with press and civic associations.

If there is no identifying number for a specific matter, the attorney must note this on the back of his time sheet and place a check mark in the "remarks" column.

## CONGRESSMAN HALPERN INTRODUCES LEGISLATION TO DOUBLE THE PERSONAL EXEMPTION FOR INDIVIDUAL TAXPAYERS AND THEIR DEPENDENTS

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. HALPERN), is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, now that the House Ways and Means Committee is conducting full-scale hearings on the broad topic of tax reform, I am confident that many of the inequities in our existing tax system will be brought into balance.

However, I have long believed that effective tax reform must be a two-way proposition. Not only must we close loopholes and eliminate preferential treatment in our tax laws, but we must liberalize the deduction and exemption provisions for our overburdened taxpayers, as well.

Last month, I introduced a broad tax reform package designed to correct blatant inequities in existing tax laws. If this legislation were enacted, it would bring at least $15 billion additional into the Treasury, and would make unnecessary further extension of our present 10-percent surcharge.

In addition, we would still have several billions for an equitable spread of tax relief.

Mr. Speaker, one of the most direct and just ways to lighten the tax load for low- and middle-income families is by doubling the personal and dependent exemptions.

It is for this reason that I am today introducing a bill to give the American taxpayer a break by doubling the $600 exemption allowed for the individual taxpayer and each of his dependents.

This legislation would permit the taxpayer to deduct $1,200 each for himself, his spouse, and his dependents, as well as increasing to $1,000 the additional exemption available to the blind and to the aged.

The original purpose of the $600 personal income tax exemption was to provide the taxpayer with sufficient untaxed funds to sustain himself and his family. However, since the time when this provision was enacted, the cost of living has more than tripled, and yet the exemptions for the taxpayer and his dependents have remained the same.

It is ludicrous that current estimates set the poverty level at $3,000 a year, while our tax laws seem to indicate that a person is expected to live on $600 a year and can support a family for $600 per person. It is obvious that the $600 exemption is hardly more than a token.

Meaningful tax reform must not only eliminate existing gaps in the law, but must also broaden the base for allowable deductions and exemptions so that they are consistent with today's social and economic realities.

Therefore, I urge that the Ways and Means Committee, to which this bill will be referred, take immediate action. In all fairness to the American taxpayer we can afford to do no less.

## REFORMS IN SOCIAL SECURITY SYSTEM

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. FARBSTEIN) is recognized for 15 minutes.

Mr. FARBSTEIN. Mr. Speaker, I have today introduced legislation to provide for sweeping reforms in the social security system and to correct the injustices in the medicaid and aid to families with dependent children programs. My object in introducing this legislation is to make these programs more capable of meeting human needs. The social security system should not only provide our elderly with an adequate level of benefits, protected against inflation, but should encourage—and not discourage—those in good health, who can and want to work, to do so.

To achieve these objectives, one bill I have introduced would, first, increase monthly benefits by an average of 35 percent and provide a minimum monthly benefit of $100 for an individual and $150 for a married couple; maximum benefits payable to disabled widows and widowers would also be increased; and, second, to provide for an automatic increase in benefits to compensate for any increase in the cost of living.

As a result of the sad experience of a retired constituent, I have also introduced legislation to authorize the payment of interest on long-delayed—6 months or more—of social security benefits. It must be remembered that the beneficiaries of this system are receiving a return of moneys contributed in part by them.

I have received a number of letters from constituents regarding the policy of the Government toward payment of interest on overdue social security benefits. These were not monthly payments which were overdue in terms of a few days, but of payments which were months, and on occasion, years late in being corrected.

One constituent of mine retired in 1965 and applied for social security benefits. She was told that a reexamination of her file revealed that she was also entitled to widow's benefits for the period of 1943 to 1946, a period during which she had inquired about benefits but which had been erroneously withheld. She then—in 1965—received a check from the Social Security Administration for the amount owed her for more than 20 years. I believe she should receive interest on this amount. She would have to pay the Government interest if she were overdue in paying them.

To correct injustices under the medicaid and ADC programs, I have also introduced legislation to eliminate restrictions placed on Federal contributions to State medicaid programs and eliminate compulsory work training for those on welfare.

Earlier in the 91st Congress, I introduced H.R. 5978 to eliminate population restrictions on aid to families with dependent children.

These three restrictive features of current law impose an unjust hardship on the poor, especially in New York. These features were passed, I believe in haste, and hopefully, the Congress will assert its better judgment and repeal them.

## PLUGGING TAX LOOPHOLES

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 15 minutes.

Mr. REUSS. Mr. Speaker, on January 17 outgoing Treasury Secretary Joseph W. Barr revealed that in 1967 there were 21 persons with incomes of more than $1 million who paid no Federal income tax whatever. He warned that there would be a "taxpayer's revolt" if the loopholes that allowed these millionaires and other wealthy persons to escape taxation were not closed.

On January 29 I was joined by nine of my colleagues, Mr. MEEDS, Mr. REES, Mr. WILLIAM D. FORD, Mr. MOORHEAD, Mr. ADAMS, Mr. BINGHAM, Mr. BROWN of California, Mr. EDWARDS of California, and Mr. ZABLOCKI in introducing H.R. 5250, the Tax Reform Act of 1969, which would close off 13 of the most notorious loopholes and bring in some $9 billion in additional revenue. Subsequently, Mr. BLATNIK, Mr. KARTH, and Mr. HELSTOSKI introduced identical bills, and Mr. GIBBONS introduced an identical bill, H.R. 7585, for himself and 14 cosponsors, Mr. CONYERS, Mr. LONG of Maryland, Mr. ST. ONGE, Mr. FARBSTEIN, Mr. PODELL, Mr. BYRNE of Pennsylvania, Mr. THOMPSON of New Jersey, Mr. MIKVA, Mr. EILBERG, Mr. YATRON, Mr. ROSENTHAL, Mr. VIGORITO, Mr. KOCH, and Mr. NEDZI.

On February 5, the House Ways and Means Committee and the Senate Finance Committee made public the Treasury Department's tax reform studies and proposals, and included there were a number of case studies showing in detail exactly how selected millionaires were able to reduce their tax bill to zero—pages 89 to 95 of the committee print. Newsweek magazine did a story on these millionaire nontaxpayers in its February 24 issue, and I commend it to my colleagues:

### HOW TO MAKE MILLIONS AND PAY NOT A CENT

A loophole, in military parlance, is a small opening in the walls of a fortress that permits a defender to fire upon besiegers without unduly exposing himself. To the rich man, the tax loophole is a means of defending his fortune and income from the depredations of raiding tax collectors. To the tax collectors and many ordinary citizens who have no loopholes of their own, it is an abomination.

Whatever the viewpoint, it is a plain fact the under the current U.S. tax code hundreds of thousands of wealthy taxpayers find loopholes that substantially lower the income taxes they would otherwise have to pay. Files of the Internal Revenue Service for 1967 show that there were scores of people with incomes in six figures who paid no income tax at all because of legal loopholes,

and some of these were millionaires. At straight rates and without loopholes, by contrasts, the tax on an unmarried person with a bare-subsistence income of $1,700 was $117.30, almost 7 per cent of his income.

In the Treasury's eye, a loophole is any special privilege enjoyed by some taxpayers but not by all. And in this sense, there are many loopholes, such as the double personal exemption ($1,200 instead of $600) that may be taken by any person over 65 years of age, that are not necessarily controversial. But there are dozens of other loopholes that concern the Treasury. They fall generally into two main categories.

One category is the provision for lower-than-normal tax rates on income derived from certain special sources. Half of any capital gain made on an investment that is held by a taxpayer for six months or longer, for instance, is exempted completely from taxes; the remaining half of the gain is taxed at the regular rate that the taxpayer would pay on normal income up to a maximum of 50 per cent. In effect, the maximum tax on such gains, then, is only 25 per cent. Another area the tax code smiles on is income from mineral ventures—a person can freely pocket 27½ per cent of his total take from gas or oil wells as a "depletion allowance" before even thinking about calculating his tax. Then there is the interest from state and local bonds—all tax-free even if the bond owner receives millions a year from such sources.

The second main category of tax privilege is created by special methods of accounting permitted in certain industries. These methods, wonder of wonders, enable individuals engaged in such fields as real estate and part-time cattle breeding or fruit growing to report a loss for tax purposes while actually making millions. A high-bracket taxpayer can buy a herd of breeding cattle, for instance, and immediately deduct his total outlay plus most of his anticipated expenses over the next year. Since his cattle yield no income, the whole expense becomes a tax "loss" which he can use as a deduction against his ordinary income. What's more, when he sells his herd, the resulting profit is treated as a capital gain, on which he pays a maximum tax of only 25 per cent. The same kind of accounting gimmickry can also help those who engage in railroad-car leasing, airplane leasing or oil-tanker operations.

The losses in tax revenues to the Federal government through the loopholes are huge. The Treasury estimates that the low rate on capital gains costs between $5.5 billion and $8.5 billion annually. The tax exemption on interest paid by local bonds costs $1.8 billion, the depletion allowance for oil and gas deprives the government of $1.3 billion and the real-estate tax shelter takes away an added $750 million in potential revenue.

Some of the loopholes, to be sure, were consciously adopted by Congress—the low capital-gains tax was installed to encourage job-creating, long-term investment. But others, such as farm and real-estate "losses," are simply clever abuses of the tax code that were unforeseen by the lawmakers. And whatever their origins, the effects of the dodges on the tax returns of the very rich can be stunning. Here are four recent cases from the files of the Internal Revenue Service.

Case 1: Taxpayer "A" reported a whopping total income of $8.2 million. But $6.9 million of the income qualified as a capital gain. Half of this, about $3.4 million, was, of course, tax-free under capital gains provisions, so his taxable income was cut to $4.8 million. Enter a loophole picturesquely called the "Philadelphia nun clause"—so named because it was originally adopted to let a wealthy Philadelphia Mainliner who had become a nun give away all the income she received from family trusts without paying taxes on it. The clause has been subsequently interpreted to let taxpayer "A" do the following: he contributed to charity some property he had bought cheap but which was now worth $5.1 million. This let him avoid a capital-gains tax on the rise in the property's worth. It also gave taxpayer "A" a $5.1 million "unlimited charitable contribution" deduction that he could then apply against his $4.8 million taxable income. The deduction, of course, was $300,000 greater than the income. Result: no taxable income and no taxes.

Case 2: Taxpayer "B" had a total income of $1.3 million. But $1.2 million of it came from a capital gain. As with taxpayer "A," half of this gain—$600,000—was tax-free, reducing "B's" taxable income to $700,000. But "B" had interest charges totaling $600,000 on loans he had borrowed to finance his massive investments—investments that he hoped would also produce handsome capital gains. Such interest charges, like the interest on the average homeowner's mortgage, are deductible. Together with local taxes, medical expenses and other normal deductions, taxpayer "B's" interest charges reduced his taxable income to exactly $2,386. After taking certain other small credits, he paid a tax of $383.

Case 3: Taxpayer "C" had a total income of $2.3 million. Part was capital gains, the deductible portion of which reduced taxable income to about $1.9 million. Against this, taxpayer "C" had a 27½ per cent oil and gas depletion allowance of $900,000, which brought taxable income down to $1 million. Taxpayer "C" also had a farm "loss"—most of it resulting from a heavy investment in new breeding cattle—of more than $800,000. This "loss," together with nearly $200,000 in normal personal deductions, reduced taxpayer "C's" taxable income to zero.

Case 4: Taxpayer "D" had total income of $1.4 million—most of which was a capital gain from the sale of real estate. The deductible part of the capital gain reduced taxable income to $800,000. The gimmick in real-estate operations, however, is that owners, after deducting all operating expenses from the flow of rental income, can take whopping additional "depreciation" write-offs. The theory of depreciation is to permit the owner of any asset that can wear out to recoup his investment over what is judged to be the asset's useful life. Due to the peculiarities of real estate, however, depreciation write-offs allowable for tax purposes can far outstrip a building's actual current profits. Thus, though a real-estate man is pocketing hard cash income from a property, he is running up a bookkeeping "loss" for tax purposes. In taxpayer "D's" case, his depreciation write-off produced a "loss" of almost $900,000. This more than covered the remaining $800,000 in taxable income that he reported. The taxes paid by taxpayer "D": zero.

These examples from IRS records, though extreme, typify the kind of protection available to wealthy citizens with skilled tax advisers. Not all wealthy individuals, of course, take advantage of one or more of these legal loopholes. But enough do to give Washington an increasing incentive for tax reform.

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## ROONEY QUESTIONS CONFLICTING INTERESTS OF MAGAZINE SALES COMPANY OFFICIAL AS AIDE TO MARYLAND ATTORNEY GENERAL

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ROONEY) is recognized for 15 minutes.

Mr. ROONEY of Pennsylvania. Mr. Speaker, for the third time in 8 days I feel obliged to invite my colleagues' attention to a most serious problem of consumer deception by unscrupulous magazine subscription sales companies.

In prior statements I have discussed fraudulent sales practices, the obvious failure of the industry's voluntary self-regulation code, investigations into magazine subscription sales frauds being conducted by the staffs of the respective attorney general of Pennsylvania and New Jersey, and the reactions of several members of the Federal Trade Commission to my conviction that FTC and congressional committee investigations are warranted.

It is commendable that the attorneys general of Pennsylvania and New Jersey have launched investigations into consumer complaints of magazine subscription sales frauds. It is commendable that attorneys general of such other States as Massachusetts have carried out over a period of time programs to alert private citizens to the deceptive sales tactics of certain magazine sales companies.

But I find it deplorable that an aide to the attorney general of Maryland, whose office has reported receiving complaints of magazine subscription sales frauds, should appear at an informal hearing in New Jersey representing a sales company whose methods are being investigated and seek to cloak his company's sales practices in the respectability associated with his public office.

I refer to the appearance of Donald H. Noren, special assistant attorney general of Maryland, at a hearing called by the New Jersey Office of Consumer Protection to explore consumer complaints against the International Magazine Service. In attendance was the president of International Magazine Service, accompanied by his attorney, Donald H. Noren, who also happens to be secretary of International Magazine Service. Also present were Deputy Attorney General Douglas Harper, of New Jersey, who is investigating magazine sales rackets in his State, and Deputy Attorney General Ben Kirk who is in charge of a similar investigation in Pennsylvania and who attended as an observer.

Another in attendance was the editor of "Action! Express," a public service feature of the Easton, Pa., Express newspaper, whose exposure of magazine sales frauds in Pennsylvania and New Jersey has prompted the two States' investigations.

It was in this setting that Mr. Noren, secretary and counsel for a firm which was a subject of the informal proceedings, made reference to his public role as a member of the staff of the Maryland attorney general.

It is my opinion these public and private business activities of Mr. Noren are clearly incompatible, particularly if the former is used in defense of the latter. It is significant, too, I think, that Mr. Noren's private law firm, Kramer & Noren, shares the same Baltimore address as International Magazine Service, serves as collection agency for International Magazine Service, and issues collection notices under a letterhead bearing the special assistant attorney general's name. I should like to include in the RECORD a copy of a collection letter issued by the firm of Kramer & Noren, over the signature of Mr. Noren's law partner, Gilbert Kramer.

I find it interesting, too, that Maryland Attorney General Francis Burch recently told "Action! Express," his office had received several dozen complaints about International Magazine Service and that

these were referred to IMS and the subscriptions subsequently canceled. I cannot help but wonder whether these cancellations were made to avert what might be an embarrassing investigation of magazine subscription sales deceptions in Maryland. Under these conditions, can a Maryland consumer expect a fair shake when he carries his complaints to the State house?

All of this, Mr. Speaker, lends gravity to the urgent need for thorough investigation of the magazine subscription sales industry in this country. And all of this has prompted me to write to the Maryland attorney general to invite his comments on the compatibility of Mr. Noren's public and private business involvement. I would like to insert a copy of that letter in the RECORD, as well.

In addition, and for the information of my colleagues, I would like to include in the RECORD a sampling of New Jersey consumer complaints about sales methods used by International Magazine Service and copies of several newspaper articles which will indicate the concern of a number of State attorneys general about magazine subscription sales practices:

MARCH 3, 1969.

Hon. FRANCIS BURCH,
*Attorney General of Maryland,*
*Annapolis, Md.*

DEAR MR. ATTORNEY GENERAL: Information which has just come to my attention prompts me to seek your comment regarding what appears to be incompatible positions of public and private activity by a member of your staff.

I am advised that Mr. Donald H. Noren, a member of the Kramer & Noren law firm, Suite 101, N2520 North Charles Street, Baltimore, Md., 21218, recently appeared at an informal hearing conducted by the New Jersey Office of Consumer Fraud in Newark, N.J. Mr. Noren appeared in a dual role as attorney for the President of International Magazine Service and as the Secretary of I.M.S.

Also present at the hearing were Deputy Attorneys General Douglas Harper of New Jersey and Ben Kirk of Pennsylvania, the latter as an observer. I am advised that during the course of this hearing, Mr. Noren, whose company International Magazine Service has been the subject of numerous consumer complaints in New Jersey and Pennsylvania identified himself as a member of the Attorney General's staff for the State of Maryland.

Further I am advised that your office informed "Action Express" a public service feature of the Easton, Pa. Express newspaper recently that your office also received a number of consumer complaints about International Magazine Service and that these complaints were referred to I.M.S. which in turn cancelled the subscriptions.

I would appreciate your comment on this information with particular reference to the compatibility of Mr. Noren's public position on your staff and his private position with International Magazine Service. In this regard I am enclosing a copy of a letter bearing the letterhead of Mr. Noren's law firm.

This letter is a fine example of the high-pressure collection tactics being used by magazine subscription sales companies after consumers discover they were duped by deceptive magazine sales techniques and attempt to cancel the subscriptions. It is precisely this type of high-pressure sales and collection practices being investigated now by the Attorneys General of New Jersey and Pennsylvania. Also, it is precisely the type of practices I have urged both the Federal Trade Commission and the House Interstate and Foreign Commerce Committee to investigate.

With kind personal regards I am

Sincerely yours,

FRED B. ROONEY,
*Member of Congress.*

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BALTIMORE, MD.,
*January —, 1969.*

Mrs. ——— ———,
*Phillipsburg, N.J.*

Re International Magazine Service.
Contract No. ———

Amount past due, $33.50, including charges and costs.

Balance in full, $177.50.

The above claim, describing your account with our client, has been forwarded to this office for collection.

We are advised that you have been requested repeatedly to pay this indebtedness, but that up to this time you have not done so.

Our instructions are to recover the above sum by appropriate legal action; however, we are communicating with you in order to afford you an opportunity to make direct payment.

You are urged to immediately remit, by check or money order, either the balance in full, or the amount past due, as detailed above.

Either method of payment should be made within five (5) days from the date hereof. Such compliance is obviously to your advantage since it will avoid further legal action.

Please use the self-addressed envelope which is enclosed for your convenience, and return this letter to assure proper credit on your account.

All inquiries relating to your subscription and account balance can best be handled by direct inquiry to the creditor.

Very truly yours,

GILBERT KRAMER,
*Attorney at Law.*

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JANUARY 15, 1969.

DEAR SIRS: Please help me to cancel a magazine contract. I have been receiving magazines for a few months. I thought I was signing to enter a Sweepstakes and as it ended up I had signed a contract at almost $7.00 a month. If I were to pay the contract in full it would add up to over $200. I am receiving threat letters in the mail and it is beginning to be a nuisance. I must be receiving every magazine there is and I think anyone who would knowingly sign a contract such as this would be crazy. Please help me. I haven't read any of the magazines. The name of the company is: International Magazine Service, 2520 N. Charles St., Baltimore, Md. 21218.

Sincerely yours,

Mrs. ——— ———.

Stewartsville, N.J.

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PHILLIPSBURG, N.J.,
*January, 13, 1969.*

ACTION! EXPRESS,
*Easton, Pa.*

DEAR SIR: I am really ashamed to admit it, but I, too, am a sucker victim of the magazine racket to the tune of $180.00.

I am a widow on Social Security and a very small pension, and I have Medicare.

My story—my phone rang one morning, 7/3/68 to be exact, as I lay in my bed ill, advising me that I had won a subscription to several magazines, and that they would send their representative around.

In 15 minutes my doorbell rang insistently, and I put on a robe and went down to my door to answer the constant ringing. A young man stood there and told me that I had won and I could name the magazine, and then asked for my signature.

I told him that I did not have my glasses and could not read. He then "read to me" what I was to sign, hence my signature.

Several days later I received several telephone calls to check on the magazines named. I explained that I was a widow on Social Security and could not afford the $6.00 per month which I learned I was committed to, that I was over 65 and a 5-year subscription was too long.

I was told by the person (a female) that I should try paying and if I could not meet the payments, I was to advise them. This I have done and received word that I was committed and must pay.

The name of the company is International Magazine Service, 2520 N. Charles St., Baltimore, Md. 21218, monthly payments of $6.00 for 30 months. I have paid 6 months for $30.00, but did not make the Jan. 1st payment. It still has 2 years of payments, and I have refused the last magazines.

I tried to have them stopped at the Post Office but was informed that I would have to refuse them which I have done.

Incidentally it says that my order is secured by a $6000 bond deposited with Central Registry.

Thank you for any advice.

Sincerely,

——— ———.

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DEAR ACTION: Just read your column from L.S.R. of P. Burg who was trick in to buying magazines. I was one of those people too. But they asked me where I get my most news from so I said only kiddingly the Bible so she said you won. No more then I hung up a man came and told me to sign and I would only have to pay a small charge for handling. I told him I didn't want them and he said they could not cancell them. So I payed. Its now been a year and I cannot afford it because three in the family were in the hospital and we have to pay that and a lot of Drug bills. I have called them and begged them to cancell them. She told me she wouldn't and couldn't. She said if I didn't pay she would attach my husbands wages. I didn't want that so I payed. Now I can't pay any more because I can't. Can you take action. I know another woman they did that on. I had to pay $112.00 but I told them I couldn't, so now they made me pay $78.00. The name of the magazine is International Magazine Service.

Thank you.

Mrs. ——— ———.

NESHANIC STATION, N.J.

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DEAR SIR: I read your article on "Don't be a Sucker" and that meant me too. I too was called on the phone in Feb. stating my name was chosen for the lucky one. I was supposed to get 5 different magazines if I'd answer a question. I said—what is this, a gag? She said no—Just answer the question—where do you get the most ads from? and I said the paper—Then she named the magazines I'd be getting and also a free sub. to anyone I chose to give it to. I told her I did not want any magazines. But she said I'd get them regardless. Then she said—only 58¢. Not saying at first—(a wk.) But she meant a wk. and I thought a month. Well, she had me so confused. A very short time a man appeared at my door—I didn't leave him in—said he came direct from Allentown. (I said in this short time?). He said oh—I was just passing by so I stopped. I told him I did not want the magazines. He said "oh it's too late now" they already telegramed the order to Baltimore. He said sign your name. I didn't want to. He said you have to sign. I said why? That is to protect you from higher prices and any time you want to change any magazines we will do so. I was so confused again so like a fool I signed. When I got into the house I looked at it and here it said.

"Read carefully before signing" in fine print. "This offer is subject to approval by verifier. After signing by subscriber, it is understood and agreed this will constitute a contract, which is subject neither to change

nor cancellation and on which you must make monthly payments.

Now why didn't he tell me to read it instead of the answers he gave me?

Then he wanted me to give him $5 in advance. I said I didn't have that kind of money. So he said Mind if I pay it? I said no. So he said well $3.00 a month. I was so upset I couldn't sleep for wks (afraid to tell my husband as he really would tear into me). I'm paid til Oct. What shall I do? I'm so afraid they will make trouble for me if I don't pay. It's called International Mag. Service, 2520 N. Charles St., Baltimore, Maryland, Tel. 301-243-6971.

I've written letters to them telling them to discontinue the magazines. But they said they can't.

Please help me sir. Tell me what to do. To pay or to forget it. I'm in a terrible nervous state and I need that money for Dr. bills and etc. They even asked me where my husband works.

——— ———.

Phillipsburg, N.J.

[From the Easton (Pa.) Express, Jan. 24, 1969]

INQUIRY IS ORDERED IN PENNSYLVANIA INTO MAGAZINE SALES FRAUD

HARRISBURG.—Atty. Gen. William C. Sennett of Pennsylvania today ordered an investigation with a view to prosecuting those who had secured magazine subscriptions in this state by misrepresentation, trickery and fraud. Some of the gullible ones were tricked into signing contracts for as much as $180 worth of subscriptions by assurances that the signature was simply an agreement to pay 39 cents a month for "handling charges."

The attorney general assigned two deputy attorneys general, Richard Goldberg and Ben Kirk to prepare a report for use in court based on the documentary evidence supplied the state, at its request, by Action! Express.

The announcement that the investigation had been launched followed a conference between Sennett and Mrs. Virginia H. Knauer, director of the Pennsylvania Bureau of Consumer Protection at which a study was made by the Action! Express material.

Mrs. Knauer told Action! Express, "The attorney general feels that there is more than sufficient evidence to warrant prosecution. His attitude is that Pennsylvania intends to use every resource in its power to put a stop to this sort of misrepresentation, trickery and fraud practiced on its citizens. And the attorney general wants you to know that we are all grateful to Action! Express for bringing this to our attention."

Meantime Deputy Atty. Gen. Paul Krebs, of New Jersey's Bureau of Consumer Frauds, had investigators in the Phillipsburg area interviewing Jersey citizens who had been victimized by the magazine racket salesmen, to collect testimony for a scheduled appearance in court for an injunction to end such activities in New Jersey.

[From the Stoughton (Mass.) Chronicle, Aug. 22, 1968]

CONSUMER NEWS FROM ATTORNEY GENERAL ELLIOT RICHARDSON

Magazines are sold in many fraudulent ways. Last week I discussed the "boiler-room" operations wherein telephone solicitors offer prizes of "free" magazines—prizes which end up costing a great deal of money. But there are also varieties of deception in which a salesman comes to your door and deceives you right before your eyes.

One of the oldest of these schemes—and one which victimizes an untold number of persons—involves the line, "I'm working my way through college." Don't be taken in by it. Many of these "students" earn more than $200 per week and go to a college campus only to sell more magazines.

Just as fraudulent is the salesman who tells you he's working on a point system and will win a college scholarship if he earns enough points. The only points he's earning count not toward his education but toward a company bonus.

As consumers become more sophisticated, so do the schemes used to separate them from their money. In one new scheme, a magazine salesman begins by asking his prospective customer if he's interested in civil rights. If the customer says he is—and most do—then the salesman is quick to tell him a unique way in which he can help the civil rights movement—by buying magazines.

If the customer buys his magazines, the salesman says, the proceeds go to a scholarship fund for young Negro men and women or a subscription is sent in the customer's name to a Negro university.

But no such scholarship fund exists. And a Negro university has yet to benefit from a customer's decision to buy magazines. The civil rights movement isn't the only cause or organization used by unscrupulous magazine salesmen. The names of Father Flanagan's Boys Town, the Kennedy Youth Opportunity Program and the Chelsea Soldiers' Home have also been used and used successfully.

There are three questions which I urge you to ask yourself when you are approached to buy magazines:

1. Do you really want or need the magazines? Remember, the cost may run to $90 or more.

2. Is the person at your door a real salesman for an existing company? Insist upon identification and check with the local police or Better Business Bureau if you are doubtful.

3. Will your purchase really benefit anyone but the salesman and his company? A call to your local Better Business Bureau or the headquarters of the organization the salesman claims to represent may save you both money and trouble.

Next week, I will discuss how the purchase of a swimming pool can cool you off in the summer, but give you a financial headache in the fall. Meanwhile, if you have a consumer problem, write to Attorney General Elliot Richardson, Consumer Protection Division, State House, Boston, Mass. 02133.

[From the Minneapolis (Minn.) Star, Jan. 9, 1969]

DISTRIBUTORS AGREE TO POLICE SALESMEN

Five magazine distributing companies, all subsidiaries of Cowles Communications Inc., have agreed not to use certain deceptive and misleading sales and collection practices, Atty. Gen. Douglas M. Head said Wednesday.

The five are Mutual Readers League Inc., Civic Reading Club Inc., Home Reference Library Inc., Home Reader Service Inc., and Educational Book Club Inc., all with headquarters in Des Moines, Iowa.

(Gardner Cowles, chairman of Cowles Communications, Inc., is an uncle of John Cowles Jr., president of the Minneapolis Star and Tribune Company; but there is no corporate connection between the two companies.)

Head said his consumer protection unit has received many complaints on magazine sales practices and he would try voluntary policing on a trial basis. He left open the possibility of court action if the system doesn't work.

He said the companies have agreed to tell their salesmen not to:

Falsely represent that the buyer will receive something for nothing.

Attempt to evoke sympathy of faking illness or handicap.

Misrepresent the terms of the subscription contracts.

Say that a subscription will cost more if purchased directly from the publisher.

Misrepresent to a customer that the document he is signing is not a contract.

Threaten to garnishee wages, send letters implying that they are court or governmental orders, falsely threaten court action or demand improper "late charges" to collect subscription fees.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FRELINGHUYSEN (at the request of Mr. GERALD R. FORD), for the week of March 3, on account of official business.

Mr. BROOMFIELD (at the request of Mr. GERALD R. FORD), for the week of March 3, on account of official business.

Mr. BETTS (at the request of Mr. GERALD R. FORD), for the week of March 3, on account of official business.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. HALPERN (at the request of Mr. BROTZMAN), for 5 minutes, today; to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. ANDERSON of California) and to revise and extend their remarks and include extraneous matter:)

Mr. FARBSTEIN, for 15 minutes, today.

Mr. REUSS, for 15 minutes, today.

Mr. ROONEY of Pennsylvania, for 15 minutes, today.

## EXTENSIONS OF REMARKS

By unanimous consent, permission to extend remarks was granted to:

Mr. EDMONDSON in two instances.

Mr. TALCOTT and to include extraneous matter.

Mr. HALL and to include extraneous matter.

Mr. RANDALL.

(The following Members (at the request of Mr. BROTZMAN) and to include extraneous matter:)

Mr. BURKE of Florida in four instances.

Mr. HOGAN.

Mr. FULTON of Pennsylvania in five instances.

Mr. KUYKENDALL.

Mr. SCHERLE.

Mr. CONTE.

Mr. SNYDER.

Mr. BOB WILSON.

Mr. HARVEY.

Mr. RIEGLE.

Mr. COLLIER in two instances.

Mr. GROSS.

Mr. HOSMER.

Mr. BROCK.

Mr. WATSON.

Mr. WHALLEY.

Mr. POLLOCK.

(The following Members (at the request of Mr. ANDERSON of California) and to include extraneous matter:)

Mr. ROONEY of Pennsylvania in five instances.

Mr. BINGHAM.

Mr. BIAGGI.

Mr. LONG of Maryland in three instances.

Mr. GREEN of Pennsylvania in four instances.

Mr. GONZALEZ in three instances.
Mr. ABBITT.
Mr. DELANEY in two instances.
Mr. RIVERS.
Mr. EILBERG.
Mr. RARICK in four instances.
Mr. MOORHEAD in two instances.
Mr. FULTON of Tennessee.
Mr. ECKHARDT.

## SENATE BILL AND CONCURRENT RESOLUTION REFERRED

A bill and concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1022. An act to provide that future appointments to the office of Administrator of the Social and Rehabilitation Service, within the Department of Health, Education, and Welfare, and to certain subordinate offices, be made by the President, by and with the advice and consent of the Senate; to the Committee on Ways and Means.

S. Con. Res. 5. Concurrent resolution to print additional copies of hearings on the nomination of Walter J. Hickel to be Secretary of the Interior; to the Committee on House Administration.

## ADJOURNMENT

Mr. ANDERSON of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 30 minutes p.m.), the House adjourned until tomorrow, Thursday, March 6, 1969, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

561. A letter from the Comptroller General of the United States, transmitting a report on practices followed in adjusting Federal grants awarded for construction of academic facilities, Office of Education, Department of Health, Education, and Welfare; to the Committee on Government Operations.

562. A letter from the Under Secretary of the Interior, transmitting the seventh annual report on operations under the act of October 3, 1961, to stabilize the mining of lead and zinc by small producers on public, Indian, and other lands, pursuant to the provisions of section 8 of that act; to the Committee on Interior and Insular Affairs.

563. A letter from the Postmaster General transmitting a draft of proposed legislation to provide that appointments and promotions in the Post Office Department and postal field service be made on the basis of merit and fitness; to the Committee on Post Office and Civil Service.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 or rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. STAGGERS (for himself and Mr. SPRINGER):

H.R. 8261. A bill to amend the Federal Aviation Act of 1958, as amended, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ASHLEY:

H.R. 8262. A bill to establish a National Economic Conversion Commission, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ASHLEY (for himself, Mr. BETTS, Mr. MICHEL, Mr. ROSENTHAL, and Mr. ZABLOCKI):

H.R. 8263. A bill to amend the Federal Water Pollution Control Act, as amended, relating to cooperation by other Federal departments and agencies to control pollution, and for other purposes; to the Committee on Public Works.

By Mr. BENNETT:

H.R. 8264. A bill to amend the Internal Revenue Code of 1954 to permit individuals receiving civil service retirement annuities to elect to have income tax deducted and withheld from their annuity payments; to the Committee on Ways and Means.

By Mr. BRAY:

H.R. 8265. A bill to change the definition of ammunition for purposes of chapter 44 of title 18 of the United States Code; to the Committee on the Judiciary.

By Mr. BROWN of Michigan (by request):

H.R. 8266. A bill to permit the establishment and operation of certain branch offices by the Michigan National Bank, Lansing, Mich.; to the Commmittee on Banking and Currency.

By Mr. BROWN of Michigan:

H.R. 8267. A bill to amend the Internal Revenue Code of 1954 to increase the deductions allowable for expenses of medical care of persons over age 65; to the Committee on Ways and Means.

By Mr. BURKE of Florida:

H.R. 8268. A bill to amend the Public Health Service Act to provide special assistance for the improvement of laboratory animal research facilities, to establish standards for the humane care, handling, and treatment of laboratory animals in departments, agencies, and instrumentalities of the United States and by recipients of grants, awards, and contracts from the United States, to encourage the study and improvement of the care, handling, and treatment and the development of methods for minimizing pain and discomfort of laboratory animals used in biomedical activities, and to otherwise assure humane care, handling, and treatment of laboratory animals, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 8269. A bill to amend chapter 83, title 5, United States Code, to eliminate the reduction in the annuities of employees or Members who elected reduced annuities in order to provide a survivor annuity if predeceased by the person named as survivor and permit a retired employee or Member to designate a new spouse as survivor if predeceased by the person named as survivor at the time of retirement; to the committee on Post Office and Civil Service.

H.R. 8270. A bill to provide increased annuities under the Civil Service Retirement Act; to the Committee on Post Office and Civil Service.

H.R. 8271. A bill to provide for a national cemetery in the area of Broward County or Dade County, Fla.; to the Committee on Veterans' Affairs.

H.R. 8272. A bill to amend title XVIII of the Social Security Act to remove the present limit on the number of days for which benefits may be paid thereunder to an individual on account of posthospital extended-care services; to the Committee on Ways and Means.

H.R. 8273. A bill to amend title 38 of the United States Code to provide that travel allowances paid to veterans traveling to and from Veterans' Administration facilities shall in no event be less than those paid to employees of the Federal Government traveling on official business; to the Committee on Veterans' Affairs.

By Mr. COLLIER:

H.R. 8274. A bill to amend the Internal Revenue Code of 1954 to allow a deduction to a taxpayer who is a student at a college for certain expenses incurred in obtaining a higher education; to the Committee on Ways and Means.

By Mr. CORMAN:

H.R. 8275. A bill to amend the Federal Hazardous Substances Act to protect children from toys or other articles intended for use by children which present any electrical, mechanical, or thermal hazard; to the Committee on Interstate and Foreign Commerce.

By Mr. DELANEY:

H.R. 8276. A bill to amend the Internal Revenue Code of 1954 to allow a deduction against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mr. DONOHUE:

H.R. 8277. A bill to amend the Federal Hazardous Substances Act to protect children from toys or other articles intended for use by children which present any electrical, mechanical, or thermal hazard; to the Committee on Interstate and Foreign Commerce.

By Mr. DUNCAN:

H.R. 8278. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. EDMONDSON:

H.R. 8279. A bill to provide an equitable system for fixing and adjusting the rates of compensation of wage board employees; to the Committee on Post Office and Civil Service.

By Mr. FARBSTEIN:

H.R. 8280. A bill to amend title II of the Social Security Act to permit payment of interest on certain delayed payments of benefits and assessment of interest against certain unrefunded overpayments; to the Committee on Ways and Means.

H.R. 8281. A bill to amend title XVIII of the Social Security Act to permit payment thereunder, in the case of an individual otherwise eligible for home health services of the type which may be provided away from his home, for the costs of transportation to and from the place where such services are provided; to the Committee on Ways and Means.

H.R. 8282. A bill to amend title II of the Social Security Act to increase monthly benefits (with subsequent cost-of-living increases), to provide higher widow's and widower's benefits, and to increase the amount of earnings counted for benefit and tax purposes; to the Committee on Ways and Means.

H.R. 8283. A bill to amend titles IV and XIX of the Social Security Act to eliminate certain restrictions and limitations on programs of aid to families with dependent children and medical assistance; to the Committee on Ways and Means.

By Mr. WILLIAM D. FORD:

H.R. 8284. A bill to amend the Federal Aviation Act of 1958 to authorize reduced-rate transportation for certain additional persons on a space-available basis; to the Committee on Interstate and Foreign Commerce.

By Mr. FULTON of Tennessee:

H.R. 8285. A bill to amend title II of the Social Security Act to increase from $1,680 to $3,000 the amount of outside earnings permitted each year without deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. FUQUA:

H.R. 8286. A bill to provide for a survey by the Secretary of the Army of Black Creek, Fla., for flood control and related purposes; to the Committee on Public Works.

By Mr. GONZALEZ:

H.R. 8287. A bill to carry out the recommendations of the Joint Commission on the Coinage; to the Committee on Banking and Currency.

By Mr. HALPERN:

H.R. 8288. A bill to amend the Internal Revenue Code of 1954 to increase from $600 to $1,200 the personal income tax exemptions

of a taxpayer (including the exemption for a spouse, the exemptions for a dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

By Mr. HOLIFIELD (for himself and Mr. PRICE of Illinois):

H.R. 8289. A bill to amend the Atomic Energy Act of 1954, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

By Mr. HOSMER:

H.R. 8290. A bill to permit retired personnel of the Armed Forces to receive benefits under chapter 81 of title 5, United States Code, relating to compensation of Federal employees for work injuries; to the Committee on Education and Labor.

H.R. 8291. A bill to exclude from income certain reimbursed moving expenses; to the Committee on Ways and Means.

By Mr. JACOBS:

H.R. 8292. A bill to provide for the issuance of a special postage stamp in honor of the late Dr. Martin Luther King, Jr.; to the Committee on Post Office and Civil Service.

By Mr. KASTENMEIER:

H.R. 8293. A bill to amend title XV of the Social Security Act with respect to the assignment of wages for purposes of unemployment compensation for Federal employees; to the Committee on Ways and Means.

H.R. 8294. A bill to repeal section 1511(f) of the Social Security Act so that in determining eligibility of ex-servicemen for unemployment compensation their terminal leave shall be treated in accordance with State laws; to the Committee on Ways and Means.

By Mr. KING:

H.R. 8295. A bill to amend the Tariff Schedules of the United States with respect to the rate of duty on paper industries machinery; to the Committee on Ways and Means.

H.R. 8296. A bill to provide for the orderly marketing of articles imported into the United States, to establish a flexible basis for the adjustment by the U.S. economy to expanded trade, and to afford foreign supplying nations a fair share of the growth or change in the U.S. market; to the Committee on Ways and Means.

By Mr. KLUCZYNSKI:

H.R. 8297. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. KUYKENDALL:

H.R. 8298. A bill to amend section 303(b) of the Interstate Commerce Act to modernize certain restrictions upon the application and scope of the exemption provided therein; to the Committee on Interstate and Foreign Commerce.

By Mr. McDADE:

H.R. 8299. A bill to amend title 38 of the United States Code so as to provide that monthly social security benefit payments and annuity and pension payments under the Railroad Retirement Act of 1937 shall not be included as income for the purpose of determining eligibility for a veteran's or widow's pension; to the Committee on Veterans' Affairs.

By Mr. MIKVA:

H.R. 8300. A bill to amend the Military Selective Service Act of 1967 in order to provide a more equitable system of selecting persons for induction into the Armed Forces under such act, to improve the administration of such act, to authorize a study of the alternatives to the method of providing personnel for the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. MIZELL:

H.R. 8301. A bill to establish the Commission for the Improvement of Government Management and Organization; to the Committee on Government Operations.

By Mr. MOSS (for himself and Mr. BROWN of California):

H.R. 8302. A bill to amend the Federal Hazardous Substances Act to protect children from toys and other articles intended for use by children which are hazardous due to the presence of electrical, mechanical, or thermal hazards, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MOSS (for himself, Mr. WILLIAM D. FORD, Mr. HALPERN, Mr. CABELL, Mr. FISH, and Mr. KOCH):

H.R. 8303. A bill to amend the Federal Cigarette Labeling and Advertising Act with respect to the labeling of packages of cigarettes, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER:

H.R. 8304. A bill to amend the Older Americans Act of 1965 to provide for a National Community Senior Service Corps; to the Committee on Education and Labor.

By Mr. PODELL:

H.R. 8305. A bill to establish a National Commission on State Workmen's Compensation Laws to undertake a comprehensive study and evaluation of State workmen's compensation laws, and for other purposes; to the Committee on Education and Labor.

H.R. 8306. A bill to establish a National Commission on Libraries and Informative Science; to the Committee on Education and Labor.

H.R. 8307. A bill to amend title II of the Social Security Act so as to provide that the definition of the term "disability," as employed therein, shall be the same as that in effect prior to the enactment of the Social Security Amendments of 1967; to the Committee on Ways and Means.

By Mr. POLLOCK:

H.R. 8308. A bill to amend the Alaskan Statehood Act, Public Law 85-508, July 7, 1958, 72 Stat. 339, to provide for additional time for the State of Alaska to select public lands; to the Committee on Interior and Insular Affairs.

By Mr. PUCINSKI:

H.R. 8309. A bill to amend title 38, United States Code, to provide for the payment of pensions to veterans of World War I; to the Committee on Veterans' Affairs.

By Mr. QUILLEN:

H.R. 8310. A bill to exempt from the antitrust laws certain joint newspaper operating arrangements; to the Committee on the Judiciary.

H.R. 8311. A bill to amend the Internal Revenue Code of 1954 to increase from $600 to $1,200 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemptions for a dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

By Mr. RANDALL:

H.R. 8312. A bill to amend title 13, United States Code, to limit the categories of questions required to be answered under penalty of law in the decennial censuses of population, unemployment, and housing, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 8313. A bill to expedite the interstate planning and coordination of a continuous Lewis and Clark Trail Highway; to the Committee on Public Works.

By Mr. REUSS (for himself, Mr. BRADEMAS, and Mr. HECHLER of West Virginia):

H.R. 8314. A bill to encourage the involvement of youth in federally financed programs and projects; to the Committee on Education and Labor.

By Mr. RHODES:

H.R. 8315. A bill to amend chapter 61 of title 18, United States Code, relating to lotteries to exempt deer-hunting contests; to the Committee on the Judiciary.

By Mr. RIEGLE (for himself, Mr. ASHLEY, Mr. BINGHAM, Mr. BROWN of Michigan, Mr. BUCHANAN, Mr. BYRNE of Pennsylvania, Mr. COLLINS, Mr. CRAMER, Mr. EDWARDS of California, Mr. FRIEDEL, Mr. GONZALEZ, Mr. HALPERN, Mr. HICKS, Mr. HORTON, Mr. HOSMER, Mr. HOWARD, Mr. HUNGATE, Mr. KLUCZYNSKI, Mr. LEGGETT, and Mr. McCLOSKEY):

H.R. 8316. A bill to amend chapter 55 of title 10 of the United States Code to extend to mentally retarded or physically handicapped dependents of certain members and former members of the uniformed services the special care now provided to similarly afflicted dependents of members on active duty; to the Committee on Armed Services.

By Mr. RIEGLE (for himself, Mr. McCLURE, Mr. McKNEALLY, Mr. MIKVA, Mr. OTTINGER, Mr. PODELL, Mr. POLLOCK, Mr. QUIE, Mr. RAILSBACK, Mr. ROSENTHAL, Mr. ROTH, Mr. STOKES, Mr. TAFT, Mr. WHALEN, Mr. WHITEHURST, and Mr. BOB WILSON):

H.R. 8317. A bill to amend chapter 55 of title 10 of the United States Code to extend to mentally retarded or physically handicapped dependents of certain members and former members of the uniformed services the special care now provided to similarly afflicted dependents of members on active duty; to the Committee on Armed Services.

By Mr. ROSTENKOWSKI:

H.R. 8318. A bill to amend the Internal Revenue Code of 1954 to permit a taxpayer who rents his home or apartment to deduct all or part of his rent payments; to the Committee on Ways and Means.

By Mr. ST. ONGE:

H.R. 8319. A bill to amend the Internal Revenue Code of 1954 to extend the head of household benefits to all unremarried widows and widowers and to all individuals who have attained age 35 and who have never been married or who have been separated or divorced for 3 years or more; to the Committee on Ways and Means.

H.R. 8320. A bill to establish a Small Tax Division within the Tax Court of the United States; to the Committee on Ways and Means.

By Mr. SIKES:

H.R. 8321. A bill to change the definition of ammunition for purposes of chapter 44 of title 18 of the United States Code; to the Committee on the Judiciary.

By Mr. STAGGERS:

H.R. 8322. A bill to amend the Federal Aviation Act of 1958 to make it unlawful for any person not an air carrier to acquire control of an air carrier unless the Civil Aeronautics Board determines that such person is engaged primarily in the business of transportation or a related business; to the Committee on Interstate and Foreign Commerce.

H.R. 8323. A bill to amend the Federal Aviation Act of 1958 to make it unlawful for any person to acquire control of an air carrier without the approval of the Civil Aeronautics Board, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ZWACH:

H.R. 8324. A bill to assure the purity and quality of all imported dairy products for the purpose of promoting the dairy industry and protecting the public health; to the Committee on Agriculture.

By Mr. BIAGGI:

H.R. 8325. A bill to provide for the issuance of a special postage stamp as a tribute to the effective services of homing pigeons for the Armed Forces of the United States in World War I, World War II, and the Korean conflict; to the Committee on Post Office and Civil Service.

By Mr. DENT:

H.R. 8326. A bill to provide that household appliances be conspicuously marked to show the foreign country of origin, and for other purposes; to the Committee on Ways and Means.

By Mr. GARMATZ:

H.R. 8327. A bill to increase the amount authorized for the acquisition of land in Maryland under the Endangered Species Preservation Act of October 15, 1966; to the Committee on Merchant Marine and Fisheries.

By Mr. KEITH (for himself, Mr. BROOKS, Mr. CLARK, Mr. ST. ONGE, Mr. POLLOCK, Mr. MORTON, and Mr. LEGGETT):

H.R. 8328. A bill to amend the Maritime Academy Act of 1958 to require repayment of amounts paid for the training of merchant marine officers who do not serve in the merchant marine or Armed Forces; to the Committee on Merchant Marine and Fisheries.

By Mr. JACOBS:

H.J. Res. 521. Joint resolution authorizing the President to proclaim annually the week including February 14 (the birthday of Frederick Douglass) as "Afro-American History Week"; to the Committee on the Judiciary.

By Mr. PEPPER:

H.J. Res. 522. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. BROWN of California (for himself, Mr. BUTTON, Mr. CONYERS, Mr. DADDARIO, Mr. GONZALEZ, Mr. HAWKINS, Mr. KASTENMEIER, Mr. LEGGETT, Mr. VAN DEERLIN, Mr. YATRON, and Mrs. CHISHOLM):

H. Con. Res. 156. Concurrent resolution on the arms race in the Middle East; to the Committee on Foreign Affairs.

By Mr. BROWN of California (for himself, Mr. BUTTON, Mr. CONYERS, Mr. DADDARIO, Mr. GONZALEZ, Mr. HAWKINS, Mr. KASTENMEIER, Mr. LEGGETT, Mr. YATRON, and Mrs. CHISHOLM):

H. Con. Res. 157. Concurrent resolution on a Commission for Economic Development of the Middle East; to the Committee on Foreign Affairs.

By Mr. CELLER:

H. Con. Res. 158. Concurrent resolution recognizing the 26th anniversary of the Warsaw ghetto uprising; to the Committee on Foreign Affairs.

By Mr. BINGHAM:

H. Res. 296. Resolution to abolish the Committee on Internal Security and enlarge the jurisdiction of the Committee on the Judiciary; to the Committee on Rules.

By Mr. HELSTOSKI:

H. Res. 297. Resolution to abolish the Committee on Internal Security and enlarge the jurisdiction of the Committee on the Judiciary; to the Committee on Rules.

By Mr. PODELL:

H. Res. 298. Resolution to abolish the Committee on Internal Security; to the Committee on Rules.

## PRIVATE BILLS AND RESOLUTIONS

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

By Mr. ADDABBO:

H.R. 8329. A bill for the relief of Francesco Davi; to the Committee on the Judiciary.

H.R. 8330. A bill for the relief of Francesco Gammauta; to the Committee on the Judiciary.

H.R. 8331. A bill for the relief of Santo Gammauta; to the Committee on the Judiciary.

By Mr. BRASCO:

H.R. 8332. A bill for the relief of Mrs. Calogera Carollo and Raffaela Carollo; to the Committee on the Judiciary.

H.R. 8333. A bill for the relief of Giacomo Mangano; to the Committee on the Judiciary.

H.R. 8334. A bill for the relief of Carlo Randazzo; to the Committee on the Judiciary.

H.R. 8335. A bill for the relief of Giuseppe and Grazia Semeraro; to the Committee on the Judiciary.

H.R. 8336. A bill for the relief of Giuseppe Vallone, and his wife, Carmela, and their children, Rosaria, Maria, and Salvador; to the Committee on the Judiciary.

By Mr. BURKE of Florida:

H.R. 8337. A bill to authorize and direct the Secretary of the Treasury to cause the vessel *Moby Dick II*, owned by Richard R. Campbell, of Hollywood, Fla., to be documented as a vessel of the United States with coastwise privileges; to the Committee on Merchant Marine and Fisheries.

By Mr. CAREY:

H.R. 8338. A bill for the relief of Thelma Enriquez; to the Committee on the Judiciary.

H.R. 8339. A bill for the relief of Mrs. Moh Cheng Yuen Yuan; to the Committee on the Judiciary.

By Mrs. CHISHOLM:

H.R. 8340. A bill for the relief of Martin Foster; to the Committee on the Judiciary.

By Mr. CORDOVA:

H.R. 8341. A bill for the relief of Dr. Francisco Dominguez Lopez; to the Committee on the Judiciary.

By Mr. DELANEY (by request):

H.R. 8342. A bill for the relief of Marie Therese Le Gallou Clerambault; to the Committee on the Judiciary.

H.R. 8343. A bill for the relief of Mario Ocampo-Ramirez; to the Committee on the Judiciary.

H.R. 8344. A bill for the relief of Victor del Rosario, Cynthia del Rosario, and Vernon del Rosario; to the Committee on the Judiciary.

By Mr. FALLON:

H.R. 8345. A bill for the relief of Ancia Machan Apostol; to the Committee on the Judiciary.

H.R. 8346. A bill for the relief of Carlota de Veyra; to the Committee on the Judiciary.

H.R. 8347. A bill for the relief of Nilda R. de Castro; to the Committee on the Judiciary.

H.R. 8348. A bill for the relief of Erlinda R. Manzano; to the Committee on the Judiciary.

By Mr. HELSTOSKI (by request):

H.R. 8349. A bill for the relief of Antonio Calascibetta; to the Committee on the Judiciary.

H.R. 8350. A bill for the relief of Abdel Qader Shihadeh; to the Committee on the Judiciary.

By Mr. McCLOSKEY:

H.R. 8351. A bill for the relief of Edith C. H. Yang and three children, Julia Chen, Dorothy Chen, and Samuel Chen; to the Committee on the Judiciary.

By Mr. McKNEALLY:

H.R. 8352. A bill for the relief of Helene Blihart; to the Committee on the Judiciary.

H.R. 8353. A bill for the relief of Alfredo Federico Pizzi, Lidia Palmira Pizzi, and Lawrence Pizzi; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts:

H.R. 8354. A bill for the relief of Joao Crespo; to the Committee on the Judiciary.

H.R. 8355. A bill for the relief of Rita Maria da Silva Costa Bettencourt and her minor children, Victor Manuel Costa Bettencourt da Silva and Mario Costa Bettencourt da Silva; to the Committee on the Judiciary.

H.R. 8356. A bill for the relief of Mario DeNicola; to the Committee on the Judiciary.

By Mr. PEPPER:

H.R. 8357. A bill for the relief of Federal Food Service, Inc., and Ira Gelber Food Service, Inc.; to the Committee on the Judiciary.

H.R. 8358. A bill for the relief of Jeptha P. Marchant and Joseph A. Perkins; to the Committee on the Judiciary.

By Mr. RHODES:

H.R. 8359. A bill for the relief of Sein Lin; to the Committee on the Judiciary.

By Mr. WIGGINS:

H.R. 8360. A bill for the relief of Roland S. Uyboco; to the Committee on the Judiciary.

## PETITIONS, ETC.

Under clause 1 of rule XXII,

72. The SPEAKER presented a petition of Josef Theissig, Eicherscheid, Germany, relative to redress of grievances, which was referred to the Committee on the Judiciary.

# EXTENSIONS OF REMARKS

## NOW IS THE TIME FOR ALL GOOD CITIZENS TO COME TO THE AID OF THEIR COUNTRY

### HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 5, 1969*

Mr. LONG of Maryland. Mr. Speaker, on November 7, 1968, Mr. James E. Merna, Maryland State commandant of the Marine Corps League, was the guest speaker at the 52d semiannual meeting of the Prince Georges County Federation of Women's Clubs in Cheverly, Md. Under unanimous consent I submit Mr. Merna's most interesting address, and an article describing it, for inclusion in the RECORD, as follows:

MARINE LEAGUE OFFICIAL URGES MORE PATRIOTISM

James E. Merna, Maryland state commandant of the Marine Corps League, told the Prince Georges County Federation of Women's Clubs last Thursday that "Now, more than ever before, is the time for all good citizens to come to the aid of their country."

Merna said that "never before in the long history of our great nation has it been more important for Americans to stand up and be counted—for us to stand as firm at home as we expect our men in uniform to stand abroad."

Merna cited as "disturbing" the problems of "rampant crime, violence in the streets, frequent burning of the American flag and draft cards, open espousal of our enemies, vile contempt for our leaders and anarchistic attacks on all our institutions."

These are not "simply problems that we read about in the papers or watch on television," Merna said. He cited instances of draft record burning and disrespect for the American flag in nearby counties.

Merna had sharp criticism for the "New Left movement" at the University of Maryland and for its major organization, Students for a Democratic Society (SDS).

"While relatively new, already SDS has done much to tension on the campus," Merna stated. He mentioned instances where SDS members interfered with military recruiters, sponsored student strikes and stirred up student dissatisfaction with the university faculty.

On the credit side, Merna lauded Prince Georges County's outstanding veterans, such as Marine Capt. James A. Graham of Forestville, who was recently posthumously awarded the Congressional Medal of Honor; the 61 county residents killed in Vietnam; State Sen. Edward T. Conroy of Bowie, who lost a limb and won the Silver Star in Korea; and Butch Joeckel of Colmar Manor, who lost

both legs in Vietnam and came back to make a "remarkable recovery and adjustment."

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NOW, MORE THAN EVER BEFORE, IS THE TIME FOR ALL GOOD CITIZENS TO COME TO THE AID OF THEIR COUNTRY

(Remarks of James E. Merna, Maryland State Commandant of the Marine Corps League before the Prince Georges County Federation of Women's Clubs, Cheverly, Md., November 7, 1968)

Mrs. Harns, Mrs. Volberg, Monsignor Brown, and distinguished ladies. Thank you for inviting me, a fellow resident of Prince Georges County, to speak to you today at your Fifty-second Semi-Annual Meeting.

In just a short four days from today, on Monday, November 11th, our Nation will pause to celebrate a special day known as Veterans Day. You may remember when it was more popularly known as Armistice Day. It was at 11 o'clock on the 11th day of the 11th month, exactly 50 years ago on November 11, 1918, that the order was given which silenced the artillery fire that had shattered Europe for 4 years. It marked the end of history's first World War, a war that cost this Nation not only millions of dollars to finance but 116,516 American lives.

With each passing decade and each new war, November 11th became a day to honor all veterans of all wars. So Congress, in 1954, designated the 11th of November as a legal holiday to be known as Veterans Day, broadened to cover all wars and dedicated to the cause of world peace.

Last month, President Johnson issued an Executive Proclamation urging the people of the United States to join in commemorating Monday, November 11, 1968 as Veterans Day with suitable observances. He requested the officials of Federal, State, and local governments, and civic and patriotic organizations, to give their enthusiastic leadership and support to appropriate public ceremonies throughout the Nation. He further asked that all citizens of every age take part in these observances to honor those whose unqualified loyalty and patriotism have preserved our freedom.

Let me simply say, with great pride, that the Prince Georges County Federation of Womens Clubs, by the graciousness of its invitation permitting a veteran to appear with you today, is a great honor not only for me personally, but for the veterans organization that I represent—the Marine Corps League. More importantly, it is even a greater honor that you bestow today upon each of the 26 million living veterans in the United States. More than ½ million of these veterans live in Maryland—80,000 of these former defenders of our great Nation live in Prince Georges County alone. *By honoring one you honor them all.*

We would be remiss and narrow in perspective and vision, however, if we were to limit the commemoration of Veterans Day only to those veterans who have fought so valiantly in *past* wars to preserve America's democracy.

In view of the present situation with our commitment in Vietnam, I would like to suggest an equally important purpose or reason for our commemoration of Veterans Day—and that is, to remember, honor, and fully support all of our American servicemen who have fought and died, and who are still fighting to preserve democracy and to contain Communism in the jungles, rice paddies, cities, and villages of Vietnam.

The war in Vietnam has directly or indirectly affected each and every one of us, in one way or another. Many of you undoubtedly have sons, husbands, or other close relatives or friends who have served or are now gallantly serving in that beleaguered country that seems so far away to us. Yet, the fight for freedom and liberty in Southeast Asia today has come too tragically close to home to the families of the 29,034 American servicemen killed in Vietnam to date. 533 of these American heroes were from Maryland. Sixty-one of them were our friends and neighbors from Prince Georges County.

Never before in the long history of our great Nation has it been more important for Americans to stand up and be counted—for us to stand as firm at home as we expect our men in uniform to stand abroad. We look about us and see so much that is disturbing—rampant crime, violence in the streets, frequent burning of the American flag and draft cards, open espousal of our enemies, vile contempt for our leaders, and anarchistic attacks on all our institutions.

These are not simply problems that we read about in the papers or watch on television as something occurring in a distant state or far-away city that doesn't affect or concern us. To prove the point, I would like to cite three recent examples of unpatriotic activities which have occurred right here in Maryland, disturbing instances which threaten to destroy the very fabric of our American Way of Life as we revere it, unless right thinking Marylanders and Americans concern themselves with the problems and take positive measures to correct.

In Carroll County one recent afternoon, a woman walked past a Post Office where a postal employee was lowering the American flag. As he did so, he conversed with a friend, and, the flag unnoticed, dragged in folds on a dirty sidewalk. The woman told the postal clerk he should show more respect for the Stars and Stripes. Both men laughed at her—and the postman said, "What the hell, I don't do this out of respect. They tell me to take it down. They don't say I had to respect it."

A Catholic activist group calling themselves the *Catonsville Nine,* including two priests and three former Maryknoll missionaries, were indicted for burning Selective Service records May 17th in a parking lot outside the Catonsville draft office. "The Government did not prosecute these defendants because of their particular social, political or moral views . . . or because of their feelings about U.S. involvement in Viet Nam," the U.S. trial attorney told the jury. To the contrary, he argued that the only issue in the case was "whether the nine were guilty of damaging Government property, interfering with the Selective Service, and destroying Selective Service records—as charged in the indictment."

What do you think the nine defendants had to say about their actions for which they were brought to trial? "They're proud of it," remarked their defense attorney. "They think it's one of the shining moments of their own personal lives," he added.

Last month the Catonsville Nine were found guilty by the jury as charged.

The emergence of the New Left Movement on the campus of the University of Maryland in College Park.

Basically a college student group, the New Left draws its supporters from a motley variety, including beatniks, hippies, disenchanted individuals, young faculty members and some "overage" students still on the campus. The movement is held together by a bitter hatred of what is called the "Establishment," that is, the institutions of democratic society. This hatred is reflected by intense opposition to the war in Vietnam, the draft, the ROTC, military recruiting on the campus, and the participation by universities in military research. J. Edgar Hoover, Director of the Federal Bureau of Investigation, describes this New Leftist philosophy as "anarchistic and nihilist."

At the core of the New Left movement is an organization known as the Students for a Democratic Society (SDS). Mr. Hoover has alerted the American public to the fact that this group is highly militant and has been chiefly responsible for the New Left's move from a position of "passive dissent" to one of "active resistance." The SDS has been the striking arm of student rebellions, such as at Columbia University in New York City, where violence erupted, including the kidnaping of academic personnel, the seizure of buildings, and the destruction of property. Gus Hall, General Secretary, Communist Party, USA, has been quoted by the F.B.I. as describing the SDS as one of the groups the Party "has going for us."

Well, Columbia University isn't the only campus where SDS has been active and destructive. SDS now has an active and growing chapter at your State University and my alma mater, the University of Maryland. The local chapter is reported to have more than 100 members who regularly attend meetings and several hundred sympathizers. While relatively new, already SDS has done much to contribute to tension on the campus. Last spring, SDS cohorts interfered vociferously and bodily with military recruiters at College Park, constantly strive to stir up student dissatisfaction and unrest with the faculty, administration, and other students and only two weeks ago publicly announced plans for a student strike to take place on Election Day to express student dissatisfaction at the "absence of alternatives among the presidential candidates." The Prince Georges Sentinel, October 24th edition, featured an article about SDS activities on the Maryland campus.

Yesterday's Washington Post reported an Election Day demonstration in Washington as one of a dozen conducted in major American cities by SDS. There was some violence as usual, demonstrators carrying Viet Cong flags in a rally at the Lincoln Memorial, and all three major Presidential candidates were hung from a goal post in effigy.

These three examples, I believe, offer an insight into some of the dangers confronting us today as responsible American citizens who take pride in our heritage, our institutions, and our Nation under God, as compared to those who would obliterate or overthrow these cherished values at any price. There are other examples of Un-American activities that I'm certain we can all recall—the likes of rabblerousers like H. Rap Brown who has been indicted by the State of Maryland on charges of arson and inciting to riot in Cambridge in July, 1967. He's presently free on bond. Protesting G.I.'s and some Army Reservists from Ft. Meade balking at being sent to Vietnam also come to mind.

I submit to you, dear ladies, that in all the instances cited, the perpetrators of these acts are far from typical or representative of the breed of Americans who have made our country the great Nation and world power that it is today.

Native Marylanders have long distinguished themselves on the field of battle each and every time their Nation called upon them for assistance. Maryland troops in the Revolutionary War saw service from the first skirmish in Boston to the surrender at Yorktown. Prince Georges County supplied its men and materials to General George Washington. Who can forget the bombardment and rout of the British at Fort McHenry during the War of 1812, where waved the Flag that inspired Francis Scott Key to write the Star Spangled Banner? The Battle of Antietam—one of the most bitter battles of the Civil War! The U.S. Admiral in command at Santiago during the Spanish American War when the Spanish fleet was destroyed was a Marylander. In World War I, approximately 75,000 Maryland citizens dutifully served their Nation under arms. Both the 29th and 79th Infantry Divisions fought with distinction in the Meuse-Argonne offensive of 1918. More than ¼ million Marylanders heeded their Nation's call to arms during World War II. The 29th Infantry Division again served with distinction in France during 1944 and 1945. It fought on the Omaha Beachhead in Normandy, and in the advance to the Elbe River. Korea was no exception. Many Marylanders came to the defense of South Korea when it was attacked by North

Korea in June, 1950. One of those staunch defenders was our own State Senator Edward T. Conroy from Bowie. He lost a limb and won the Silver Star in the process.

This brings us to the present and Viet Nam, where, as I mentioned earlier, so many Americans have served and are now serving in a determined effort to deter Communist aggression. Prince Georges County has had a number of its citizens who have distinguished themselves by valor on the battlefields of Viet Nam. Young men like Butch Joeckel from Colmar Manor, for example, who won the Bronze Star this year for heroism as a 20 year old Marine in Viet Nam. Butch was seriously wounded in action by a Viet Cong land mine, suffering the amputation of both legs above the knee. I am pleased to report to you today that Butch has had a remarkable recovery and adjustment, he's been released from the hospital, discharged from the service, got married two weeks ago, and is now back at work with his former employer, the Washington Suburban Sanitary Commission where he is now making a productive and meaningful contribution to society.

The Marine Corps League and the American Legion organized a Welcome Home Parade and Reception for Butch in his hometown on July 6th. Thousands of people turned out that day to express their heartfelt appreciation to this inspiring young man, and untold millions of Americans watched the day's proceedings over ABC national television. Butch has told me and shown me on a number of occasions the beneficial effect this community outburst of appreciation has had on his morale and resultant speedy recovery.

I mentioned to Butch that I would be speaking to the Prince Georges County Federation of Womens Clubs today, and he asked me to convey his best wishes to each and every one of you.

Let us not forget John Clements of Cheverly, another young Marine who earned 3 Purple Hearts in Viet Nam and sustained serious injuries. He is still not able to walk without the aid of a cane and faces additional operations.

How unfortunate it is indeed, that the world hears more about some of our raucous dissenters from the gutter than they do of our Butch Joeckel's and John Clements' who sacrificed so much at such terrible risk in the noble cause of freedom.

A week ago last Tuesday I was privileged to attend a ceremony at Marine Barracks at 8th and I in Washington at which the Nation's highest award, the Congressional Medal of Honor, was awarded to a resident of Prince Georges County, Marine Captain James A. Graham, of Forestville, Maryland. The award, a first in the history of the County, was made posthumously, because Captain Graham was killed when he refused to leave one of his seriously wounded men during a fierce enemy attack.

The Secretary of the Navy, in presenting the award in the name of the President of the United States, remarked of Captain Graham, "Although Captain Graham gave his life in battle, he shall continue to live in the minds and memories of his comrades as an inspirational example of courage, duty and sacrifice. For all who knew and loved him, the memory of James Graham will remain a source of pride and strength."

My dear Clubwomen, Captain Graham left us a legacy to foster and cherish—a shining example of unselfish love for his country and his fellow man. He also left behind something very personal and dear to him—a widow Janice, and two small children, son John 5 years old, and a 4 year old daughter, Jenifer. I talked to Mrs. Graham after the ceremony and extended an offer of assistance from the Marine Corps League. With a sense of great pride and much confidence in the future, Mrs. Graham replied, "I don't have half as many problems as I have offers of assistance." She impressed me as a woman who is every bit as brave as her husband was.

I submit to you that we must not forget the Graham family. I would like to suggest that your County Federation or individual Clubs might consider keeping a watchful eye on the Graham family as one of your Americanism projects, to be of assistance to them in any way possible. We owe it to them and can afford to do no less.

I can assure you of one thing, speaking for the Prince Georges County Detachment, Marine Corps League. We are not going to allow to be forgotten such great Americans like Captain Graham, Lieutenant Bill Reilly of Cheverly, Warrant Officer Tom King of New Carrollton, and all of the 61 soldiers, sailors, and Marines from Prince Georges County who were killed in Viet Nam.

We are going to build a Memorial in their honor—a permanent tribute to all Prince Georges County servicemen who made the supreme sacrifice in Viet Nam. It will be one of the first and the largest in the Nation exclusively dedicated to Viet Nam war dead. The design is already completed. Our architect is Thomas Kerley of Cheverly. It is expected to cost approximately $35,000. The County Commissioners have issued a Resolution fully supporting this project and have agreed to provide the necessary land for the Memorial. We are presently reviewing site possibilities and expect to announce a location in the near future.

In the meantime, we are actively seeking to raise the necessary funds to finance the cost of the Memorial. We are calling upon all County organizations and citizens to help us in this task. We would be delighted to have the assistance of the Prince Georges County Federation of Womens Clubs. Perhaps you might consider conducting some bake sales, dances, or related fund-raising activities with the proceeds designated for the Memorial in the name of your fine organization.

In conclusion, let us resolve to rededicate ourselves and to motivate others, particularly our youth, in support of our country and its new Administration. Let us support our fighting men and aid our returning Viet Nam Veterans. Let us support peace by remaining strong. There has never been a great nation without a strong fervor of patriotism. We must emphasize patriotism in the home, in the schools, and in every walk of life. We must encourage respect for our Flag, our history, and our principles of free government. In this way, you will be fulfilling one of the shining moments of your own personal life. Now, more than ever before, is the time for all good citizens to come to the aid of their country!

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## WITHHOLDING LOCAL WAGE TAXES FROM FEDERAL EMPLOYEES

### HON. WILLIAM J. GREEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 5, 1969*

Mr. GREEN of Pennsylvania. Mr. Speaker, on January 6, I introduced H.R. 2076 which, simply stated, would require Federal agencies located in cities which have a local wage tax to withhold that tax from the paychecks of Federal employees.

For many years, my father, who preceded me in the House of Representatives, was the sole sponsor of this legislation. When I was elected to succeed him, I introduced this bill in each of the last four sessions. In February 1967, the Ways and Means Committee, to which this bill has been referred, published written statements of support from my colleagues, as well as from representatives of local government and Federal employee organizations. I am also happy to say that I think the need for this legislation is quite clear.

The experience in my own city reveals the disadvantages of the present system. First, it has been estimated that the city loses approximately $2 million each year in uncollected city wage taxes because of the difficulty in billing and collecting individually from thousands of Federal employees who live in Philadelphia or work in Federal agencies within the city limits.

Second, the cost of maintaining this separate billing procedure within the city government has been conservatively estimated at a quarter of a million dollars annually.

Third, the present system has worked no end of inconvenience and hardship on Federal employees. Each quarter, they face a substantial city wage tax payment. The computation must be done by the individual and, in many cases, late payment charges only add to the cost and confusion. Some forestall or avoid paying the tax temporarily only to find that the city inevitably demands an accounting, often at a time when backpayments have grown to substantial proportions.

Fourth, with the passage of time, Philadelphia's experience has become the experience of many American cities which have resorted to the city wage tax for local municipal income. The fact that the problem is becoming more widespread has brought the support of the National League of Cities to this bill. It has indeed become a matter of national interest.

For these reasons, I therefore, urge the quick approval of your committee and the ready agreement of both Houses of Congress. Although I realize that renewal, housing, poverty, transportation, and other matters are of the first urgency in our concern for our cities, I also believe that savings amounting to over $2 million are substantial, considering the difficult fiscal problems which confront our municipalities. If anything, passage of this legislation is already long overdue.

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## GROUND ALL TFX F-111A'S AND START MAJOR INVESTIGATION

### HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 5, 1969*

Mr. PODELL. Mr. Speaker, yesterday, 85 miles north of Nellis Air Force Base, Nev., another F-111A aircraft crashed while on a routine training mission. This is the second crash in less than 3 weeks, and the 14th to crash since the flight testing program was begun in January of 1967.

Mr. Speaker, no major elaboration is necessary. Everyone in this Chamber knows the truth of this aircraft, the men who created it and the company which is supposed to be building it.

I have already sent telegrams to the

Secretaries of Defense and the Air Force, requesting that every one of these flying death traps be grounded. But this is still not enough. This is just a beginning.

At this point, I wish to formally request that a full and major investigation be instituted by the Congress of the United States into the entire TFX F-111 program. By this I mean all aspects.

We are making a great hue and cry over matters such as the *Pueblo* and the M-16 rifle. Vast hearings occur on similar matters. Yet this vast program has stretched out over the lion's share of a decade, consumed and is consuming billions of dollars, and is going strong today. Yet we have not gained a single tangible thing from it.

The plane is not flying in combat, where it should have been long since. Indeed, they are useless even for test flights in the hands of experienced pilots.

I do not think that my call for these planes to be grounded pending further investigation is an unreasonable request. In fact, the record of crashes, backed up by this recent calamity, is ample proof that something is drastically wrong.

The Nation has a right to ask why it cannot place a front line plane into the hands of our military after the better part of a decade has elapsed and billions upon billions have been spent.

Mr. Speaker, in World War II, with their country crashing down around their ears, the Germans designed, built, and mass produced new weapon system after new weapon system. Many were exceedingly intricate. It is a burning shame to me to have to hold up such an example, but it is true. The people and enterprises responsible for the TFX should be made to explain to the U.S. Congress why this situation is now so disastrously in being.

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## A TIME TO THINK

### HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 5, 1969*

Mr. ROSENTHAL. Mr. Speaker, yesterday was a day of silence on many university campuses and in the country's scientific laboratories. Scientists were questioning the military orientation of much of their Government contract work, and the predominance of that work itself in the scientific community.

Nicholas von Hoffman, the astute social critic of the Washington Post, describes in this article, "A Time To Think," what caused the scientists to hesitate:

[From the Washington (D.C.) Post, Mar. 5, 1969]

A TIME TO THINK

(By Nicholas Von Hoffman)

PHILADELPHIA, PA.—The University of Pennsylvania was shut down. No classes. No labs. People were walking around the criss-crossing sidewalks of the academic quadrangle with buttons on their lapels reading "Stop ABM," and others which said "March 4—Think."

This morning inside Irvine auditorium hundreds and hundreds of students listened to Barry Commoner, professor of biology at Washington University, give them a topic to do their thinking on:

"The ominous paradox of the modern world brings us together here. All of us—students, scholars and scientists—are joined by a powerful bond. We share the frightful task of seeking humane knowledge in a world which has, with cunning, perversity, transformed the creative power which knowledge generates into an instrument of catastrophe."

He spoke about instantaneous atomic annihilation, about the accidental melting of the polar ice caps and the flooding of the world, about the chemical warfare people killing sheep in Utah, about the strange and sickening deaths of insects, fish, flowers, cows, dogs and humans.

"My generation has become numb to the frightful meaning of what we have done. We can speak in the calm tones of the statesman of the choice between a war that kills 50 million or one that kills 100 million. The very effort to apply logic to a situation which is in its entirety totally inhumane is a confession of our own humanity," he said in words spoken and heard in urgency.

NO DEFENSE

If there is numbness in Washington there is urgency here and on every other major campus. It is an urgency that cannot be quieted by anti-demonstration laws. It comes out of the day-to-day business of a university, out of learning and knowing.

When you know, really, precisely, exactly and technically know, there is no defense against the bomb, the black and yellow signs on the walls pointing to the bomb shelter in the basement become a form of incitement to do something while there still may be time.

"One has always been led to believe that the way to proceed is to approach seats of power and have a dialogue," said Gino Segre, a young professor of physics here, "but I think what's happening is a gradual disillusionment in the assumption that the most effective way to work is behind the scenes. Nothing happens, so you have to ask yourself if this tactic hasn't become increasingly unsuccessful."

Yesterday on a number of campuses around the country, the Union of Concerned Scientists held research stoppages, but here the doubting took clearer form and extended beyond ABM and the immediate destruction of everything to a general questioning of what the university is about.

GENERAL REVULSION

"I've just turned 30," said Segre. "I've written a lot of articles, I've just gotten tenure, I have three children and I've done what my parents expect of me. I've been a good boy, so the question is what do I do now? I think I represent a typical young scientist who's lived off Government fellowships. And now my feeling is a general revulsion at doing something abstract when America is going to the dogs."

This university's administration has responded to these feelings by calling off classes to make time available for reflection. In addition to speeches by such famous men as Barry Commoner and physicist Ralph Lapp, there are dozens of seminars on the question of how the work that goes on here can be made useful to a needy world.

David Goddard, the university's provost, says he was surprised at the breadth of faculty support for his day of recollection. It came, he reports, from deans and administrators as well as from all sections of the faculty, the humanities and social sciences as well as the physical and life sciences.

"I decided if they were going to have these meetings anyhow, we didn't want them to compete with regular classes and make a contest out of this. So I gave permission to the deans of the various schools to close for a day," Goddard explains.

A NATIONAL EXAMPLE?

Some of the liberal faculty here feel that the university's attitude is an alternative to demonstrations and strikes. They point out that the school ended its recent sit-ins by negotiations between students and the administration, but the provost isn't so certain that Pennsylvania can be a national example:

"We didn't have to call the police; no student was disciplined. We're very proud of this, but this business of trying to make ourselves a national model for other places to follow is very foolish. How can I predict that, if we had a demonstration tomorrow, it wouldn't be violent? A lot of our success is damn, sheer luck."

Luck or not, it does show that somebody at Pennsylvania is more perceptive and flexible than people at places which view sit-ins as an occasion to draw the line and meet force with force. Goddard is dubious about the efficacy of the police in a situation where, as he says, "The students feel we've got something hidden in the basement. They don't trust me, they don't trust the president, they don't trust the faculty . . . and the faculty itself is deeply concerned over military escalation and the drawing off of funds needed for the cities."

What neither Goddard nor anybody else can answer is the question of how long these days of meditation will suffice. Letting people spill out what's in their guts ultimately is no substitute for action.

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## PRESIDENT NIXON'S TRIP TO EUROPE

### HON. FLORENCE P. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 5, 1969*

Mrs. DWYER. Mr. Speaker, President Nixon has been careful to avoid claiming any instant benefits from his European trip but the fact is inescapable that both its timing and its execution was a masterpiece of diplomacy.

The keynote of the trip was a mature assessment of reality, and the realities of today's world take the measure of the maturity of any President, and of his Government.

President Nixon demonstrated in these visits the quiet thoughtfulness, the willingness to listen to others, that is the mark of responsibility. There is no doubt that he impressed the world leaders with whom he spoke.

This quality of responsible restraint, of careful cooperation, of decisions thoroughly considered from all angles, set the tone for his journey. And this tone will go further than any immediate accomplishment possibly could.

The Congress, Mr. Speaker, and indeed all Americans, owe President Nixon a heartfelt "well done."

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## HONORS FOR THE COMMUNITY NEWSPAPERS

### HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 5, 1969*

Mr. WOLFF. Mr. Speaker, weekly, hometown newspapers are a vital communications element in thousands of communities across the Nation. In my

congressional district there are more than a score of these fine publications that do an excellent job of keeping community residents advised of local activities and the actions of officials at various levels of government. We are justly dependent on these weekly newspapers and look forward to receiving them each week.

On Long Island there is a chain of five weeklies owned and operated by Community Newspapers. These papers serve the communities of Glen Cove, Roslyn, Port Washington, Manhasset, and Great Neck and are widely read. They are also well-produced, well-written newspapers adhering to the highest journalistic standards.

In fact, in recent competition conducted by the New York Press Association the Community Newspapers walked off with a host of awards including three first-place awards.

In acknowledging these just honors the Community Newspapers carried an editorial that actually passed the honor onto the newspapers' readers and advertisers. This editorial is further evidence of the community spirit and service demonstrated by the Community Newspapers and under leave to extend my remarks I wish to include that editorial in the RECORD at this point:

HONORS FOR YOU ALL

This newspaper and its sister publications in the Community Newspapers group have been honored with several awards, including three first-place plaques, in the annual statewide contests of the New York Press Association. We're delighted, of course, and hope the honors reflect our constant effort to offer readers the best newspaper possible.

But the laurels belong just as much to you, our subscribers and advertisers, without whom a good community newspaper cannot flourish. So, congratulations to you all!

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## UKRAINE'S RIGHT TO BE FREE

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 5, 1969*

Mr. RARICK. Mr. Speaker, the tragic plight of the captive nations' refugees is an ever-present reminder that until these victims of Communist aggression and U.S. appeasement are permitted to return to their homelands in freedom and honor, there will be no peace in our world.

Words, flattery, high-sounding rhetoric, and unfilled promises only rekindle false hopes to an already suffering people.

In my earnest endeavor to truly help the escapees from Communist domination to gain some voice to reach the world conscience, I wrote the U.S. State Department asking that our Government place on the agenda of the United Nations Organization the issue of self-determination in the Soviet Union, especially urging free elections for the people of the Ukraine.

By a purusal of State's replies any discerning reader can readily detect the hypocrisy of our dual policies in matters of state, and the hopelessness of attempting to attain any diplomatic victory to free any people in bondage through the United Nations Organization.

My simple request for action produced such gobbledygook as—

Concerning the Baltic States, "speeches and statements"; for Rhodesia—sanctions and boycotts. The Ukraine, a voting member of the United Nations Organization—"an integral part of the U.S.S.R." Rhodesia, the country in Africa to which oppressed blacks escape the self-governing tyranny of its neighbors to the north—"a threat to international peace."

Mr. Speaker, I include my correspondence with State, along with the gist of an address by Mrs. Slava Stetzko, wife of the former Prime Minister of once-free Ukraine Republic, as follows:

JANUARY 30, 1969.

Hon. WILLIAM P. ROGERS,
*Secretary of State,*
*Washington, D.C.*

DEAR MR. SECRETARY: I respectfully request appropriate action necessary to place on the agenda of the United Nations the issue of self-determination in the Soviet Union.

Further, I request the Department of State prepare a resolution requesting that the people of the Ukraine and other nations under Russian domination be given free elections, supervised by the United Nations.

Thank you for your kind attention.

Sincerely,

JOHN R. RARICK,
*Representative in Congress.*

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DEPARTMENT OF STATE,
*Washington, D.C., February 11, 1969.*

Hon. JOHN R. RARICK,
*House of Representatives,*
*Washington, D.C.*

DEAR CONGRESSMAN RARICK: I have received your recent letter concerning certain aspects of United States policy on the issues of self-determination in the Soviet Union and free elections in the nations under Soviet domination.

As you are aware, it is the policy of the United States not to recognize the forcible incorporation of the Baltic States by the Soviet Union. We have consistently sought to implement this policy, both by continuing to extend recognition to the representatives in the United States of the last free Baltic governments and through speeches and statements made on appropriate occasions at the United Nations and elsewhere. In this manner the U.S. has attempted to direct the attention of world opinion to the just aspirations of the Baltic peoples for self-determination.

On the other hand, the Ukraine and other non-Baltic republics within the Soviet Union have been considered as integral parts of the Soviet Union by the United States ever since diplomatic relations between our countries were initiated. It would not be in the interests of the United States to propose any measures at the United Nations which could be construed to be an attempt to dismember another member state. Such a proposal would undoubtedly be attacked by the Soviet Union as an unwarranted interference in its internal affairs. A large number of countries—by no means limited to communist states—would support the Soviet position.

The United States recognizes the Warsaw Pact countries as independent nations, although they are dominated or heavily influenced by the Soviet Union. Throughout the years the United States has repeatedly brought to the world's attention the fact that the peoples of these nations yearn to be free of Soviet domination and to control their own destinies.

We intend to continue on this course. We must realistically recognize, however, that in present circumstances it would not be helpful to the cause of these peoples and nations to precipitate a voting confrontation in the United Nations over their status. The likely result of such a confrontation would be to prejudice the standing of those who hope for restoration of the right of self-determination for the peoples of Eastern Europe, as well as the ability of the United States to continue to advocate their cause most effectively.

I hope that the above will be helpful to you in your consideration of this problem and that you will not hesitate to call on us again if we can be of further help.

Sincerely yours,

WILLIAM B. MACOMBER, Jr.,
*Assistant Secretary for Congressional Relations.*

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FEBRUARY 18, 1969.

Mr. WILLIAM B. MACOMBER, Jr.,
*Department of State,*
*Washington, D.C.*

DEAR MR. MACOMBER: I certainly thank you for your prompt and informative reply to my inquiry concerning the Ukraine and Byelorussia.

However, your correspondence does raise further questions in my mind, and I am hopeful that you will be able to supply satisfactory answers.

I can appreciate the attitude of the Department of State in considering the Ukraine and Byelorussia as integral parts of the Soviet Union (even though no formal agreement to that effect was ever reached), and that regarding them otherwise in the United Nations might be construed as an attempt to dismember a member state.

This being the case, however, it would certainly seem justifiable to regard them as integral parts of the Soviet Union in the structure of the UNO and to disallow them separate votes.

Second, you express the assessment of the State Department that my previously submitted proposal would be attacked as an unwarranted interference in the internal affairs of the Soviet Union, and I gather the State Department considers such an attack in the UN to be a very formidable weapon, and one which would enjoy the support of many countries—not all communist.

It would certainly seem, therefore, that the same objection could be made concerning the situation of Rhodesia, and that the United States' attitude should be to severely denounce, rather than to support, the boycotts and sanctions against Rhodesia. One would expect, also, that the same countries would support our position.

I will appreciate having your early response to these questions.

Thank you for your attention.

Sincerely,

JOHN R. RARICK,
*Representative in Congress.*

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DEPARTMENT OF STATE,
*Washington, D.C., March 4, 1969.*

Hon. JOHN R. RARICK,
*House of Representatives,*
*Washington, D.C.*

DEAR CONGRESSMAN RARICK: I am pleased to respond to the questions which my earlier letter raised in your mind.

As you know, the United Nations membership of Byelorussia and the Ukraine stems from a wartime agreement made by Marshall Stalin, Prime Minister Churchill and President Roosevelt. At the Yalta Conference in February 1945, the Prime Minister and the President agreed to support a Soviet proposal at the forthcoming United Nations Conference at San Francisco that these two Soviet republics be admitted to original membership in the United Nations. Subsequently, the two republics were accepted as original

members at the San Francisco Conference in April-June, 1945. Byelorussia and the Ukraine could only be deprived of their membership through the expulsion and suspension procedures laid down in the Charter, which are subject to a veto by any of the five permanent members of the Security Council. Any move to expel the two Soviet republics would presumably be vetoed by the USSR.

With respect to your second question, the situation of Rhodesia and that of Ukraine and Byelorussia in the United Nations are not analogous. Sanctions against Rhodesia cannot be construed as interference in the internal affairs of a state because Rhodesia is not an independent state and has not been recognized as such by any government. The United Kingdom is the universally recognized legal sovereign authority in Rhodesia and in that capacity requested United Nations assistance in ending a rebellion in a British colony through the imposition of economic sanctions.

In invoking sanctions against Southern Rhodesia, where a racial minority has seized power illegally in an attempt to perpetuate its domination over the vast majority of the inhabitants, the Security Council has sought to assist the United Kingdom in dealing with a situation that, in the Council's judgment, creates a threat to international peace and stability in Africa. Denied an effective political voice in Rhodesia, the African majority may increasingly turn to violence as the only practical means to bring about movement toward majority rule and an end to racial discrimination.

I hope that this information answers your questions concerning portions of my previous correspondence and that you will call on us again if we can be of further help.

Sincerely yours,

WILLIAM B. MACOMBER, Jr.,
*Assistant Secretary for Congressional Relations.*

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WIFE OF FORMER UKRAINIAN PREMIER SEES END OF SOVIET EMPIRE NEAR

WASHINGTON, D.C., March 5.—Mrs. Yaroslav Stetzko, wife of the former Ukrainian Prime Minister, today predicted that the breakup of the Soviet Union's hold on Eastern Europe was fast approaching.

Addressing the Washington chapter of the American Friends of Anti-Bolshevik Bloc of Nations, meeting at the Mayflower Hotel, Mrs. Stetzko called the Soviet Union a "Colossus on feet of clay." She branded the Soviet invasion of Czechoslovakia as a move to conceal the inner weakness of the Soviet Union and a "desperate attempt to keep the Czech example from igniting the explosive situation in Soviet-dominated Ukraine."

Mrs. Stetzko blasted the Czech "intervention" as "a brutal act of naked Russian imperialism, which testifies to the total bankruptcy of so-called socialist internationalism."

Referring to the situation in her native Ukraine, Mrs. Stetzko said that "Soviet terrorist acts such as the imprisonment of Ukrainian authors and other thought leaders, the almost frantic attempt to destroy the Ukrainian cultural heritage, and the systematic effort to stamp out the use of the Ukrainian language are evidence of Moscow's terror at the swelling revolutionary spirit in Ukraine.

"Led by the young and by the workers, the whole Ukrainian nation is resisting Soviet Russian domination," Mr. Stetzko said. "It is no longer possible for Moscow to ignore the demands of *this* generation of Ukrainians for the right to secede from the U.S.S.R. that the Soviet Constitution grants to Ukraine."

Mrs. Stetzko pointed to the Soviet Union's growing involvement in the Arab world as "an attempt to counterbalance its faltering hold on Eastern Europe by bringing Russia's frontier to the Mediterranean Sea. Every Russian Tsar dreamed of warm sea ports for the Russian Navy," she said. "Breshnev is trying to put his missile firing submarines within cruising distance of what Churchill called 'Europe's soft underbelly'."

Mrs. Stetzko is in the United States in connection with the celebration of the 25th anniversary of Anti-Bolshevik Bloc of Nations, Inc., of which her husband is World President.

Mr. Stetzko, who makes his home in Munich, served as Prime Minister of the short-lived Ukrainian Republic which was established in 1941. Shortly after assuming office, he was arrested by the Gestapo and imprisoned in the Nazi concentration camp at Sachsenhausen, until 1944.

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## REMARKS BY SENATOR MARLOW W. COOK TO THE NATIONAL ASSOCIATION OF COUNTY OFFICIALS REGARDING MALNUTRITION

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### HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 5, 1969*

Mr. TALCOTT. Mr. Speaker, it was my privilege to attend the principal luncheon of the National Association of County Officials during the association's national convention in Washington on March 4, 1969. I was particularly proud to be honored by the NACO along with Senator Moss, of Utah, Senator COOK, of Kentucky, and Congressman CLAUSEN, of California, for our interest and contributions to county government.

County officials throughout the United States could be the most influential group in America, if they would assert their power. They are closest to the people, so they have the power of knowledge and understanding. They are also subject to the closest public scrutiny—a key to responsible, responsive public service.

Senator MARLOW W. COOK, of Kentucky, demonstrated a perceptive understanding of one of our critical domestic problems—malnutrition of a significant portion of our citizens amid plenty. Our farmers can easily produce enough of the right kinds of food for all nutritional needs of all our citizens.

County, State, and Federal officials must work together to ameliorate malnutrition.

I urge every Member of the Congress to read Senator COOK's address to the NACO officials. The Senator's suggestions are excellent:

REMARKS BY SENATOR MARLOW W. COOK, TO THE NATIONAL ASSOCIATION OF COUNTY OFFICIALS REGARDING MALNUTRITION

Senator Moss, Congressman Talcott, Congressman Clausen, Ladies and Gentlemen, with the following words, Senate Resolution 281 of the 90th Congress began:

Whereas it has been demonstrated that every American does not have the food, medical assistance, and other related necessities essential to life and health; and

Whereas surveys conducted by Government agencies and responsible groups of citizens show that, in spite of America's abundance of food, fiber and other resources, our Federal food programs fail to reach many of the citizens lacking adequate quantities and/or quality of food, which may result in the lifetime impairment of children mentally and physically, and in unnecessary disease, suffering, and premature deaths among both young and adults; and

Whereas restricted use of programs authorized by Congress, reversion of funds, division of responsibility and authority within Congress and administrative agencies, unwise regulations and other obstacles impede and frustrate efforts to banish starvation and want for necessities among desperately disadvantaged poor within our nation.

With this preamble, the Senate by enacting S. Res. 281, proceeded to establish the Select Committee on Nutrition and Human Needs to investigate and report its findings with the goal of alleviating these disgraceful conditions in our country.

I have chosen to discuss this most crucial problem with you today because of the implications hunger and malnutrition in such a rich nation as ours hold for all Americans. There has never been a national mandate to eliminate hunger in America and if such a mandate is to come about, we must discuss the problem with national groups such as N.A.C.O. and take the message back to our communities all across this land that hunger and malnutrition in such an affluent society is a national disgrace and can no longer be tolerated.

The existence of hunger and malnutrition in America has now been well documented by the House Education and Labor Committee, the Senate Subcommittee on Employment, Manpower and Poverty, the Office of Health Affairs of the Office of Economic Opportunity and other groups and agencies. They find that as many as 10,000,000 Americans may be suffering from these conditions.

The credit for uncovering and focusing attention on this problem must go to those individuals and groups, among them Senators Joseph Clark and Robert Kennedy, and John Stennis, who, in various ways, began to awaken Americans to the existence of hunger and malnutrition. Tribute should also be paid to the C.B.S. documentary, "Hunger in America", shown in 1968, and to concerned individuals such as Robert Choate, who have followed the whole inquiry from the beginning.

All these developments led to the creation of the Senate Select Committee on Nutrition and Human Needs, which is funded and authorized to continue and complete its activities by the end of the year. You may ask, why the concern over this problem? Some have said hunger will always be with us. I say, we simply cannot accept this state of affairs for a number of reasons, the most prominent of which is medical. While very few Americans are actually starving in the traditional sense, they are nevertheless being ravaged by the more subtle destruction of malnutrition. It is incontrovertible that malnutrition causes bad eyesight, cracked skin, goiter, bad teeth, mental retardation and many other physical ailments. Malnutrition among very young children may bring about a condition of mental retardation which will severely limit their ability to compete for an adequate share of the resources available in our society. Think how many young lives are permanently impaired as we merely authorize still other studies and fail to take positive action.

There is not uniform agreement among the members of our Committee as to how we could best proceed from here. Even though I am the first to admit that as a newcomer to the Senate and the work of the Committee, I am no expert, it does seem that the existence of hunger and malnutrition in America has already been well documented. I grow impatient with continued medical testimony about conditions which are the result of malnutrition. I am willing to concede this and then get on about the business of cutting bureaucratic red tape and altering any and all regulations which keep our federal programs from meeting the needs of the people they were designed to assist. As a former President once said, "Justice cannot await too many committee meetings."

Robert Choate, probably the most outstanding expert on the deficiencies of exist-

ing programs of the federal government, has outlined well the current status of them and the people they were designed to serve. He says that at least 90 to 95 percent of the American population eats adequately through the services of the private sector. Current responsibility for meeting the food needs of the other 5 percent lies between the Departments of Agriculture, H.E.W. and the O.E.O. and its local counterparts. The welfare division of the H.E.W. extends its benefits to only 9 out of 27 million poor of the nation. The health division of H.E.W. has paid almost no attention to malnutrition in America while studying malnutrition in 33 foreign countries. Under the education division little or nothing has been done to instruct the recipients in proper nutritional practices. And, believe me, without this vital educational program, a large portion of whatever resources and energy the government is giving the undernourished is wasted. To illustrate the primitive state of nutritional practice among the poor, let me read to you from an excellent study of an isolated Appalachian community which we shall call Hollow Creek. The author tells of his observations of Hollow Creek's country store and its customers.

Pop flows freely on Hollow Creek. Youths drink eight or ten bottles a day. The tiniest youngster can gulp down a king-size bottle in minutes. The selection is a thoughtful and unhurried decision. You lift one large hinged lid and peer inside. Diet Rite, Dr. Pepper, Tab, Mountain Dew. You drop the lid, lift the other lid and examine the contents of the other half of the cooler. Seven-up, Coca Cola, Grape, Orange. The crimped top of the pop bottle is lifted on an opener nailed to the wall; the top clatters into a cardboard box on the floor, and the customer takes a deep, long pull from the bottle. Then, accompanied by his silent children, he walks over to examine the delicacies on the metal bakery shelf. "Have a cake if you want", the head of the house says. Like flickers of spring lightning, young fingers snatch the cookies and cakes from their resting place and tear off the clear plastic covers. The craving for the sting of carbonated beverages and the lingering sweetness of the little cakes and assorted fruit bars is constant.

A first reaction, as you sit on the feed bags and watched the performance day after day is, "Why do they waste money on that junk?"

The answer is clear when you stay long in Hollow Creek. A bland diet—green beans and cabbage in the summer, fried pork, corn bread, black coffee, meal after meal. Surplus commodity meat—pork and bean—extracted from its shiny cans and fried in bubbling lard grease in black fry pans. "Taters" swimming in clear grease. Adequate, but all the blandness and grease! It leaves a disturbing unfilled sensation, a nagging, evasive hunger. Tobacco won't satisfy it. But pop and cake will—for a time.

This is typical and certainly indicates that not only proper food but nutrition education must be supplied the needy.

There are currently six national food programs. Many of these serve more middle class recipients than poor recipients.

The two programs which are family oriented are the Commodity Distribution and Food Stamp programs. County governments, as we all know, are involved in both. Under the Commodity program the federal government pays for food and delivers it to the county warehouse. The county pays for the warehousing and distribution. In 1968, 1,239 of the nation's 3,100 counties participated in the program servicing 3.2 million recipients at a cost of $150 million.

The Food Stamp program was instituted in the 60's to make better use of the retail food industry and to better serve those with regular but low income. In 1968, 1,666 counties of the nation's 3,100 were under this plan which benefited 2.6 million recipients at a cost of $185 million.

The programs run by institutions include the School Lunch program, the extended School Lunch program, the Breakfast program and the Milk program. Also, under Title I of the Elementary and Secondary Education Act many children in low income areas are fed.

But let us look at the effectiveness of these efforts. As of December, 1968, it is estimated that only 6 million of the nation's 27 million poor are under Commodity or Food Stamp programs.

Over 500 of the nation's counties are not under either the Commodity or Food Stamp Plan. This failure is a dual responsibility of both federal and local units.

At present if a family depended upon the commodity package for its total food supply, it will run out before the month is out even with careful handling.

Commodity warehouses are seldom open more than once a month. As a result the packages are so large they can often not be carried by aged or infirmed recipients. Few of the Commodity programs are designed to help infants. And remember, as we said earlier, these young children are the ones in whom malnutrition may well result in a life of retardation.

The School Lunch program is currently benefiting effectively 2 million of the 7 million poor children in America. It is not used to demonstrate good nutrition practices even to those it reaches. The U.S.D.A. prohibition against for-profit catering has prevented service to schools without cafeterias, many of which are located in slum areas of our cities.

The Food Stamp program helps only those poor with regular but limited income. Studies indicate the formula for the average food stamp user requires between 37 and 50 percent of his limited income to buy food as compared with 17 percent of the average middle class families' income which is spent for food. In addition, the food stamp beneficiary can only expect his stamps to provide ⅔ of the food he needs for the month. The food stamp user must participate every month to stay in the program. While the average middle class housewife buys food once a week and the food stamp participant buys once and it must last the entire month.

Under current regulations Commodity and Food Stamp programs cannot exist side by side in a county. Since the Food Stamp program as currently administered does little for the abject poor, they suffer in those counties which only employ that program. These programs would be more effective if they were allowed to supplement each other. In addition, the stamps should be available to purchase non-food items such as soap and clothes and such self-help items as seeds for gardening.

I recommend the following measures be taken immediately to help eliminate conditions of hunger and malnutrition in America before more young lives are stunted; before more older lives are lost through disease related to failure to receive the proper nourishment:

(1) Free food stamps be made available on a temporary basis until the formula of the program can be adjusted so that from 37 to 50 percent of incomes are no longer required to purchase even an inadequate amount of food.

(2) That the funding of the Emergency Food and Medical Program of the O.E.O. be expanded to supplement the Commodity and Food Stamp efforts. This program, although severely limited by its budget, has been working well in Kentucky and other states.

(3) That food stamps be issued twice a month.

(4) That at the earliest possible date local community action agencies receive additional funds and staff to teach nutrition and food economy to local beneficiaries of government food programs.

These recommendations would not eliminate the hunger and malnutrition in existence in America, but would, I am convinced be the minimum stop gap measures we need to protect the health and lives of these unfortunate Americans *NOW* until we can reevaluate and make our programs more responsive.

The issue is clear. Our duty is obvious. Just as it has been said that there is no Republican or Democratic way to solve the problems of the cities, I say to you this is not a partisan issue, but a responsibility which all Americans must assume. When the cause is just it must be pursued by liberals and conservatives alike. To hesitate in attacking the greatest disgrace of this decade, or even worse, to continue to ignore it, would be to play a cruel hoax on a segment of our society which deserves, at the very least, the opportunity to be physically fit to compete in our free enterprise system.

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## INSIDE LABOR—MAFIA'S MAUSOLEUM

### HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 5, 1969*

Mr. HOGAN. Mr. Speaker, the fight on organized crime goes on and on, but there are few in this Nation who fully realize the tremendous efforts of the Federal Bureau of Investigation in pursuing this fight. By way of tribute to J. Edgar Hoover and the men and women who make up the Federal Bureau of Investigation, I would like to insert in the RECORD the following material by the well-known newspaper columnist, Victor Riesel. This material provides dramatic facts and figures showing the effectiveness of the efforts of the Federal Bureau of Investigation in combating organized crime in this country.

The material follows:

INSIDE LABOR: MAFIA'S MAUSOLEUM—TOP FEDERAL CRIME AUTHORITIES REPORT CHICAGO CRIME SYNDICATE CONTROLS ALL NATION'S MOBS

(By Victor Riesel)

WASHINGTON, D.C.—Now that the circus is over and Vito Genovese is just another mound in the ground, time has come to rip some of the nonsense from the chronicling of the Mafiosi.

Old hands in the Justice Dept., if ever they talk, will tell you that while the old killer may have been the "boss of bosses," he governed only by permission of the Chicago crime syndicate, which has been and still is the mob of mobs.

It's been so since Al Capone, he of the scarred face, died of syphilis in the once chi-chi part of Miami.

Certainly the Federal Bureau of Investigation knows that if the Chicago crime combine can be cracked, the entire network of La Cosa Nostra families can be ripped up so that many unions, thousands of legitimate businesses, universities, big cities and lonely highways can be free of the gun, the knife, the acid.

But just as there no longer is a boss of bosses, there seems to be no Chicago crime

syndicate chief. There was a long stretch under the self-exiled Sam Giancana, who fled to Mexico in 1966. There are those inside the government who say flatly, "you'd be positively, definitely right if you'd report that he had far more power than Vito did, but because of the inside awe of the Chicago crowd, Sam never was put to the test."

Little Sam was succeeded by Sam Battaglia, compared to whom steel alloys are like putty. But this Sam, too, is out of circulation—doing a 15-year term for extortion. Then came the new boss of the mob of mobs, little known in the East, unknown in the West, John (Jackie) Cerone. Now he's under indictment on a gambling charge.

I report this strange moment in La Cosa Nostra so that it will be noted during congressional appropriation time.

This is the moment for the big push—and such pushes take money, lots of it.

How did it happen that the mob of mobs and many of the syndicates it secretly dominated are leaderless?

The FBI and a handful of crusading U.S. and regional district attorneys did it—mostly without wiretaps.

It will be easier now that the "A.G.," John Mitchell, has decided to give his people the electronic weaponry to match the Mafia's weapons. Not the least of these are payoffs totaling some $2 billion annually, according to Ralph Salerno, easily the best-informed civilian authority on the Cosa Nostra—and the most courageous too.

Even without wiretaps or electronic eavesdropping, the FBI dug up the evidence to convict 290 hoodlums and Mafiosi during the 1968 fiscal year. This topped the bureau's 1967 record of 206.

Some of the boys netted by J. Edgar Hoover's FBI have been around a long time.

There is, for example, John Roselli, a real moving picture type. Literally, he is out of the black shirt, snap-brim hat Al Capone days. In fact, he was one of Scarface Al's lieutenants. Last December, he was convicted in Los Angeles Federal Court of participating in a major illegal interstate gambling operation.

Roselli is a true veteran. Back in 1943, he and six other fashionable hoods were convicted on charges of violating federal laws by using their influence in the old International Alliance of Theatrical Stage Employes to extort a million dollars from Hollywood producers and exhibitors. Shades of the mob, not a few of whom left this earth rather explosively!

During the year, the FBI got the evidence to hit several of the alleged members of the combine's high command. One is New England boss Ray Patriarca, convicted of conspiring to violate the interstate transportation statute by force and violence, including murder. He got five years.

There is Carlos Marchello, once identified by a U.S. Senate committee as the chief of the mob in the South. He was convicted for attempting to assault an FBI agent. He got two years.

There is that Cosa Nostra fellow in San Diego, Calif. According to the testimony of a Los Angeles police captain at a California organized crime hearing, he has "long been . . . considered by us to be the executioner for the Mafia on the West Coast." He has been convicted of violating federal laws.

And so it goes from coast to coast. In New Haven, for example, labor racketeer Ralph Tropiano and some muscular friends were convicted in federal court on charges of violating federal antiracketeering laws. They used force and threats to take customers from competing firms with a garbage-collecting company in which they had an interest.

With a real appropriation now, the Justice Dept. might just about topple the mob and leave its legendry to Kirk Douglas and Lee J. Cobb in the good old movies.

The point is, who in Congress now will stand up and fight for such monies? And who, just who, is seeking to slash the funds?

## PRESIDENT NIXON'S EUROPEAN TOUR

### HON. J. IRVING WHALLEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 5, 1969*

Mr. WHALLEY. Mr. Speaker, I would like to join those who have paid tribute here today to the arduous and successful trip of the President of the United States. I know that as he looks back upon the conversations he has held in Europe he must have a sense of accomplishment and of a difficult task performed well. All indications are that he was well received and that a new note of amity and rapport has been added to our relationship with our NATO allies.

The President wisely stressed that he had come to work, to inquire, and to consult. He was not there to persuade or insist.

President Nixon told the NATO Council:

> The United States is determined to listen with a new attentiveness to its NATO partners, not only because they have a right to be heard, but because we want their ideas. And I believe we have a right to expect that consultation shall be a two-way street.

The President's initiative so soon after taking office is in keeping with his theme of speaking softly and facing the issues directly. I am confident that his leadership will enable the United States to move forward together with its allies in a successful search for peace and security.

## WELL DONE, PRESIDENT NIXON

### HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 5, 1969*

Mr. KUYKENDALL. Mr. Speaker, under permission to extend my remarks in the RECORD, I would like to include the following editorial from the Nashville Banner lauding the accomplishments of President Nixon on his European trip. I second the sentiments expressed in this editorial, which follows:

WELL DONE, PRESIDENT NIXON—AND WELCOME HOME

President Nixon's working trip to Europe was a plus for the United States all the way—restorative of national prestige, introductive of policy views firm and coherent, and productive of respect and confidence. He imparted the qualities for these at every stop, and his home-coming is to a nation proud of a mission magnificently performed.

It was historic, in magnitude and achievement; and to the host countries abroad must have been the more remarkable for the fact that it was a newly-inaugurated Chief Executive thus measuring to unsurpassed dimensions of maturity in leadership.

To the President it was a self-assigned responsibility—beyond the call of immediate duty; but assumed with initiative addressed to solution of international problems high on the priority list.

As a realist, Mr. Nixon was and is aware that these will not be solved overnight. But as a man of reason, he also knows the essential factor of mutual confidence for unity and understanding prefatory to meaningful clasp of hands across the sea. He clasped those hands, at Brussels, London, Bonn, Rome, and Paris—and, unquestionably, the sincerity of his message was transmitted.

The handshake was with more than Heads of State, with whom he consulted, to listen and discuss questions of policy moment. To the populace of those lands he personified, in words and contact, a President of the people—an image of friendship neither fawning nor patronizing, but with respect of a human being for other human beings.

He is that, with no affectations of infallibility; but with the sobering realization of awesome responsibility—and determination to fulfill, both in domestic and in foreign affairs, a covenant of trust. Thus his language gets down to cases, whether confronting a problem at home, or issues vital to Free World security, and it registered all over Europe. The tone of his message, for strength and judgment along any avenue to honorable peace, could not have failed a hearing even though the Iron Curtain—where the question of meaningful summit negotiations is pending.

No man could have carried more superbly the burden of such a mission; nor wrought of it a better total accomplishment.

There are areas of individual national responsibility—the internal political and economic affairs that are sovereign to each—and on these he did not trespass. On the other hand, there are multilateral interests requiring maximum attention by the community of Free World powers, and in behalf of these he sought the full measure of enlightened action in concert.

Notably, he did not re-embark his nation on the futile course either of banker to the world, or of universal policeman. He did not seek to acquit the United States of shared obligations for peace-making and peace-keeping; but he underscored the fact that difficulties or crises confronting civilized society were for the components of that society to solve together.

Where reason goes hand-in-hand with courage, it gains an audience—of men or nations of good will. It gains respect, and can unify. It identifies its possessor with the highest qualities of statesmanship; and cements friendship predicated on understanding and trust. It is addressed by President Nixon—not to secret covenants, but to open accord openly arrived at.

He adhered to that on a working trip whose signs of success vastly outweigh needling aspects of Communist-begotten resentment and opposition.

The United States takes due note of the substantial plus side—the distinguished record of its chief spokesman who, at any point, did not falter or default. The nation welcomes him home.

## PRESIDENT NIXON'S EUROPEAN TRIP LAUDED BY CONGRESSMAN VANIK

### HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 5, 1969*

Mr. VANIK. Mr. Speaker, I want to take this opportunity to congratulate President Richard M. Nixon and Secretary of State William P. Rogers on the high purpose of their recent grueling trip throughout Europe. These steps initiated by the President and the Secretary of State will help stabilize our relationships with our oldest and most important allies. The mission has also brought great hope that America may proceed in the cause of peace and world understanding.

We applaud the President's efforts to gain better understanding from our European allies of our needs to develop better working relationships with the Soviet Union so that nuclear holocaust can be avoided. For this goal of peacemaking, the President deserves every support and our every possible assistance. A good first step has been taken on a continuing and long voyage toward peace. The American people pray for the success of these endeavors.

## CHARLES MAYES SPEAKS FOR OKLAHOMA YOUTH

### HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 5, 1969*

Mr. EDMONDSON. Mr. Speaker, a young Central High School student from Muskogee, Okla., Charles Mayes, was recently the winner of the statewide Voice of Democracy contest sponsored by the Veterans of Foreign Wars.

The text of Charles' oration, "Freedom's Challenge," is worthwhile reading, and reveals a fine understanding of the individual responsibility that is indispensable in a free society.

I am very proud of this speech by my young fellow-townsman, and the text of the speech follows:

FREEDOM'S CHALLENGE

(By Charles Mayes, Muskogee Central High School, Muskogee, Okla.)

"Freedom is an indivisible word. If we want to enjoy it, and fight for it, we must be prepared to extend it to everyone, whether they are rich or poor, whether they agree with us or not, no matter what their race or the color of their skin." Wendell Willkie spoke of liberty that is not divided, or not given to special groups. Americans must have the preparation necessary to balance individual freedoms, so that all will be equal in the use of their freedoms.

Freedom's challenge works on a person-to-person basis. It is very human indeed. Our forefathers penned the freedoms that we are guaranteed today. Although external conditions in America have changed, we should still have this vital relationship and responsibility of a man's concern, love, and respect for his peers.

In this country, who are one's peers? In speaking in the terms of freedom, who are a man's peers? These equals are those who also have been given inalienable, or God-given rights. They are the people who are around us every day. Freedom's challenge says to us "Let them have their freedoms also."

In school, students must not neglect one big part of their education. This is learning to live with others successfully. Student government and the understanding of rules helps young people become more aware of their rights as well as restrictions. Sometimes students think that there are too many "don'ts" as they come up through the grades, but finally realize that they can accomplish their goals through present established principles of organization. Unfortunately, some students dissent to the point that they disrupt the freedom of the person next to them.

Just how big are we as human beings? It has been said that, "We measure ourselves by the responsibility we shoulder successfully." In this case, we measure ourselves by how successfully responsible we are for our rights. American's rights are numerous, so our responsibilities are just as numerous.

We are allowed to speak up against governmental actions without the "iron-hand" of a dictator stopping us. The press, radio, and television media enjoy a large share in freedom. Our government can be legally petitioned. This country's religious values and freedom of religion emphasize this person-to-person freedom.

What then are our responsibilities to the next fellow? Use some common sense! If a person yells "Fire!" in a crowded theater just to cause trouble, tells damaging lies about other citizens, or incites riots he has overstepped his freedom. These things do hurt those who are equal to him. This hurt takes freedoms from others and makes them unequal in rights. Not only this, but the one who has infringed later loses a part of his liberties also. Liberty and American society would finally cease to exist if this person and others like him would continue unshackled to abuse their neighbor's rights. Like a chain reaction it would sweep the nation! We must be very careful to meet our challenge.

J. Edgar Hoover said, "Indulgence and materialistic selfishness are eroding the tried and true American traditions of honesty, integrity, and fair play." In business relationships the "New Morality", or doing whatever one thinks best in a situation, may be popular. Cheating and taking unfair advantage of people's feelings and freedoms is the thinking of the unfair person who does not measure up and respond to his rights.

Charles Kingsley, a notable English writer, said, "There are two freedoms—the false, where a man is free to do what he likes; the true, where a man is free to do what he ought." I have been speaking about the true freedom. This valuable freedom is workable and experimental, yet it does carry responsibility.

The freedoms in our Constitution are not just words on an old, worn piece of parchment. These freedoms are ideas that will enable us to have a better life; but a better life only if we will make freedom a living spirit within us. Yes, and with God's help, a living spirit through each person's concern. As the sociologist, Reagan Brown, put it "In each of our hands is a part of our neighbor's destiny."

## INCREASING THE SOCIAL SECURITY EARNINGS LIMITATION

### HON. RICHARD FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 5, 1969*

Mr. FULTON of Tennessee. Mr. Speaker, today I am sponsoring legislation to provide relief and preserve the personal and financial integrity of thousands of persons over age 65.

This bill would increase the outside earnings limitation for social security beneficiaries from the current $1,680 to $3,000. At present a beneficiary may earn up to $1,680 without any loss of benefits. From $1,680 to $2,800 the loss is one dollar in benefits for every two dollars of outside earnings. Beyond $2,800 the loss is dollar for dollar.

Mr. Speaker, when I came to the Congress more than 6 years ago, the outside earnings limitation stood at $1,200, and they said it could not be raised. But we did. In 1965 we increased it to $1,500. That was supposed to be the limit. But in 1967 we increased it again to its current $1,680, and I believe that if we put ourselves to the task we can raise it even higher.

For many, many Americans today, age 65 simply is not a realistic full-time retirement age. But the social security program, as it currently functions with its outside earnings limitation, serves as a dissuader to active and able persons who wish to maintain gainful activity to supplement their incomes commensurate with their earning ability and to continue to contribute to society through their talents and abilities which have been developed and perfected over their working years. I believe these persons, with their vast knowledge and experience should be encouraged to continue and contribute to our society as well as to their livelihood. This legislation will permit them to do so and society will benefit.

## MAGAZINE SALESMEN IN FAIRFAX COUNTY, VA., HAVE VARIED POLICE RECORDS

### HON. FRED B. ROONEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 5, 1969*

Mr. ROONEY of Pennsylvania. Mr. Speaker, in other statements in this Chamber on Wednesday, February 26, and today, I commented at length on fraudulent practices of magazine subscription sales companies.

At the present time, there are more than a dozen magazine subscription sales companies actively working the Washington metropolitan area. Some of these are reputable organizations whose activities seldom produce consumer complaints. Some are highly disreputable organizations whose activities pose an almost constant burden to local law enforcement agencies.

In some instances, not only are their sales techniques fraudulent but also the caliber of their personnel pose a very real threat to the public welfare.

Magazine salesmen, primarily representing the "cash only" type of subscription sales organizations, have been plying their wares in neighboring Fairfax County, Va. Reporter Anthony J. Sterago of the Globe Newspapers, weekly publications serving a number of communities in Northern Virginia, reported in an article published February 27, 1969, that many magazine salesmen who have been canvassing the county in recent weeks have long and varied police records.

If they were ex-convicts who have gone straight, there would be no cause for concern. But with no guarantee this is the case, the fact they are engaged in door-to-door sales solicitations poses a hazard to the lives and property of every person they encounter. The sales practices condoned by the companies they represent are sufficient reason to doubt any reliable screening of person-

nel was carried out before these ex-convicts were sent into local communities to gain access to the homes of unsuspecting consumers. Under unanimous consent, I submit Mr. Sterago's account of this situation for inclusion in the CONGRESSIONAL RECORD, as follows:

[From the Globe Newspapers, Feb. 27, 1969]

LITTLE POLICE CAN DO—MANY SOLICITORS FOUND TO HAVE POLICE RECORD

(By Anthony J. Sterago)

Fairfax County housewives are being plagued by the door to door magazine salesmen, some of whom have extensive criminal records, and the police are helpless to do anything about it, said a police official.

Some residents of the Mount Vernon area were robbed of money from their homes after a visit by a magazine solicitor. Two housewives in the Annandale area were intimidated to a point where they were forced to take a magazine subscription in order to get rid of the solicitor.

Another woman in the Dranesville area was shocked when a solicitor approached her in her garden and indicated surprise to find her home. He told her that she was never home during that hour. Her home had been robbed on three previous occasions.

These are only a few examples of people who told of their problems with magazine solicitors in recent interviews with the Globe.

The ironic thing about these incidents is that the Fairfax County police are powerless to do anything about them.

According to the local ordinance the only requirement is that a solicitor drop into police headquarters, fill out an application, get fingerprinted, and he's free to "pester" the citizens at will. After the solicitors have registered and police send away for a criminal record check on the individual, the report comes back weeks after the solicitor leaves the area.

Last June Supervisor Harriet Bradley told the Fairfax Board that "20 percent of those roaming the county have FBI records several pages long."

She said, "something should be done about this situation," and other board members agreed. That was eight months ago and as yet nothing has been done, but refer it to the county attorney's office.

In the meantime a survey of some of the criminal reports indicated that many of the solicitors have past records that include major felonies such as armed robbery, auto theft, burglary, breaking and entering, forgery, and even murder.

For example, so far this year 103 solicitors have been registered at police headquarters.

One fellow from Florida in 1967 was given a 2 to 6 year sentence for auto theft. Then in November 1968 he was arrested for attempted breaking and entering. This man sold magazines in the county in January.

A three-page record exists on another criminal who since 1955, and up to May 1968, has been charged with armed robbery, stolen auto, parole violation, investigation of robbery, breaking and entering with intent to steal and others. This man had the run of the county during the Christmas holidays selling magazines.

In 1968 nearly 600 solicitors registered to sell subscriptions or wares to Fairfax County housewives. Also, last year Fairfax County Police Chief William Durrer told the Board of Supervisors that "burglaries have almost doubled since 1964 when 1,503 cases were reported."

From January to October 1968 "we have registered 3,422 cases on our books with the largest number of these being house burglaries."

"There is no way as far as the present ordinance dealing with solicitors is concerned," he continued "that we can combat the invasion of the criminal who hides behind the legitimate business of the door to door salesman. Our application merely calls for a few details about the individual such as description of the car, name, address, name of company and details about the vehicle," he said.

Neighboring jurisdictions ferret out such information as whether the persons had ever been convicted of a crime and the nature of the violation. Also, the applicants are required to wait a certain period of time before receiving permission to work throughout the territory and, then even pay a $5 fee for filing the application.

Most jurisdictions require a $1,000 bond be posted and charge a fee for the permit. Fairfax County has none of the deterrent factors in their ordinance and as a result get many solicitors with criminal backgrounds.

Some of the lovely looking young ladies with innocent faces who have been preying on the housewives also have records; in one instance one gal was charged with conspiracy to commit fraud on the West Coast, and prostitution as well as forgery. Another lady had been charged with grand larceny in stealing an auto in 1967 and later with prostitution.

Fairfax County's legal department heads, both the Commonwealth Attorney Robert Horan and Board Attorney Donald Stevens, maintain, in spite of the criminal element that is allowed to solicit in the County under the present ordinance, the county can do nothing about it until the general assembly approves enabling legislation.

The county passed the present ordinance in 1958; however, since that time other jurisdictions in Northern Virginia have invoked strict regulations and have the situation well under control.

Arlington County passed one in 1961 and according to an official in the police department hundreds of solicitors have been denied permission because of criminal backgrounds. "We have a folder at least three inches thick," said one official. "We have enough problems with breaking and entering as it is without allowing more criminals in."

Another jurisdiction official said that magazine companies have issued instructions to just bypass our area because of the tight restrictions.

Col. Durrer said that in view of the lack of personnel to keep track of all these people who are given permission to solicit in the county the only other thing "we can do is request the housewives to follow a few simple instructions."

He said that anyone going door to door must register so that's the first question you ask. Ask him to give you his name and then call the police department and find out. Don't let him into your house until you're sure he is registered. "Remember," said the Colonel, "because they are registered still doesn't mean that he is cleared by us and that he is an honest upright citizen, because, we don't know any more about them than you."

If you let him in then don't let him out of your sight and don't allow them to use any facility in your house or apartment. One woman in the Annandale section allowed a solicitor to use the bathroom and he stole $5 off the dresser.

Next get a good description of the person and when he leaves see if he leaves in an automobile.

If he does then get the license, if possible.

"At present," said the police chief, "that's about all we can do until the general assembly allows us to pass stricter enforcement regulations.

"Within the next few months many solicitors will be making their rounds in the county and alert citizens can assist the police in doing a job the local ordinance will not allow," he concluded.

WORTH HEEDING

## HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 5, 1969*

Mr. HARVEY. Mr. Speaker, I want to bring to the attention of the Members a series of recent articles and editorials which have appeared in the Port Huron Times Herald, Port Huron, Mich., in recent weeks. I feel that F. Granger Weil, president and editor of the newspaper, has directed a valid challenge to this Congress in commenting that the "year of the big crackdown—on organized crime—is long overdue."

I agree with him. I agree also with the sound positions taken by our colleague, the Honorable RICHARD POFF, as highlighted in the article by Victor Riesel entitled "New Strategy Proposed for Nixon."

I hope that this Congress will act effectively in a continuing effort to eliminate organized crime. The articles follow:

CRACKING LA COSA NOSTRA: NEW STRATEGY PROPOSED FOR NIXON

(By Victor Riesel)

WASHINGTON, D.C.—If La Cosa Nostra went public and paid dividends, it'd be the hottest security on the stock exchange—which it already is invading. At this moment the LCN (the FBI's acronym for it) is more prosperous—and brutal—then ever.

It's zeroing in on a network of airports through which pass some $20 billion worth of air freight (some seven billion at New York JFK alone). The 24 organized crime syndicates control hundreds of millions of dollars worth of garbage collection businesses in New York, New Jersey, Michigan, and at least three other states—all now under intense investigation.

It has infiltrated a network of local unions—not all in the AFL-CIO—which now are being probed by several Justice Department strike forces and the "new" Labor Dept.

LCN has increased its real estate holdings, according to federal authorities, by "tens of billions of dollars."

The Mafia has prospered, I believe, despite the FBI's most intense attack on the mob since Al Capone, because of Congressional restriction of funds for investigative lawyers, because of Congressional refusal to pass key legislation aimed directly at organized crime, and because of White House restrictions on the use of wiretapping and electronic eavesdropping.

Now that the policy has been reversed for the first time in years, the people have a running chance for an even fight.

It may have been overlooked generally, but Deputy Attorney General Richard G. Kleindienst did say the other day that in the use of wiretapping "the interests of the private individual" must be balanced "against the interest of society trying to protect itself against organized crime."

Now the klieg lights, with all their heat, must be turned on the Congress, which has the chance to join with some of us who do take the Cosa Nostra as a personal insult and public injury.

One of President Nixon's colleagues, a "special ideas" adviser on counter-attacking organized crime, Virginia's Congressman Richard Poff, has introduced a series of bills which could crack the Cosa Nostra and its fraternal mobs.

Dick Poff's proposals are imaginative, innovative, and would hit the hoods like a division of Patton tanks.

First, he would create a Joint Congressional Committee on Organized Crime. Thus, unlike Sen. McClellan's racket-busting operation, so much overburdened by other probes, there would be a committee not dependent on the dedication of just one senator.

"Such a committee," says Representative Poff, "would be able to perform one function inappropriate to the responsibilities of the executive branch, that of informing the American people, by clear and convincing evidence, of the nature, scope, and threat of organized crime to the nation's security."

Thus there would always be a central anticrime office to which to go, instead of awaiting a probe-a-decade in the image of Estes Kefauver and John McClellan's dramatic hearings.

Congressman Poff also appears to have at least a partial answer to those businessmen who come to me privately during my travels and in fear, sometimes in tears, asking what can we do to keep the mob out of our legitimate industry.

One of Mr. Poff's bills would make it illegal for the investment of money made illegally. It's as simple as that. And he would apply the antitrust laws to businesses in which investors have put money on which they have not paid any income tax. Thus, the Sherman Act could be applied, since obviously the nontaxable money gives the shady investor the "edge" the mob loves so much over the legitimate industrialist who pays taxes.

"These proposals, if they become law," says the soft-voiced Virginian, "will not result in any dramatic convictions but will give a handle to federal investigators. Certainly these will give them jurisdiction for probes which would lead to a full understanding of the nature and dimensions of organized crime."

This the bills would do by giving the government people the warrant to search the cash flow from gambling, narcotics, white slavery, loan sharking and muscling of contractors and unions.

There is much more in Mr. Poff's arsenal of proposals. But for the moment, as President Nixon's advisers, including of course FBI Director J. Edgar Hoover and the stern Attorney General John N. Mitchell, prepare anticrime strategy for the White House, there is one suggestion which could crack the spine of the meat hook Mafia.

Mr. Poff proposes a law which would give a judge the power to add up to 20 years to the sentence of a convicted racketeer, after the trial.

There would be a post-trial hearing. During this procedure the judge would determine the convicted one's leadership status inside La Cosa Nostra or any other organized mob. Then the jurist could add a consecutive term to the original sentence—all based on the prisoner's Mafia record.

All this now is in Congressional hands.

The public will get what it demands, which will be a measure of what it deserves. Let's see if the Congress buries these bills as deeply as the Mafia does its victims.

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CRIME CRACKDOWN IS LONG OVERDUE

Vic Riesel, whose column on this page today continues his campaign against big-time crime in America, believes this may be the year organized crime hits the skids.

We trust he is right. The year of the big crackdown is long overdue.

Congress has declined to approve heavy increases in appropriations for the anti-Mafia campaign. This might prove to be very expensive economy if the crackdown fizzles for lack of funds.

Those fighting the criminal element in this country should be given every advantage. They should have every modern instrument of crime detection. Crime bosses, for whom money is no object, have anything they want, everything they can dream up, build, buy or steal, to help them in their law-breaking. The forces of law should have no less.

That means equipment and manpower, and the right to use them. It means a reasonable break for the people, whose interests should be the prime consideration.

Accomplished crooks are not bound by any civilized rules. The people fighting them should at least have both hands free.

It would be refreshing for government to put some real heat on criminal syndicates this year. Then it would have less time for harassing legitimate business which has occupied so much of its attention these last few years.

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CIVIL WAR LOOMS: MAFIA LEADERSHIP IS FULL OF HOLES

NEW YORK.—For us of the anti-Mafia mafia, this is the best of all seasons and the worst of all sessions. La Cosa Nostra's "National Commission" is as full of holes as some of those is caused to depart this earth laden with lead and cement.

For the first time, the crime syndicate is on the run—what with two of its board members dead, at least four either convicted or under indictment, one with a heart that's bad even for a Mafiosi, one, the grandee Mike Miranda, aged, and another under seige in his Southwest home.

Mostly they are the white-haired men of the untouchable generation. And so, according to the knowledgeable federals and other intelligence sources, they are reaching across the generation gap for a young leader—allegedly the 52-year-old Thomas (Tommy Ryan) Eboli. And so to him a kiss on both cheeks.

Until the other day, Mr. Eboli reputedly deferred to the wishes of the late Vito Genovese, who thought of "Tommy" as a son and an "underboss," according to the authorities. Vito, dubbed by Thomas Dewey as "King of the Racketeers" when Frankie Costello was prime minister, was obviously a man to cultivate.

His wife always carried "$50,000 to $60,000" and once said "how should I know how much, I never counted." And Vito could always draw on cash in bank vaults in New York, New Jersey, Monte Carlo, Paris, Switzerland and Naples.

Now Vito is dead like the others he allegedly wiped out, Tony (Bender) Strollo, boss of New York's Greenwich Village rackets, and Murder Inc.'s Albert (the Executioner) Anastasia, just to mention two.

But the succession won't be as simple as one of our White House transitions. Tommy Eboli may never have run into King Henry IV, but nonetheless will learn, as have the National Commission elders, that uneasy lies the head that wears a crown.

There' s going to be gunfire. With the commission's powerful men and syndicate chiefs all the way from San Diego to Chicago, from Philadelphia to Boston and New York, the younger generation, a not so lean but awfully hungry lot, will give "Tommy Ryan" Eboli no surcease.

The underworld will burn brighter than a university building as the local mobs fight for pieces of the action—not only gambling but the labor rackets. The money in seizing unions may not be as heavy as in gambling, but it's safer and more "legal." There are now tens of millions in small local treasuries. There are billions in pension funds. There is easy money in the trillions which will be spent on urban renewal and model city construction in the coming decades.

Until Vito Genovese died in a prison hospital, he was the syndicate's one-man supreme court. He controlled much of the waterfront rackets. His men moved into construction unions such as the hod carriers. And someone should take a long look at Baltimore, as well as the New York suburbs. Vito's dons and underbosses, some by way of concessions meted out by Tony Bender (who died in a car crushed in a junkyard press), moved into powerful sections of Teamsters locals.

And there is the territory of the alleged Genovese Pennsylvania underboss, Russell Bufalino, who traveled with Vito and whose car Vito used to move to and from the notorious 1957 syndicate cookout conference in New York. He is a big man in ladies' garments and has "muscled" hard for his territory in Northeastern Pennsylvania.

On Dec. 5, 1968, FBI agents arrested Bufalino and an accomplice. They were charged with conspiring to transport a quantity of stolen television sets valued at $25,000. As an old newsboy, I tell you one doesn't easily give up juicy routes.

So this is the best of all seasons for those who have fought the Mafia, be they of the press, the pulpit, the universities, the FBI or the Organized Crime and Racketeering Section of the Justice Dept. The mob's on the run. Its high command is shredded. Its new leader soon will be under assault.

But soon this could be the worst of all seasons. It will be grim, says Ralph Salerno, until recently the New York Police Dept.'s top Mafia specialist, if the politicians don't learn there's clout in the pursuit of the Cosa Nostra.

"Organized crime is getting disorganized. Just look around the country and you'll see what you've never seen before—Cosa Nostra's bosses and underbosses are being indicted and imprisoned. We sneaked up on them before they realized it. The old fellows got tired.

"It is the end of an era. But now the attack will have to be different. We could wrap up the fight on the Mafia in ten years. They are only some 2,000 men. But we need the scientist and sociologist now, especially to dig the mobs out of the ghetto, and from the billions in welfare and antipoverty money."

And there are those who say that a new Labor Dept. policy is vital. It must change its policy from an ambling curiosity over what's happening on the labor racket front. It must demand that its investigative staff be jumped from the meager 175 probers it has to cover a nation. It must move quickly when there are allegations that the mob is moving into unions (as can be seen from current and scheduled trials) and when the syndicate sets up its own dummy labor fronts.

With such help the private anti-Mafia mafia could make this the best of all decades.

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## NONPROLIFERATION TREATY A TROJAN HORSE?

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 5, 1969*

Mr. RARICK. Mr. Speaker, the full text of the Nonproliferation Treaty will be found in the CONGRESSIONAL RECORD for February 27, 1969, at page 4743. A review of the treaty provisions will be disappointing to those who hold great expectations of its being an instrument of peace.

As usual, public hearings were held and testimony taken—but the public was not permitted to be heard. That the U.S. people have been denied any voice in the consideration of this treaty is evidenced by the reported refusal to permit Mr. Benjamin Ginzburg to testify.

Is the Government's policy now to reject testimony which may be contrary to predetermined conclusions and preconceived ideologies?

But then, no treaty or agreement is better than the honor of the signatories. The Soviet Union only enters into treaties which are to her advantage. To the Communists treaties are unilateral; for if the terms prove an obstacle to their international objectives, they merely repudiate the treaty.

In this regard, I include a compilation of the treaties and agreements broken by the Soviet Government following my remarks, along with a news clipping from the Chicago Tribune for March, 1969, covering the forbidding of a citizen to be heard; a copy of Mr. Ginzburg's rejected testimony, the Manion Forum broadcast for February 16, 1969, and a statement by Gen. Thomas A. Lane:

[From CONGRESSIONAL RECORD, Apr. 19, 1967]

TREATIES REPUDIATED BY SOVIET RUSSIA

II. POST-REVOLUTION TREATIES AND AGREEMENTS

*A. Bilateral*

1. Treaties

None.

2. International Agreements Other Than Treaties

Roosevelt-Litvinov agreements (arrangements relating to the establishment of diplomatic relations, nonintervention, freedom of conscience and religious liberty, legal protection and claims), effected by exchange of notes at Washington, November 16, 1933. (Department of State Publication 528.) (Comment: It is considered that the Soviet Union has violated various terms of these arrangements.)

Agreement relating to the procedure to be followed in the execution of letters rogatory, effected by exchange of notes at Moscow, November 22, 1935. (EAS 83.)

Lend-lease agreement (preliminary agreement relating to principles applying to mutual aid in the prosecution of the war against aggression) between the United States and the U.S.S.R., signed at Washington, June 11, 1942. (EAS 253.) (Comment: It has considered that the Soviet Union has violated terms of this agreement.)

Agreement relating to prisoners of war and civilians liberated by forces operating under Soviet command and forces operating under United States of America command, signed at Yalta February 11, 1945. (EAS 506.) (Comment: This was a part of the understandings reached at the Yalta Conference; it is considered that the Soviet Union has violated terms of these understandings.)

*B. Multilateral*

1. Treaties

Treaty providing for the renunciation of war as an instrument of national policy (the Kellogg-Briand Pact), signed at Paris August 27, 1928. (TS 796.) (Comment: It is considered that the Soviet Union has violated this treaty.)

Charter of the United Nations, signed at San Francisco, June 26, 1945. (TS 993.) (Comment: It is considered that the Soviet Union has violated various terms of this charter.)

Treaty of Peace with Hungary, signed at Paris February 10, 1947. (TIAS 1651.) (Comment: It is considered that the Soviet Union has violated this treaty.)

Treaty of Peace with Rumania, signed at Paris February 10, 1947. (TIAS 1649.) (Comment: It is considered that the Soviet Union has violated this treaty.)

Treaty of peace with Bulgaria, signed at Paris February 10, 1947. (TIAS 1659.) (Comment: It is considered that the Soviet Union has violated this treaty.)

Convention relative to the treatment of prisoners of war, dated at Geneva August 12, 1949. (TIAS 3364.) (Comment: It is considered that the Soviet Union has violated this convention.)

2. International Agreements Other Than Treaties

Universal Postal Union Convention, signed at Stockholm, August 28, 1924. (Superseded.) (TS 708–A; 49 Statutes at Large 2741:)

Universal Postal Union Convention, signed at London, June 18, 1929. (Superseded.) (46 Statutes at Large 2523.)

Universal Postal Union Convention, signed at Cairo, March 20, 1934. (Superseded.) (49 Statutes at Large 2741.)

Universal Postal Convention, signed at Buenos Aires, May 23, 1939. (Superseded.) (54 Statutes at Large 2049.)

Atlantic Charter of August 14, 1941 (Declaration of principles, known as the Atlantic Charter, by the President of the United States of America and the Prime Minister of the United Kingdom), as reaffirmed in the Declaration by United Nations (see below) to which the U.S.S.R. adhered. (EAS 236.) (Comment: It is considered that the Soviet Union has violated the principles affirmed in this charter.)

Declaration by United Nations, signed at Washington January 1, 1942 (EAS 236.) (Comment: See above; it is considered that the principles of the Atlantic Charter as reaffirmed by this declaration have been violated by the Soviet Union.)

Moscow agreements of November 1, 1943 (declarations of joint policies, United States, United Kingdom, U.S.S.R., Conference of Foreign Ministers). (Department of State Bulletin, Nov. 6, 1943, pp. 307–311.) (Comment: It is considered that the Soviet Union has violated understandings relating to Germans charged with certain crimes.)

Cairo Declaration of December 1, 1943, to which the U.S.S.R. adhered August 9, 1945, pursuant to the Potsdam Protocol (see below):

Statement of joint understandings on future military operations against Japan: statement of purpose that "Korea shall become free and independent."

Department of State Bulletin, December 11, 1943, pp. 412–413. (Comment: It is considered that the Soviet Union has violated understandings set forth in this declaration.)

Teheran Declaration of December 1, 1943 (declaration on cooperation in war and peace, United States/United Kingdom, and U.S.S.R., with declaration regarding Iran. (Department of State Bulletin, Dec. 11, 1943, pp. 409–410.) (Comment: It is considered that the Soviet Union has violated understandings set forth in this declaration.)

Protocol on the zones of occupation in Germany and the administration of Greater Berlin, signed at London September 12, 1944, United States, United Kingdom, U.S.S.R., and France. (Also amendments signed Nov. 14, 1944 and July 26, 1945.) (TIAS 3071). (Comment: It is considered that the Soviet Union has violated understandings set forth in this protocol.)

Armistice agreement with Rumania, signed at Moscow September 12, 1944. (EAS 490.) (Comment: It is considered that the Soviet Union has violated this agreement.)

Armistice agreement with Bulgaria, signed at Moscow October 28, 1944. (EAS 437.) (Comment: It is considered that the Soviet Union has violated this agreement.)

Agreement on control machinery in Germany, signed at London November 14, 1944, United States, United Kingdom, U.S.S.R., and France. (Also amendment signed May 1, 1945.) (TIAS 3070.) (Comment: It is considered that the Soviet Union has violated this agreement.)

Armistice agreement with Hungary, signed at Moscow January 20, 1945. (EAS 456.) (Comment: It is considered that the Soviet Union has violated this agreement.)

Yalta agreements (protocol of the proceedings of the Crimea Conference), signed at Yalta February 11, 1945. (Department of State press release 239, March 24, 1947: "Foreign Relations," the Conference at Malta and Yalta, 1945, p. 975 ff.) (Comment: It is considered that the Soviet Union has violated understandings set forth in the Yalta protocol.)

Declaration regarding the defeat of Germany and the assumption of supreme authority with respect to Germany by the Governments of the United States, the United Kingdom, and the U.S.S.R., and the Provisional Government of the French Republic; declaration made and released at Berlin June 5, 1945. (Department of State Bulletin, June 10, 1945, pp. 1051–1055.) (Comment: It is considered that the Soviet Union has violated this Declaration.)

Potsdam agreements (protocol of the proceedings of the Berlin (Potsdam) Conference, United States, United Kingdom, and U.S.S.R., and proclamation defining terms for Japanese surrender, United States and United Kingdom, with later U.S.S.R. concurrence); protocol concluded August 2, 1945; proclamation signed July 26, 1945. (Department of State press release 238, March 24, 1947 (protocol); Department of State Bulletin, July 29, 1945, pp. 137–138 (proclamation); Foreign Relations Conference of Berlin (Potsdam) 1945, vol. II, p. 1478 ff.) (Comment: It is considered that the Soviet Union has violated these agreements.)

Four-power agreement on certain additional requirements to be imposed on Germany, done at Berlin September 20, 1945. (Department of State Bulletin, Oct. 7, 1945, pp. —.) (Comment: It is considered that the Soviet Union has violated this agreement.)

Moscow agreements of December 27, 1945 (report of the Foreign Ministers meeting, United States, United Kingdom, and U.S.S.R.), signed at Moscow December 27, 1945. (Department of State Bulletin, Dec. 30, 1945, pp. 1027–1032.) (Comment: It is considered that the Soviet Union has violated these agreements.)

Moscow agreements of April 23, 1947 (report of Council of Foreign Ministers regarding German prisoners of war), done at Moscow April 23, 1947. (See Department of State Bulletin, June 26, 1949, p. 824.) (Comment: It is considered that the Soviet Union has violated these agreements.)

Quadripartite (Berlin Blockade) agreement of May 4, 1949 (agreement relating to the lifting of restrictions imposed since March 1, 1948 on communications, transportation, and trade with Berlin), dated at New York May 4, 1949. (TIAS 1915.) (Comment: It is considered that the Soviet Union has violated this agreement.)

Council of Foreign Ministers communique regarding communications, transportation, and trade between Berlin and Western Zones of Germany and between Eastern and Western Zones, made and released at Paris, June 20, 1949. (Department of State Bulletin, July 4, 1949, pp. 857–858.) (Comment: It is considered that the Soviet Union has violated the understandings set forth in this communique.)

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[From the Chicago (Ill.) Tribune, Mar. 1, 1969]

CZECH INVASION A TABOO TOPIC ON CAPITOL HILL

(By Willard Edwards)

WASHINGTON, February 28.—The forbidden word on Capitol Hill is "Czechoslovakia." It is considered bad form in the best congressional circles, if not faintly treasonable, to recall Russia's invasion of that suffering nation only six months ago.

This attitude, popularized by President Nixon and prevalent among both Democrats and Republicans, prompted the Senate foreign relations committee this week to a virtually unprecedented action.

After brief hearings, falsely labeled public, the committee, in closed session, decided not to hear opposing witnesses and rushed approval of the nuclear nonproliferation treaty by a 14–0 vote.

The testimony thus suppressed would have warned against a pact with the Soviet Union which could be interpreted as tacit acceptance of Russia's attempt to stamp out freedom in Czechoslovakia.

Several of these witnesses had informed the committee of their wish to appear and furnished advance copies, when requested, of their testimony. All had intended to cite the invasion and occupation of Czechoslovakia as a major reason for refraining at this time from a partnership with Russia in any agreement.

The committee preferred to act in the mood set by President Nixon at a Feb. 6 press conference, when he was asked how the situation had changed since he opposed ratification of the treaty during his campaign for the Presidency.

GIVES REASONS FOR CHANGING VIEW

It had changed, Nixon replied, because the Russians had substantially reduced their occupying forces in Czechoslovakia and "also in the sense that the passage of time tends somewhat to reduce the pent-up feelings that were then present with regard to the Soviet Union's actions."

Some committee members, emerging from the closed hearing room where they had joined in this forgive-and-forget sentiment, privately confessed themselves a little embarrassed when told that a second student had burned himself to death in Prague as a protest against Russian brutality.

Pent-up feelings, it seemed obvious, had not been reduced in Czechoslovakia.

The committee's excuse for curtailing the hearings, confining them to government witnesses in support of the treaty, was that "public witnesses" had had their day at hearings last July [before the invasion of Czechoslovakia]. Why bring them back to clutter up the record with a repetition of the arguments they advanced at that time?

One of the opposition witnesses, barred from an appearance, was Benjamin Ginzburg, former research director for the Senate subcommittee on constitutional rights, an acknowledged expert on scientific and political subjects.

On Feb. 6, when he heard that the committee would hold hearings on the treaty, Ginzburg wrote Chairman J. W. Fulbright [D., Ark.] requesting permission to testify. In reply, he was told to submit a copy of his testimony. He prepared a scholarly draft listing some of the dangers he glimpsed in the treaty.

SEES INDORSEMENT OF INVASION

One of them was the implied indorsement of "the rape of Czechoslovakia" which seemed, to Ginzburg, "confirmation of our worst fears about the character and aims of our proposed treaty partner, the communist government of the Soviet Union."

On Feb. 18, when Secretary of State William P. Rogers was the first witness in support of the treaty at the committee hearings, Ginzburg asked when he was scheduled to testify. He was informed that no "public witnesses" [nongovernment] were contemplated.

"This creates a new type of public hearing," he protested in a telegram to Fulbright, "a public hearing that does not hear the public." There was no reply.

Ginzburg then appealed to all 15 committee members in a message noting that the purpose of a hearing was to give all sides an opportunity to be heard. He could not believe, he said, that "members of the greatest deliberative body in the world will want to set a precedent of excluding the public from a so-called public hearing." The only response was the committee's vote to end hearings and send the treaty to the Senate floor for debate next week.

There, a small group of senators, including Barry Goldwater [R., Ariz.], will violate the "Let's Forget Czechoslovakia" rule. They will note the invasion as convincing evidence that Russia remains a relentless foe of freedom and that ratification of the treaty will dignify its brutal policies. Their voices, at this writing, do not appear powerful enough to prevail.

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STATEMENT OF BENJAMIN GINZBURG, PREPARED FOR THE FOREIGN RELATIONS COMMITTEE OF THE U.S. SENATE ON THE NON-PROLIFERA-witnesses" [nongovernment] were contem-MITTEE

Mr. Chairman, my name is Benjamin Ginzburg. I am a resident of Arlington, Virginia. I am a retired civil servant, my last post being that of Research Director for the Senate Subcommittee on Constitutional Rights. I have a background of extensive study and writing in both scientific and political subjects.

I am here to speak against ratification of the Non-Proliferation Treaty. I deplore the treaty ratification drive pursued by Administration leaders, who seem to be oblivious of the recent confirmation of our worst fears about the character and aims of our proposed treaty partner, the Communist government of the Soviet Union. These recent confirmations have been provided by the Soviet invasion and occupation of Czechoslovakia, and by the revelation of the barbarous treatment inflicted on our Pueblo sailors by the Soviet puppet regime of North Korea.

The invasion of Czechoslovakia constitutes a hideous crime against a people struggling to regain their freedom. But it is more than an isolated criminal act. It is a clear notice to all concerned that the brutal dictatorial clique which usurped power in Russia and in the satellite states of Eastern Europe has not changed its character. The government of the Soviet Union is stil addicted to the same murderous brutalities that characterized the regime under Lenin, under Stalin and under Khrushchev.

We of the West who hunger for peace and have faith in the ultimate goodness of man have tended to assume that the Communist rulers are inevitably moving towards freedom and humanitarianism, and we have believed that we can further this wished-for development by treating the Communists as a civilized government and joining with them in compacts and common undertakings. It is on the basis of this attitude—an attitude which does credit to our good sentiments but not to our sense of reality—that the Nuclear Non-Proliferation Treaty was negotiated and given a preliminary signature.

Today, however, the eyes of everyone should be opened to the sober truth. Not only are we preparing to enter into a treaty with a notorious treaty breaker, but the treaty itself is seen to be a product of the union of Communist machiavellianism and our own sentimentality. It puts our security—and the security of the Western world—into a straight-jacket, while placing no real restrictions on the Communists, even if for once they should choose to honor the treaty provisions.

Last summer, when the Communist rape of Czechoslovakia was perpetrated, our political leaders on both sides of the aisle decided to postpone bringing this treaty to the floor of the Senate for a vote on ratification. In my opinion they should have had the courage to throw the treaty out then and there.

Today some of the same political leaders are so misjudging the temper of the American people that they imagine that the shock of outrage has worn off, and that we can all go back to the state of pre-Czechoslovakian innocence with regard to the treaty. In particular, President Nixon, who urged postponement of action last summer, now asks for immediate ratification. He dismisses the revelation of Soviet perfidy furnished by the Czechoslovakian invasion with the bland observation that "the passage of time tends somewhat to reduce the pent-up feelings that . . . were present [last summer] with regard to the Soviet Union's actions."

I am appalled at this cavalier treatment of the Czechoslovakian episode. Even if the invasion were to be judged simply as an isolated criminal act, can it be deemed wise to pardon an action which directly contradicts the solemn pledge of the contracting parties—the pledge to "refrain from the threat or use of force against the territorial integrity or political independence of any State?" Certainly, even on that assumption, there should be no pardon without some sign of repentance and reparation that would attempt to demonstrate the peaceful character and intentions of the Soviet Government.

But I repeat, the invasion of Czechoslovakia is more than an isolated criminal act, it is a confession of an abiding criminal character on the part of the gang of Communist rulers. It calls to mind all the internal and external atrocities committed by this gang—the concentration camps and the extermination of the Kulaks; the seizure of the Baltic states; the partnership with Hitler which unleashed World War II and all its horrors; the imposition of Communist rule, through subversion and military force, on the peoples of Eastern Europe, including the freedom-loving people of Czechoslovakia; the totally unprovoked war on South Korea, which cost us so much blood and treasure to put down; the treacherous suppression of the Hungarian freedom fighters; the export of Communist tyranny to Cuba and to Vietnam; and so on and so forth. It calls to mind all these infamous deeds, and tells us that the Communists are still intent on their hideous dream of world domination, and that they stand ready to use any and all means—without being restrained by the principles of international law or the dictates of humanity—to further their power and their dream.

The story revealed by the current inquiry on the seizure of the Pueblo adds a sorry postscript to the Czechoslovakian confession of Soviet criminality. Yes, I know that the Pueblo was seized and its sailors were tortured, not by Soviet Russia but by the government of North Korea. But, gentlemen, I cannot separate the puppet government of North Korea from the gang that pulls the strings in Moscow. The so-called Premier of North Korea, Kim Il-Sung, at last reports, still holds a captain's commission in the Russian army. The whole Pueblo operation was conducted for the benefit of the Soviet Government, exactly as was the case with the North Korean invasion of South Korea in 1950.

We cannot let the Communist gang in Moscow get away with the pretense that the actions of North Korea were the actions of an independent government. This pretense certainly should not fool us now, at a time when the Soviet Government itself promulgates the doctrine that it can intervene at will in the affairs of Communist states. Our government asked the help of the Soviet Government in the Pueblo affair, but that help was not forthcoming. It was not forthcoming because the rulers in Moscow—who do not hesitate to use the same methods of brutal torture to gain their ends—saw no reason to interfere with the actions of their puppet when these actions served the interest of Communist power.

I have dwelt on the revelations of Communist character because without them we cannot understand what we are getting into through the Non-Proliferation Treaty. If we look at the treaty through awakened eyes, what do we find?

We find, first, that the professed aim of the treaty is to stop the proliferation of nuclear weapons to those states that do not now possess them, and thus to cut down the risks of nuclear conflagrations. But does the treaty give us a reasonable assurance of accomplishing this aim? No. In the first place, neither France nor China (both of whom pos-

sess nuclear arsenals) is party to the treaty. Thus there is nothing to stop these powers from furnishing nuclear weapons and know-how to non-nuclear states. It is true that those non-nuclear states who adhere to the treaty bind themselves not to create or acquire nuclear weapons. But with two great powers able to provide such weapons, the non-nuclear signatory states will have nothing but their consciences standing in the way of acceptance of such weapons, and the non-nuclear states who are not signatory to the treaty will have nothing at all standing in the way of acquiring nuclear weapons and nuclear know how.

Furthermore, the scientific process of making nuclear weapons (particularly the process of accumulating weapons-grade plutonium) has become so simplified that it can be carried on even in countries adhering to the treaty without being detected by the treaty's inspection system. Mr. William Foster, the former director of the U.S. Arms Control and Disarmament Agency, has admitted this fact.

In view of this new case of developing nuclear weapons, many presently non-nuclear states are likely to embark on nuclear programs in order to protect themselves against the ever present danger of nuclear blackmail by nuclear powers. Even when nuclear technology was far more complex and costly, the government of France decided to develop its own nuclear force in order to protect itself against possible Soviet nuclear blackmail. It did not want its people to be forced to adopt Bertrand Russell's doctrine of "better Red than dead."

Our own government, which vividly remembered the nearly successful effort on the part of the Soviet Government to level a nuclear trigger against us by sneaking missiles into Cuba, has considered the fear of nuclear blackmail so reasonable that it has offered a certain measure of protection against it. It has pledged that we, using the machinery of the United Nations, would come to the aid of non-nuclear states signing the Non-Proliferation Treaty, when they are threatened or actually invaded by states using nuclear weapons. Unfortunately, Soviet Russia has not promised to forego the use of its veto power in the United Nations Security Council in such cases. This means that should such an actual or threatened attack occur, the only help that a blackmailed state is likely to get is that which Uncle Sam, acting alone, would give; that is, if he accepts the role of world policeman, which has been so bitterly attacked by our pacifist internationalists.

Why should our government be eager to ratify a treaty which opens up a Pandora's box of fears and uncertainties? I can well understand the Soviet Union's strong interest in the treaty. This interest is based not on the desire to do good for the world, but rather on the cynical and sinister calculation of weakening the defenses of the free world and thus facilitating the Communist drive for world domination.

To illustrate this fact, let me recall an episode in the early stages of drafting the treaty. Our government in 1965 desired to insert a provision that would permit us to assist a united European defense organization in building a nuclear force of its own. The provision would have satisfied the longing of our European allies to participate in their own nuclear defense and not to have to rely entirely on the promise from Washington to use our power of mass retaliation should Europe be attacked. It would not have increased the risk of aggressive nuclear war, since the agreement of all the members of the defense organization would have been required for pulling the nuclear trigger and this would have been forthcoming only in the most dire emergency. On the other hand, the existence of such a joint European nuclear force would have served notice on the Soviet Government that it could not count on any hesitation of Washington to use nuclear weapons in defense of Europe, since Europe would in any case be ready to defend itself.

But the Soviet Government said "Nyet" to our government's proposal, and the matter was dropped.

In recent weeks the Soviet Government has demonstrated a suspicious overeagerness to procure ratifications of this treaty. Thus the press has reported a sudden Soviet offer to make various concessions on political matters to West Germany (including the withdrawal of the right claimed by the Soviets to intervene in West Germany as a hostile state under World War II clauses of the United Nations Charter), in exchange for West German ratification of the non-proliferation pact. The press has also reported vague Soviet promises to help the United States on Vietnam and other matters as a quid pro quo for our ratifying the treaty. President Nixon appears to have taken note of these promises when he stated that he intended henceforth to pursue a policy of cooperation rather than confrontation with the Soviet Union.

Surely it passes comprehension that the Communists should be offering bribes to secure the adoption of a treaty which is supposedly for the universal good of all nations. But the tactic makes sense when we realize that German and American ratifications are all-important in furthering the Communist aim of weakening and ultimately destroying the European alliances of the United States. In plain words the tactic is a "come-on" game to lure us and our friends to our own destruction. I shall forego discussing the atrocious technical details that are found in the treaty. These faults are well covered in the previous hearings by this committee and in the observations made by the Minority Reports. Faults of detail can be corrected by revision. My contention is that the whole scheme of the treaty is wrong and irreparably wrong. The treaty is in fact nothing but a Communist trap—a trap that takes advantage of our laudable interest in peace and in the abatement of the risks of nuclear war in order to have us promote the interest and power of Communist imperialism.

We are living in an age that calls for clear thinking and firm nerves. We have to be particularly careful not to let the itch to do something for peace involve us in misguided action that in fact worsens the risk of war. The treaty involves us in misguided action because, among other things, it is founded on the false proposition that the greatest risk of nuclear war comes from new nations developing nuclear weapons, rather than from the Communist powers, Russia and China, who already possess stocks of nuclear armaments.

Acceptance of the treaty would mean that while we fiddled around with a futile scheme to prevent new nations from acquiring nuclear weapons, the Communists would be accomplishing the real aim of the treaty, which is to so weaken our defenses that they, the Communists, could more easily start nuclear wars, or secure their objectives, as Hitler used to do for so many years, by threats without a fight. The end result of our being thus hoodwinked by the Communists could be frightfully disastrous for us and for the world.

Of course it is desirable that we find a way of stopping the proliferation of nuclear weapons to states that do not already possess them. But let us wait for a proper time and for a method for tackling that problem that does not facilitate the Communist aims of world domination.

Posterity will never forgive us if we fall for the modern version of the Trojan Horse—which is what the Non-Proliferation Treaty really is. I pray that this committee and the whole body of the Senate vote down the treaty and show the world that good sense still reigns in the United States of America.

[From the Manion Forum, South Bend (Ind.), Feb. 16, 1969]

BEWARE OF COMMUNISTS BEARING GIFTS: RED TREATIES ARE MODERN-DAY TROJAN HORSES

(By Dean Clarence E. Manion)

Again and again, in one form or another, many wise men have said that in the records of the past you are sure to find the prologue of the future. Now, as the present time becomes ever more turbulent and uncertain, I am sure that everybody would like to get a peep at that prologue. We haven't time here today to dig for the entire moving picture, so let us settle for a small but significant segment of the ancient past that has emerged into prologue time and time again.

Two thousand years ago the Roman poet, Virgil, was telling his countrymen to "beware of the Greeks, particularly when they are bearing gifts." (Aeneid—Book II) Virgil's warning climaxed his classical story about the destruction of the ancient and powerful city of Troy which the Greeks had finally accomplished 1,000 years before Virgil was born.

He recounted how the people of Troy had successfully defended themselves and their city against the attacking Greek army for ten long and bloody years. Finally the Greek commander let it be known that he had given up the seige and was taking his forces home. But before their departure, and as a sporting gesture of tribute to the valor of the city's defenders, the Greek soldiers constructed a mammoth wooden horse and left it in front of the unbroken gates of Troy with their congratulations and best wishes to their Trojan enemies.

When the last of the Greek soldiers had marched away and disappeared, the people of Troy carried the big horse into their city and staged a wild victory celebration. That night, after the revelers had subsided into silence and sleep, the big wooden horse quietly disgorged a small company of Greek soldiers who threw open the gates of Troy for the immediate entry of the Greek army which had suddenly returned. The great city was burned and all but a handful of its brave citizens were slaughtered.

That was the sad end of Troy and of the Trojans. The impregnable fortress which could not be taken by frontal assault had been subverted and destroyed by a hypocritical gesture of friendship.

The historical recollection of this ancient piece of perfidy has been everlasting. Nevertheless, the lesson that it taught has been continuously ignored. In one succeeding century after another, Trojan horses have galloped out of the past into the prologue of the future while one Troy after another was being subverted and destroyed.

Vergil described the fate of what was then ancient Troy in the context of what was his own contemporary city of Rome in the last century before Christ. Now, 2,000 years after Vergil, Americans would do well to update and paraphrase the Latin poet's warning.

Today, Vergil would be telling us to beware of our Communist enemies, particularly when they are bearing treaties of mutual diplomatic recognition, mutual trust, mutual disarmament and reciprocal "non-aggression." The modern Trojan horses are the treaties which Communist governments have managed to have emplaced in practically all of the remaining free countries of the world. The only Communist purpose for these "pacts" and "agreements" is to throw open the gates of each free country for its invasion and destruction by the implacable Communist conquest.

It is in the ironical nature of the Communist Trojan treaty that it always gets where it is by the consent if not by the invitation of the host country. It's inevitable object is the proliferation of Communist influence in the area of its emplacement and in this respect the most prolific of all of these Red exportations is the Communist embassy,

which comes into a free country as a result of that country's diplomatic recognition of a Communist government.

Writing in the *Harvard Business Review* a few years ago (January, 1964), J. Edgar Hoover said:

"FBI experience is that official personnel form the backbone of Soviet-bloc espionage in the U.S. A Soviet defector has estimated that from 70 to 80 per cent of Soviet officials in the United States have some type of intelligence assignment."

That would mean that from 70 to 80 per cent of all Communist diplomats in this country are actually Communist spies.

Bear in mind that if and when the ordinary underground Soviet agent is apprehended in this country, he is subject to legal prosecution and punishment, but if the spy turns out to be attached to the Soviet embassy, or is a part of the Soviet delegation to the U.N. in New York, he is automatically entitled to diplomatic immunity, so the worst that could befall him would be expulsion from the country. This means that he can work without the risk of interrogation or confinement in case he is caught.

DIPLOMACY USED AS CLOAK

In all cases where they employ it, the Communists use diplomacy to get goods and concessions from free countries that the Communist countries need in order to survive, and as J. Edgar Hoover has said, at least 70 per cent of Communist "diplomacy," so-called, is used to steal information from free countries that the Communists can not otherwise obtain.

The Reds have never made a serious attempt to conceal this perfidious purpose of their diplomatic relations with free countries. Long before the Communists had come to power anywhere in the world, Lenin was teaching them that "promises, like pie crusts, are made to be broken." (Collected Works Vol. 9, P. 290–291, Proletarian Number 20, 1905)

They have applied this wicked principle blatantly throughout the past fifty-one years, while they have expanded the foothold that Lenin and Trotsky stole from the first democratic government of Russia (November 7, 1917) into a Red slave empire that now dominates much more than a third of the world.

One of the earliest victims of the Communist "pie crust" treaty policy was and is Lithuania. This very day (February 16) in all free countries the resident Lithuanians are celebrating their ancient nation's "4th of July"—the 51st anniversary of the restoration of Lithuanian independence. Ironically, there is no such celebration taking place inside Lithuania itself, which is now held captive in the clenched fist of Soviet Communist tyranny.

How did Lithuania's national independence disappear into Soviet Russia? The process began with the emplacement inside Lithuania of a Soviet Trojan horse. Like the ancient Greeks at Troy, the Soviets had first tried force on Lithuania and failed. Then on July 12, 1920, in Moscow, the Soviet government and the newly independent Lithuanian government signed a treaty which recognized the sovereign independence of Lithuania. The United States extended official recognition to independent Lithuania in July of 1922. That recognition has continued ever since and free Lithuania has an embassy in Washington today.

The Communist government was having plenty of trouble at home during the 1920's, but at the same time it was trying desperately to export its Trojan horse treaties to all countries that would accept them. Lithuania accepted one of these—a "mutual nonaggression pact," so-called, in 1926, and still another, a "mutual assistance pact" in October, 1939. The Soviet Red army was on the border of Lithuania then, having just invaded Poland from the west as a part of Stalin's secret deal with Adolf Hitler.

In June, 1940, the Soviet forces arrested the lawful government of Lithuania and converted the country into a Soviet colony. The pretext for this wanton destruction of Lithuanian liberty was the Soviet charge that the Lithuanians were violating its treaties of friendship and peaceful coexistence with Soviet Russia. Any similarity between the sound of this allegation and the neighing of a Trojan horse was pure coincidence, of course.

The United States immediately denounced this Soviet rape of Lithuanian independence as an unlawful and intolerable violation of the principles of civilization—but that was our last official word or action on the subject.

How does our Government manage to reconcile its continued official recognition of the independence of Lithuania with our continued recognition of the same Soviet government that unlawfully destroyed Lithuanian independence? And in view of this disillusioning Lithuanian experience, why have all of our Presidents from Franklin Roosevelt to Lyndon Johnson continued to bind this country into the same kind of Trojan horse trades with the Kremlin that resulted in the ruination and colonial captivity of Lithuania?

In between its broken Lithuanian treaty of 1920, and the almost immediate destruction of its August 3, 1968, treaty with Czechoslovakia, the 48-year record of Soviet pie crust diplomacy stretches into a long unbroken line of perfidy that disgraces the judgment of every government, including our own, that has dared to deal with Russia during that time.

COLBY ANALYSIS STILL VALID

In 1920, at the very beginning of the Kremlin's brazen venture into the field of international relations, Bainbridge Colby, our Secretary of State, correctly appraised the undependable nature of every Communist government and firmly stated our official policy of refraining from recognizing or attempting to negotiate with any of them. Here is just a part of that official statement:

"The responsible leaders of the existing Communist regime in Russia have freely and openly boasted that they are willing to sign agreements . . . with foreign powers while not having the slightest intention of observing such undertakings. This attitude of dishonoring their voluntary obligations they base upon the theory that no agreement with a non-Bolshevist (non-Communist) government can have any moral force for them. They have not only avowed this as a doctrine, but they have exemplified it in practice. It is their understanding that . . . the maintenance of their own Communist rule (in Russia) mut continue to depend upon the occurrence of revolutions in all other great civilized nations including the United States; revolutions which will overthrow free governments and set up Bolshevist (Communist) rule in their stead." (Statement of Bainbridge Colby, Secretary of State, in a formal reply to an inquiry by the Italian Ambassador concerning the reasons for U.S. refusal to recognize Soviet Russia, August 20, 1920.)

Judged by the cold record of what has happened since it was made, this 1920 statement by Secretary of State Colby is the most prescient paper ever published by the American State Department. The poisonous practices of Soviet diplomacy have lived up to the letter of this expert prognosis for 48 years, now going on 49. If the United States had persisted in its 15-year adherence to the policy of diplomatic quarantine that this paper declared against Communist governments in 1920, the world would have been spared the choleraic epidemic of irrational revolutionary turmoil and terror that now afflicts every country on earth, including our own.

Like the Greeks at Troy, the Communists have never been able to break through the gates of morally and legally established civilized life by direct frontal assault. They must get in by subterfuge, by selling Trojan horses of cultural and commercial interchanges and "coexistential" peace.

Franklin Roosevelt bought the big one when he broke our diplomatic quarantine in order to recognize the Kremlin in 1933. Now the big drive is on to break the quarantine on Red China and Cuba. Unfortunately, President Nixon seems to be catching Johnson fever since he moved into the White House. He now wants the Senate promptly to ratify the nonproliferation treaty, which amounts to an agreement between the United States and Russia to keep other countries, other *free world* countries, that is, from acquiring atomic weapons. The President says he now prefers "conferences to confrontations with the Communists."

That is a fine figure of speech, but the record shows that it is a suicidal foreign policy. Let's remind the President that the Communists have never won a confrontation and have never lost a conference. We need a whole chorus of Vergils now to warn the President and the Senate to beware of Communists bearing gifts.

Hopefully, we may expect that at least one U.S. Senator will read the full 1920 Colby statement to his colleagues and into the record before they accept and bed down any more Communist Trojan horses. The truth about Communists and about Communism will make us free if *we* can once more make it entirely respectable to preach that truth.

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STATEMENT BY MAJ. GEN THOMAS A. LANE

WASHINGTON.—In debate on the Johnson pay raises for the federal elite, Majority Leader Mike Mansfield asked, "Are we mice or are we men?" The majority showed they were mice in the way they went after the Johnson cheese!

Now we have a new measure to test the qualities of the senators. The vote will have special significance for Republican senators because the Johnson Non-Proliferation Treaty has been indorsed by President Richard Nixon.

While Democrats held the White House Republicans were free to vote their convictions on important policy issues. They could all be patriots. Now that they are receiving guidance from the White House, Republican senators must decide whether the party or the country comes first. Will they compromise their convictions to accommodate the White House influence?

The Non-Proliferation Treaty is a good test because the issue is so clear-cut and because President Nixon has come down on the wrong side of it. The national interest calls clearly for rejection of the treaty.

This treaty is a fraud upon the American people. It pretends to serve peace; but it increases the prospect of war by disarming the West without corresponding restraint of the Communist powers. The central Soviet objective in this treaty is to deny nuclear weapons to West Germany. Secondary targets are Japan, India and Israel. The treaty does not disarm any Communist powers.

This treaty provides specifically that the signatory powers shall not do what the Soviet Union did in Czechoslovakia. We have long known that the Soviet Union regards these treaties as scraps of paper to mislead the ever-trusting West. How can American leaders, in the face of such a breach of the treaty before it is signed, pretend that such immoral contracting helps the cause of peace? It is clear that they strike these postures only to deceive the American people and not with any expectation of restraining Soviet aggression.

What aberration of political strategy dictated the Nixon commitment to this treaty

on the eve of his trip to Europe? Why didn't he wait to talk with his allies before taking the leap? His action signals to Europe more plainly than words could do: "I am standing with Britain against the interests of the continental allies." Who told the President that this action would help him to heal the rift in the Atlantic Alliance?

Free Europe is now a weak aggregation of independent and competing powers. It has a potential to become through union a superpower matching the United States and the U.S.S.R. Soviet leaders fear this development and do all they can to prevent it. They prefer to have weak neighbors. And how could they hold their satellites with a free superpower next door?

Britain also fears the unification of continental Europe. For 400 years, the cornerstone of British policy has been the balance of power, the division of Europe. So Britain works assiduously to stir the jealousies which will be a barrier to union. In this matter, Britain is in league with the Soviet Union.

But European unity would serve U.S. interests and the cause of peace. A strong Europe and a secure Europe. It will not need the billions of dollars which the United States has been pouring out to protect a weak Europe. No longer will the people of Europe be under the threat of conquest and dependent upon U.S. protection.

Why then is the United States playing the lackey of Britain and the dupe of the Soviet Union? Why doesn't it listen to the allies who are standing face-to-face with the Soviet threat? West Germany has opposed this treaty and surely will not sign it. Does President Nixon propose to join Britain and the Soviet Union in condemning West Germany? He does so when he indorses this treaty.

The Non-Proliferation Treaty was a pending issue of international policy which offered President Nixon opportunity to demonstrate that grasp of foreign policy which he had claimed and the people had allowed. It gave him a signal occasion to correct the Johnson error and fulfill the people's hopes. His blundering approach to Europe in this matter, his adherence to the dogmatic Johnson pursuit of detente, do not augur well for U.S. success.

If President Nixon is going to be so easily led by Britain, he is not going to be respected by France and West Germany. He will encounter the very obstacles to allied harmony which effectively stymied the Kennedy and Johnson administrations.

The Senate must save the President and the country from such a disaster. It must reject the Non-Proliferation Treaty and invite the President to try some new initiatives in foreign policy.

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## MR. LAIRD TAKES OVER

### HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 5, 1969*

Mr. HALL. Mr. Speaker, the Air Force & Space Digest in its March issue pays tribute to one of our colleagues who has recently moved across the river to become this Nation's ninth Secretary of Defense. In the article, "Mr. Laird Takes Over," written by Claude Witze, our new Secretary is depicted as a wise and wary executive who is cautiously feeling his way to develop and man an organization which will attain and maintain a superior military position for the United States.

It is most significant that at this time, when the "rows" and problems of previous Secretaries remain to be resolved, that such an experienced and able man who has been trained and tested in the ways of Congress should take over the reins of our Department of Defense. This most fortunate choice of President Nixon assures the Nation that our defense posture will receive the attention and consideration that it needs and demands.

It is with a sense of pride of having been associated with Mel Laird that I recommend this article to my fellow Members of Congress and insert it in the CONGRESSIONAL RECORD:

MR. LAIRD TAKES OVER

(By Claude Witze)

When Richard M. Nixon was sworn in as thirty-seventh President of the United States on January 20, 1969, he had already filled ninety-nine top policy-making and administrative posts in his new Administration. Thirty-five of these were positions in his own Executive Office. Only nine were in the Department of Defense.

At this writing, more than three weeks later, Mr. Nixon's Secretary of Defense, Melvin R. Laird, still has fifteen prestigious vacancies in the Pentagon. Of the thirteen policy-making jobs that have been filled there, six went to appointees who served in the previous Administration.

This kind of a kickoff makes it difficult to evaluate the ball game. A new team is supposed to come in with new players as well as plays. But Mr. Nixon and Mr. Laird have indicated, in the instances brought up so far, that they are going to reevaluate a lot of old decisions as well as old job-holders.

That this is not an unreasonable idea, in view of the Washington climate these days, is evident in any day's headlines. The local press which sometimes works almost as hard to make news as to report it, senses a lot of political winds and says they are blowing toward the Pentagon. There are howls of protest, if a good example is needed, being heard against the decision of the previous Administration to proceed with construction of the Sentinel ABM system.

Now, Mr. Nixon and Mr. Laird both are on record as favoring a strong defense posture for the United States, an idea they have shared with many of their predecessors. Clark Clifford, who stepped aside on January 20 as Defense Secretary, delivered a swan song to Congress, in which he evaluated the threat to the United States.

"The most significant development of the past year," Mr. Clifford said in his message to the Hill, has been a change in Soviet strategic posture. He reported a "large increase in deployments of hardened, land-based ICBMs." He said that by the end of 1969 the Russians will have deployed more than 1,000 ICBMs.

At another point, the retiring Secretary said work on the only known Soviet ABM complex, at Moscow, has been slowed down, "apparently because of technical difficulties, rising costs, and system inefficiencies." He also reported that our "thin" ABM system, as proposed and started, is for a defense against the Chinese threat, adding that "we are equally convinced that such a defense against the Soviet threat is not presently attainable."

What Mr. Clifford had to say about Soviet missilery and our own ABM goal is widely understood and has been well publicized. The part of his posture statement that has been ignored, in Congress and the press, is his highly accurate definition of our dilemma. Mr. Clifford, basically an attorney with a high level of knowledgeability about national security, said bluntly that "no single defense issue in recent years has engendered greater controversy than the question of deploying an ABM defense."

The Nixon Administration's inheritance of this row, on top of the malaise that has grown out of the war in Vietnam, explains fully the effort of the President and his Secretary of Defense to move with caution, listen carefully, and retain the services of selected men from the previous Administration. Congress, after all, is still controlled by Democrats. Only the White House was captured by Republicans.

At his second press conference, Mr. Nixon said he does not "buy the idea" that our early ABM effort is anything but part of the nation's many moves to achieve an acceptable posture. ABM will add to our over-all defense capability, Mr. Nixon said, and that posture is under examination. He considers both the Defense and State Departments as part of our machinery to ensure peace.

All of this came almost within minutes after Mr. Laird disclosed that work is temporarily suspended on the ABM system. And, in turn, the Laird announcement followed, only by a matter of hours, notification from the House Armed Services Committee that it is blocking site acquisition for the Sentinel ABM program.

It is not necessary to belabor the issue. The Johnson Administration, when Robert McNamara was Defense Secretary, made the basic decision to go ahead with a "thin" ABM. Mr. Nixon and Mr. Laird, who favor a strong defense posture, are being asked to defend the decision in the face of rising criticism.

Only fools would try to predict how this debate will be resolved. The halls of Congress already are resounding, and it is not without significance that Secretary Laird came from Congress. He had been there since 1952 and had been a prominent member of the House Appropriations Committee.

On this committee, he drew assignments to two subcommittees. The first was defense. The other was the Subcommittee on Labor, Health, Education and Welfare, and Related Agencies.

Now, if Mr. Clifford is right, that the "division of opinion" on ABM can be traced in large part to differences between those who fear the threat and those who fear the "social costs," Melvin R. Laird should be able to see both sides of the question.

In this connection, the House Appropriations Committee report on the Fiscal 1967 Defense Appropriation Bill includes a lengthy statement of minority views, signed by Mr. Laird, along with Glenard P. Lipscomb and William E. Minshall, two other minority members of the subcommittee. The statement laments the trend in weapons development under the Democrats and warns that US options, in the face of the nuclear threat, have been reduced.

To reverse the situation, Mr. Laird and his confreres declared, four things are needed:

1. A more objective and realistic assessment of the threat coupled with a thorough reevaluation of our foreign policy.

2. A return to greater participation by and acceptance of military judgment in what are predominantly military affairs.

3. A more aggressive pursuit of research and development, especially in the area of advanced weapons.

4. A reassessment by the Congress of its own role in the area of national security.

That was in 1966, when Mr. Laird subscribed to these tenets.

At his confirmation hearing before the Senate Armed Services Committee, Mr. Laird said his new responsibility is to maintain, economically, the superior military position of the United States. This is necessary, he said, in order to negotiate from strength with the Soviet Union.

He agreed with President Nixon that we are leaving an "era of confrontation" and entering one of negotiation with the Russians. He spoke out against arms parity with Russia and said it is important "that the United States maintain a superior position."

It was only a few days later that President

Nixon announced that "sufficiency" was a better term than "superiority," and the Defense Secretary hastened to agree with him. To Mr. Laird's credit, he pointed out that "sufficiency" is not a new word. It was used in the Eisenhower Administration, and used well by Donald Quarles, who was then Secretary of the Air Force.

There is no reason to believe Mr. Laird has fluctuated widely in his opinions. He is, in fact, a veteran Congressman, who recognizes how checks and balances work in this government. And he is surrounding himself, slowly, with the men who can help the most in keeping the balance.

The choice of Dr. John S. Foster, Jr., to continue in his position as Director of Defense Research and Engineering, is one of the most significant of such decisions. Dr. Foster, much earlier in this decade, testified on Capitol Hill in opposition to the nuclear test-ban treaty. He said it entailed a number of military risks.

He was, presumably, the top technological adviser to the previous Defense Secretary when the decision was made to go ahead with the ABM. He believes ABM is technologically feasible.

There are other examples in the still-incomplete Pentagon roster of administrative appointments. Stanley R. Resor will continue as Secretary of the Army, and Robert C. Moot retains his post as Assistant Secretary of Defense (Comptroller). Both should be of assistance in dealing with a Democratic Congress.

So will Barry J. Shillito, who has been promoted from Assistant Secretary of the Navy for Installations and Logistics to Assistant Secretary of Defense for Installations and Logistics. Before going to the Pentagon, Mr. Shillito was president of the Logistics Management Institute, a think-tank organization created to serve the Pentagon.

David Packard, the new Deputy Secretary of Defense, clearly was hired for his management capabilities, and they are so impressive that they swept aside what Mr. Packard himself called "an impossible conflict-of-interest problem." There still are some grumblings about the compromise that put the appointee's massive stock holdings in escrow, but Mr. Packard already is handling an equally massive job.

Mr. Packard has been assigned responsibility for a complete review of the Defense Department's program and budget. Secretary Laird has made it clear this review will look at many 'items" and do so "not only as to decreases but also as to increases." The Sentinel was included in that list, along with the Air Force C-5 transport, the Navy's new F-14 fighter, USAF's FB-111, and a number of other pieces of equipment, down to the Main Battle Tank and Navy shipbuilding.

As we go to press, the only USAF civilian appointment is that of the new Secretary, Robert C. Seamans, Jr. (see page 40). An Undersecretary and four Assistant Secretaries are yet to be named.

Like Mr. Laird, Dr. Seamans is inheriting a long list of unanswered questions. The deferrals have been piling up for several years. Robert McNamara built much of his reputation on the decisions he made; yet Clark Clifford, in his final message, put the emphasis on a number of decisions that had not been made.

The Fiscal 1970 budget, Mr. Clifford reported, is restricted by the financial situation. "We have eliminated, stretched out, or deferred less essential projects and activities," he wrote. At the same time, there are new programs that Mr. Clifford held to be of "great importance to our future security," and funds are sought for some of them.

One is the advanced manned strategic aircraft (AMSA), down in the budget for an additional $77 million to let USAF proceed with a request for proposals. AMSA is only one of the issues facing the new Administration, as defined by Mr. Clifford.

President Nixon recently paid a visit to the Pentagon and made a little speech to the employees. He paid high tribute to the men in uniform, those of the armed services who have heard so little praise since 1961. The President noted that there are people who think we need a Department of Peace because, by their lights, we have a Department of War.

This, says Mr. Nixon, is not true.

"This is the Defense Department," he said, "and without it we could not negotiate for peace. This is an integral part of our peace forces in the world."

Negotiating for peace will be a critical part of the Nixon Administration effort. Its success in this effort will come, in a major part, from the Defense Department.

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## CONGRESSMAN BURKE'S BIAFRA WARNING MUST BE HEEDED

### HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 5, 1969*

Mr. SCHERLE. Mr. Speaker, I have just recently read a most interesting editorial in the Sun-Sentinel newspaper of Fort Lauderdale, Fla., which praised the observations of one of our colleagues, the Honorable J. HERBERT BURKE on his recent factfinding mission to Nigeria and Biafra.

After reading Congressman BURKE's remarks on the subject and the subsequent editorial, I feel that his comments make much sense as we watch this internal African civil war broaden day by day.

I hope each of you will take the time to read this excellent editorial written by Mr. William Mullen, editor of the Sun-Sentinel and then read the report issued by Congressman BURKE following his mission to this new battle zone:

[From the Fort Lauderdale (Fla.) Sun-Sentinel, Feb. 25, 1969]

BURKE'S BIAFRA WARNING IS ONE TO BE HEEDED

(By William Mullen)

Rep. J. Herbert Burke, R-Fla., was named to the House Foreign Affairs Committee in the 91st Congress, and although he has been on that job barely more than a month, it could prove to be a fortuitous assignment—if his counsel is heeded.

Mr. Burke is a sophomore congressman, young by seniority standards, but he already has shown a quick grasp of foreign policy issues, as evidenced by his observations—and warning—on the civil war in Nigeria, returning from a fact-finding mission there only last Tuesday.

He fears the United States might become involved in another Vietnam-type war in that African troublespot, and his concern is not without foundation.

The congressman reports that Russia and Great Britain are supplying sophisticated arms to Nigeria, while France is assisting the break-away government of Biafra.

The United States is in the middle, caught there by humanitarian efforts to help feed what the world has been told are "starving Biafrans."

Congressman Burke has a different view.

He regards the plight of the Biafrans more a matter of malnutrition from not eating proper food than having no food at all.

But because of the "starving Biafran" image, the U.S. has given Nigerian leaders the impression that it is pro-Biafran through furnishing cargo planes to carry supplies for the Red Cross.

This attitude could lead humanitarian considerations into becoming serious political problems for us, Mr. Burke feels.

We suspect he is correct. For a number of leftwing groups are urging greater U.S. involvement, a condition that could confront us with the choice of siding with Nigeria and the Russia-Great Britain coalition on the one side, or with France on the other. The third alternative is that both sides might condemn the U.S. for too little or too much activity, which would be a propaganda bonanza for Russia for its imperialistic efforts in Africa.

Said Mr. Burke: "Our administration must proceed with extreme caution in this war, for at the rate the major powers are supplying arms and getting involved, we could be confronted with an African style Vietnam.

"There is no doubt in my mind that these major powers are building up forces on both sides to take advantage of the rich oil deposits in the Biafran held regions, but I really wonder if these nations understand the tremendously explosive elements in this war."

Mr. Burke recommends that the matter of feeding the Biafrans be a responsibility of the United Nations, which would seem to be a proper function for that organization, supposedly dedicated to preserving world peace.

But with Russia on the Nigerian side of the question, we doubt that the U.N. will rush in where all but American angels fear to tread.

The Congressman also noted that world church organizations are urging the U.S. to increase its help to Biafra.

To us, this is the height of irony. For one of the groups is the World Council of Churches whose president, Dr. Akanu Ibiam, happens to be a Biafran.

Essentially, the WCC asks the U.S. to intervene in what is purely a civil war. Yet this same organization has adopted resolutions severely condemning U.S. intervention in Vietnam, which its leaders regard as a civil war and, therefore, none of our business.

Although the South Vietnamese are not portrayed as starving, they are in the same boat as the Biafrans in seeking to preserve their independence, too. We're not supposed to help them, but we are expected to aid the Biafrans, which could get us in the same predicament deplored in South Vietnam.

Mr. Burke is to be commended for his analysis of the Biafran situation. His presence on the House Foreign Relations Committee augurs well for the American people.

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BURKE REPORT ON BIAFRA-NIGERIAN WAR

The humanitarian efforts exhibited by our country in the Nigerian-Biafran war could lead our country into a military involvement if the administration is not extremely careful to separate humanitarianism from politics.

I have just returned from a seven day Congressional mission to the battle zones in Africa where we met with Colonel Odumegwu Ojukwu, Biafran Head of State and General Yakubu Gowon, Head of the Nigerian Federal Government, during the first official Congressional fact finding mission into that area.

After talking with these leaders on both sides and touring the war zone, I feel our administration must proceed with extreme caution in this war for at the rate major powers are supplying arms and getting involved we could be soon confronted with an African style Vietnam.

Our administration must find means to end the rapid arms buildup and bring both sides to the peace table before it is too late. I saw direct evidence of sophisticated arms being used as Russia and Britain are supplying the Nigerians and France is supplying the Biafrans.

There is no doubt in my mind that these major powers are building up forces on both sides to take advantage of the rich oil de-

posits in the Biafran held regions, but I really wonder if these nations understand the tremendously explosive elements in this war.

I feel Biafra will fight until the last man for they feel they are literally fighting for their lives and freedom, having charged the Nigerian leaders with the crime of genocide. On the other hand General Gowon and other Niegerian leaders are determined to keep the country unified. Gowon gives the impression that he is a modern day Lincoln who is trying to keep Nigeria together as one nation, no matter what it takes.

Nigerian leaders take the attitude that tne United States is pro-Biafran since we have furnished cargo planes to carry supplies for the Red Cross.

We started our Congressional mission February 15, by flying to London where we were briefed by two Members of Parliament and Representatives from the Red Cross. From there we flew to Lagos, the Capitol of Nigeria, where we met with Nigerian leaders on Tuesday and Wednesday.

To get into Biafra we had to leave Nigeria so were driven by car to the nearby country of Dahomey and Uli Airport. It was about a sixty-mile drive and once at the airport we could see the huge amounts of supplies stockpiled for eventual flight into Biafra by the International Red Cross.

We met with officials of Dahomey who informed us they are allowing mercy flights of supplies into Biafra.

Since there are no commercial routes into Biafra, we were loaded onto a cargo plane along with ten tons of dried, unrefrigerated fish sent to Biafra by Scandinavian countries through the Red Cross. We flew in pitch darkness and after three or four hours the pilot landed on what I later saw was a plain asphalt road.

I understand that most flights are made in total darkness since a Nigerian fighter pilot keeps patrolling the skies looking for these supply runs.

Once on the ground, we were driven into the interior of the country and spent the night sleeping on cots in a government building. The next day we met with Col. Ojukwu, the Biafran leader, and other leaders of the country.

The Biafrans strike me as very intellectual, proud and industrious people who will fight to the last man. I was to find out that many of them had been educated overseas and had come back to educate their own people.

Through our conversations the Biafrans gave the impression that they are deathly afraid of total genocide should they quit fighting. They don't seem to believe Nigerian officials who say they will give all Biafrans amnesty if they stop fighting.

When in Nigeria I specifically asked officials if they were bombing civilian areas and they told me absolutely not, but when I toured Biafra I saw direct evidence of bombed and strafed churches, market places and even one bomb crater dangerously close to a hospital.

In the hospitals I toured I saw wounded children, women, and older people and the hospitals were filled to capacity. It was a pitiful sight and I must admit the Nigerian officials were either distorting the truth or General Gowon does not know where their attacks are being made.

The publicity that had been made about the starvation in regard to the Biafrans tends to be more a case of malnutrition caused from not eating proper food rather than having no food at all, but the supplies appear now to be reaching the Biafrans.

On leaving the country, our mission telegrammed President Nixon and offered our views to the Administration on the war.

In my opinion the conflict will get much worse, not better and Nigeria will probably never again be united. The cracks created by the bitterness of war are too wide to be healed by talk of unification.



## TIME EXTENSION FOR SELECTION OF FEDERAL LANDS IN ALASKA

### HON. HOWARD W. POLLOCK

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 5, 1969*

Mr. POLLOCK. Mr. Speaker, today I have introduced a bill that would extend the time allowed the State of Alaska to make its selection of Federal lands for a period of time equal to that time the State is unable to select lands because of direct or indirect action on behalf of the United States. Under the Alaskan Statehood Act of 1959 the State of Alaska was given 25 years to select a total of 103,350,000 acres. In this total is 400,000 acres of U.S. forest lands and 400,000 acres of land adjacent to communities for recreational areas and community centers. The remaining 102,550,000 acres are to be selected from other public lands.

The State is now prohibited from any selection under the Statehood Act because of a land freeze imposed by former Secretary of the Interior Udall. The bill I have introduced today would extend the 25 years Alaska was granted an amount of time equal to that time that we are barred from making our selection. This bill is in keeping with the spirit of the 1959 Statehood Act allowing Alaska 25 years of actual selection time.

Also, Mr. Speaker, one other provision contained in this bill is an extension of time for the selection of mineral lease lands, to correspond with the time permitted for land selection. The State has been unable in the time granted by Congress to select its mineral lease lands because most of the land in Alaska is unsurveyed and its mineral potential unknown. Therefore, the State of Alaska needs an additional period of time in which to make a wise and informed selection.

## ISSUANCE OF A STAMP COMMEMORATING THE ROLE OF THE ARMED SERVICES' HOMING PIGEONS

### HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 5, 1969*

Mr. BIAGGI. Mr. Speaker, I wish to express my support for the issuance of a stamp commemorating the role of homing pigeons used by the Armed Forces.

For courage and tenacity, the homing pigeon has no equal among animals. To look at these birds, one would not think that they were particularly adapted to the job of delivering vital communications during wartime.

Yet the homer has always been bred for strength and speed; it has the mysterious power to deliver a message and return immediately with a reply.

Probably the most famous pigeon in U.S. Army history was "Cher Ami," which, according to battlefield records, carried the message that saved the Lost Battalion in World War I.

When the bird reached its loft it was found that one leg was shattered and that a machinegun bullet had pierced its breast. The bird has been mounted and is now preserved in the National Museum.

Ever since 43 B.C., when Brutus, besieged by Mark Antony, communicated with a relief force by homing pigeons, such birds have been used by armies as agents of communication.

In the siege of Paris in 1870–71, French pigeons flying into the beleaguered city with messages proved such a menace to the success of their tactics that the Germans trained hawks to bring them down.

During the defense of Verdun in 1916, pigeons proved their worth; no less than 5,000 birds were pressed into service. Each message was sent in duplicate so that if one bird was unfortunate enough to be hit by enemy fire, vital information could still be carried through by its mate.

It was during that historic action that a pigeon performed a feat that won him an everlasting place in the annals of war. The pigeon was the last one remaining with Major Raynal, defender of Fort Vaux.

Through an atmosphere thick with the yellow and green of poison gas, an atmosphere through which no airplane could penetrate, and amidst continual shellbursts, the bird made his way to clearer air and then sped for headquarters. Within an hour, relief was on its way. Verdun was saved.

It has been said that the defense of Verdun saved the war. If this is so, then the remarkable pigeon that carried the life-saving message was one of the heroes of that war.

Our military communication units realize the vital importance of the homing pigeon. During both World Wars, pigeons made a record of 90 percent message effectiveness.

The military history of these feathered messengers is long and honorable. I believe it is high time that we signified our understanding of the value of their efforts in behalf of the armed services.

Homing pigeons have been with us in peace and war. It is even rumored that one of the Pilgrims smuggled a pair of pigeons to Plymouth. If some pigeon strutting along the Capitol Grounds seems extra cocky, do not be surprised, because he may be a descendant of a Mayflower pigeon. I strongly support the issuance of this commemorative stamp honoring the homing pigeons of the armed services.

## BILL INTRODUCED TO PROVIDE A $2,500 TAX DEDUCTION FOR CERTAIN EXPENSES OF HIGHER EDUCATION

### HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 5, 1969*

Mr. DELANEY. Mr. Speaker, I believe there is general agreement that college education is an ever-increasing necessity for our young people in today's highly

industrialized and complex society. The vitality and future greatness of this country depends on the trained minds of its youth, and we must do everything possible to help them to be educated in the colleges and universities of their choice.

However, because of spiraling inflation, a growing number of our low- and middle-income families are finding it impossible to meet the costs of higher education for their children. Many families with two or more children of college age find it necessary to defer higher education for the younger children until the older ones have graduated. As a result of financial pressures, many students with ability are being forced to discontinue their education.

To help relieve this burden, I am today offering a bill which allows a taxpayer to deduct up to $2,500 for actual costs of tuition and fees paid to an institution of higher education in providing an education for himself or his dependents.

Our tax laws recognize the importance of tax relief for investment in new plants and equipment, and I think it is past time to give similar consideration to investment in the education of our youth.

Also, it is vital that we stimulate within our educational system diversity and competition, which are the hallmarks of our democratic society. Many are growing increasingly disturbed by the trend which compels more and more of our students to attend public institutions because of the great expense of attending non-tax-supported colleges and universities. Further, a number of private institutions are being forced out of business because of their inability to cope with soaring operating costs. My proposal would create a more competitive environment for private colleges, and enhance diversity in education.

The difficulties faced by private educational institutions in competing against those which are tax supported are clearly shown by statistics of the U.S. Office of Education. In 1900, 62 percent of those enrolled in colleges and universities attended private institutions. By 1920 this enrollment had leveled off so that it was almost evenly divided between private and public institutions, and this situation was sustained until 1950. However, by 1960 private college enrollment dropped to 43 percent of the total, and in the current school year it is only 31 percent.

My bill would aid in arresting this trend, and enhance investment in private education. Passage of this legislation would strengthen our educational system, and provide necessary tax relief to the heavily burdened taxpayer who is making such a great financial sacrifice to provide a necessary education for his children.

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## BOAT POLLUTION LAWS: NEWEST POLITICAL PHONY

### HON. M. G. (GENE) SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 5, 1969*

Mr. SNYDER. Mr. Speaker, as one who strongly supports antipollution laws and regulations, I believe a column by Zack Taylor, boats editor of Sports Afield magazine points our attention in the right direction.

The column follows:

BOAT POLLUTION LAWS: NEWEST POLITICAL PHONY—PART I

(By Zack Taylor)

The effluent from our bodies that often ends up in the waters around us is no longer merely a conservation concern. More than fish and game are endangered. Bacteria and viruses nurtured in human intestines are presently killing people in significant numbers. Public health officials predict the death toll will rise. Far in the future they foresee a time when our very existence may be at stake.

I want to quickly establish my opinion of the situation's gravity. I want no letters describing the Boats Editor as soft on pollution.

On the contrary, I know my life and the lives of my children are threatened by the filth clogging our waters. And I'm willing to do everything in my power to correct the situation.

But, I am not optimistic about the outcome. Much (though not all) boat antipollution legislation being considered or enacted throughout America is cheat legislation. Laws have been proposed or already passed whose sole purpose is to make it *appear* that legislators are coming to grips with the pollution problem. Much boat anti-pollution legislation includes laws that are smoke-screens, intended to lull us into feeling something is being done. All they do is deal insignificantly with an insignificant portion of the problem while major pollution sources go unchecked.

A TYPICAL EXAMPLE

After this month, New York State will flatly forbid any marine toilet to discharge into any waters in the state, including harbors and sound. The only acceptable device (a complicated and dangerous incinerator is also approved) will be a holding tank in which wastes are stored aboard a boat. When the holding tank is full the boat is to proceed to a pump-out station—usually a gas dock—where for a fee the excrement will be pumped into municipal sewage treatment plants.

At first glance this seems utterly reasonable. Anything that stops pollution even in a small way is good. Many other states have adopted similar laws. Some require other waste treatment devices which will be discussed next month. I last moored the *Sports Afield Wanderer* at a place where a local ordinance prohibited flushing a boat toilet within municipal boundaries. It was just as well. Coliform counts had reached such deadly proportions that the beaches in the immediate area were closed to swimming. The pollution, however, came from homes, not boats. And local legislators obviously knew this as they made no effort to enforce their boat-pollution legislation. This pattern is repeated everywhere and it is your first clue that this boat antipollution law, like most (but by no means all) boat-pollution laws are phony.

Sensitive nostrils will begin to smell a rat in the Empire State when I tell you that in all of Long Island Sound there are no pump-out stations. Perhaps one or two, to serve the hundreds of thousands of boats, either resident or transient, through the Sound. Lake Champlain has none; the barge canals have none. The state has only a handful.

I called the shipping editor of *The New York Times* and asked if oceangoing vessels using the port of New York had holding tanks for the wastes produced. "No," he said. "What goes down the toilet, goes overboard." It would appear legislators in Albany have thus closed the port of New York to international shipping. But, of course, they have not. An aircraft carrier visiting the city may contain 5000 men. Do you think Albany legislators will cause the U.S. Navy to redesign their vessels to incorporate holding tanks? Or will they make you and me redesign ours? Will the posh new liner, *Queen Elizabeth*, be fined for dumping sewage into New York waters or will we? (In actuality it is probable almost no one will be fined very often. The enforcement branch of the state's Department of Navigation is manned by only three officers.)

I am singling out New York State because its actions are recent. Actually its governor has fought pollution as hard as any man in the land.

THE REAL POLLUTERS

Suppose that the legislators do make the law stick. (Probably they will rescind the order—for the simple reason that they themselves know it is impractical, a phony.) Let's say the new *Queen Elizabeth* is redesigned to permit her to discharge her waste into the municipal sewer system of New York; or your boat is. Eleven sewage outlets there pour what is flushed down toilets in New York City's homes, hospitals and slaughter houses into adjacent waters. Eight of them do not treat the effluent in any way. It flows raw—1.3 *billion* gallons daily of it—into the Hudson and East Rivers. One outlet is on the west side where cruise liners, naval ships and visiting vessels from other lands dock. If these boats complied with the legislature's smokescreen law, their sewage would flow into the river unchanged as before. It would merely go on a slightly longer journey.

Well, that's New York City, a problem in itself. The rest of the state, along Long Island Sound and in the upstate lakes and rivers cannot present as bleak a picture. Does this seem reasonable? I am sorry to report it is not.

Governor Rockefeller, fighting for his bond issue for funds to combat pollution, named 2100 pollution sources (industrial plants) and 1167 communities as the state's major polluters. Boatmen in New York can think about the following as they wander about this summer seeking a place to dump their refuse. The Albany Health Department once got tough with Utica, a notorious upstate polluter. They gave the city exactly four years to put in treatment plants—or else! Know what year that was? 1936! In the past 24 hours, Utica has sent 15 million gallons of untreated sewage into the Mohawk River. Solons in the state capital are even now grappling with the problem of cutting off the terrible threat to health caused by pleasure boats—in the water only four months a year and unoccupied 90 percent of the time. It is indelicate but literally true that when they presently leave their meetings to relieve themselves, what comes out flows substantially unchanged into the Hudson River. Albany, along with most other river communities, has facilities for little or no treatment. If the law holds, it will permit the waste of millions to flow unchecked. The waste of boatmen, so insignificant in amount it cannot usually be measured, will be stopped.

U.S. government installations can move with dictatorial rapidity to solve problems. On army camps, federal housing areas, storage depots, airfields and so forth, there is no municipal hassling, no voters to worry about, no comparative cost problems. Executive Order 11288 stated: "We (i.e. federal installations) will clean our own house." Know what the U.S. Army's hoped-for date to accomplish Executive Order 11288 is? 1972!

SMOKESCREEN LAWS

Why haven't boaters been allowed at least as much time as the U.S. Army to get their homes in order? Partly because their situation offers a convenient way for politicos to get headlines. The representative or senator attacking boat pollution becomes known as a foe of pollution while taking no political risk. If the state's industry is regulated on pollution it fights back or threatens to move away. Voters are suddenly faced with the loss of jobs. For legislators to ungrade or initiate treatment plants, get projects in motion for separate storm and home sewer lines, strengthen enforcement agencies and so

forth, requires bond issues or higher taxes—both risky. Rockefeller put his political future on the block to campaign for antipollution money. Fortunately he won. This magazine over the years has chronicled the downfall of many other political leaders less fortunate.

Look around you. Industries continue to foul the air and water everywhere. Former Secretary of Health, Education and Welfare, John Gardner, estimated that industry pours at least twice as much organic material into U.S. streams as the sewage of all municipalities combined. I'll bet you can name plants in your area that foul the air or water. You and I can see them. State or federal inspectors apparently can't, or won't. The National Association of Manufacturers, industry's own spokesman, says that business is spending about one percent of our gross national product on cleaning its nest—about $150 million annually to do a job that by all estimates is measured in the many billions. What does industry in general spend on other areas? While antipollution measures get an average of one percent, research and development costs average eight percent ($9 billion), new plant construction absorbs $64 billion (42 percent), and advertising generally runs more than 10 percent of the gross product ($18 billion last year).

The nature of men and industries is such that neither will move until forced. Lawmakers everywhere are forcing boaters and looking the other way where industrial complexes are concerned.

FEDERAL FAILURE

We can not claim any greater progress on the municipal level. And for this we must all accept blame. Congress last year was authorized to spend $450 million to help cities build adequate treatment plants: It actually gave the cities $203 million. Some 33 states have said they need more money than the $203 million will provide. On the basis of federal-state cost sharing, Ohio could match $27 million but will get $8.8 million. Tennessee could match $9 million, it will get $4 million. Maryland could absorb $20.6 million but will receive $3.3 million. It is far too simple to merely condemn legislators as weaklings or procrastinators. The problems are immense. New York estimates it needs $1.7 billion to clean itself up. The state (thanks to the aforementioned battle by Mr. Rockefeller) has $1 billion available for matching grants. At a 50 percent federal-state cost sharing, New York could easily absorb more than the original $450 million appropriated for *all* states, much less than the $203 million actually appropriated. New York State will receive $14.5 million in federal funds to help build treatment plants. A drop in the bucket.

An even more ominous note has been sounded by Walter Hickel, nominated as this is written as Secretary of the Interior in the new Nixon administration. In this position he would be charged with leading the fight for clean air and water. At his first news conference in December he stated: "You can't have one water standard for the whole country. If you set water standards so high, you might hinder industrial development." It does not sound as though Mr. Hickel, a millionaire Alaskan developer, offers much light on an issue which is no longer a question of jobs vs. fish (where the fish always lose), but a matter of jobs vs. human life.

My own state of New Jersey has just passed a whopping bond issue. Money is slated for education, highways, transportation, public housing, hospitals and other areas. Despite the fact the state's air and water are among the most dangerously toxic in the land, no money will be borrowed to cleanse them.

"We are not even holding our own," Dr. Martin Goldfield, director of the state's crack health lab in Trenton, told me. "We can only expect more of the same. More hepatitis. More encephalitis. More beaches closed. More kids mysteriously ill. Of course, less fish and game."

New Jersey does not have a statewide boat antipollution law as yet. But one is under discussion. Will it be passed? Probably. What beneficial effect can it possibly have? Almost none.

Next month: what boaters should do to stop polluting.

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## BILL FRANCE AND SEMON E. KNUDSEN—PIONEERS IN AUTOMOBILE SAFETY

### HON. L. MENDEL RIVERS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 5, 1969*

Mr. RIVERS. Mr. Speaker, under leave to extend my remarks in the CONGRESSIONAL RECORD, I include the text of some very touching words of Semon E. Knudsen, president of Ford Motor Co., on which occasion he presented the William S. Knudsen trophy to Bill France and the Talladega Speedway at the Union Pure Oil pre-Daytona 500 program, at the Americano Beach Lodge, Daytona Beach, Fla., on Saturday, February 22, 1969.

William France is president of NASCAR. Automobile racing is the No. 2 sporting event in America. Countless thousands of people witness stock car races over the length and breadth of America almost every week, winter and summer. The safety and the benefits to the motoring public are manifold from these races. At least two of the giant manufacturers sponsor and contribute directly to many of the participants of NASCAR racing. Stronger bodies, better brakes, improved tires, seatbelts, safety bars for police and highway patrol cars are some of the direct benefits that have resulted from sport car racing. Better engines, better spark plugs, better gasoline are but a few of the things that the public have received as a result of this sport. The automobile in America aggregates over 75 million in number. It is an absolutely indispensible part of the American way of life. The fact that it is a safe and vital part of our economy and of our absolute existence is in no small measure attributable to the manufacturers and NASCAR working hand in hand to produce better cars for the richest and most affluent nation in the history of this civilization.

Mr. Speaker, America owes a great debt to the ingenuity of the automobile industry. It owes a lot to the name of Knudsen and it owes a special word of thanks to one Bill France who saw the dream of American supremacy in the automobile industry—a dream he lived to realize.

The remarks of Mr. Knudsen follow:

I'd like to thank Union Pure Oil, Bill France, and NASCAR for the opportunity to participate in tonight's wonderful affair. Like the rest of you, I'm looking forward to an exciting day tomorrow.

It's interesting to me that as we await tomorrow's Daytona 500 with its anticipated crowd of nearly 100,000 spectators, we can reflect that not too many years ago, stock cars were performing here on the old beach course.

Many of you here tonight can remember the sport of stock car racing in its infancy. You know of the work and devotion that have gone into its development until today it ranks as a major league attraction.

Few men who labored to get the wheels of stock car racing into motion in those years following World War II would have had the foresight and imagination to envision a huge complex such as the Daytona International Speedway with its packed grandstand and crowded infield. How many in those early days could foresee $200,000 purses and 200-mile-an-hour speeds?

One of the few, of course, is our host tonight—Bill France. And true to the pattern he has set over the years, Bill isn't one to sit back and enjoy his handiwork. As big and successful as Daytona is, there is another project well under way with which I think most of you are familiar.

This is the construction of a new 2.6-mile track at Talladega, Ala. The first race is scheduled to be run on this new superspeedway on September 14. And from what I've been told, the new track at Talladega will produce the fastest speeds ever seen on a banked oval.

Most of us in the automobile industry look upon new developments in stock car racing—such as the construction of the Talladega Speedway—with considerable interest. To repeat what I have said many times before—open competition provides an automobile company with a showcase second to none for displaying its products.

I feel it is appropriate to offer tangible evidence of our interest in this new track, from whose success we in the auto industry stand to gain. Therefore I would like at this time to present to Bill France and the Talladega Speedway the William S. Knudsen Trophy.

Named in honor of my father, the trophy is to be the permanent possession of the Speedway. Inscribed on these plaques will be the names of the winning drivers in the annual fall 500-mile race. A replica of the trophy will be given to the winning driver.

Bill, on behalf of Ford Motor Company, I want to wish you every success with your new speedway. I hope to be on hand myself to present the William S. Knudsen Trophy to the winner of the first Talladega 500.

And I know everyone in this room joins with me in wishing you and the drivers a safe and successful 500-mile race tomorrow.

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## ALAMEDAN CREDITS POLICE WITH SAVING HIS LIFE

### HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 5, 1969*

Mr. MILLER of California. Mr. Speaker, in these days when our police departments are frequently in the center of controversy in regard to their peacekeeping duties, it is too often forgotten that these men in their daily routine are also involved, on innumerable occasions, in situations where their service is of the most vital personal nature. One such incident recently occurred in the city of Alameda, which is part of my district, and was reported in the Alameda Times-Star, the hometown newspaper.

On this occasion, the immediate and skillful response by members of the Alameda police force prevented a near tragedy and resulted in saving the life of one of the city's citizens when other assistance was not forthcoming.

It is refreshing to see that Mr. Joseph Parker, the recipient of life-saving aid, has shown his gratitude by requesting the Alameda Times-Star to bring to the attention of the citizens of Alameda this example of the humane concern on the part of the police department for the people it serves. Also, it is in keeping with the policy of balanced, responsible reporting that this newspaper and its publisher, Abe Kofman, would comply with his request.

I want to take this opportunity to salute the members of the Alameda police department who were involved in rendering assistance to Mr. Parker, as well as the entire police department and, at this point in the RECORD, submit the following article setting forth the details of this incident.

ALAMEDIAN CREDITS POLICE WITH SAVING HIS LIFE

(By Michael Ackley)

A 48-year-old Alameda man who feels that he owes his life to the Alameda Police Department has asked the Times-Star to convey his thanks to the officers who helped him in his hour of need.

Joseph Parker, 1710 Jay St., and his wife, Isabel, came to the Times-Star to tell of a night of frantic efforts to seek aid, and of the life-saving of Alameda policemen.

Parker said that around the middle of last November he began to feel ill, but thought that his sickness would pass. Instead his condition became worse until, the night of Nov. 15, he fell into a coma. Mrs. Parker's efforts to revive him were of no avail, and at about 1 a.m. on Nov. 16 she began to make a series of telephone calls to physicians.

One doctor after another refused to come to her residence. One went so far as to say that if Parker had been in the coma for the hours before Mrs. Parker tried to obtain medical help he could wait a few more hours until morning.

In desperation Mrs. Parker called the police department. Two officers immediately were dispatched. They thought of carrying the tall, heavy Parker down his front steps in a chair, but rejected the idea, fearing that they might drop the man.

A radio call brought a third car with a stretcher. The officers carried Parker down stairs and put him into a neighbor's car for a rapid trip to Oakland's Highland Hospital.

The diagnosis at the hospital was acute pneumonia. Doctors told Mrs. Parker that a delay of a few more hours would have cost her husband his life.

Parker was in a coma for 27 days as doctors fought for his life. The physicians had little hope for him because antibiotic treatment seemed to be failing, but the turning point did come and he returned to consciousness. His total hospital stay ended last week.

"I'd like to extend my personal thanks to those three officers who came to my aid," Parker said, "No words can express my gratitude for their actions.

"It is indeed a pleasure to live under the jurisdiction of such a thoughtful and competent police department."

Mrs. Parker seconded her husband's sentiments.

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## PLUG LOOPHOLE IN ARMED SERVICES HANDICAPPED PROGRAM

### HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 5, 1969*

Mr. RIEGLE. Mr. Speaker, today I am introducing legislation which seeks to plug a loophole in the armed services "handicapped" program.

Under present law, we now provide financial assistance for certain contracted health-care benefits to severely mentally retarded or physically handicapped dependents of active duty members of the uniformed services. However, the statutes do not provide for continuance of this care if a member is killed while on active duty or upon that member's retirement. Thus, Mr. Speaker, at a time of greatest financial need when the breadwinner loses his life in service to his country—or retires after a life career, this urgent medical assistance for his dependent is cut off.

I would also stress that this is the only medical benefit provided for dependents of active duty members which is cut off upon the death or retirement of that member. It is ironic that routine benefits such as doctor visits, flu shots, vaccinations, hospital care, and so forth are presently covered, while care for mental retardants and the physically handicapped—which is most expensive and a great financial burden for those people to carry—is the one medical benefit that is denied.

Mr. Speaker, the bill which I am introducing today would, therefore, extend to mentally retarded or physically handicapped dependents of first, a member of a uniformed service who was killed while on active duty; and second, of former members of the uniformed services, the special care now provided to similarly afflicted dependents of members on active duty. I believe that this is a deficiency that must be corrected so that the urgently needed medical assistance for mentally retarded and physically handicapped dependents can continue.

The Department of Defense has estimated that the additional cost for the extension of this program would be about $5.5 million a year. This is a modest price to pay for the great financial relief that such an extension would bring to these deserving people.

Mr. Speaker, 34 of my colleagues have joined me in bipartisan support of this measure, and I am hopeful that additional sponsorship will follow.

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## MAURICE H. STANS

### HON. WILLIAM J. GREEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 5, 1969*

Mr. GREEN of Pennsylvania. Mr. Speaker, last year I had the privilege of serving as chairman of the Census and Statistics Subcommittee of the House Post Office and Civil Service Committee. The experience impressed upon me the important role that statistical data plays in American life.

Social welfare legislation we pass in Congress is, in fact, based on the data compiled by the Bureau of Census. We use our social indicators to describe problems and to seek solutions to them.

In the past year there has been considerable discussion about information collected by Census and their possible invasion of privacy.

On February 27, Secretary of Commerce Maurice H. Stans testified before the Joint Economic Committee. He closed his statement with a defense of the need for census data. I thought it would be helpful to my colleagues to read his statement which follows:

EXCERPT FROM STATEMENT OF MAURICE H. STANS, SECRETARY OF COMMERCE, BEFORE THE JOINT ECONOMIC COMMITTEE ON FEBRUARY 27, 1969

OTHER MATTERS

With your permission, I wish to outline two matters of policy which come within the range of interest of your Committee and which are of great concern to the Department of Commerce.

The first is the preparation for the Nineteenth Decennial Census in 1970. A somewhat synthetic issue has been raised as to whether the Census questions constitute an invasion of the people's entitlement to privacy. The contra factor is modern Government's needs for accurate information as a basis for reaching economic and social judgments.

The second is the development of minority business enterprise, with both the Government and the business community providing assistance. The President has asked the Commerce Department to take a leading role in this area.

THE 1970 CENSUS

The Joint Economic Committee has for many years shown close interest in the statistical activities of the Bureau of the Census, the Office of Business Economics, and other Government agencies, and has made constructive suggestions for their improvement.

Consequently, I feel sure that this Committee will share my concern over the growing support for proposals that threaten to do serious damage to the quality of some of our most basic demographic and economic statistics. I refer to proposals that would sharply limit the number and nature of questions people would be required to answer in the 1970 Decennial Census.

It is easy to understand why there should be a certain amount of annoyance over being asked to fill out questionnaires. Nevertheless, it is both inappropriate and unfortunate that this is contended to be an invasion of privacy.

Actually, the 1970 Census will be, for most people, less burdensome and no more invasive of privacy than previous Decennial Censuses. For the first time, about three out of five families will receive and be able to return their questionnaires by mail without ever seeing a census enumerator. Most families will be able to fill out their questionnaires in about 15 minutes. The total number of questions will be about the same as in 1960 and *less* than were asked in 1950 or 1940. A limited number of questions will be asked of every household. Most of the questions, however, will be asked of only one household in four, selected on a random basis. As has always been the case, answers given the Census Bureau will be strictly confidential and cannot be published or given to any other Government agency except in the form of statistical totals.

The Decennial Census is the one occasion when we try to get complete information on certain key characteristics of our population and the homes our people live in. This is vital information for all levels of government, down to local school districts, if they are to carry out their responsibilities intelligently.

The American people have always regarded the Decennial Census as one of the least onerous obligations of citizenship. They have cooperated willingly and taken great interest in the results. I believe it would be an extremely disturbing development if this spirit of cooperation should, as a result of a fallacious challenge, be undermined.

MINORITY BUSINESS ENTERPRISE

In regard to the development of minority business enterprise, President Nixon stated in his Inaugural Address that we must draw into the solution of our socio-economic problems all the strength of our Nation. Government and private enterprise will need to act together in dealing with these problems. Capitalism and private enterprise must present challenging opportunities for minority groups as well as for those who are in the mainstream of our national economic life.

One aspect of our urban problem is the separation of those in our minority groups from involvement in the country's principal economic activities. There are many different ways of tackling this problem but one of the most promising is to assist them in setting up their own business enterprises.

## OTTO OTEPKA—STATE DEPARTMENT BACKLASH

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 5, 1969*

Mr. RARICK. Mr. Speaker, Otto Otepka refuses to be silenced or compromised at any price. And, in the meantime, millions of Americans are beginning to wonder what part of the promised cleanup at State is denying Otto Otepka his former position.

Mr. Speaker, I include pertinent news articles following my remarks:

[From the Manchester (N.H.) Union Leader, Feb. 28, 1969]

SENATOR NIXON FAVORED PROTECTING WITNESSES

(By Edith K. Roosevelt)

WASHINGTON.—When he was a young senator, President Richard M. Nixon introduced a bill designed to protect government officials who supply information to congressional committees when asked to do so.

This same bill has now been introduced by Rep. John R. Rarick (D-La.). In introducing his bill on Feb. 17, Judge Rarick indicated that the bill would be effective in exposing security risks by protecting government officials like Otto Otepka from departmental reprisals.

Otepka, a former State Department security chief, was ousted from his job after answering questions truthfully on lax security procedures, before the Senate Internal Security Subcommittee.

Although Nixon promised during his campaign to thoroughly reexamine the Otepka case and see that justice was done, Secretary of State William P. Rogers has refused to reinstate Otepka in his old job. Otepka is now preparing to take his case to the courts as soon as he finds a new lawyer.

OFFERED JUDGESHIP

The Manchester Union Leader and The Vermont Sunday News reported exclusively that Otepka's lawyer, Robert Robb, had been offered a judgeship on the Appellate Court of the District of Columbia.

Rarick believes that by reintroducing his bill, real insight will be provided on the attitude of the so-called "new Nixon" towards the doctrine of executive privilege and national security matters. The bill makes it a violation for any officer of the federal government to dismiss or otherwise discipline a government employe for testifying before a committee of Congress.

Nixon introduced his bill on April 26, 1951, a few days before the hearings on our Far Eastern policy, the conduct of the Korean War, and the dismissal of Gen. Douglas MacArthur by the President.

Nixon said in introducing his bill on the Senate floor:

"It is essential to the security of the nation and the very lives of the people, as we look into these vitally important issues, that every witness have complete freedom from reprisal when he is given an opportunity to tell what he knows.

TOO MUCH AT STAKE

"There is too much at stake to permit foreign policy and military strategy to be established on the basis of half truths and the suppression of testimony.

"Unless protection is given to witnesses who are members of the armed services or employes of the government, the scheduled hearings will amount to no more than a parade of 'yes men' for administration policies as they exist."

Nixon pointed out that in the past, reprisals had been carried out against witnesses employed by the U.S. government who told the truth before Congress. His measure (S. 1390) was designed to correct this situation, he said.

"The bill I have introduced is designed to assure any member of the armed forces or other officer or employee of the government who can offer pertinent and constructive testimony that he can speak the truth without suffering the fate of Admiral Denfeld on account of such testimony."

Rarick's bill (H.R. 6787), which is the same as Nixon's, has been referred to the House Judiciary Committee.

Liberty Lobby, a populist oriented, activist organization in the national Capital, is urging its more than 200,000 subscribers to support the "Nixon-Rarick" bill by a massive letter writing campaign to the President and the Congress.

[From the Chicago Tribune, Mar. 4, 1969]

NIXON'S STATE DEPARTMENT CLEANUP STILL MISSING

(By Willard Edwards)

WASHINGTON, March 3.—A high ranking state department officer was found fuming in his office last week. He had just been informed by friends on Capitol hill that their entreaties on his behalf for promotion to a higher post had been rejected by William P. Rogers, secretary of state.

The officer was a veteran with an exceptional record, held back from promotion to higher levels under Democratic regimes, everyone agreed, only because he never concealed his Republican party affiliations.

The office to which he aspired was held by a Democrat of little experience but with powerful political connections under the Johnson administration.

With a Republican administration now in power, influential G.O.P. senators and representatives urged Rogers to remedy this inequity. He sent back word that it seemed politically unwise to remove the Democratic incumbent.

The major cause of the officers indignation, however, was not this rebuff to his hopes. What irked him was a postscript by Rogers in his vote to the sponsoring member of Congress.

"You will be happy to know," Rogers wrote, "that we are retaining Mr. ——— in his present post and are well satisfied with his performance.

"That was a meaningless statement and the secretary must have known it," the officer remarked. "I am a career civil service officer and the secretary can not touch me without filing charges of misconduct and proving them. He can refuse to promote me but he cannot demote or remove me."

This incident, plus many of similar nature, is being cited by disgruntled Republicans who have discovered there is not going to be the "house cleaning" in the state department promised by Nixon in a campaign talk broadcast from Dallas last Oct. 13.

PLEDGES STATE DEPARTMENT CLEANUP

"I want a secretary of state that will join me in cleaning house in the state department," Nixon said at the time. "It has never been done. . . . It wasn't done even during the Eisenhower administration.

"There are some good men in the state department and I know who they are. The routine men that have been the architects of the past, they will have other assignments and we are going to bring in new men with a fresh approach."

Coupled with his words nine days earlier, in an interview at Williamsburg, Va., in which he promised to see that "justice" was accorded to Otto F. Otepka, Nixon's "house cleaning" pledge led to gloomy forebodings in the department. There was even speculation that Otepka, the demoted security officer who has been waging a five-year battle for vindication, might be one of the "good men" Nixon had in mind.

When Nixon won the Presidency and announced Rogers as his pick for secretary of state, 77 state department officers wrote out their resignations. But when Rogers announced that Idar Rimestad would be retained as deputy undersecretary for administration, the resignations were never submitted to the White House.

"ARCHITECTS OF PAST" SEEM SECURE

The "architects of the past" began to realize they were safe in their jobs. Their delight over this development was climaxed by Rogers' disclosure Feb. 21 that he had rejected Otepka's appeal for reinstatement. He said he saw no reason to cancel the penalty (demotion, reprimand, and removal from security assignments) imposed upon Otepka by his predecessor, Dean Rusk, for giving frank testimony to a Senate subcommittee about lax security in the department.

"The Otepka case has stirred up a hornet's nest across the country," said Rep. Ed Derwinski (R., Ill.), a member of the House foreign affairs committee. "I'm getting a burst of indignant mail about it.

"I'm going to insist that our committee question him about it and also about what he's doing to check security in the department. That's the first duty of a new secretary of state."

Meanwhile, reports are gaining currency here that Rogers is only an interim secretary of state and will be appointed to the Supeme court when a vacancy is created in June by the resignation of Chief Justice Earl Warren.

[From the Government Employees Exchange, Mar. 5, 1969]

ROGERS-ROBB "DOUBLE TALK" UPSETS NIXON'S STRATEGY

A series of "blunders" committed through "doubletalk" by Secretary of State William P. Rogers and Roger Robb, the Attorney for Otto F. Otepka, has imperiled the Capitol Hill strategy of President Nixon to appease simultaneously the "hard" and "soft" factions of the Republican party, a high official in the Department of Justice informed this newspaper on February 28.

Under this strategy, until President Nixon could "feel his way pragmatically" through the solution of the Vietnam war, Mr. Rogers was supposed to play the "sophisticated role" of appeasing the "doves" while the Secretary of Defense, Melvin Laird, was to appease the "hawks," the source said.

The Attorney General, John N. Mitchell, and the Department of Justice were supposed to appease both groups by "selected" appointments to the bench, the source commented.

"SACRIFICE" OTEPKA

In keeping with this arrangement, President Nixon and Secretary of State Rogers had agreed it would be necessary to "sacrifice" Otto F. Otepka, the former chief Security

Evaluator of the State Department seeking reinstatement, to the "liberals," the source said, by not re-examining his case and reinstating him to his job, a position from which he had been ousted by Secretary of State Dean Rusk. "It's too bad Otepka didn't work at the Pentagon," the source commented. "There he could have been reinstated without any trouble."

However, to keep Mr. Otepka's Senate supporters happy by saving them embarrassment, it was also agreed that the President would nominate at a very early date in the future Roger Robb, Mr. Otepka's Attorney, as a judge on the U.S. Court of Appeals for the District of Columbia. Under this arrangement, Mr. Robb would have to resign as Mr. Otepka's Attorney the moment his nomination was sent to the Senate for confirmation.

ROBB APPOINTMENT

Mr. Robb's appointment to the court was expected by all parties to be approved without delay because of the "high esteem" in which he was held by the Senate Judiciary Committee, the source said.

OTEPKA COMPENSATION

To compensate Mr. Otepka for his "sacrifice" to the Nixon cause of concurrent appeasement of both the "hard" and "soft" lines in the Republican party, Secretary Rogers had worked out a tentative "deal" with a major private corporation in the "aerospace industry" to hire Mr. Otepka at a salary almost double he would be receiving as Chief Evaluator at the State Department.

THE BLUNDERS

The first "blunder" committed by Secretary Rogers, the source claimed was that neither Mr. Otepka nor his lawyer, Roger Robb, was informed about the details of the prospective private industry job. Instead, in a January 21 personal meeting, Secretary Rogers merely informed Mr. Robb that he did not wish Mr. Otepka to return to the State ment at all and would arrange for his employment in private industry.

The second "blunder" was then made by Mr. Robb, who did not reveal to Mr. Otepka that he had had a personal meeting with the Secretary Rogers, the source said. Instead, Mr. Robb stated that "third parties" told him that Secretary Rogers had indicated he did not wish Mr. Otepka to retun to the State Department as an "active security officer."

These two "blunders" were compounded by a third "blunder," committed by Secretary Rogers, who, on February 19, informed Mr. Otepka that he had "concluded your case had been fully and exhaustively litigated within the Executive branch of the Government in accordance with the applicable provision of law and the regulations of the Department of State and the Civil Service Commission."

According to the source, when Secretary Rogers signed the letter of February 19 he was under the impression that Mr. Robb had correctly communicated to Mr. Otepka both his own offer to find a job in private industry for Mr. Otepka and that Mr. Robb would be nominated to a judgeship.

THE FIASCO

Both these impressions were wrong, and when Mr. Otepka and Mr. Robb had a "confrontation" on February 22, it became clear to both that a "fiasco" was imminent, the source said. The "fiasco" was further increased by the fact that both President Nixon and Secretary Rogers had left the country on their European diplomatic tour and could not be reached immediately.

In the meantime, news had begun "leaking out" from the Department of Justice and the Senate Judiciary Committee that Mr. Robb's name would be sent to the Senate for confirmation immediately following the President's return to Washington.

On February 25, the nationally syndicated columnist, Edith Kermit Roosevelt "broke" the story of Mr. Robb's imminent appointment to the Appeals Court in a copyrighted report published in the *Manchester (N.H.) Union-Leader*.

CHAOS LOOSE

"All chaos has broken loose now," the top official at the Department of Justice stated to this newspaper.

"Something will be done to patch the matter up," he added. However, President Nixon's strategy of keeping both the "hard and soft liners, both the 'hawks' and 'doves' happy, has suffered a serious setback," he concluded.

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[From Human Events, Mar. 8, 1969]

ROGERS REJECTS OTEPKA APPEAL

"If Robert Finch is Richard Nixon's Seventh Crisis, then William P. Rogers must be his Eighth," is the way one Capitol Hill commentator put it last week. For not only has Rogers conspicuously failed to clean out the State Department, as Nixon promised would happen under his Administration, but the secretary of state has now lowered the axe on Otto Otepka, the State Department security expert who was given a raw deal by the Democrats and whom Nixon promised to aid at least three time during the 1968 campaign.

Rogers' stinging rebuke to Otepka came in a letter dated February 19—just prior to the secretary of state's leaving for Europe with President Nixon. In this letter, Rogers rejected Otepka's appeal for reinstatement as a high-ranking security officer in the department.

"Having carefully reviewed the documentation," Rogers wrote Otepka, "I have concluded that your case has been fully and exhaustively litigated within the executive branch of the government in accordance with the applicable provisions of law and the regulations of the Department of State and the Civil Service Commission."

Rogers, in effect, then told Otepka he could give up or take his case to court. Otepka's only consolation was that the department indicated it would grant leave pay for a short while if he decided to make a court appeal—which Otepka, by the way, says he intends to do.

The shabby treatment of Otepka by Rogers comes as another disappointment to Nixon supporters who were under the definite impression that the Nixon Administration would deal far more kindly with Otepka than did the Kennedy-Johnson regimes.

No fewer than three times during the campaign did Nixon agree to give a sympathetic look at the Otepka case—and in each instance he indicated a partiality toward the man, though he claimed he would not prejudge the evidence.

On April 9, 1968, in a letter to an Otepka supporter he wrote that he intended "to see that justice was done to the man who served his country so long and so well."

On October 4, Nixon told Chicago *Tribune* columnist Willard Edwards: "It will be my intention to order a full and exhaustive review of all the evidence in this case with a view to seeing that justice is accorded this man who has served his country so long and so well."

In late October, James M. Stewart asked Nixon in Mount Prospect, Ill., to "Please help Otepka." According to Stewart, who heads the American Defense Fund which has helped defray Otepka's legal expenses, Nixon replied: "I will—you'll just have to wait until I get into office."

When Nixon went to the Inaugural Ball held in the Smithsonian Institution, he reiterated his pledge to try to help Otepka. If he supports Rogers' decision—which he apparently does—then he has clearly gone back on his campaign pledge.

The failure to accord Otepka justice will be a great black mark on the Nixon Administration. Otepka, as most *Human Events* readers now know (see Feb. 17, 1968, issue for full story), was a top security officer for the State Department during the Eisenhower-Nixon Administration, but he ran into trouble when he refused to go along with efforts of the Kennedy regime to place people in important jobs without proper security clearance. Not only were people with highly questionable backgrounds getting crucial assignments, but at one point Harlan Cleveland, our current ambassador to the United Nations, asked Otepka "if there were any prospects for the reemployment of Alger Hiss in the United States government." Hiss had been convicted of perjury for denying his role as a Soviet espionage agent.

As the Democrats began to lower the security standards at State, Otepka was demoted, then locked out of his office, denied access to his files and placed in isolation. A secret tap, he learned, had been placed on his phone. He was lied about and at least three State Department witnesses—after being threatened with perjury by the Senate—felt compelled to alter their testimony before the Senate Internal Security Subcommittee (SISS). Otepka, by the way, always told the truth. He was subjected to what the SISS called "extraordinary, calculated harassment because he attempted conscientiously to carry out the national security program."

After accusing Otepka of criminal conduct, the State Department, subsequent to lengthy hearings, could conclude that Otepka's only "crime" was his deliverance of "two memoranda and [an] investigative report" to the duly constituted Senate Internal Security subcommittee. And all of this material, by the way, was delivered only after it had been requested by the subcommittee and only for the purpose of proving that he had not lied in sharply disputing statements made by his superiors.

For this "crime," former Secretary of State Dean Rusk demoted Otepka and removed him forever from security duties. Observers say he probably would have fired Otepka, but realized he had too much support on the Hill.

If the Nixon Administration refuses to come to this man's aid, it will have consequences far beyond the plight of Otepka himself, who has already gone into debt to defend his reputation. Surely the failure to reinstate also signifies a continued lowering of security standards for government, a policy that can only imperil the nation's safety. Equally as important, it tells good, decent Americans—who tell the truth and do their duty—that there really is no room for them in the U.S. government. Both Rogers and Nixon are in a position to change all this with one executive order.

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[From Human Events, Mar. 8, 1969]

NIXON OPPOSED TRUMAN ORDER

There's an interesting sidelight to that Otepka decision of last week. In turning over three pieces of paper to the Senate Internal Security subcommittee—the only "misdeed" the State Department ever encountered on Otepka's part—Otepka was accused of violating a March 13, 1948, Presidential Directive which forbids anyone in the executive branch of government to turn over to those outside the department documents relating to the loyalty of government employees. President Truman issued the order because federal workers were feeding derogatory information on key Democratic appointees to congressional investigating committees. (Otepka, by the way, did not turn over information to SISS for any purpose other than to prove that he—not his superiors—was telling the truth. The papers contained information in the public domain and did not contain loyalty or security information in the proper sense of that term. Thus he feels he did not violate the Truman order.)

When Truman issued his directive, William P. Rogers was then chief counsel of the Senate Committee on Expenditures in the Executive Department and taking part in an investigation of an accused Communist. Rogers, according to those who knew him, denounced the Truman order as an effort to impede proper investigation by the Congress.

Richard Nixon, who was then a member of the House Committee on Un-American Activities, also denounced it. When Nixon became a California senator, he introduced S. 1390, a piece of legislation which would have effectively repealed the Truman order. In the April 26, 1951, *Congressional Record*, Nixon urged adoption of his measure by saying: "I have introduced in the Senate today a bill to make it a violation of law for any officer of the federal government to dismiss or otherwise discipline a government employe for testifying before a committee of Congress." That was Otepka's only "fault," so why won't Nixon now come to his aid?

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## A SENSIBLE CHANGE IN THE DEBT LIMIT

### HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 5, 1969*

Mr. CONTE. Mr. Speaker, the question of the debt ceiling receives periodic attention. In fact, we read about how the Federal Government seems continually to be asking for an increase in that famous ceiling. On February 26, 1969, the Berkshire Eagle of Pittsfield, Mass., ran a fine editorial on this very subject. I recommend that it be included in the RECORD because of the importance of the problem both from a fiscal and from a pragmatic point of view:

A SENSIBLE CHANGE IN THE DEBT LIMIT

The fellow who regularly goes on the wagon every New Year's Day and just as regularly falls off it a week later is doubly pathetic. He not only hasn't kicked the habit; he also suffers the ignominy of having tried and failed.

The federal government's annual charade with the debt ceiling is somewhat similar. Every year Congress solemnly sets a new ceiling which is supposed to last forever. And every time a new year with its new budget rolls around, the ceiling has to be lifted again.

But now comes President Nixon with a proposal for a whole new approach to debt-ceiling ritual—an approach that seems to make good sense. In a message to Congress he has asked that the ceiling be made to apply only to that part of the federal debt which is held by the general public—thus eliminating from the total the large quantities of government bonds held as investments by federal "trust funds," most notably the Social Security Administration.

For all practical purposes these trust funds are money which the government owes to itself and, to that extent, can reasonably be excluded from the debt ceiling. Furthermore, excluding them would substantially erase the need for perennial lifting of the ceiling: It is the trust fund debt, currently rising at the rate of about $10 billion a year, which has made it necessary to increase the total debt limit even in years when the over-all budget is in balance. Under the President's proposed accounting system a debt limit of $300 billion (as compared to the present statutory limit of $365 billion) could be put into effect with reasonable assurance that it would last for many years.

One could easily argue, to be sure, that a better approach would be to forget about trying to set limits altogether since there is not the slightest evidence that setting a limit has ever had a deterrent effect upon increasing the debt. But this is a fact which neither Congress nor the public likes to acknowledge. If nominal debt ceilings are a political necessity, as they apparently are right now, the Nixon proposal at least makes them less nonsensical.

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## BURKE BILL WOULD PREVENT FUTURE TRAGEDIES

### HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 5, 1969*

Mr. BURKE of Florida. Mr. Speaker, in November of 1968, the mercy killing and suicide of an elderly couple who resided in my congressional district, shocked not only the people of my area but the entire Nation itself and served to illustrate the urgent need for national reform of our medicare and private insurance programs.

Floyd F. Slusher, who lived in Hollywood, Fla., fired a bullet into the head of his 81-year-old bed-ridden wife and after killing her, he then took his own life with a bullet from the same gun. This tragedy spotlighted the attention on the thousands of our "forgotten people" who, like the Slushers, can become paupers overnight when long illnesses attack one or the other.

Floyd Slusher, who was 74, was a proud man. He paid all of his bills promptly as they became due, but after paying a bill of $1,943, he saw his life savings dwindle to a meager $1,600. And, he faced more expenses if he was to give his wife, to whom he had been married for 49 years, the custodial hospital attention she so badly needed for the arthritic condition and pain that had made her a hopeless cripple.

Mr. Speaker, I can easily see how the life savings earned by the work and sweat of so many other elderly Americans can be completely wiped out with one illness and how thousands of other families might wish to end their lives, at a time when they should be enjoying their twilight years, because they find themselves paupers and without hope, unwanted charity cases, in a society which fails to recognize their plight. How easy it is for them to suddenly find their funds gobbled up by the high cost of today's medical and hospital care and the constant depreciation of the value of the dollar which they carefully saved for their retirement.

Today, I have, therefore, introduced legislation which I hope will prevent future occurrences of tragedy such as that which happened to Mr. and Mrs. Slusher. My bill would remove the present limit on the number of days for which medicare benefits may be paid thereunder to an individual on account of post-hospital extended care services.

Certainly, it is our responsibility to strive to bring about national reform in our medicare and private insurance programs. It is our responsibility also to insure for our older citizens a more independent and sound economic future—not by words or by plaudits, but instead by our deeds, to show our respect for the contributions they have made in their younger years to making our country strong.

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## LAUNCHING OF THE SS "HONG KONG MAIL," NEWPORT NEWS, VA.

### HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 5, 1969*

Mr. PELLY. Mr. Speaker, our colleague from Virginia (Mr. DOWNING) called for a meaningful maritime policy in a speech at Newport News, Va. The occasion was the launching of the SS *Hong Kong Mail* on February 8, 1969, at the Newport News Shipbuilding & Dry Dock Co.

Since so many Members want a maritime program that will meet the needs of the United States, I include hereinafter the text of Congressman DOWNING's speech:

REMARKS OF HONORABLE THOMAS N. DOWNING

For someone who was born and reared just a few blocks away from here, this is a moment of understandable pride for me. This is my hometown and I will always feel at home in it.

We build ships here—good ships and the whole world knows it. And when a good ship goes down the ways. As the *Hong Kong Mail* will, in a few minutes, it carries with her the hopes, prayers, and best wishes of the thousands of men and women who gave her life.

I feel a definite kinship with everyone who does business with this shipyard because it says to me that they too, have recognized what we here in Newport News have known all along that this is the greatest shipyard in the world.

It is a pleasure to be here today and to join in welcoming Worth Fowler and his associates to this yard once again. This is the fourth time in less than a year that one of the American mail line ships has been launched here. And I know that he and his vice-president, Ted Sommer, Bill Baptie, chief of the planning division, and designer Jim Henry are as proud of the occasion as I am. The fifth and final cargo liner in the present contract the SS *American Mail*, will be launched here in the middle of April. That will make five in one year, a record of great shipbuilding accomplishment—and a justification of the faith and confidence of the American mail line.

All five of these ships will continue the great tradition of this line in plying the established trade routes which are so vital to the continued development of American business and industry. It is imperative that we maintain these trade route services. It is imperative that our country do all it can to maintain them. If we do not, other nations will move in; the American flag would continue to disappear in the harbors of the world; and we would continue along the part to oblivion as a maritime nation that we, for some unknowing reason, seem destined to follow.

The maritime life of this Nation is dependent on a great partnership; a four-way cooperative effort among the shipping companies, the shipbuilders, the men who man them on the high seas, and the Federal Government.

I find no fault generally with the first three members of this quartet. But the same is not true about the Government. We have no meaningful maritime policy today. This

lack of concern on the part of the Government is nothing new. Not since Franklin Delano Roosevelt has any President of the United States made a significant contribution to the U.S. flag merchant marine.

This has not been the fault of the representatives of the people. The maritime leadership in both Houses of the Congress has shown the way and has drawn the support from both sides of the political aisle. Unfortunately we have been rebuffed by President after President. It was with dismay that I read in the budget most recently submitted that once again our Government proposes to subsidize new ship construction at a rate which will not even keep pace with the retirement rate of our over-aged merchant vessels.

I call upon our new President as I have called upon his three immediate predecessors to reverse this trend; to follow the leadership of the Congress; and to give this Nation a shipbuilding program which will relieve the dreadful situation in which we find ourselves; that of being at the mercy of other nations of the world to carry our international commerce.

As a nation, we cannot survive on 8–10 new ships a year. At a bare minimum, we must have a program of 35–40 ships for a number of years to come. Mr. Fowler and his company and other progressive operators have demonstrated their willingness. Mr. Holden, Mr. Ackerman and the men and women of this great yard have proven their capability. We have enough men on the bench now to man the vessels if they were available, and the youth of this Nation is eager to join the ranks if they can be guaranteed the berths.

I beseech President Nixon to act now. There is no call for this administration to waste time drafting a maritime policy. A policy has already been drawn. It has the endorsement of the leaders of the industry, of labor, and of the Congress. It is a simple yet far-reaching policy. It calls for a new strong status for the Federal Maritime Administration. It provides for the complete revitalization of our merchant fleet. It prescribes a start on the building program that is a necessity. It calls for the institution of an intensive program of technological advances. It demands that we follow the lead that we have already established in nuclear propulsion.

Our future on the oceans of this world should not represent the wishes of any one man be he shipworker, shipbuilder, operator, Congressman, or even President. Our future should do one thing. It should satisfy the needs of the United States of America.

I dislike mentioning Russia in order to promote a cause, whether it be maritime or space, but I tell you most sincerely that unless we get started on an effective maritime program right now, that country will be the number one maritime country of the world by 1975. For many reasons, well known to you, this cannot be allowed to happen.

The maritime need is paramount. The SS *Kong Kong Mail* will help to fill this need. It is neither the beginning nor the end, and we must not rest until we have achieved that end.

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## CONGRESSMAN JOSHUA EILBERG CONTINUES HIS FIGHT TO PROTECT THE AMERICAN CONSUMER

### HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 5, 1969*

Mr. EILBERG. Mr. Speaker, today I have introduced legislation which would amend the Federal Hazardous Substances Act to protect children from toys and other articles intended for use by children which are hazardous due to the presence of electrical, mechanical, and thermal hazards. This legislation would amend the section of the act relating to "banned hazardous substances" to permit the Secretary of Health, Education, and Welfare by regulation to eliminate from interstate commerce any toys or products intended for use by children which have electrical, mechanical, or thermal hazards.

In effect, the categories of toy hazards which the present legislation provides protection against are limited to two: pressurized and flammable. I think our children deserve much more protection than that. By adding the additional categories of electrical, mechanical, and thermal we can attack a number of hazards, including, but not limited to, sharp or protruding edges, fragmentation, explosion, strangulation, suffocation, asphyxiation, electrical shock and electrocution, heated surfaces, and unextinguishable flames.

The need for this legislation is quite evident. Of the nearly 56 million children under the age of 15 in the United States, more than 15,000 of them each year die from accidents at a rate of 28 per 100,000 population. This figure is higher than the death rate recorded for cancer, contagious diseases, heart diseases, and gastroenteritis combined.

More than half of the children who died as a result of accidents in 1966 were preschool children between the ages of 4 and 5 years. Another 17 million children annually are injured severely enough to restrict normal activity and require medical attention. The frequency and types of deaths and injuries resulting from hazardous toys designed for children is shocking. At the present time, the National Safety Council does not act as a clearinghouse for toys sold on the interstate market. No systematic review of such toys is carried out by the Council of Toys before they are placed on the market.

The legislation I have introduced today will, I hope, stimulate industry to put its house in order and to take appropriate steps to see to it that the toys they put on the market are safe. The children of America will appreciate their efforts and ours when we pass this legislation.

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## TRIBUTE TO CYRUS VANCE

### HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 5, 1969*

Mr. MOORHEAD. Mr. Speaker, selfless duty on behalf of one's government is a common virtue in this most imperfect time.

But there are a few men, usually giants in comparison to the rest of us mortals, who personify duty to country. Cyrus Vance is one of these.

It is a good thing that Cy Vance does not decorate his automobile with travel stamps of all the countries to which he traveled, searching for that elusive prize, world peace. There, certainly, would be little visibility for driving.

For the past 8 years, Mr. Vance has served three Presidents in the rather crucial role of "troubleshooter." His passport reads like a history book, Cyprus, the Dominican Republic, Vietnam, Paris.

He is home now after waging a long, grudging but fruitful campaign at the peace tables in Paris.

But for how long will this restless giant of a man stay a private citizen? How long can men like Cy Vance and Averell Harriman stay away from the fever spots of the world?

Like the diplomat-statesmen that they are, they will stay away from the battle until a concerned President seeks the experience and wisdom of a titan. And then it is repack the bags and off to who knows where?

But I am sure if the price of remaining a public citizen is world harmony, Cy Vance will gladly meet the ante and stay in New York working as a lawyer.

Recent articles in the Washington Daily News and the Washington Post pay tribute to Cyrus Vance. In recognition of his dedicated service to his country, I would like to introduce these articles into the CONGRESSIONAL RECORD and salute my friend with a heartfelt, "Well Done":

CYRUS VANCE, TROUBLESHOOTER FIRST CLASS

In a unique way, Cyrus Vance has been a master of all trades in the complicated business of troubleshooting for this Government at home and abroad. He has helped put out fires in Detroit and Washington, helped avert a war between Turkey and Greece over Cyprus and struggled for a settlement in the Dominican Republic, just to mention a few of the tasks he has deftly carried out. Now, with ten tedious months of Vietnam negotiations in Paris behind him, Cy Vance has returned home.

In each of the situations in which Mr. Vance has been thrust he was "the President's man," a man former President Johnson could rely on to keep an eye on things for him, and a man in whom he had complete confidence. That was the way the Paris assignment started out, though it soon was apparent that Mr. Vance was on pretty much the same frequency as his official co-equal, W. Averell Harriman. Though Mr. Harriman was the ranking member of the delegation, and as such the principal spokesman for the United States during the negotiating sessions, Mr. Vance took over when Mr. Harriman wasn't there.

Mr. Vance was most effective as a catalyst in getting staff views to the surface for discussion in staff meetings. And his intimate knowledge of official Washington, acquired during six and a half years in the Pentagon and because of his close relationship with Mr. Johnson, made him best suited to present the Paris delegation's view to Washington, which he did on frequent trips home.

Much of what Mr. Vance did in Paris and during the discussions in and out of government that led to the decision to limit the bombing of North Vietnam may never really surface. There are probably dozens of high-level diplomatic conversations that he participated in that proved important in many ways. Dedicated and discreet, we would know nothing of his contribution if it were left to him. Someday perhaps he will write a book—but not, we would hope, at the expense of foreclosing his further usefulness—for it is inescapable that the Government will find a need for his troubleshooting talent again.

Hopefully, his return from Paris to a private law practice in New York only ends another chapter in his distinguished public career.

NOBODY KNOWS THE TROUBLE HE'S MENDED

"Willing to go and able to move fast," is how one reporter led a profile of Cyrus R. Vance, and in times of trouble it is the description of the sort of man governments look for.

Mr. Vance, who just retired from the Paris peace talks, has answered the bell for virtually every foreign and domestic crisis in the past eight years. He has acted as White House troubleshooter in Cyprus (tempting nobody knows how many composing rooms to name him Cyprus Vance), the Canal Zone, the Dominican Republic, Detroit, South Vietnam and way stations, and all this while serving either as Secretary of the Army or Deputy Secretary of Defense.

Mr. Vance has earned the nation's gratitude a dozen times over, and he has earned a rest from the incessant diapering of crises that has been his lot since he came to Washington. But troubleshooters who can move fast—and act wisely after they get there—are rare. No one in the business of watching the world's chronic disposition toward self-destruction thinks he'll stay on the shelf very long.

## ABM DISPUTE ANALYZED

### HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 5, 1969*

Mr. HOSMER. Mr. Speaker, for the information of the House Republican Conference and generally for the Members of this body, I am issuing the following document tomorrow:

MARCH 6, 1969.

From: Representative CRAIG HOSMER, Chairman, Committee on Nuclear Affairs.
To: House Republican Conference.
Subject: Analysis of the ABM dispute.

This is a somewhat oversimplified summary of the current ABM deployment issue.

Current strategic thinking holds that nuclear *deterrence*, i.e., dissuading another nuclear power from deciding to settle things once and for all by a surprise nuclear attack calculated to break your back militarily, depends upon your own:

*Assured Destruction Capability*, defined as the adequacy of your retaliatory strikeback force to survive such a first-strike and hurl back on the attacker's homeland an amount of destruction it is unwilling to accept. It may also depend on your own:

*Damage Limitation Capability*, defined as active and passive measures you take in advance to limit your overall damage from surprise attack to such extent that the attacker may be discouraged from a decision to strike.

United States assured destruction capability consists of 1000 Minuteman and 54 Titan II ICBMs in the continental U.S., 41 Polaris submarines and various strategic bomber aircraft.

United States damage limitation capability has consisted of various passive civil defense programs and active measures against aircraft attack such as NIKE and the Continental Air Defense Command, assisted by such early warning installations as BEMEWS and DEW Line. At the present time we do not have an active capability for defense against ICBM attack.

The *Sentinel System* has been proposed as an ABM measure. It consists of long range *Perimeter Acquisition Radar* to detect ICBMs and guide nuclear tipped *Spartan* missiles above the atmosphere to destroy them. As a back-up *Missile Site Radars* and *Sprint* short range missiles would finish off any ICBMs penetrating the Spartans.

Former Defense Secretary McNamara proposed the Sentinel System in a very limited context and almost wholly as a damage limitation measure to deter a Red China attack on U.S. cities when they are expected to have ICBMs sometime in the 1970's. He felt the China capability would be too limited to hurt our Minuteman very much, so they would choose to hit cities. In fact, he inferred that the Soviets would have insufficient punch to wreck our retaliatory strike back force, they know it, thus are deterred anyway, and it would be a waste of money to deploy Sentinel for Minuteman protection.

Many people believe McNamara was dead set against Sentinel for any purpose. When he was ordered by Johnson to deploy it because of election year political pressures, he did so with the weakest possible rationalization. And, he deployed it in metropolitan areas where he calculated public opposition would be aroused. He fully expected these shortcomings to combine to kill off Sentinel.

And, as we have seen, they have brought Sentinel construction to a halt, although R&D continues.

The gut issues being decided while the freeze on Sentinel construction is on are:

(1) Shall Sentinel be abandoned?

(2) Shall Sentinel continue in a damage limitation role vs. the China threat?

(3) Shall Sentinel be shifted from damage limitation functions vis-a-vis cities to our Minuteman sites for protection of our assured destruction retaliatory force?

In the later role it would assume a burden as to the Soviet threat rather than the Chinese threat and its rationale would be based on the *assured destruction* aspects of deterrence rather than its *damage limitation* aspects.

The next logical question is:

Will the $X billion to be spent buy more *assured destruction* if spent for:

(a) Sentinel;

(b) Site hardening and other Minuteman improvements;

(c) More Minutemen;

(d) More Polaris submarines;

(e) The Navy's Seaborne Anti-Ballistic Missile Interception System (SABMIS);

(f) Other alternative assured destruction measures?

Undoubtedly these are the questions Secretary Laird is wrestling with right now.

My own preference is for either Sentinel or SABMIS because either introduces a significant new and additional factor into the potential attacker's calculations of the degree of retaliatory damage he might suffer from taking the initiative.

Besides, should we go ahead with ABM plans, and should disarmament talks with the Soviets be initiated, going ahead with plans will give us something to bargain with that isn't hardware already in being.

## "THE KERNER REPORT: ITS IMPLICATION FOR EDUCATION"—A SPECIAL EDITION OF THE ILLINOIS SCHOOLS JOURNAL

### HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 5, 1969*

Mr. BRADEMAS. Mr. Speaker, March 1, 1969, marked the first anniversary of the publication of the report of the National Advisory Commission on Civil Disorders, headed by the distinguished former Governor of Illinois, Otto B. Kerner.

The spring issue of the Illinois Schools Journal, published under the auspices of Chicago State College, is devoted to a consideration of this historic document and, in particular, its implications for education. I wish to congratulate Chicago State College and its president, Milton Byrd, for this fine contribution to public discussion of the Kerner report.

Included in the issue is an article which I prepared, entitled "A Congressman's Perspective." On February 22, 1969, I incorporated most of this article in an address before a luncheon gathering in Chicago marking the first anniversary of the Kerner report. The text of that address was printed in the CONGRESSIONAL RECORD of February 26, 1969, beginning on page 4708.

Other contributors to the current issue of the Illinois Schools Journal are: former Governor Kerner, now judge of the U.S. Court of Appeals; Edwin C. Berry, executive director of the Chicago Urban League; Paul W. Briggs, superintendent of the Cleveland public school system; Joseph Rosen, district 10 superintendent of the Chicago public schools; Bernard Spodek, professor of early childhood education, University of Illinois, Urbana; Mark Upchurch, english teacher at Englewood High School, Chicago; and Jerome Reich, professor of history, Chicago State College.

The consensus of opinion of the contributors is that American education has so far failed to respond adequately to the recommendations and urgent needs set forth in the Kerner report.

Mr. Speaker, I wish to include at this point in the RECORD the text of several of the articles appearing in this special edition of the Illinois Schools Journal:

THE CURRENT CRISIS IN URBAN EDUCATION—RECOMMENDATIONS FOR A PARTIAL SOLUTION

(By Otto Kerner)

One of the problems of living in a complex society is that every component is affected by, and in turn affects, many other components. So it is with education. The crisis in urban education is but part of a bigger crisis, the megalopolis crisis. Total solution for the educational component cannot be achieved until the principal ills of the megalopolis have been met—the geographic strait jacket on Negro housing, the deterioration of city neighborhoods, the increasing discrepancy between the metropolitan tax base and the need for inner-city services, the consequent rising urban budgetary deficiencies, transportation problems, and the growing loss of job opportunities open to ghetto dwellers.

Should we then throw up our hands and, as some people have suggested, declare the urban educational crisis an insoluble one, unmanageable until these other evils have been eradicated? Assuredly not. Partial solution of the urban educational problems is possible despite the continuance of overall urban problems, and such solution in itself provides material assistance in the alleviation of other metropolitan ills. Better education of the disadvantaged means their greater effectiveness in job-finding—and smaller welfare rolls; a better educated and more highly skilled inner-city work force means smaller incentive for industry to move out of the city. We will need, however, to remember at all times the multi-faceted nature of the problem, both as a goad and as

a sober reminder. Within a crisis-ridden, urban framework, educational progress is slow and painful; the more this framework can be strengthened, the faster the educational breakthrough will come about.

Where do we start?

*Establish goals and determine roadblocks.* I suggest that the first order of the day is to determine goals and priorities in urban education. Fortunately, the task is not as difficult as it would have been three or four years ago. At that time the civil rights ideology was pressing on educational questions, causing considerable confusion as to real goals. Since then, a number of facts have emerged. One major one came out of that monumental report of the U. S. Office of Education, "Equality of Educational Opportunity." The authors found that racial balance within schools was one of the few factors that materially aided pupil improvement. Thus, since low achievement of disadvantaged children is *the* most pressing problem of urban schools, desegregation is becoming as much an educational tool as a civil rights principle.

A second fact to emerge is that *desegregation and quality schooling* are not interchangeable terms; the first does not insure the second.

I believe that a consensus is being reached on educational goals that from now on the highest priority should be given to the development of high-quality, high-achievement educational systems in the cities. This goal is not only worthy of our best and united efforts but one that will require them!

The second step will have to be a candid assessment and delineation of each city's successes and failures in meeting urban educational problems. Purpose—to improve educational strategy.

In general, our failures are painfully obvious. One is the high dropout rate; almost one-third of the city children who start high school never finish. Another is the poor effectiveness of city schools with Negro children, who generally show lower achievement levels than white children of the same age. The successes have been less obtrusive but no less real—the rise in teacher qualifications, the increasing enrichment of the curricula, the greater attention to pupils with special skills and special problems, the decreases in class size, etc. Some attempts to establish causation for both successes and failures undoubtedly have to be made. But I would hope that none of us would fall into the easy error of ascribing the educational failures to the educators and the educational successes to the critics.

Let me now outline a few of the strategies I think we should follow in pursuing our overall goal.

*Develop flexibility of approach.* Although there is a great deal of recent and on-going study of educational techniques, it is clear that there is not now a given formula for educational success. Instead, we have a series of open-ended probabilities, such as "better teachers make for better students"—but what is a better teacher?; or "integrated classes raise the accomplishment levels of Negro pupils"—but how much integration? etc.

Lacking sure-fire guidelines, it becomes necessary for all those concerned with education to abandon rigid doctrinaire approaches in favor of innovative and pragmatic ones. Perhaps we need to use the approach of the medical researchers and the attempts by experimentation to find cures for diseases whose basic causation has not yet been determined. I have been particularly struck with the dangers of a too-ready acceptance of various explanations for nonachievement of Negro pupils. For example, several acute observers of the educational scene have recently suggested that the high rate of absenteeism among male Negro youth may be due not to lack of motivation, as is commonly supposed, but simply to boredom. These youngsters find the normal classroom atmosphere and classroom techniques pallid and uninteresting in comparison with the excitement of the streets. The solution may lie, therefore, not in attempting to develop a motivation which may well be there but latent but instead in attempting to arouse interest. Reading skills could be developed from books on jujitsu instead of standard readers; arithmetic skills might be built on solutions of simulated problems of the quartermaster and ordnance departments of the army, or the supermarket.

In a number of school districts and communities just this kind of approach has been adopted. However, if all educators are expected to develop and carry out such techniques, the purpose of such experimentation must be well understood and approved by the community in general and by the press in particular. Experiments that prove unsuccessful cannot be utilized as the basis for horror articles by professional critics of the educational establishment. The job of defusing irresponsible criticism is one which the entire community must undertake, particularly influential laymen whose disinterest is patent.

*Utilize outside resources.* I suspect it would be difficult to find an educational principle more widely accepted—or more honored in the breach! The reasons for this latter condition are not hard to find. It is one thing to sit down and write glowingly of the vast opportunities for first-hand learning experiences that outside institutions—business, governmental agencies, cultural organizations, etc.—can offer. It is quite another matter to carry out this mandate, to develop the relationships which make it possible, and to initiate and complete the lengthy and difficult arrangements necessarily precedent to such educational enrichment. Weary school administrators must often wish they could change places with their armchair quarterbacks.

Nevertheless, fully acknowledging how difficult it is to establish such arrangements we are still left with the necessity of doing it, and perhaps for the very reason they are difficult to establish, i.e., that the growth in complexity of our culture and the acceleration of the rate of change throughout society make it a greater imperative than ever that children gain as much knowledge as possible of these complexities and these changes.

Let me suggest a partial solution, the delegation of such activity to outside sources themselves, leaving only the co-ordinating function to the educational administrators. Thus, the local chapter of the League of Women Voters might be called upon to arrange for visits of school children to various governmental agencies; local and state chambers of commerce might be invited to schedule visits to factories and businesses; conservation groups might be tapped to sponsor unusual field trips. The range of such experience is limited only by the resources of the community itself and the imagination (and time!) of the school superintendent.

To write meaningfully of urban education without mentioning money is a condition which I hope one day can be achieved. But not yet. There is no question in my mind that the urban schools (and the rural ones) need more money. The question is from what source and how much. I have grave doubts that much more assistance can be obtained from the cities themselves or the states; most of them have already tapped available sources of revenue up to the danger point. This leaves only the federal government as the final resort—and this gives rise to the anti-federal aid group.

The question of how much more money will be an event more difficult one to solve since educational need must be matched against the myriad of other demands on the federal purse. The people of the country themselves will have to decide whether they are willing to pay higher taxes to obtain high-quality education. My own feeling is that they would make such an affirmative decision providing they are assured that educational monies will be wisely and prudently spent. School administrators throughout the country must therefore take immediate steps to provide such assurances. Once this is done, the rest of us can assume our share of the burden to assure the United States the kind of education needed to provide full and complete opportunities for all its people.

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## Education and the Black Community—White Americans Need To Be Reeducated

(By Edwin C. Berry)

The *Report of the National Advisory Commission on Civil Disorders*[1] (Kerner Report) was a landmark in the history of the United States and in black and white relations.

In terms of education it was an imaginative report which touched upon many of the basic needs for the education of the ghetto child, the poor black child.

The report succinctly and concisely documents the increasing racial separation in Chicago and other Northern school systems which has served as one of the most efficient means by which inferior education has been inflicted on black children.

However, beyond the devastating effects of this rigid segregation and its resulting slum shock which dwarfs the desires and dreams of ghetto children, there is another basic point which was missed in the Kerner Report.

While I am in favor of Head Start and enriching programs for children in the ghetto—they certainly need them—also basic to the whole problem is the education of those who are in allocating roles like school boards and state legislators.

What we need is a gigantic head start program for all the white middle- and upper-class decision-makers in our society. These people do not understand or perhaps in some cases do not care what happens to the children of poverty who are black.

Our black ghettos must be looked at as latter-day domestic colonies. Negroes in this city are fenced in and they must live in areas which have been designated for their occupancy. The decisions about what goes on within the colony are made from without the colony. The colony is characterized by absentee ownership; the merchants and the landlords live outside, and they come in, take out the colony's small wealth, and do not reinvest it, but spend it outside.

Those within the ghetto are sitting ducks for every kind of exploitation known to man; the shoddiest of merchandise is sold here and credit sharks prey upon the people. Discrimination takes many forms. These people earn less money and pay a color tax for the houses they live in unless they happen to live in a controlled area such as the compounds we call housing projects.

These compounds are triple ghettos—ghettos of race, poverty, and human misery. Those who are incarcerated in the ghettos under present circumstances are not even allowed to build their own compounds because of the discrimination that is practiced in the building trade unions in our society.

The world that is related to the ghetto student by the school has no meaning or basis of reality to the student, for this is not what he sees as part of daily life. The middle-class values taught in the schools belong to a world he has never known. This is just not a realistic approach to education.

And to top it off, many of the individuals who are engaged in meaningful work, and with whom he comes in contact frequently, are not residents of his community, but come in as daytime missionaries or social workers to assist the student and his family.

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[1] (New York: Bantam Books, 1968.)

There are too few role models for the ghetto student to pattern his own life by—people who look like him who have achieved.

Decision-makers will have to come to grips with these realities. They will have to take a good look at themselves. After all, this whole business of what we do with the poor and the black has to do with our will. What do we will to do?

I am writing this article at a time when Apollo 8 has just returned from the moon. We have found a way to conquer the universe. We found a way, regardless of how expensive and intricate it was, because we had a will to do so. With this same fierce and precise determination, we can conquer the problem of education and training for the survival of poor and black people.

We have the power in this society to determine the people who are going to be equal and those who are going to be more equal than others and those who are going to be subjugated. We determine this by a simple formula—whom do we educate?

Those whom we educate and who know best how to fit into the cultural milieu of American life are those who will be more equal and will have the most and the greatest opportunities to make it.

The poorly educated will be subjugated and can only look forward to welfare dependency, prison, or an early death.

The Kerner Report recommends improved, quality education in the ghetto. I believe this should have top priority. However, I have never been able to get too excited about the idea of combat pay. It isn't referred to in that way in the report but is talked about as incentive pay or more pay for those who would work in the ghetto. I don't think that is the answer, although I'm in favor of our teachers being well paid—better paid than they now are. I don't think inadequate salaries keep good teachers out of the ghetto and I don't think black kids keep them out either. It is my opinion that school conditions keep good teachers away from ghetto schools—overcrowded classes, neighborhood surroundings, few or no parking lots (often nonstudents puncture tires and damage automobiles).

It is a terrible thing to expect teachers to teach in schools where children have so many needs, educationally and physically, which they have no way of meeting; for instance, the school lunch program. In a school that has no lunch program and no lunchroom, the kids go hungry.

In the speech, *Hunger, U.S.A.*, it was cited that "nutritional anemia, stemming primarily from protein deficiency and iron deficiency was commonly found in percentages ranging from thirty to seventy percent among children from poverty backgrounds." [2]

Sensitive teachers would rather not face this problem day after day because they have no way to feed five hundred hungry children without a lunchroom and without a lunch program.

We can also make use of the empty classrooms in our school system, and in this case my primary objective is not integration, although I'm in favor of integration. However, if we have empty classrooms on one side of town and children who need them on another, it just makes sense to use the classrooms that are available. This is where we run into a great deal of difficulty, a lot of argument, and where the will of those who run the schools and those who support the schools gets flabby.

They say, "Well, yes, we ought to educate these little black children, but we run into a lot of trouble with the people in this district if we do."

Then they cite cases where foolish people have raised questions and have been very unpleasant not only to the school board in picketing and petitioning them, but also to the children who actually went to school.

But the decision-makers and these foolish adults need these little black children very badly to purify the soul of America. Any time adults like those on the North side of Chicago would come out to picket little children going to school in the fourth, fifth and sixth grades, we really need to improve our education system.

Here I would agree with the Kerner Report where it places some stress on adult education. Some of those white adults really need to be educated into the basic and primary concepts of what American democracy is all about. They certainly did not learn it at the time they were in school. These same adults also need to learn about the accomplishments and contributions of black people to this society.

The Kerner Report recommends the recognition of the history, culture and contribution of minority groups to American civilization. We in the Urban League have recommended this in terms of integrating the true facts about black people throughout the curricula.

Ghetto children need the support and the knowledge that there has been some accomplishment by black people. White children in segregated neighborhoods need this perhaps even more. If we go back to the basic concept stated so well in the Kerner Report that the main problem is white racism, then it would indicate that those schools in the segregated white community need black history more than the black children themselves. What we're asking for here is nothing very unusual—just the honest teaching of history in America.

Another basic factor in this whole problem of educating the black and the poor is the matter of jobs and income. In the final analysis, the way kids become educated really becomes a function of income. Some people may have difficulty seeing it this way, but it is inevitable that where incomes are decent, where people have the opportunity to have some leisure and can think of things other than being hungry and cold, they do have the time to think of an additional thing like, "How are my kids doing in school?" They have an opportunity to visit the PTA; they can talk to principals and teachers and begin to learn what the school's goals are.

The parents of poor black children, or of poor children of any color, must have improved income status in order that they can send their kids to school in good health. They must have enough money so that the home is a decent place with simple things like adequate heat, enough food, enough bathrooms, and the children can visit doctors and dentists when needed. Hungry kids in our city eat peeling, lead-filled paint, and they become brain-damaged or die. We can and we must eliminate this menace.

While looking at the need for improved income status for blacks, we must not overlook the education field itself. We need a great many more black people in positions as principals or above where the money and where policy is made, and a great many more blacks in technical jobs. At last count, in Chicago, we had twenty-five black principals out of a total of five hundred and twenty-five. There's nothing fair about that with more than half of the school population being black.

Here in Chicago, we don't have too much of a quarrel with the number of black teachers in the system. We're up to thirty-five or thirty-six percent. However, we have too few black teachers who are fully certified. We have a large number of teachers, some white, but mostly black, who have been teaching as full-time basis substitutes for several years.

Our school system must move very rapidly to establish an honest, just and fair method of certifying these teachers, giving them tenure and allowing them to earn the amount of money they should be earning. And, while this may sound harsh, those who are not qualified to teach everybody, are not qualified to teach black children.

If I were running everything in the world, and choosing all the teachers, the first thing I would want to know before inquiring about how many degrees she had, or how much pedagogy she had learned in graduate schools, would be Does the prospective teacher love children? This means loving all of the children all of the time—when they are good and when they are mischievous; when they are dirty and when they are clean; on rainy days and on sunshiny days. Only after establishing that the teacher loved children would I want to know whether she can read and write.

I agree with my friend Ted Sizer at Harvard University when he says the most important ingredient in terms of public education is what he refers as the personality of the teacher. In personality, he includes everything about the teacher: attitude, demeanor, understanding, etc. This is important and in this scientific age we ought to be able to find a way to get the kind of people who are truly interested in teaching. It is an extremely challenging and often slow-to-reward profession.

There is no question that more participation in the education process by parents is needed and the Kerner Report encourages this. A good many parents of the ghetto, who are unlettered, have been looked upon, in the past, as having nothing to contribute. It has been my experience and my observation that the parents of children in ghetto areas are very interested in their children receiving a good, decent education, even though they may not be able to define all of the elements that go into a good education.

Black parents are interested in their kids, and they are demanding now that their children be treated humanely. Black parents have not always been well received by our schools; we've even gone through a period when the schools were locked up. In the past, schools that belong to the people, paid for with tax funds, where parents' most precious possessions were deposited all day, had unlisted phone numbers.

To the credit of our present General Superintendent of Schools, James Redmond, every school phone number is listed in the telephone directory so that anyone can contact the schools.

"Local control," "maximum participation," "community involvement," are suddenly scare phrases on the American scene. In the affluent neighborhoods of our American cities, Chicago included, the wealthy white people always had local control of their schools. It is only in the poor districts that people did not have the opportunity to voice their concerns regarding the education of their children. Certainly they need more local control than they have ever had before and this should not be scary. It is just plain American democracy and plain human decency.

The only way to evaluate the school system is to hold it accountable to the community for the end product. In any manufacturing program, the standard becomes the end product and what will it do. Take a color television set, for instance. Regardless of the amount of money invested in the research, technology and production of it, there is only one thing that sells the set—does it work? The same thing applies to an automobile, to Apollo 8. If it won't work, then it is no good.

In Chicago we spend, without some of the extras, 360 million dollars a year in education. A good many of our finished products cannot do the basic skills of reading, writing, arithmetic that our schools have guaranteed they will teach our kids in twelve years. A great many of our people who managed to master those skills did not learn

[2] Benjamin E. Mays, delivered to the Chicago Urban League Principals' Conference, May 28–30, 1968, Chicago, Illinois.

the skills of living with others in a democratic and decent society. We must reevaluate. We cannot continue pouring money into a program that is producing an end product that doesn't work. Just as important as reading, writing and arithmetic, is a fourth R, relations—getting along with others.

The future of American society, and certainly the future of the cities, depends to a very large degree on how our educational system operates and how it is focused—how we use the resources (far too little) which we now have, and how we will use the additional resources, particularly financial resources, that we may gain for city schools from state and federal aid.

To provide quality education for all of our children and especially for those who have been most denied, we must gain a great deal of federal and state support. Our cities do not have the money. Cities these days do not have access to their own tax wealth and property taxes—an agrarian concept, coming out of the ages when most wealth was measured in land and acreage.

Right now we give money to suburban areas where there is a lot of wealth and less drainage on that wealth for police and welfare programs than there is in poor districts. It is not enough to give so much money per pupil for days of attendance. The poorer districts need more money and the richer districts need less. Maybe some wealthy districts won't get any state aid because they are already paying as much locally as they need to pay. There are a couple of lawsuits now pending in the courts, one in Detroit and one in Chicago, designed to challenge our tax apparatus as it relates to education. I believe the challenge will be successful.

The most essential factor to the implementation of the Kerner Report recommendations for education is money. There is a line somewhere in the report which states that money isn't everything. I have to agree with that, but in terms of education of the poor and the black, money is the one thing we haven't tried, I think we ought to try money once.

We will never achieve a truly civilized society until all of the children belong to all of the adults and all of the adults feel a responsibility for all of the children—until we who are able to send our children to private schools feel that we have a major responsibility to the public schools because all of the children are ours. If we can ever get to this point, then many of the items I've written about here will be solved.

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THOUGHTS ONE YEAR LATER—REVITALIZED EDUCATIONAL SYSTEM A NECESSITY

(By Paul W. Briggs)

It was just one year ago that the United States Commission on Civil Disorders came out with its much discussed report. Unfortunately, this report has still been much more discussed than read. Yet it serves as another major landmark in America's move to truly become one nation indivisible.

As we look back one year to what the Commission wrote and forward to what seems to lie ahead, certain things are absolutely clear. It should be stated at the outset that I write this as an educator with certain basic convictions. A first conviction is that none of the solutions to the problems of urban America and the racial turmoil that racks our land can be solved without a much improved and revitalized school system in every major population center of the nation, and a second is that without this revitalized education for every youngster, whatever his circumstances may be, none of the multiple other problems can be solved.

The urbanization of America has proceeded with such rapidity that within a short span of less than fifty years we have moved from an agrarian nation to one dominated by large cities. Few guidelines were available to educators and city planners during this comparatively short period of shift from the farm to the city.

We did not have a pattern to follow, experience to call on, or public officials and educational architects with expertise in city and educational planning. Nearly every public facility proved to be inadequate before it was completed. Public transportation fell short of public needs, streets were too narrow for the flood of new cars, lots were too small for adequate homes, single garages failed to meet the needs of our two-car families, and schools proved to be inadequate in every respect.

Our schools were built early in the development of cities, generally on small sites, with little provision for play areas, expansion, or parking. In most cities, the oldest schools as well as the oldest homes are to be found in the center of the city. These were the first homes to be abandoned in a mass exodus when suburbia got under way.

The twenty-five year exodus to suburbia resulted in an abandonment of city leadership and in neglect of all city functions and particularly education. The central city soon became a vacuum to be filled by large numbers of people suffering from many kinds of disadvantagement. Metropolitan areas developed around the city—dependent on the city but separate in government and education from the city.

The decrease in city population did not result in a comparable decrease in school enrollment. On the contrary, school enrollments in the major population centers boomed while city populations dropped. In Cleveland, for instance, from 1950 to 1965 the city population dropped 130,000 while school enrollment increased by 50,000.

Changing city neighborhoods crowded old schools to over-capacity with children possessing problems demanding a new kind of education—education that was not available in either quality or quantity. Around the city new schools were built, each an attempt to outdo the other. These new schools attracted many to leave the city.

Realistic financial support for city schools was not forthcoming. Classes got larger, inner-city kindergartens had long waiting lists, and in many cases, children in the inner city attended half-day sessions. Lack of funds kept city school systems from making needed building additions and alterations or even from replacing old equipment. Libraries were closed to make more space available for classrooms and to save money. Greater financial burdens of city government left a smaller percent of the local tax dollar for education.

The long neglect of the education of urban children is beginning to show. Many of those whose recent acts threaten the domestic safety and tear at the roots of the American democratic system are the products of yesterday's inadequate and neglected inner-city schools. The greatest unused and undeveloped human resource in America is to be found in the deteriorating cores of American urban centers.

The effectiveness of our response to the challenge of developing and using this resource can make the difference in whether America survives and flourishes or flounders and decays.

I should like to call your attention particularly to my own city of Cleveland, a city which last summer suffered devastating civil disorder and where a few years ago it was necessary to use two hundred policemen to open one of our large high schools.

In Cleveland, during the summer of 1964, we were building schools under armed guard. The preceding school year had been marked by controversy, by charges and countercharges as groups in the community sought to influence decisions of the Board of Education. Violent street fights and rock throwing had been followed by demonstrations and sit-ins in the Board of Education office building.

Our city is one in which extremes of affluence and poverty are to be found, but where poverty is spreading at an alarming rate. It is a city characterized too much by isolation—racial, ethnic, religious, social, and economic. It is a city whose daily newspapers list column after column of good jobs waiting to be filled, while the unemployment rate in the inner city is among the highest in the nation. Let us look more closely at one section of Cleveland's inner city, the Hough area, which was the location of the riot of 1966.

Hough is an area of about two square miles—bordered on the east by University Circle with its rich complex of cultural institutions, unsurpassed in America. To the west lies Cleveland's industrial heart. On the north and south are two main thoroughfares traveled most heavily at the beginning and end of the business day as people from other sections of Cleveland and from the eastern suburbs move into and out of Cleveland's central business district.

Hough clearly demonstrates the phenomenon of flight and abandonment. Its population is about sixty thousand and represents a virtually complete turnover since 1940. Rare, indeed, is the recent graduate of the high school serving Hough whose father or mother also attended the same school.

Once a favored residential area where the great family names of Cleveland were to be found, Hough today has acres of dilapidation. Forty years ago more than ninety percent of the homes in Hough were owner-occupied. Today fewer than ten percent of the residents are home owners.

The exodus from Hough was rapid. As the former residents left and were replaced by families with large numbers of school-age children, the schools were completely inadequate to serve the thousands of new children. In the decade of the 1950's the enrollment of schools serving Hough more than doubled. Moreover, it was not uncommon for a Hough school in that period to experience a one hundred percent turnover in enrollment.

Today, ten elementary schools, seven of them built since 1954, serve an area for which three were adequate prior to World War II.

The new population of Hough came largely from small towns in Appalachia and from the rural South. They were people seeking new opportunities for their families. They had left their former homes to escape poverty and the burdens of discrimination. They were unprepared for the perplexing demands of urban living and Cleveland was unready to assimilate them into the mainstream of the city's life.

In the search for opportunity, frustration was encountered; aspiration was blunted; and despair replaced hope.

Since 1950, Hough has probably been the most studied and restudied community in America. Sociological surveys and high-priced analyses have followed each other in rapid succession.

The people of Hough, encapsulated in desolation, have apparently not been materially aided by the studies and grandiose schemes which seem to be devices to avoid action.

HOUGH—A STORY OF DETERIORATION

Delinquency—Up 300 percent since 1940.

Population Density—Almost 300 percent greater than city as a whole.

School Enrollment—Up more than 100 percent since 1950.

Unemployment—Same as city in 1940; more than 200 percent of city rate in 1967.

Public Welfare—Up 700 percent since 1950 in both number of cases and proportion of total expended in Cleveland.

Income Level—Down 12 percent since 1960 while for city as a whole up 16 percent.

Out of School Youth—Rate 200 percent greater than city average.

But what about the child of the ghetto? It is he whom we must save for we cannot afford to lose this generation of young Americans.

If this child of despair is a young adult, there is a better than fifty percent chance

that he is a high school dropout. He is not only unemployed, but unemployable, without salable skills. Neither of his parents went beyond the eighth grade. Preschool or nursery school was out of the question when he was four, and when he was five he was placed on a kindergarten waiting list. At six he entered school; but could only attend for half a day because burgeoning enrollment required relay classes in his school. During his six years in elementary school, he attended four different schools because the family moved often, seeking adequate housing for the six children. When he got to high school and wanted vocational training, none was available.

The family was on relief and he couldn't afford a good lunch at noon because Cleveland schools were not participating in the federal hot lunch program and the price of the lunch was seventy cents.

Of his few friends who had graduated from high school, none had found jobs and they couldn't afford to go to college.

Here he is now, discouraged and without hope—economically incompetent at a time in life when traditionally, young Americans have entered the economic mainstream as job holders.

A younger brother, age nine is now in the fourth grade. He attends a new school, opened in 1964. Though he lives one mile from Lake Erie, he has never seen it. He has never taken a bus ride, except when his class at school went on a field trip. The family still does not subscribe to a daily newspaper. The television set is broken, and there is no money to have it repaired. His mother has never taken him downtown shopping.

He has never been in the office of a dentist and has seen a physician only at the local clinic when he injured himself playing in an abandoned house in the neighborhood.

At home there are no books. His toys are secondhand. His shoes are too small and his sweat shirt, bought for twenty-five cents at a rummage sale, bears the insignia of a suburban school.

Each morning he looks forward anxiously to the free milk he gets at school because there is no breakfast at home.

He can't study well at home because the loud blare of rock-and-roll music from the bar up the street disturbs him. There are nine saloons in his rather compact neighborhood. The screaming police siren is a very familiar sound to him for he hears it regularly in his neighborhood, where the crime rate is Cleveland's highest.

These boys both have better than average intelligence, but they are the victims of neglect and are lost in the maze of statistics. Their plight and that of the thousands like them in America's ghettoes can certainly be considered the most pressing unattended business on America's agenda.

Teachers and parents in our inner city have strong feelings and concerns about education and its role in the inner city. They are unanimous in their high evaluation of Title I programs: Head Start, reading improvement projects, and increased health services among many others. All agree that a nutrition project—with breakfast for the children is not only desirable but necessary.

Likewise all would like to see more trips outside the neighborhood to reduce the isolation and give the children a greater sense of being Clevelanders, rather than only children of Hough.

As long as the problems of the Houghs in America remain unsolved, the cities of this nation are in deep trouble.

The city in America has too often been an environment that is inhospitable to the traditional American ethos. The fact is though that this is a nation of cities and that within each of these cities there are many distinct racial and ethnic groups, and it is just as clear that each of these groups must learn to live together or forfeit the promise of "America the Beautiful."

It is to the cities of America that we must demonstrate the validity of the proposition that "all men are created equal—endowed with certain inalienable rights—life, liberty and the pursuit of happiness," that respect for the dignity of every man is an inherent concept.

Most of those who have glibly proposed quick and easy solutions for the city's problems have viewed these problems from afar. They often speak from the platform of nonaccountability for action.

The problems of the ghetto are problems arising out of poverty, unemployment, isolation, inadequate housing, overcrowding, family disorganization, and, yes, inadequate schools.

The problems are manifested by relief and low average income, by unfamiliarity with the city at large and a feeling of not belonging, by deteriorated and dilapidated houses, by littered, uncared for streets and by large numbers of idle adults and young adults, especially men.

The crime rate is high. Store rooms are deserted and boarded up. First-class goods and services are difficult to find. The businesses that exist are mostly marginal operations.

No thoughtful person suggests that the schools alone can solve the problems of the ghetto. Likewise, though, it is quite obvious that none of the basic problems will be solved without the involvement of an adequately supported, revitalized school system.

We have tried to improve the quality of instruction in each of our Cleveland schools, to decrease racial isolation of Cleveland children, and to build bridges from the school to the job market. It is absolutely clear that the schools must extend further downward through programs such as Head Start and further upward by attracting more adults to full-time day and evening high school classes. Likewise, the schools must stay open longer hours and become visible community centers. Summers can no longer be periods of inactivity. For instance, in Cleveland there has been a tenfold expansion in summer programs in the last four years.

In 1964 only two Cleveland high schools offered vocational courses. Today vocational courses are available in all sixteen of our high schools. There has been a three hundred percent increase in vocational classes during the past three years. We have found in Cleveland that the dropout rate from vocational courses is significantly less than for students who are enrolled in general education courses at the high school level. These courses must be expanded both qualitatively and quantitatively and move aggressively into providing the greatest job potential for our students.

We have established a prototype Supplementary Educational Center where children from various sections of the city come together daily to study space, the heritage of Cleveland, and good music.

In Cleveland schools last year we served 11,261,486 cartons of milk to children and 2,428,102 hot lunches were served in our secondary schools. We are presently planning for the expansion of the federal school lunch program to our elementary schools.

Last year we opened libraries in more than one hundred of our elementary schools to bring books into the lives of city children.

In the field of curriculum development, several hundred Cleveland teachers have been working on projects to update our curriculum and to make its content truly relevant. We can no longer adopt textbooks which do not depict the pluralistic nature of the American society. One of the most important things the schools can do is be sure that high school graduates get jobs. In the Cleveland schools there is a special job development service for inner-city high school graduates which over the past two years has placed ninety-five percent of our school graduates who want to begin work on a job with Cleveland business and industry. The cooperation of Cleveland business and industry has been exceptional as they have opened their doors to give the most disadvantaged youngster real opportunity. Simultaneously, the rate of college admissions among inner-city graduates has been increased by seventy-five percent.

A thread that must run through all efforts to improve schools is more effective communication. Parents must be more actively involved in the education of their children. Administrators, supervisors, teachers, clerical workers, and custodial employees must be aware and sensitive to the needs of people in the communities they serve. The school can no longer be an island separate from the community it serves, but must be a center of activity, conversation, and concern for the entire community family.

The decades of neglect, of abandonment, of too little spread too thinly have accumulated awesome deficits which cannot be overcome in one step. Much yet needs to be done. A partial list of some programs that must either be established or expanded in every urban center would include: a twelve month school year, new school buildings that are attractive, functional, and flexible; bigger libraries in all schools; procedures to make the new technology available for the education of children; sex education in elementary as well as secondary schools; new services for the physically and the emotionally handicapped; vastly increased health services; large scale recreational facilities so that every child can walk to a supervised playground, gymnasium, and swimming pool; a full-scale program in nutrition including breakfast for the inner-city child; massive increases in vocational and technical courses in comprehensive high schools; new work-study opportunities; financial aid for the high school graduate who does not qualify for a scholarship but needs assistance to go to college; rehabilitation opportunities for the dropout and the potential dropout; new partnerships with industry as we reclaim the dropout and prepare him for today's jobs and tomorrow's; expanded follow-up for the graduate; adult education classes to combat illiteracy and to update job skills; and modern management techniques in the operation of our schools.

It is not right that in America there should be a great gap between what is invested in the education of the child of despair and in that of the child of affluence.

I would suggest that in determining a fair level of expenditure to support the education of the ghetto child, we use as a yardstick the amount spent on educating his counterpart in the city's most advantaged suburb. For Cleveland, the application of this standard would result in an increase of more than $70,000,000 in our operating budget.

While the schools of the inner city must be improved, there must also be simultaneous massive action on other fronts:

New jobs must be created and all citizens must have unhampered access to them.

Plans for on-the-job advancement for minority group workers must be accepted.

The concept of the *Plans for Progress* must be more widely accepted and more fully implemented.

Government agencies must be examples of equal employment opportunity at all levels.

In the field of housing, the subsidizing of segregation is unacceptable. Decent housing for low-income families should be made available in all sections of the city and not merely in the inner-city areas.

The number of public housing units needs to be greatly increased and concepts in public housing that will provide open space and attractiveness ought to be encouraged. In addition, as public housing estates are planned, provision must be made for school support. Currently we receive only $25 per child living in public housing. Our cost per child is $480.

The new comprehensive health and social

service center idea is a step in the right direction.

We must find ways to create in the inner city and throughout the city the neighborliness of small town America augmented by the rich array of health and welfare services and the cultural and civic resources that can only be developed and supported in the great urban center.

Concern for people must transcend the boundaries of political subdivisions and all persons in the great metropolitan complex must be helped to see themselves as fellow citizens, each respectful of the rights and the dignity of the other.

As we move toward the solution of our problems, care will be needed to avoid the empire building, community fracturing, agency competitions, and duplication of services and functions that have caused the failure of so many previous projects.

If our efforts tomorrow are to be more than exercises in futility, our attention and resources must be directed at helping people solve their problems, rather than dissipated in jurisdictional squabbles between agencies.

A new dimension of cooperation among the schools, the city, the state, and the federal government must be developed. The guidelines and regulations for such cooperative ventures must be flexible enough and realistic enough to permit the delivery of services to people with the least possible delay.

Just one year after the Commission on Civil Disorders filed its report, we have seen both signs of greater hope and signs of greater despair. Dr. Martin Luther King's dream has not yet been realized, but there is a growing awareness that either America will exist as one nation which will be a family of all people or it will not be a nation at all.

The National Commission on Civil Disorders signaled the end of the era of research, study, and analyses and one would hope that now, one year later, the nation is committed to moving forthrightly and dramatically to meet the needs of each of its citizens.

As we approach the two-hundredth anniversary of this country, we shall either succeed in the challenge of making this one nation or past achievements will have meant nothing.

## THE NATIONAL LAWYERS GUILD

## HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 5, 1969*

Mr. RARICK. Mr. Speaker, the documentation surrounding the citation of the National Lawyers Guild as a subversive organization by the U.S. Attorney General and the subsequent rescinding of the designation raises serious questions of aggravated dereliction of duty to inform our citizenry of dangerous Communist activity.

The then U.S. Attorney General Herbert Brownell, Jr., in 1953, delivered several public addresses stating:

It is because the evidence shows that the National Lawyers Guild is at present a Communist dominated and controlled organization fully committed to the Communist Party line that I have today served notice to it to show cause why it should not be designated on the Attorney General's list of subversive organizations.

Subsequent facts are found in footnote 12 of the opinion of the Supreme Court of the United States in *Dombrowski* v. *Pfister*, 380 U.S. 479, 14 L. Ed. 2d 22, 85 S. Ct. 1116, April 26, 1965.

The provocative question remaining unanswered is, how could Attorney General Brownell be so sure he was right while his successor, Attorney General William P. Rogers, surrendered Brownell's stand by rescinding the order and abandoning any action to retain the notorious National Lawyer's Guild on the Attorney General's subversive list.

So that our colleagues may have the pertinent data, I include the following documents with my remarks: Footnote 12 from Dombrowski against Pfister; extracts from Brownell speeches to the American Bar Association and AMVETS; Brownell citation; motion to dismiss William P. Rogers, and Guild citation in HCUA Guide:

[In the Supreme Court of the United States, No. 52, October term, 1964]

JAMES A. DOMBROWSKI ET AL., APPELLANTS, *v.* JAMES H. PFISTER, ETC., ET AL.

(On Appeal From the U.S. District Court for the Eastern District of Louisiana, April 26, 1965.)

FOOTNOTE 12

[12] Although we hold the statute void on its face, its application to the National Lawyers Guild is instructive. In 1958, the Attorney General of the United States rescinded a proposal to designate the organization as subversive. His proposal was made under revised regulations, promulgated under Executive Order 10450 to comply with *Joint Anti-Fascist*, establishing a notice and hearing procedure prior to such designation of an organization. 18 Fed. Reg. 2619; see 1954 Annual Report of the Attorney General, p. 14. The Guild brought an action in the District Court for the District of Columbia attacking the Executive Order and the procedures. A summary judgment in favor of the Attorney General because of failure to exhaust administrative remedies was sustained on appeal and this Court denied certiorari, *National Lawyers Guild* v. *Brownell*, 96 U.S. App. D.C. 252, 225 F. 2d 552, cert. denied, 351 U.S. 927. After a Hearing Officer determined that certain interrogatories propounded to the Guild should be answered, the Guild brought another action in the District Court, *National Lawyers Guild* v. *Rogers*, Civil Action No. 1738-58, filed, July 2, 1958. On September 11, 1958, the Attorney General rescinded the proposal to designate the Guild, 1958 Annual Report of the Attorney General, p. 251. On September 12, 1958, the complaint was dismissed as moot at the instance of the Attorney General, who filed a motion reciting the rescission and stating that the Attorney General had "concluded that the evidence that would now be available at a hearing on the merits of the proposed designation fails to meet the strict standards of proof which guide the determination of proceedings of this character." The present federal statutes provide that the Subversive Activities Control Board may not designate an organization as a Communist front without first according the organization the procedural safeguards of notice and hearing. Subversive Activities Control Act of 1950, § 13, 64 Stat. 998, 50 U.S.C. § 792. See *Communist Party* v. *SACB*, 367 U.S. 1.

EXTRACTS FROM ADDRESS BY ATTORNEY GENERAL BROWNELL BEFORE THE AMERICAN BAR ASSOCIATION, AUGUST 27, 1953

The purpose of designating an organization as subversive is solely to alert the security agencies that the group involved is permeated with Communists and fellow travelers so that where it appears that a government employee is a member this factor may be taken into account in determining whether he is a security risk.

The designation of an organization is now preceded by the most thorough investigation and study of all the evidence. Where the evidence indicates that an organization is not what it outwardly claims to be, but is in fact and sympathy aligned with the Communist movement, then it is my responsibility as Attorney General to make that fact public. Uninformed loyal citizens must have the opportunity of disassociating from such groups at the earliest possible time, for continued activity in such groups may render them ineligible for Government employment. And this applies to every type of organization. Lawyer groups have not been exempt from infiltration by the Communists, and where this has occurred, I will make no exception for them.

We have been studying evidence that the National Lawyers Guild be included in the list of subversive organizations. Because this oganization originally attracted some very well-known and completely loyal American citizens including many colored members who found it would admit them (at a time when our American Bar Association failed to do so), I have conducted the study with great care. I am now prepared to make this determination public.

It has been clear that at least since 1946 the leadership of the Guild has been in the hands of card-carrying Communists and prominent fellow travellers. On every major issue since then it has steadfastly followed the Party line and its programs and actions have been consistent with it, excepting only those issues so notorious that their espousal would too clearly demonstrate the Communist control. It has become more and more the legal mouthpiece for the Communist Party and its members, and it has consistently opposed all laws or investigations which have sought to curb or expose Communist activity in the United States.

It is because the evidence shows that the National Lawyers Guild is at present a Communist dominated and controlled organization fully committed to the Communist Party line that I have today served notice to it to show cause why it should not be designated on the Attorney General's list of subversive organizations.

EXTRACT FROM ADDRESS BY THE ATTORNEY GENERAL TO AMVETS, INDIANAPOLIS, SEPTEMBER 5, 1953.

In this (loyalty) security program, the Attorney General is required to maintain a list of organizations designated as subversive. The purpose is solely to alert the various government agencies that a designated organization is permeated with Communists and fellow-travelers. Where it appears that a government employee is a member of such an organization, this factor may be taken into account in determining whether he is a security risk.

Thorough investigation and study of evidence precedes the designation of an organization. When the evidence indicates that an organization is in fact and sympathy aligned with the Communist movement, then it is my responsibility as Attorney General to move to designate it as subversive and to make that fact public.

Publication of the fact makes it possible for uninformed loyal citizens to disassociate themselves from such groups at the earliest possible moment. Continued activity in such groups could render them ineligible for Government employment.

The most recent group upon whom notice of proposed designation was served is the National Lawyers Guild.

The evidence is clear that at least since 1946, the leadership of the National Lawyers Guild has been in the hands of card-carrying Communists and prominent fellow-travelers. It has become more and more the legal mouthpiece of the Communist Party and its members. It has consistently opposed all laws or investigations by which the free-

dom-loving people of this country have sought to curb or expose Communist activity in the United States.

We charge that the Guild is dominated and controlled by the Communists and fully committed to the Communist Party line. Shortly it will be specifically charged that:

(1) The Guild and its affiliated chapters were initiated, proposed and organized under the direct supervision of the Communist Party of the United States.

(2) The Guild and its affiliated chapters are being and have been utilized by the Communist Party and its members to indoctrinate members of the legal profession for the purpose of securing support for and sympathy with the policies, objectives and program of the Communist Party, and thereby to serve as the legal arm of the Communist Party.

(3) From 1946 until the present, the Guild and its affiliated chapters have closely followed, supported, and paralleled the policies and programs of the Communist Party.

(4) From 1946 until the present, the National Lawyers Guild and its affiliated chapters have substantially followed, supported, and paralleled the foreign policy of the Soviet Union and opposed the policy of the United States when in conflict with that of Soviet Russia.

(5) From 1946 until the present, the executive officers or persons performing the duties of executive officers, have included past or present members of the Communist Party and individuals with a substantial record of Communist front membership and activity. Such individuals have directed, supervised and dominated the policies, programs and activities of the National Lawyers Guild.

As an organization, the National Lawyers Guild has interceded in practically every major case involving the Communist Party, its officials and its front organizations. In every instance, these intercessions were on behalf of the Communists. It interceded for Gerhardt Eisler, Communist international agent convicted of passport fraud and contempt of Congress. Eisler, like Thompson, was one of those who fled after conviction. You all recall his spectacular appearance as a stowaway aboard the Polish motorship *Batory*.

To name a few more cases in which the Guild, as an organization, interceded, there was that of Carl Aldo Marzani, who was convicted of concealing Communist affiliations while employed by the Federal Government; John Howard Lawson and Dawson Trumbo, Hollywood screenwriters convicted of contempt of Congress; disbarment proceedings against the contemptuous lawyers who represented Party leaders in Smith Act cases, and the case of the atomic spies, Julius and Ethel Rosenberg.

One of its members appeared as defense lawyer for Valentin Gubitchev, the Russian charged with spying against the United States in the Judy Coplon case. This member based many of his questions on notes passed to him by a representative of the Soviet Embassy, who was sitting at his side during the trial. This Russian official was the Second Secretary of the Embassy, Yuri Novikov, who in January of this year was declared persona non grata by the State Department for engaging in Soviet espionage with Otto Verber and Kurt Ponger. Both Verber and Ponger subsequently pleaded guilty to espionage.

I would like also to give some examples of how the Guild has followed the Communist Party line. In 1950, the "Daily Worker" attacked the New York City Board of Education trial of a school teacher accused of being a Communist. The "Lawyers Guild Review" reports a resolution by the Guild deploring continued attacks upon intellectual freedom of students and teachers.

Over the years, the Communist Party has attacked Mr. Hoover as "chief of the national thought police," and has called for a halt to the FBI's efforts to fight Communism. In resolutions the Guild has opposed what it called the Gestapo activities of the FBI and demanded removal of Mr. Hoover.

Following the Communist line, they attacked contempt citations upon the contemptuous Communist leaders' attorneys; various committees of Congress investigating Communism; the European Recovery Plan; the Smith Act prosecutions; the non-Communist affidavit of the Labor-Management Relations Act, among others.

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IN THE MATTER OF THE PROPOSED DESIGNATION OF THE NATIONAL LAWYERS GUILD PURSUANT TO EXECUTIVE ORDER NO. 10450

To: National Lawyers Guild.

Please take notice that pursuant to Title 28, Chapter I, Part 41, Section 41.1 et seq. of the Code of Federal Regulations with respect to notice, hearing, and designation of organizations in connection with the Federal employee security program, there are set forth hereinafter a statement of the grounds upon which it is proposed to designate the National Lawyers Guild as coming within the purview of Executive Order No. 10450 and interrogatories with respect thereto.

STATEMENT OF GROUNDS

(1) The National Lawyers Guild, hereinafter referred to as the NLG, was proposed and initiated under the direction and supervision of the Communist Party and members of the Communist Party of the United States of America, hereinafter referred to as CP, USA.

(2) The NLG has been utilized by the Communist Party and Communist Party members to indoctrinate members of the legal profession for the purpose of securing support for and sympathy with the policies, objectives, and programs of the Communist Party and to serve as a legal arm of the Communist Party.

(3) From 1946 up to and including the date of this statement, the NLG has substantially followed, supported and paralleled the policies and programs of the Communist Party.

(4) From 1946 up to and including the date of this statement, the NLG has substantially followed, supported and paralleled the foreign policy of the Soviet Union and opposed the policy of the United States when in conflict with that of the USSR.

(5) The membership, officers and persons performing the duties of officers in the NLG, do include and have included persons who were and are acknowledged leaders, functionaries, officials and members of the Communist Party and individuals with a substantial record of membership in or activity on behalf of organizations designated by the Attorney General under Executive Orders 9835 and 10450. From 1946 up to and including the date of this statement, such individuals have directed, supervised and dominated the policies, programs and activities of the NLG.

(6) The NLG has cooperated with and rendered support to the programs and activities of organizations designated by the Attorney General under Executive Orders 9835 and 10450.

(7) Members and officials of the NLG were advised by a number of prominent individuals who have resigned from the NLG that, at least since 1939, the Communist Party and its members were seeking to dominate the policies, programs and activities of the NLG. No official action has ever been taken by the NLG to prevent such domination and control by the Communist Party or its members.

(8) The programs, policies and activities of the NLG, since its inception, have been consistently reported with approval in Communist publications such as the "Daily Worker", "New Masses", and "Political Affairs".

(9) Financial contributions have been solicited or received by the NLG from organizations which have supported the CP, USA, from individuals who are or have been members of the CP, USA and from the CP, USA.

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[Civil action No. 1738-58, U.S. District Court for the District of Columbia, Civil Division—Motion of defendant William P. Rogers to dismiss the complaint as moot]

NATIONAL LAWYERS GUILD, PLAINTIFF, *v.* WILLIAM PIERCE ROGERS, ATTORNEY GENERAL OF THE UNITED STATES, DEFENDANT

The plaintiff herein, a voluntary unincorporated bar association, was served notice on August 27, 1953, that the then Attorney General proposed to designate it as an organization coming within the purview of Executive Order 10450. Thereafter, on September 16, 1953 the plaintiff filed notice of contest. On November 17, 1953, pursuant to regulations established by defendant, the organization was served with a Statement of Grounds and Interrogatories.

Subsequently, the interrogatories were amended and the plaintiff was granted an extension of time in which to answer. Commencing on November 30, 1953, the plaintiff instituted a protracted legal attack on Executive Order No. 10450 and the procedures promulgated thereunder. The order of this Court on November 23, 1954 granting the Government's motion for summary judgment was sustained on appeal and the United States Supreme Court denied plaintiff's petition for certiorari on May 7, 1956 and a petition for a rehearing thereon was denied on June 11, 1956.

On June 14, 1956, the plaintiff filed a purported reply to the Statement of Grounds and again requested the then Attorney General to withdraw or modify many of the amended interrogatories. A public hearing was offered the plaintiff and a hearing officer appointed to determine the propriety of the amended interrogatories. The hearing was held on April 22, 1957, and after the submission of briefs by parties, the hearing officer submitted his recommended decision to the Attorney General on August 23, 1957. Exceptions by the parties were filed by October 8, 1957.

After an exchange of correspondence between plaintiff and defendant regarding the status of the case the present action was filed on July 2, 1958.

This Department has not only been actively considering the above recommendations of the hearing officer, but also reappraising the entire case in view of the nonavailability, due to death or other causes, of some of the witnesses considered important to establishing the Statement of Grounds. However, a history of nearly five years of judicial and administrative proceedings has made a summary decision impossible. There is insufficient foundation for the plaintiff's allegation in the complaint that the defendant has unreasonably delayed disposition of this matter, as a reference to the record herein indicates any delay in reaching a hearing on the merits of this matter is largely due to procedures pursued by plaintiff.

A comprehensive analysis of the case has been completed and the defendant has concluded that the evidence that would now be available at a hearing on the merits of the proposed designation fails to meet the strict standards of proof which guide the determination of proceedings of this character. Accordingly, the defendant has rescinded the proposed designation of the plaintiff under Executive Order No. 10450 and has so notified the plaintiff in a letter dated September 11, 1958 a copy of which is attached hereto as Exhibit A.

Wherefore the defendant prays the Court to dismiss plaintiff's complaint as moot.

ORAN H. WATERMAN,
ANTHONY F. CAFFERKY,
DEWITT WHITE,
*Attorneys, Department of Justice, Attorneys for Defendant.*

GUIDE TO SUBVERSIVE ORGANIZATIONS AND PUBLICATIONS

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NATIONAL LAWYERS GUILD

1. Cited as a Communist front. (Special Committee on Un-American Activities, House Report 1311 on the CIO Political Action Committee, March 29, 1944, p. 149.)

2. Cited as a Communist front which "is the foremost legal bulwark of the Communist Party, its front organizations, and controlled unions" and which "since its inception has never failed to rally to the legal defense of the Communist Party and individual members thereof, including known espionage agents." (Committee on Un-American Activities, House Report 3123 on the National Lawyers Guild, September 21, 1950, originally related September 17, 1950.)

3. "To defend the cases of Communist lawbreakers, fronts have been devised making special appeals in behalf of civil liberties and reaching out far beyond the confines of the Communist Party itself. Among these organizations are the * * * National Lawyers Guild. When the Communist Party itself is under fire these offer a bulwark of protection." (Internal Security Subcommittee of the Senate Judiciary Committee, Handbook for Americans, S. Doc. 117, April 23, 1956, p. 91.)

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## STATEMENT OF ZIVORAD KOVACEVIC, SECRETARY GENERAL, LEAGUE OF YUGOSLAV CITIES, BELGRADE, YUGOSLAVIA

### HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 5, 1969*

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to place in the CONGRESSIONAL RECORD the excellent statement made by Zivorad Kovacevic at the annual meeting of the Panel on Science and Technology of the Science and Astronautics Committee of the U.S. House of Representatives in February.

Mr. Kovacevic serves as the Secretary General to the League of Yugoslav Cities, in Belgrade, Yugoslavia. He is editor in chief of the review Opstina—Municipality—and author of numerous articles and papers in the field of local government, urban problems, and public administration.

The Science and Astronautics Committee was pleased to welcome Mr. Kovacevic as guest panelist for the panel's meeting on science, technology, and the cities. His presentation is outstanding and deserves wide circulation in the RECORD.

The statement follows:

STATEMENT OF ZIVORAD KOVACEVIC, SECRETARY GENERAL, LEAGUE OF YUGOSLAV CITIES, BELGRADE, YUGOSLAVIA

Dr. KOVACEVIC. Thank you.

Mr. Chairman, members of the Science and Astronautics Committee, distinguished guests, it is a great honor for me to participate in your deliberations. May I stress at the very beginning how valuable and thoughtful is the manner of this committee, which has been practiced already for 10 years, to select the most important problems facing not only this country but the whole world community, and to discuss them together with a permanent panel composed of outstanding scholars and with guest panelists from different parts of the globe.

This very practice is a reflection of an urgent need for an organic link, an understanding and influence between science and politics, between scientific and professional communities and the Government—particularly its policymaking legislative branch.

If I have understood my task correctly, it is not to pass judgment or draw conclusions. I would not even presume to do so before a gathering of such prominent experts, coming from regions which have long since passed the stages of urban and industrial development that my country is currently going through.

Neither will I attempt to sum up the whole discussion. Instead, I should like to point to and comment upon some crucial questions discussed here which, in my opinion, deserve our full attention.

The first is: To what extent are we able to forecast future changes, and on that basis to plan and actively influence further developments?

It would certainly be a mistake to suppose that the fairly elaborate methodology of prediction affords a clear and definite idea of the future for which we are planning. But there is no doubt that the analysis of development and general trends can help us a great deal in finding our bearings. It should also be mentioned that the mere extrapolation of past tendencies would present an oversimplified and even dangerous method, in view of the qualitative changes that future development will certainly bring.

It is also true, although it makes it paradoxical: We can better rely on global, long-term and qualitative estimates—and they are even more valuable from the standpoint of a general planning conception—than on attempts of a quantitative assessment of future phenomena, even for a comparatively short period of time. The further one goes down into partial breakdown of each variable, the more the unpredictability increases.

Let us mention a few of the clearly discernable tendencies of future development. In the near future, it seems to me that the most distinctive features of the most advanced societies, and first of all this country, will be general or almost universal urbanization, the prevalence of automation in industry, and a revolution in the system of information. These characteristics mark the advent of the "post industrial society," to use the term coined by Daniel Bell. This is an important qualitative change.

First, instead of the physical expansion of productive capacities, the basic factor of progress will become the system of education, the expansion of scientific knowledge, and the production of technological innovations.

Second, the greater part of economic activity will be transferred to the service sector, which means vital changes in employment patterns. The domain of public services and public investments will assume primacy.

Third, the difference between intellectual and manual labor will disappear, or at least be drastically reduced. However, not by a rapprochement, but by the abolition of routine work. Until now creative work has been for the most part the privilege of the intellectual elite.

In the post-industrial society, it will be possible to turn over all *routine* work, both manual and intellectual, to machines. Man will retain all the *nonroutine* jobs, manual and intellectual. Consequently the conditions for creative work social and cultural activity, will be dominant in the coming era, and it is in keeping with such criteria and such a way of life and work that the cities must be organized.

Some of the consequences of these changes may already be predicted with considerable accuracy: The increase of social and physical mobility, of leisure, of recreation and secondary dwellings, the development of the living and working cycle within considerably broader special limits, et cetera.

Therefore we may expect, as Dr. Revelle noted, that some traditional functions of the cities will be, and have already been, steadily decreasing in importance, such as the cities being the centers of manufacture, of trade, of transportation and even of finance. The major role will not be that of processing or exchanging goods, but rather that of exchanging information.

If one looks in that way, the widespread use of checks and credit cards is more the exchange of information about money, than an exchange of money itself. These tendencies must also influence the future pattern of city location and of the whole city planning.

In connection with the first question, we might note the following: We are planning and building static, stable and lasting structures for a society which is constantly and rapidly changing. Are we thus making choices for future generations which may well have different needs, a different scale of social and cultural values?

The superiority of an urban environment, precisely the large city—and I am deeply convinced of their superiority in spite of growing fears that most of the cities will ultimately stifle and dehumanize us—all lies in the greatly increased freedom of choice and opportunity as regards work, social contacts, assortment of goods and services, education, culture and recreational activity. Therefore we must establish the conditions insuring that these values become a still more dominant feature of the highly advanced urban environment.

In other words, freedom of choice must be planned.

Do not the present plans tend to be too much all-embracing, too rigid and unnecessarily detailed? Is not everything in our plans too clearly defined, with too little left to the future, to the unknown and to the choice of the coming generations who will be bringing new experiences and establishing new domains of values and of life itself?

This is why planning should be flexible and open-minded. In fact, by planning we should not attempt to solve future problems, but to react today in a manner which still leaves a certain amount of option open—that is, not to plan a city but moving continuum, a process in the sense of dynamic systems and structures.

The third question not much discussed here refers to our attitude to the preservation of spiritual, cultural and physical continuity with the past, while planning for the future. It is certain that past development largely determines future progress, often in such a manner that it sets almost insurmountable obstacles in the way of an adjustment to new functions—for instance, rapid transit transportation.

But this heritage is at the same time one of the noblest challenges to the city of the future.

The urban creations must over pass the momentary utilitarian purpose that motivates them. This is the lesson we should learn from our ancestors. The city is the environment in which the highest values of man's spirit are reproduced. These beauties and monuments and symbols, which were defended here by Congressman Fulton, make people happier and give them a sense of identification with, a pride of and a loyalty to the city. They help the people to like the city as a natural and healthy environment to live in, and not only to bear it as an office and service center.

The next question is: Can we assure the necessary comprehensiveness of approach to planning in an age of increasing specialization?

Modern technology requires increasingly specialized study in dealing with the individual problems and domains of activity. Education, the organization of research work and the very methodology of planning are adjusted accordingly.

However, as noted by Dr. Vink at the United Nations seminar held 2 years ago in Amsterdam on "The Future Patterns and Forms of Urban Settlements," this is imposing a danger to our very progress. He said, "We are digging ourself in, and our holes are getting so deep that we are losing sight of what others are doing. In many cases we do not even understand their vocabulary."

It is however likely that the very technological revolution will call forth an inverse tendency: a break with traditional, narrow specialization which inevitably leads to partial optimization of individual functions. This means that scholars with a more generalized knowledge will again be needed. More than that, the emphasis should be put on the integration of specialists themselves and their specialties in general.

One view cannot suffice in itself, nor can one function—not even such significant ones as transportation or housing—become all-important, and no discipline can presume to be all-embracing. The focus on man as the alpha and omega of planning precludes in principle a fragmentary and isolated approach. However, educational systems at all levels have failed to take this consideration into account. As stated in the Declaration of Delos: "They have dealt with parts of man—his health, his nutrition, his education—not with the whole man, not with the man in the community."

I believe that Dr. Doxiadis and his ekistics as an overall science of human settlements offer the right answer, primarily as an approach. The problem is not one dimensional, just one of many problems facing us today. The whole of our life is at stake, our civilization, the future of our children. Therefore, it may not be observed, analyzed, attacked and solved partially. We need an overall synthetic, should I say a philosophical approach.

However, one witnessess everywhere a complete functional separatism in governmental, planning and scientific orientation and organization. It was properly stressed here that the planning practices are heavily physical-design oriented, and social scientists have never been able to match well with the physical planners. We need instead a social and societal planning in the sense that John Dyckman spoke about it—social engineering and social technology, as Mr. Michael stressed yesterday—maybe even a synthesizing profession of planning of total environment. We need not only interagency cooperation on all levels, but also broader national and social goals defined.

This leads us to another aspect of the same problem. The relationship between centralized and decentralized functions in the sphere of planning. In other words, how to reconcile the needs for broadly based uniform policies and action on a national and regional scale with democratic planning, the inevitable adjustments required by local environments, and giving the citizens an opportunity to influence decisively the process of planning.

In Yugoslavia we are faced with a very real problem—how to assure the necessary coordination of policy and action and decisionmaking concerning matters of common interest for the whole country, under the conditions of broadest centralization of functions and vigorous local autonomy. It seems that it is necessary to make certain general decisions and to chart the basic lines of development policy on a broader national plan. This may be true, for example, of the location of power sources and national highways, large-scale urban renewal programs in this country, or the subsidizing of housing for low- and moderate-income families, as well as a certain system for the coordination of national policy and individual programs.

The need for some decisions within a broader framework should not affect the role of the municipality and the value of local government. There is a close interconnection between democracy and the industrial-urban way of life. Through the democratic process, the contrasting views and interests of experts, politicians, and the individual strata of the population are harmonized and integrated.

There is no solution that is so scientifically well founded, or any decision that is so politically opportune that it could and should be reached outside of this process, or eventually substituted for it. That, at the same time, gives a realistic dimension to all of our plans and beautiful conceptions.

The increasingly conspicuous need for more broadly-based planning raises the next question of an adequate political territorial structure of government. Namely, one may well ask whether the development of cities, the creation of urban regions and the need of regional planning have not come in conflict with the present often extremely fragmentary structure of government.

The regional approach and use of rare technical means are feasible only in communities of a certain minimum size—one could say considerably larger than most of the 38,000 French municipalities or 100,000 units of government in this country.

We cannot have one scale for the community itself and the other for the governmental, problem-solving machinery. This machinery is a means to an end, not an end in itself. We have to change.

The fractionization of governmental jurisdiction preserves the old approaches and leads to inadequate solutions. Congressman Podell properly pointed out that the problem transcends the city itself. Everybody must support the solution of the problems of the cities—suburban dwellers included—recognizing the cities as central function nodes of an urban system net.

The problem is not easy to solve primarily because of many vested interests, but it is a needed prerequisite to further action. Of the many solutions, one in my opinion deserves particular attention: that is a kind of federation of local government on a metropolitan level with a distribution of duties according to the hierarchy of functions. In this respect, Yugoslavia with only 500 municipalities, is in a better situation and represents undoubtedly an exception in Europe.

As a rule the municipality in my country consists of a city with its environs, so that urban sprawl did not exceed administrative limits, which, of course, considerably facilitates planning and development control. As the municipalities are fairly large, they are divided into neighborhood units as local governing communities, through which the citizens deal with their everyday needs and influence the policy of the municipalities. These neighborhoods should also be the basic units of urban planning; that is, to provide for the most important joint facilities and institutions—the elementary schools, outpatient clinics, the most important shops, et cetera.

Many of our cities have had interesting results in this respect. But the other group of planners considers that the rigorous application of this concept could actually limit the freedom of choice, which certainly goes beyond the neighborhood unit. Anyhow, the drafting of a well-founded priority list of needs to be satisfied, beginning with the neighborhood unit to the urban region (conurbation) is certainly an important problem.

On the other hand, not even the national framework is always broad enough for political decisionmaking, particularly in Europe. This is why an institutionalized political superstructure like the Common Market is becoming necessary.

One of the key problems of a statistical nature in decisionmaking is a profitability of investments in urban development from the standpoint of the national economy. At the aforementioned seminar in Amsterdam, the point was strongly made that expenditure on urban infrastructure was a sound economic investment, and ought to be regarded as such, rather than as a social provision which brought a few economic benefits.

This is not only wishful thinking, but also largely the real state of affairs. Alen Campbell, the American political scientist, corroborates this view with data showing that the expenditures of local governments represent the most dynamic sector of the entire U.S. economy, both public and private.

However, even if it is true that the billions spent on urban development in the future are sound investments, the question may certainly be raised whether the present generation should also pay for things that future even more affluent generations may require. If lack of capital or the fear of placing too great a strain on the present urban population should tend to restrict heavy investment, then a possible answer might be the reserving of certain areas for future needs.

These, Mr. Chairman, were a few questions that seemed to me particularly important in the panel meeting. There are, of course, other questions of equal importance. I leave them generously to Mr. Michaelis, and hope he will deal also with those I have raised today.

It has taken 200,000 years for humanity to reach its first billion and only 100 years for the second. The world population today is 3.7 billion and it is expected that this number will be between 6 and 7 billion in the year 2000. If the trend continues the world population will be doubled in the next 10 years.

This presents a challenge that is unprecedented in the history of mankind. But we have good reason to believe that none of these challenges are beyond our capacity to respond. Today much depends upon us. We find ourselves in front of the decisive choice. We have to formulate the strategy and create perspectives for the future. The time is short, the future so near, and the future generations are already with us.

The natural environment will not be able to survive any more without positive action which would safeguard it. The limitation of living space of our time imposes the process of active, continuous planning. The success of this planning, for man, from man, and now already for their descendants, could open the way into a new urbanized society, the society of peace.

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## CHIEF RAYMOND SICKELS RETIRES

### HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 5, 1969*

Mr. WOLFF. Mr. Speaker, in this era when our police are too often the unjust targets of insults, it is a welcome change to have a policeman justly honored.

Thus it is that I was gratified when the Kensington, N.Y., village board of trustees and many community residents joined recently to honor Chief Raymond Sickels, who retired after 31 years of service in Kensington.

On the occasion of Chief Sickels retirement Kensington Mayor Samuel D. Bass, presented the chief with a certificate:

In grateful acknowledgment and in recognition of distinguished service and sacrificing efforts in behalf of the community and invaluable contributions to the welfare of the Village.

As a Kensington resident I would have been present myself to honor Chief Sickels were it not necessary for me to be in Washington. Having lived in the community for many years I know of the great and continuing service provided by Chief Sickels.

It might fairly be said that the thousands of local police officials across the country are deserving of recognition such as that bestowed on Chief Sickels. The retiring chief is himself a symbol of the type of responsible, able and selfless service provided by policemen throughout the country.

I know my colleagues join me in acknowledging the fine service provided by local police forces throughout the country as epitomized by Chief Raymond Sickels.

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## THE BLACK REVOLUTION AND THE JEWISH QUESTION

### HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 5, 1969*

Mr. ROSENTHAL. Mr. Speaker, I have been very disturbed at the outbreak of "hate broadcasts" and the spread of "hate literature." Our society—pluralistic and democratic—is based on the ability of groups with widely different cultural and religious beliefs to live together peacefully. When this mutual respect breaks down, the very foundation of our society is threatened.

An article by Earl Raab, appearing in the January 1969 issue of Commentary magazine, provides excellent background to the forces behind Negro anti-Semitism—an ominous challenge to the viability of our democratic process.

The text of the article follows:

THE BLACK REVOLUTION AND THE JEWISH QUESTION

(By Earl Raab)

(NOTE.—Earl Raab is executive director of the Jewish Community Relations Council of San Francisco. He has taught at the University of California and San Francisco State College, and has written widely on issues of intergroup relations.)

About a half-century ago, Louis Marshall, the eminent constitutional lawyer who was also president of the American Jewish Committee, said firmly: "We do not recognize the existence of a Jewish Question in the United States." That distasteful phrase, "The Jewish Question," evoked the European model: the political uses of anti-Semitism. Marshall made the statement precisely because he saw that the Jewish Question in the political sense was coming alive in the United States. It did, and preoccupied the domestic Jewish consciousness for the next quarter of a century.

For the past quarter of a century, there has been no serious trace of political anti-Semitism in America. Any suggestion today that "it could happen here," has had an antique flavor and would be widely branded as phobic, paranoid, and even amusing. There is the old joke about three men who were asked to write an essay about the elephant. The Englishman wrote on "The Elephant and the British Empire," the Frenchman on "The Elephant and Love-Making," the Jew on "The Elephant and the Jewish Question." But we have learned a great deal about the Jewish Question, and if the subject of the essay were Western democracy instead of elephants, the joke would no longer be a joke. The potential for political anti-Semitism, aside from its special interest to Jews, turns out to be a particularly useful vantage point from which to examine the state of the general society. And responsible people are again having to deny nervously that there is a Jewish Question in America. The American Jewish community's concern with its own security may be coming full circle.

From the end of World War I to the beginning of World War II, the American Jew's defense efforts were increasingly keyed to political anti-Semitism, as distinct from garden-variety discrimination. Political anti-Semitism may be defined as the attempt to establish the corporate Jew as a generalized public menace, the implication being that some official public remedy is called for. The same distinction has been made between "objective" and "subjective" anti-Semitism, "concrete" and "abstract" anti-Semitism, and the real Jew and the mythical Jew as target. But by whatever names, and whatever the relationship between the two kinds of anti-Semitism, Jews know the difference. Not getting a particular job is one thing. A pogrom is another.

Political anti-Semitism did not become serious in America until about 1920. In that year the staid Christian Science Monitor carried a lead editorial entitled "The Jewish Peril." A few years later, a book called The International Jew: The World's Foremost Problem had a run of half a million copies. The articles in that book—"The Scope of Jewish Dictatorship in America," "Rule of Jewish Kehilla Grips New York," and "How the Jewish Song Trust Makes You Sing"—and many others of a similar bent had already received wide distribution in Henry Ford's national newspaper. And Henry Ford, it must be recalled, was not a Los Angeles mail-order crackpot. In 1923, at the height of his anti-Semitism fulminations, Collier's reported that he led all other possible candidates, including the incumbent President, in its national Presidential preference poll. Other straw polls agreed. William Randolph Hearst announced that he was prepared to back Ford for that office. The KKK during the same period had a membership which blanketed at least a quarter of all white Protestant families in America. And at one point in the 1930's, someone identified about 150 organizations whose primary business was the promotion of political anti-Semitism. Father Coughlin, who reprinted the Protocols of the Elders of Zion in his national newspaper, had a regular radio audience of millions.

To these seemingly mass assignations with anti-Semitism, the organized Jewish community responded with a program based on the image-of-the-Jew theory of anti-Semitism. At the national B'nai B'rith convention in 1930, Sigmund Livingston said that the necessity was "to educate the great mass in the truth concerning the Jew and to demolish the foibles and fictions that now are part of the mental picture of the Jew in the public mind." The Jewish community mounted what must certainly have been one of the most prolific mass educational programs of all time. Yet anti-Semitic activity and popular support of avowed anti-Semites were at their height when summarily cut off by America's bitter embroilment with the world's arch anti-Semite.

A few short years later, America seemed to emerge from the war as a nation in which the Jewish Question was miraculously dead. American Jews, of course, felt that the war had been fought—and won—around the Jewish Question. Maybe they believed that other Americans felt the same way. Maybe they believed that other Americans were responding en masse to the revelations of the Holocaust. In any case, political anti-Semitism seemed stripped of any respectability; indeed, anti-Semitism became one of the cardinal political sins. The nation was even able to sustain a major red-baiting demagogue who carred Cohn and Schine on his hip and flirted with anti-Semitism not at all. Israel was established. Stalin died. American Jews settled down to a new security.

At the same time something else was happening in the country. The Jewish Question was apparently being supplanted by the Negro Question. And the defensive energies and apparatus of the Jewish community moved from one to the other. At least, that is the way it turned out. A surface theory relating to Jewish security rationalized the move: Equal opportunity for one means equal opportunity for all. But no one examined this dubious axiom very closely. America seemed to be approaching a state of perfectibility: The nation's great flaw, slavery, was being brought to account; democracy was marching to fulfillment, and the Jewish community obviously belonged on such a march, whatever the reasons. Several motivational streams in Jewish life merged at this point, as they never had before: the instinct for self-preservation; the religious ethic invoking the prophetic tradition; and the political program—liberalism—for which so many Jews had developed a special secular affinity. On this level, the Jewish community found itself with a coherent and organic position.

Of course, this preeminent concern with civil rights swiftly and inevitably became a predominant concern with the needs and aspirations of the Negro community. After the FEPC principle had been established in the North, the laws that were passed and the court cases that were pressed had less and less direct application to the security of the Jews. The Jewish Question became more and more remote. But the Jewish community remained deeply and comfortably involved.

However, after little more than a decade, this first stage in postwar developments, the Civil Rights Revolution, began to change character. The second stage reflected the shift from the goal of equal opportunity to the goal of equal achievement, from civil rights to the war against poverty, from the Civil Rights Revolution to the Negro Revolution. The shift should have been quite predictable. Equal opportunity is not equal achievement, except for those who are equally equipped to compete. An enclase population now existed whose cultural and educational "equipment" had been comprehensively stunted for generations. The American society, moreover, had deliberately created this enclave population. For the impoverished and uneducated immigrants to America equal opportunity had been enough, because other societies had depressed them. In their minds, America owed them no more than the opportunity, and the gradualist road to parity which all emerging groups have traveled. But America owed the Negroes more than opportunity. The battle-cry of the Negro Revolution was not opportunity, but parity in the economy as well as in the society, starting with an instant end to poverty. Toward that goal, the demands were not just for equal treatment, but for compensatory treatment on a kind of reparations basis.

For the Negro community, this stage was a logical extension of the Civil Rights Revolution. But for the organized Jewish community some adjustment was required. The apparatus of the Jewish community committed itself to the campaign against poverty, and throwing the slogans about equal-opportunity-under-the-law into the attic, began to look for a role in that campaign. Consideration of Jewish security became even more remote.

There were only a few years of war-against-poverty innocence before the third stage set in. It quickly became apparent that the billion-dollar anti-poverty programs were not

suddenly going to turn history on its head; and with that realization, the Negro Revolution began to be overlaid by the Black Revolution. Since New Deal days, at least, Americans have subscribed to the social engineering fallacy: Any problem can be solved if only we devise enough programs and spend enough money. The fallout of the massive anti-poverty programs of the early 1960's created a salaried black bureaucracy in the ghettos and undoubtedly helped a number of individuals up the ladder—but finally these programs were more effective in raising expectations than mass standards of living. The goal of instant parity seemed more desirable and further away than ever. Against the background of such frustrations, and other frustrations provided by society, there has developed a new kind of reactive pattern in the black community, and in the white community as well. It is as a result of these new patterns that the Jewish Question makes an abrupt re-entry on the American scene. Not a matter of searching for anti-Semites under the bed, this perception that the Jewish Question is back comes from what we have, since Louis Marshall's time, learned about the nature of anti-Semitism and about the nature of the conditions under which it flourishes.

THE "VULNERABILITY" OF THE POPULATION

There are three obvious conditions that coincide to produce a period of political anti-Semitism: the kind of political and social instability which makes anti-Semitism useful; a political leader who is willing to use it; a mass population that is willing to embrace it.

It is the belief in an "unwilling" American population, in the obsolescence of anti-Semitism as a cultural form in America, which gives Jews their greatest sense of security. Yet it is this belief itself which is obsolete.

To begin with, one does not have to be an anti-Semite in order to engage in or support anti-Semitic behavior. This proposition contradicts the "image of the Jew" theory of anti-Semitism. It contradicts the tendency to reify anti-Semitism, to conceive of it as a little mental package tucked away in a corner of the brain, waiting for the proper stimulus to bring it, full-blown, to life.

About six years ago, a Jewish couple in San Francisco was terrorized for over a year by a juvenile gang. The incident was described across the country as a shocking case of anti-Semitism. There were insulting phone calls every night between midnight and dawn. The couple ran their business from their home and could not have an unlisted number. Anti-Semitic slogans and swastikas were painted on their home. Garbage was left at their door. The torments were constant and cruel, and the middle-aged couple lived a year of hysterical fear. Finally the police caught a handful of teenage ringleaders. The investigation of these young men, their background, family, psychology, was thorough. No particular "anti-Semitic" history was discovered. The families were bewildered and provided no clues. There were no anti-Semitic organizations, insignia, pamphlets, or cartoons found hidden in the woodpile. The group had exhibited no special anti-Semitic proclivities.

The story of their year-long sport was further revealing. It had started casually with anonymous phone calls being made rather widely and at random. The game proved to be most fun with this couple because they responded with lively anger and fear. The game became increasingly intense. But for many months these teenagers did not invest their tricks or insults with any suggestion of anti-Semitism. Only well into the year did they discover that anti-Jewish comments added new life to the sport, drew even more heated and fearful responses. It was then that they began to concentrate on anti-Semitic references.

In short, the evidence indicates that these young men did not engage in tormenting activity because they possessed some quality called anti-Semitism. Rather, they committed anti-Semitic acts because they were engaged in tormenting activity. They were not cruel out of anti-Semitism, but anti-Semitic out of cruelty. During the 1930's anti-Semitism was generally understood to be a tool of repressive politics, but it was also thought that the use of this tool was possible only because a large mass of people were anti-Semitic in the first place, held unusually negative attitudes toward Jews and had become ideologically committed to these attitudes. But the behavior of this juvenile gang gives us a different analytical perspective: Willing to engage in a certain type of behavior, they did not reject anti-Semitism as an instrument.

It is possible, of course, to say that if there were no historical or cultural reservoir of differential feelings and images about Jews, anti-Semitism could never be used as an instrument. But that is something like saying that if my grandmother had wheels, she would be a cable car. First of all, it is not very likely that one of the most stubborn cultural conventions of Western civilization for well over a thousand years will erode very quickly, even though a process of erosion may already have started. The French Revolution did not succeed in obliterating the cultural continuum of anti-Semitism, but only invested it with new secular forms. The Russian Revolution did not eliminate anti-Semitism, and neither did a dramatic fresh start in a New World. This generationally-transmitted reservoir of cultural anti-Semitism is, again, not best conceived of as a mass of little dark corners in the minds of individuals, but rather as a *common* reservoir of beliefs built almost ineradicably into our literature, into our language, into our most general cultural myths. All of us, Jews as well as non-Jews, have some taproots into the common reservoir. It is further sustained by real-world conditions which will not disappear swiftly: Jews as marginal, minority, visible, alien—in the Diaspora, and perhaps even in the Middle East.

But what about the reported drop in the level of this reservoir of familiar negative stereotypes (or "Folk Anti-Semitism," as they are collectively called)? Charles Stember has demonstrated what is apparently a spectacular decline in the holding of such stereotypes between the 1930's and the 1960's, as evidenced by poll data.[1] The findings are valuable, but as Stember points out, they require some independent evaluation of their actual meaning: "[Our findings] do not always tell us whether [anti-Semitism] has changed in prevalence or only in overtness." The reservoir may indeed have dropped somewhat, but how much of this reflects the fact that anti-Jewish stereotypes may be less fashionable, or less salient to express at this time?

After all, these attitude changes did not take place over a thirty-year period. They dropped rather suddenly—after, not during, the war. The American people were asked by one poll or another in every year from 1937 on whether they thought anti-Jewish feeling was increasing in the country. About a quarter of the people thought so in 1937. The figure rose steadily until 1946, when over half of the people thought anti-Semitism was increasing. In 1950, a poll recorded that only 16 per cent thought so. The American people certainly didn't seem to undergo any ideological revulsion against anti-Semitism because of their war against Hitler. In 1940, asked what groups are a menace to America, 17 per cent named the Jews; by 1946 the figure had risen to 22 per cent, and by 1950 it had dropped to 5 per cent. Stember suggests that in these recent years the Jews have been less in the consciousness of America, either unfavorably or favorably. To stretch the imagery, this may speak of a quiescent rather than an emptying reservoir.

One of the difficulties in measuring the total level of such feelings at any given time may be the change in their forms of expression. One study found that postwar college graduates had apparently divested themselves to a considerable degree of the traditional and unsophisticated Shylock image of the Jew. But these college graduates were just as likely as others to believe that Jews were "clannish" and "aggressive." Or again, according to Stember, "the belief that Jewish businessmen are dishonest has become markedly less current during the past 20 or 25 years. It has largely been replaced by the notion that they are merely shrewd or tricky." He goes on to say: "Even this less extreme image is less widespread than the belief in Jewish dishonesty once was, although only a minority of the population reject it outright."

The last clause is perhaps all that counts for any reappraisal of the potential of political anti-Semitism. Whether the reservoir of folk anti-Semitism has dropped in fact or only in appearance, it is still immense. Whether it is a matter of Jewish aggressiveness, Jewish clannishness, Jewish shrewdness, or whatever, the great majority of Americans still hold to some pattern of differentiating, and negative, stereotypes about Jews. And there is scarcely an American who does not know what these stereotypes are, even if he does not profess to hold them. The instrument is there, readily available in our culture. The juvenile gang in San Francisco had no difficulty plucking it out when they had use for it, although the level of their folk anti-Semitism had previously been no greater than that of other Americans.

There is a parallel in political anti-Semitism. Father Coughlin's movement, after a certain point, became explicitly and overtly anti-Semitic. Yet the surveys found little difference in anti-Semitic beliefs between his followers and the rest of the American population. A recent comparison between a group of right-wing letter-writers and a sample of the national population found minuscule differences in gross levels of folk anti-Semitism (Jews have faults, are shady, are shrewd and tricky), but significant differences between them when the questions took on political dimensions (Jews are Communists, have too much power, are stirring up the Negroes).

However, it is not just that there is no automatic correspondence between folk anti-Semitism and political anti-Semitism. The point is greater than that: Given our common cultural background, there is not necessarily much of a relationship between anti-Semitism of any kind and support of an anti-Semitic movement. Only 20 per cent of Coughlin's supporters said they would back a campaign against Jews; but the other 80 per cent were in fact openly backing a campaign against Jews in their support of Coughlin. For them anti-Semitism was apparently not a salient reason for supporting Coughlin, but they were willing to support him for other reasons, and his anti-Semitism did not bother them. Similarly, many observers of the German scene before 1933 reported that the Nazis were supported by large numbers who were not anti-Semitic. And today? Asked in a recent poll whether they would support or oppose a congressional candidate who was running on an anti-Jewish platform, one-third of the American population said that they would neither support nor oppose him for that reason; his anti-Jewish program would be a matter of indifference to them. In this way it is possible to be anti-Semitic without being an anti-Semite—at least any more of an anti-Semite than anyone else.

Thus as far as the "vulnerability" of the population is concerned, the key is not the

[1] See *Jews in the Mind of America*, Basic Books, 1966.

level of anti-Semitic beliefs, but the level of resistance to political anti-Semitism. The question is not whether people dislike Jews more or less, but whether they are against the violation of democratic rights for Jews—or anyone else.

There is much evidence to suggest that the American public's level of commitment to the abstract principles of democratic procedure is not reassuringly high. The democratic commitment in America consists more of loyalty to institutions, groups, and systems which support democratic procedure, than of an internalized set of beliefs. When that loyalty is shaken, so is the democratic commitment.

The work of Philip Converse and others indicates that integrated belief systems are probably restricted to the "talented tenth" of the American population, and disappear rapidly as we move down the educational ladder. Among the mass of people, no comprehensive ideology, good or bad, is operative. Political ideas do not exist in any large scheme of consistency or even of compatibility. The "why" of their connection, one to the other, is missing. The nature of political thinking is geared to the concrete rather than to the abstract. Converse points out that this condition is not "limited to a thin and disoriented bottom layer of the lumpenproletariat [but is] immediately relevant in understanding the bulk of mass political behavior."

This painful situation explains why the sophisticated concepts of the democratic process cannot stand much of a strain. It also explains how so many people could support Coughlin's anti-Semitic platforms without themselves being anti-Semites. In the light of his findings, and discussing the Nazis, Converse writes: "Under comparable stresses, it is likely that large numbers of citizens in any society (and particularly those without any long-term affective ties to more traditional parties) would gladly support ad hoc promises of change without any great concern about ideological implications."

To say that the large public does not consist of ideologues is not to say that it is feckless or foolish. The American public demonstrably has a strong sense of its own basic democratic rights, and has no reluctance to assert itself with respect to those rights. This is the strong popular spine on the body of our republic. It serves us well in most situations. But the application of abstract and ideological democratic principles to the matter of balancing these rights under stress calls for conceptual skills, historical perspective, and wide-based integrated belief systems which are very far from being prevalent in this country. Thus, the bulk of the data indicates that massive numbers of Americans who presumably have a ritual attachment to the concept of free speech and would reject any gross attempts to subvert it, do not understand or care much about the fine points of that concept when the crunch comes, when hard-core dissenters intrude upon their sensibilities. The American people would reject any gross attempt to subvert religious freedom, but almost half of them say that if a man doesn't believe in God, he should not be allowed to run for public office. And a majority of them, while jealous of due process, would rather throw away the book and resort to the whip when dealing with sex criminals.

In short, American democratic institutions have flourished because some people understood them, and the rest of the people were loyal to them. This loyalty is based on an inertia of investment in the country, the system, and the traditional political structure. At times mass dislocations of such loyalty have occurred, usually spinning off new and "extremist" political movements.

"EXTREMISM" AND THE JEWISH QUESTION

"Extremism" is a crudely descriptive term for a movement which advocates or engages in undemocratic behavior. Extremist movements are, in fact, movements of disaffection. They are created by and addressed to people who as a group feel that they have just lost or are about to lose their grasp on something important to them; or those who feel that something important they have never had but want is just outside their grasp. In both cases, there is attached to this sense of substantive deprivation, a sense of power deprivation. This felt deprivation, accompanied by major social dislocation, and sharply shifting expectations, succeeds in breaking up many traditional loyalties. Without an attachment to the traditional system, and without an extended ideology, the common democratic commitment is subject to undemocratic subversion.

None of these conditions predestines the emergence of political anti-Semitism; they are just the risk factors, the conditions under which political anti-Semitism is more likely to appear. The final ingredient is a political movement which actually takes this road. As we have seen, modern political anti-Semitism does not rise from a grass-roots demand, nor do most supporters of mass anti-Semitic movements seem to care much one way or another. However, though its followers are not necessarily ideological, a deviant and radical political movement is. Concomitantly, its leaders, and especially its "intellectuals," are ideologues, and transfer their own integrated belief systems to the movement.

The internal logic of these belief systems typically requires a conspiracy theory, with all its moralistic, absolutist trappings. If the opposition is only wrong, if the "mess" we are in is only the result of mistakes, then a remedy can be found within the traditional political structure. But if the opposition is evil, and the "mess" a result of evil deliberately and conspiratorially done, both a sharp deviation from the political structure and a repressive closing down of the democratic marketplace are morally legitimized.

Again, people may not be primarily attracted to a political movement because of its conspiracy theory, but many have no intellectual barriers to such ideas. About a quarter of our national population, in sample, recently agreed with the classic formulation: Much of our lives is controlled by plots hatched in secret places. The percentage agreeing grows as the educational level drops. And a conspiracy theory does serve an expressive purpose for people caught in frustration.

Conspiracy theories are basically abstract in nature. The conspirators, in order to serve the purpose, must be largely distant, hidden, faceless, kabbalistic: The Elders of Zion, the Kremlin, the Wall Street Bankers. But since most minds are geared to the concrete, it becomes helpful to connect these abstractions to a visible body of people. The development of a conspiracy theory adds yet another risk factor for political anti-Semitism. There is a mountain of literature prescribing the mythical Jew as the ideal target for a well-turned conspiracy theory.

But the initial point is this: in the light of the last half-century of experience and research, it is appropriate to say that the Jewish Question is already being raised again in America. In a malaria-prone country, the malaria question would be said to exist if the familiar breeding swamps were merely building up. Political anti-Semitism, the Jewish Question, does not relate in the short range to folk anti-Semitism, nor to the prevalent state of any set of images or feelings toward Jews. In America, the Jewish Question is substantially the same as the Question of the Democratic Society. Mendele Mocher Seforim wrote: "The Jewish Question—that's the wide canal which drains all the impurities, all the dirt and mud and sewage of man's soul." The release of democratic restraints, the substitution of jungle for law, of conspiracy theory for reason, of confrontation for negotiation, of hyperbole for politics, of repression for social progress—that is the Jewish Question, as it has come to have special meaning for modern society. These are the issues around which the only effective fight against political anti-Semitism can take place. They are alive again today, and therefore the Jewish Question is coming to life again.

THE BLACK REVOLUTION AND THE JEWISH QUESTION

On one side, there is growing a mass movement of disaffection among the black population: a volatile constituency with a well-justified sense of general deprivation, and of specific power deprivation, characterized by low levels of education, systematic belief, and commitment to abstract democratic principles. "Mass movement" usually denotes some formal cohesion: A structure and a formal system of affiliation, which people can join or around which fellow-travelers can gather; or, alternately, a charismatic leadership with whom a following can identify. As yet the black mass movement of disaffection possesses neither. Indeed, while black people are, of course, distressed, dissatisfied, and have the bitter knowledge that they are relatively deprived, most of them have not yet been jarred loose from traditional loyalties to the political party structure or the system in general. At least so the polls, as well as the recent voting patterns and the repeated failures to organize in the ghetto areas, indicate. Also, all the objective indices testify that the aspirations of the great bulk of black people are primarily instrumental, built around a simple desire to get into the chrome-plated American system. But to be effective a mass movement does not need to be, and never has been, a "majority" of any population. Color and population concentration, in this case, provide a built-in system of affiliation and communication which can substitute for more formal organization. And within that system, there is stirring a genuine movement of disaffection, still disjointed, but with certain common expressive and extremist currents that are swelling, especially among the young.

The theme of the first postwar stage in race relations was equal opportunity. Out of the progress and frustrations of that stage came the theme of the next: anti-poverty. Out of the progress and frustrations of that stage came the third: Black Positiveness. And on the edge of Black Positiveness has emerged the phenomenon of Black Expressivism.

A sharp distinction has to be drawn between Black Expressivism and Black Positiveness. It has become a standard anti-poverty theorem that Negroes have to be given control of their own bootstraps if they are going to be asked to lift them. In order to join the American parade, the Negro community has to find its own identity, and shake itself loose from the degradation and self-degradation of the past. This is Black Positiveness, power, pride, dignity, as preface to economic integration. In addition, an obvious piece of political realism had to come to the fore: The black community was not going to be able to take a serious part in American pluralism until it established its own political strength and instruments. It had to shake loose from the coalitions long enough to do that. The corollary is that the political society would not otherwise respond to the needs of the Negro community. This is Black Positiveness, and Black Power as preface to political integration.

There is another face to Black Positiveness, more symbolic and less clearly instrumental, but still related to an ultimate goal: The black man should feel wholly like a man. The road to that goal in America has always been through the achievement of an instrumental position in the economy and the polity. But America has made a point of depressing the status of the Negro, in itself—and the black community now became interested in elevating that status in itself—especially since the instrumental access to status was obviously not going to be instant. This involved a subtle shift in emphasis. Thus, the demand that black history be taught in the schools was grounded in solid instrumental theory: It has educational utility, not only for the white student, but for the black student, whose sense of confidence and self-worth is related to motivation and achievement. But in the last few years the burden of this demand shifted from well-disposed educators and liberals to the young black people themselves. Educational theory aside, they wanted the symbolic fullness of their identity established here and now, for its own sake.

Expressiveness involves yet another subtle shift, however. All the above demands can, and have been, invested with anger and high emotion, but the passion is goal-directed. When a demand is made, or an act committed primarily to vent anger or frustration, then we enter into the realm of expressive behavior. The line is often murky. What about the further demand that black history be written only by blacks and taught only by blacks? At what point is that demand primarily an extension of black pride, and at what point is it primarily an expression of anger and hostility toward the white establishment? In any given situation, the line is often difficult and fruitless to draw. But it is nevertheless a significant line, between politics and anti-politics. In its logical extreme, the pathology of expressive public behavior was revealed in the Old South when lynchings rose as the price of cotton went down, and in Old Europe when massacres of Jews took place in the wake of the Black Plague.

Expressive politics may be defined as the externalization of internal frustrations, bearing little direct relation to the solution of the problems which caused the frustrations. The chief function of such politics is to provide emotional release; and, at its peak, its currency is a kind of hyperbolic, hypersymbolic language. "Racism" became an affective epithet—with an eager assist from the writers of the Kerner Commission Report—and lost its meaning. The growing use of "pig" as the definitive heart of the language, as in "racist pig" or "fascist pig," further revealed the exclusively expressive nature of this latest stage in the movement. Impetus came from a black intellectual class, whose orbit grew rather swiftly as many college administrations made extraordinary efforts to bring black faculty members, black students, and special black programs to the campuses.

Recently a black instructor at a state college told 2,000 students at a rally: "We are slaves and the only way to become free is to kill all the slavemasters," identifying the President, the Chief Justice, and the governor of the state as slavemasters. He also told them: "If you want campus autonomy and student power and the administration won't give it to you, take it from them with guns." That is expressive talk *par excellence*. Everyone knows who has most of the guns and all of the tanks. But in urban high schools and ghetto areas around the country, more and more young people are adopting the expressive mode. They are not ideologues, like the state college instructor; they are more often frightened, angry, personally desperate young people for whom the schools and most other social institutions are irrelevant prisons.

In some cases, what was once personally expressive behavior born out of such conditions, has become politically expressive behavior. What would once have been known as delinquency is now invested with political significance. Black expressivism exists on many levels but is now coalescing into an "expressive movement"; this movement is buried and growing within the larger black community, and developing all the appurtenances thereof, including common language, symbols, heroes, and a conspiracy theory.

Expressive politics has always frightened the Jewish community. Before the Civil War Rabbi Issac Mayer Wise warned the Jews against the Abolitionist movement. He approved of its goals, but was afraid of its nature. The same point is currently being made for the Jews by the kinds of expressive anti-Semitism that are emerging from this black expressivism. This is not the folk anti-Semitism which the black population shares with the white population. It is, rather, the abstract and symbolic anti-Semitism which Jews instinctively find more chilling. Negroes trying to reassure Jewish audiences repeatedly and unwittingly make the very point they are trying to refute. "This is not anti-Semitism," they say. "The hostility is toward the whites. When they say 'Jew,' they mean 'white.'" But that is an exact and acute description of political anti-Semitism: "The enemy" becomes the Jew, "the man" becomes the Jew, the villain is not so much the actual Jewish merchant on the corner as the corporate Jew who stands symbolically for generic evil. "Don't be disturbed," the Jews are told, "this is just poetic excess." But the ideology of political anti-Semitism has precisely always been poetic excess, which has not prevented it from becoming murderous.

The surveys which generally show that the reservoir of folk anti-Semitism among Negroes is, if anything, a little lower than that among their fellow Americans, are irrelevant for the reasons given above. The relevant fact is that "the movement" is developing an anti-Semitic ideology. On one coast, there is talk about how the "Jewish establishment" is depressing the education of black students. On the other coast, a black magazine publishes a poem calling, poetically of course, for the crucifying of rabbis. "Jew pig" has become a common variant of the standard expressivist metaphor. On this level, there are daily signals.

Then, too, "Third World" anti-Semitism is becoming more of a staple, at least among the ideologues where it counts most. Jewish schoolteachers in New York were told in one tract that "the Middle East murderers of colored people" could not teach black children. At the last national convention of the Arab students in America, Stokely Carmichael, the main speaker, admitted that he had once been "for the Jews" but had reformed.

Of course, many middle-class blacks are horrified by all this. But on the community level, where the pressure is, they are likely to say that it would not do for them to attack such manifestations, because it would seem to be an attack on the militant movement itself (this reaction throws another light on the ability of a movement to be anti-Semitic without a corps of anti-Semites). They are likely to say that these manifestations are "only symbolic," without understanding that symbolic anti-Semitism is the most frightening kind. Or they might explain that these attitudes are not widely reflected in the black community—which is, to complete the circle, irrelevant.

But how dangerous, finally, is the anti-Semitic ideology being developed by this growing black movement? If the movement is destined to be relatively powerless, should it be a source of major concern? More particularly, if this movement is pitted so directly against the white majority in the country, does that not render its anti-Semitism still less dangerous? Such questions ignore the fact that this movement has already succeeded in reintroducing political anti-Semitism as a fashionable item in the American public arena—with what consequences no one can yet tell. It would, moreover, be a repetition of old mistakes to think that if a black movement uses political anti-Semitism, anti-Semitism must therefore be rejected by anti-black whites. One propaganda effort during World War II was designed to reduce anti-Semitism among Americans by linking Nazism and anti-Semitism, and then attacking Nazism. An evaluation reported that the campaign increased hostility toward Nazism without reducing hostility toward Jews. And we have seen that the American public fought bitterly against Hitler during the war, without apparently altering its attitudes toward Jews.

However, there is another, more problematical area of concern that might be anticipated if the expressive black movement continues to grow. The black community is on the verge of a major political breakthrough. A good number of cities are soon destined to be numerically controlled or heavily dominated by their Negro populations. These are the cities in or around which most American Jews live, and in which their business and public lives are largely conducted. If the expressive black movement, with attendant political anti-Semitism, continues to grow, its effect on Jewish lives will be incalculable. (Incalculable also might be the effect on American foreign policy in the Middle East of a prevailing anti-Israel sentiment in important political centers.) There will, of course, be an intensification of the upward-mobility conflict that is already becoming a visible part of the Negro-Jewish complex. (As one Jewish teacher plaintively told the New York Times: "We don't deny their equality, but they shouldn't get it by pulling down others who have just come up.") More generally, the political structure in these cities is going to be under considerable strain. There is the possibility of a classic marriage, a manipulative symbiosis, between the privileged class and the dis-privileged mass—in this case a WASP class and a black mass—in these cities: the kind of symbiosis which existed in the 1920's between respectable Republican leaders and the KKK, and which permitted a temper of repression and bigotry to flourish. The anti-Semitic ideology developing in the black movement would be eminently suited to such purposes. Some have suggested that the edges of this possibility are actually peeking out in New York City. Certainly, whatever the outcome, this face of the black expressive movement is there for the Jewish community to contemplate with justified concern.

THE WHITE BACKLASH AND THE JEWISH QUESTION

Of course, on the other side, there is a white population which exhibits, from its own vantage point, the same dangerous characteristics: a volatility, with broken loyalties; a sense of general deprivation and of power deprivation; relatively low levels of education, systematic belief, and commitment to abstract democratic principles—a population, in short, both extremist and expressive in tendency. This is the more traditional backlash pattern, which has produced America's major anti-Semitic movements of the past.

These movements were involved in preserving something which seemed about to be lost. When successful, they were typically a strange marriage between members of the upper and lower economic strata who were protecting different interests together. Economic concerns were often present, but the decisive bond was a set of symbolic issues. The critical element of the mass support was some kind of status deprivation and alienation: a disappearing way of life, a vanishing power, a diminishing position of group prestige, a scrambling of expectations, a heart-sinking change of social scenery, a lost sense

of belongingness. In the 1920's, the backlash of traditional rural Protestantism, losing its hegemony in the nation, provided this element. The census of 1920 reported that for the first time in American history urban dwellers were in the majority. The cities were taking over the nation; new kinds of people were taking over the cities; the small-town dweller, whether staying behind or coming to the big city, was apt to feel in the back-waters. KKK leader Hiram W. Evans complained that the "Nordic American today is a stranger in a large part of the land his father gave him." In the 1930's, the depression-bound people who supported Coughlin were not only interested in some aspects of social change, but also threatened by other aspects of social change. Coughlin, in the classic mode of fascism, wanted to create a revolution within the symbolic bounds of a traditional way of life. In both decades there were massive dislocations, large sections of the population being torn away from their traditional political loyalties, and therefore from ritualistic democratic constraints to which they had no deep ideological commitment.

We are now faced with more massive dislocations than we have experienced since the 1930's, and perhaps since the Civil War. Just as there once was a nativist (Protestant) backlash against the emergence of immigrant (Catholic and Jewish) economic advancement, cultural imperialism, and political power in the cities, so we now have a white backlash against similar Negro advances in the cities. The breakdown of "law and order" that is attendant upon such periods is itself a status-shaking, power-dwindling experience. Policemen have consistently been the most conspicuous vocational presence in every major backlash movement in American history. It is not that they differ all that much psychologically or otherwise from the rest of the non-elite American population, but that they are on the front lines of the conflict. Many white citizens feel that they are getting short shrift in schools, law enforcement, and city hall generally because of black power. Certainly, they don't approve of the concept of "compensatory" treatment for blacks. And they can expressively wrap around this issue all of their angry feelings about the frustrating decline of American status in a new world and the apparently losing battle of the citizen against bureaucracy and taxes.

The Birch Society, more Liberty League than Coughlin, has never seriously attempted to exploit the white backlash, or to get in touch with mass America at all. McCarthyism was a kind of false pregnancy, although serving fleetingly to reveal the potential for undemocratic repression which lies in a large mass of the American public. George Wallace was, at least for a time, the Pied Piper of repression, tuned into the large and ideologically soft underbelly of white America. His low November vote outside the South was comparable to the low vote that Coughlin's candidate Lemke received at a time when Coughlin's movement was booming. Many blue-collar people who had given their genuine expressive approval to Wallace when the pollsters came around, or when he came to town, voted instrumentally when they went, hand on pocketbook, into the booths.

Of course, Wallace has shown no evidence of raising the Jewish Question, but some parallels have been drawn between him and Huey Long. Huey Long never raised the Jewish Question either, although it was not that unrespectable in his time to do so. But Huey Long never quite made the transition from Louisiana demagogue to national ideologue before he was killed. And among his top staff people was Gerald L. K. Smith, one of the nation's most committed ideological anti-Semites. Coughlin's full belief system, his conspiracy theory, his political anti-Semitism, emerged fully only midway in his career, after bitter disappointments. What might have developed in the Long movement, with Smith at his elbow, is of course incalculable. It is a matter of record that George Wallace similarly had in the background of his campaign last year speech writers, advisers, and organizers who have openly engaged in political anti-Semitism. This did not make George Wallace an anti-Semite, nor destine him to be one, but it made a number of Jews uneasy. And, Wallace aside, it is only reasonable for the uneasiness to accumulate as the risk factors do. History often finds its own man. Even Coughlin has begun to publish a magazine again, after twenty-six years of silence.

THE JEWISH COMMUNITY AND THE JEWISH QUESTION

Between those two forces, between those two harbingers of the Jewish Question, lies an increasingly bewildered and fragmented Jewish community. A few short years ago, there was a kind of coalescence of religious, political, and defense impulses among the Jewish leaders, who were massed on the civil-rights front, with their constituency trailing securely and benignly behind. Today, a different situation is suggested by recurrent vignettes such as one described in a recent JTA news dispatch, dateline New York:

"The rabbi of the East Midwood Jewish Center in Brooklyn sharply rebuked a crowd who booed and jeered Mayor John V. Lindsay this week as the mayor attempted to address an audience in the temple on the dispute between the teacher's union and the largely Negro Ocean Hill-Brownsville school district. . . . The mayor was shouted down when he said that both sides in the dispute were guilty of "acts of vigilantism." Rabbi Harry Halpern took the microphone and declared, "As Jews you have no right to be in this synagogue acting the way you are acting. Is this the exemplification of the Jewish faith?" Shouts of "yes, yes" were the answer. Some members of the audience belonged to the congregation, and others were members of the community at large which is white, middle class, and predominantly Jewish.

In the same dispatch, the JTA reported that "the national body of Conservative Jewish Congregations expressed concern this week that recent statements by some Jewish groups and individuals have tended to equate the entire Negro community with anti-Semitic slurs voiced by a few black militants. . . . The board also urged Jews 'not to react to limited extremism with our own extremism.' "

In the conglomerate, the Jews of America seem to be in a new ambivalent position. No one in his right mind has ever called the Jewish community monolithic. But with all its formlessness, the Jewish community has in recent memory always had a prevailing public stance—in the parlors as well as in the agency offices—with respect to certain kinds of issues: the Birch Society, fair employment practices laws, fair housing laws. Today it is symptomatically difficult to find a prevailing public stance with respect to such current issues as police review boards, neighborhood-controlled schools, Black Student Unions.

It would be a misreading of the situation to suggest that all the Jewish community needs is to pull up its moral socks. The Jewish involvement with the plight of black America cannot simply be seen as the religious or liberal imperative for social justice. There is, more clearly than ever before, the legitimate and independent Jewish imperative for self-survival. Of course, this self-survival, given the nature of the Jewish Question, could be seen validly—if somewhat remotely—as identical with the survival of the democratic social order. And this period may be another perilous episode in that recurrent dilemma of modern society: The problem of separately pursuing social (economic) justice and a democratic social order without despoiling either. Western history has a long record of failures in that quest, and, not surprisingly, the Jewish Question has more often than not been in attendance.

But there are more concrete implications. The Black Revolution is spurring the Jewish community—and America—into a renewed understanding of pluralistic politics. The fresh Jewish stirrings are not primarily a backlash reaction, although there is some of that. There is most significantly a turning inward; in a real sense, a regrouping. There is a new tendency to ask seriously a question which has only been asked jokingly for a number of decades: "Is it good for the Jews?"

Alfred de Grazia has well described the spirit of the age of rationalistic mass democracy which was set in motion by the Enlightenment, and which came to a certain rhetorical fruition in America:

"Beginning in the nineteenth century there might be no interests apart from the interests of the mass of people, however cloudy such a concept might be. An equally accepted but opposite belief was that the individual, a solitary wayfarer in life and politics, could govern himself without belonging to any cohesive groups. The two beliefs might be simultaneously held, for they are psychologically, if not politically, consistent. In the individualism and utilitarianism of Benthamism, all interests break down. Little thought goes to the mass authoritarianism or majoritarianism that was the inevitable denouement. Whereas the mass public had never before been seriously regarded as the active agent in legislative processes, the People was now sculptured into a massive monolithic interest group."

Official segments of the Jewish community seemed to embrace precisely this concept when the Golden Age set in after World War II. Negroes were to pursue a just society not primarily as Negroes, which they merely happened to be, but as Americans along with fellow-Americans. Jews were to pursue a just society not primarily as Jews, which they happen to be, but as Americans, along with fellow-Americans. And so forth: A salvation army of Americans with identical moral concerns was marching together. The language was not all that clear, of course. Jews were told that "civil rights" was good for them, which indeed it was. But it was told in passing, as a corollary to the main image of all-Americans-marching-morally-together. The image became increasingly fuzzy as the 1950's yielded to the 1960's, and many Jews suffered traumatic shock when the Negroes detached themselves from the marching army and said, "Wait a minute, we've got a different interest here, a different drummer and a different pace."

There was the religious language also: The prophetic traditions and the Jewish moral imperatives were invoked. The Christian clergy invoked their own, as did, no less fiercely, the humanist liberals. But there has always been a certain uneasy ring of truth in the pejorative use of the term "do-gooder." If a do-gooder is someone who is primarily and exclusively motivated by moral concerns in the political arena, he is more often than not a mischief maker. Politics is not identical with morality, which does not mean that politics need be immoral. To be sure, politics at its best is the negotiation of conflicting group interests within the constraint of rules which are morally based. But the distinction between morality as a political constraint, and morality as a central engine of political action, is a crucial distinction. To put it another way, the do-gooder is the evangelist who knows what is best for everybody. When

the Negroes, seizing their own identity, said: "It is only we who really know what is best for us," they brought everyone up short, and they brought the Jews back for yet another look at their own group identity in America.

In 1927, in the middle of the debate as to whether Jewish Welfare Federations should merge with general Community Chests, Morris D. Waldman told a national conference: "I am constrained to believe that the existence of separate Protestant, Jewish, and Catholic Federations . . . is not going to retard brotherhood. Because I am thoroughly convinced that if the universal brotherhood will ever come, it will not come in the form of a fraternity of individuals, but as a brotherhood of groups. . . . The group will-to-live is at least as strong as the individual will-to-live. . . ."

The Jewish community's independent group will-to-live is being reasserted in response to the reemergence of the Jewish Question in America—as well as in Eastern Europe and in the Middle East. Less and less, as one consequence, will the public affairs agenda of the Jewish community be the same as that of the black community. This is not a matter of withdrawing support from those generic items on the black agenda which must be on the common American agenda and in which the Jewish community has a strong derivative stake—most notably, the rapid reduction of ghetto poverty. There may, however, develop sharper differences as to the point at which the rate of reduction is to be increased "at any cost" or "by any means whatsoever." The maintenance of a democratic rule of law is essential to Jewish survival. Nor is it just a defense against extremism which will finally protect that social order. If the Jewish community has in the past had a special concern with greater participation by the ghetto population in civic affairs, as a means of strengthening the democratic fiber, it must also now have a special concern with greater participation by the white lower-middle-class population still in and around our cities. These are people of the "common democratic commitment" who are not horned and leprous bigots, but who have troubles of their own, a dignity of their own to maintain, and a growing sense that they are being left out. As Irving M. Levine has said: "Our rightful transfixion on Negroes has developed into a 'no-win' policy, hardening the lines of polarization between white and black into a reality that could blow the country apart. To change this white reaction, some of the brilliance which articulated Negro demands will have to be similarly developed to speak to and for lower-class America."

But there are other items which may more poignantly illustrate the temper of a new agenda. For example, there is a liberal movement toward the public-funded privatization of the public school system, starting with neighborhood control and ending with any group of parents—or an institution of their choice—being able to set up a school to which their children can go at public expense. The consequences of such a development, with its potential for racial, ethnic, and religious separatism, may call for independent evaluation by the Jewish community. In most cities new ethnic and racial competition for various public boards and posts is developing. Eventually, the Jewish community may be required to act more politically as a community if it is to hold its own in such competition. The point is not the abandonment of universal values, but the development of a more self-conscious focus of group interest.

The Jewish Question is alive again because the American political structure and its traditional coalitions are in naked transition. The common democratic commitment trembles within both the white and black populations. New kinds of political configurations are in the making. The past quarter century turns out not to have been, as some envisioned, the passageway to some terminal American Dream. It has been the staging-ground for some as yet indistinct future American design. The Jews, somehow in trouble again, need to make their own particular sighting on that future.

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## BIG BROTHER COMES TO WASHINGTON

### HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 5, 1969*

Mr. PODELL. Mr. Speaker, from time to time we are able to pause in our labors and pass from the solemn to the light-hearted, from the heavy to the humorous, from the possible and necessary to the incredulous and bizarre. Such moments lighten a legislator's heart, if not his burden. Just such an example has been lusciously served up to us through the good offices of the Department of Justice.

It seems that the Gods in their wisdom have commanded the highly educated and skilled legal professionals at that agency to clock themselves on time sheets at 12 minute intervals during the course of their working day. This in addition to performing the services so many need so badly. It is heartening to know there is such fervent trust on upper levels for these public servants. It pleases me to know that from now on we shall know all about their work habits. It soothes me to be enlightened regarding their luncheon times and other personal mannerisms and ways in which they perform their assigned duties. Perhaps next they will be required to report in detail on their outside activities as well.

As one peruses the responsibilities of the Department of Justice, its list of major requirements and duties is truly impressive. They range from enforcement of civil rights legislation to prosecution of those engaged in national criminal conspiracies. Yet I am certain their performance of these duties has up to now been hindered because of their lack of attention to reporting daily activities on 12-minute timesheets. I am confident their new attention to this profound activity will work wonders in their performance of the Department's responsibilities. It certainly shows the intelligence, farsightedness, and profoundness of thought of the estimable gentlemen who now dominate the command post of that agency of Government.

How dare any critic compare such behavior to the gestapo, Cheka, OGPU, or MVD. How unfair to unjustly accuse selfless patriotism. No. Such unselfiness belongs in the countinghouse of one Ebeneezer Scrooge of the estimable firm of Scrooge & Marley, or in George Orwell's "1984."

A pause here for a prolonged and heartfelt shiver.

I eagerly await the latest breathless scene from act 1 of the Justice Department "Follies of 1969" or "How I Ceased Being Efficient and Learned To Love the Timesheet."

## INTELLECTUAL "SNOBS" HIT BY EDUCATOR

### HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 5, 1969*

Mr. WOLFF. Mr. Speaker, the National Schools Committee for Economic Education met last month in Atlantic City, N.J. Although I was unable to attend the meeting I have since been made aware of an excellent talk given by Dr. Paul A. Miller, of Cincinnati, in which he made certain cogent points relating to education and employment.

Dr. Miller's address was brought to my attention by the committee's president, Morgan S. A. Reichner, a constituent of mine residing in Oyster Bay, N.Y. I feel that a news story about Dr. Miller's speech, as it appeared in the Atlantic City Press, is well worth my colleagues' attention as it relates to the design of education in the United States.

Under leave to extend my remarks I include that news story in the RECORD at this point:

[From the Atlantic City (N.J.) Press, Feb. 18, 1969]

INTELLECTUAL "SNOBS" HIT BY EDUCATOR

(By Paul Learn)

The nation's school administrators were advised Monday to get rid of their "intellectual snobs" and "put sweat and callouses back into education."

Dr. Paul A. Miller, superintendent of Cincinnati, Ohio, schools, said, "Education sometimes, though erroneously, is broken down into education for those who are going to work and education for those who are going to be gentlemen. There are those who would say that education becomes a career to avoid callouses and sweat of the work-a-day world."

Dr. Miller spoke at a meeting of the National Schools Committee for Economic Education, Inc., in the Claridge Hotel at which 11 teachers and industrialists were honored for their efforts to promote economic education in the United States.

The meeting was held in conjunction with the 101st annual convention of the American Association of School Administrators here.

Dr. Miller said the schools put too much stress on academics and not enough on "the basic principle of learning while earning."

PAST 50 YEARS

"For the past fifty years at least," he said, "we have tended to put off the work relationship until all of the learning is complete.

"Fundamentally, this is in error. Education and economics both have been caught up in the knowledge revolution. New math, new science, new English, new language and even new economics have been devised with great and disproportionate emphasis on the academic aspects of the subject matter involved; and far too little laboratory-connected, certainly very little of the earning-learning relationships as part of it."

School executives should move more of that laboratory-earning work down to the high school and elementary levels, the Cincinnati educator added.

He said, "The learner's life has been divided half and half; the first to academic learning, the last half to earning. In my judgment the learning-earning relationship should be turned 180 degrees with earning-learning related from kindergarten throughout life."

A WORKBENCH

"Furthermore," said Dr. Miller, "learning has been isolated to take place in a sterile incubator called school and earning has been isolated to take place in some separated unit of the business world."

"There needs to be in every classroom a workbench; in every home a work-experience; in every workshop a learner's bench and in every business, a classroom," he said, adding: "To succeed in our venture to make economics relevant—workbooks and workbenches must be inseparable."

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## BERLIN—THE UNITED STATES

## HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 5, 1969*

Mr. RARICK. Mr. Speaker, so that the present diplomatic gymnastics over Berlin and free Germany may be readily understood as far as the U.S. guilt involvement, I commend to our colleagues the Dan Smoot Report for March 3, 1969, entitled "Berlin."

Of particular interest to our colleagues will be Mr. Smoot's concluding remarks:

What should the U.S. do?

We should negotiate a peace treaty with the government of West Germany, recognizing it as the lawful government of all Germany, and imposing no restrictions on German sovereignty—leaving the nation unhindered to rearm for its own defense as it pleases.

Our own diplomatic and military resources should be devoted to the defense of our own country.

Under unanimous consent I submit Mr. Smoot's report for inclusion in the CONGRESSIONAL RECORD, as follows:

[From the Dan Smoot Report, Mar. 3, 1969]

BERLIN

On the occasion of President Nixon's visit to West Berlin, communist behavior once again gave us an irritating reminder of an unpleasant subject: the isolation of West Berlin deep inside communist-held territory. How did it happen?

In November, 1943, aboard the U.S.S. *Iowa*, enroute to Tehran for a meeting with Joseph Stalin and Winston Churchill, President Franklin D. Roosevelt had a conference with Harry Hopkins and the Joint Chiefs of Staff. They discussed, among other things, the postwar division and occupation of Germany. President Roosevelt predicted that Germany would collapse suddenly and that "there would definitely be a race for Berlin" by the U.S., Great Britain, and the U.S.S.R. The President said: "We may have to put the United States divisions into Berlin as soon as possible," because "the United States should have Berlin." Hopkins and Roosevelt's military advisers agreed unanimously.[1]

Some 17 months after this conference on the *Iowa*, the collapse of Germany came; and the "race for Berlin" became one of the strangest operations in military history.

In the closing days of World War II, the American Ninth Army was rolling toward Berlin, meeting little resistance. Some twenty or thirty miles east of Berlin, the German nation had concentrated its dying strength and was fighting savagely against the Russians.

Our Ninth Army could have been in Berlin within a few hours, probably without shedding another drop of blood; but General Eisenhower suddenly halted our Army. He kept it sitting idly outside Berlin for ten days while the Russians slugged their way in, killing, raping, ravaging. We gave the Russians control of the eastern portion of Berlin—and of *all* the territory surrounding the city.

After we pulled out of eastern Germany in 1945 to let the Soviets have unquestioned control of that area, the Soviets expelled nine million Germans from their homes. It was a time of horror, old men starving on the roads, young girls raped in broad daylight on the streets and in boxcars by gangs of Soviet soldiers.

*All of this occurred because we refused to do what would have been easy for us to do—and what our top leaders had agreed in 1943 that we must do: take and hold Berlin and surrounding territory until postwar peace treaties were made.*

Who made the decisions to pull our armies back in Europe and let the Soviets take over? In *Crusade in Europe* (published in 1948), Eisenhower took credit for helping make the decisions. When he entered politics four years later he denied responsibility, saying he had merely acted as a soldier, obeying orders.

Who made the decision to isolate Berlin 110 miles deep inside communist-controlled territory without any official mention of, or written agreements of any kind concerning, access routes by which the western powers could get into the city?

On July 2, 1961, The New York Times published the second of two articles by Arthur Krock, discussing the "incredible zoning agreements among the Allied conquerors of Nazi Germany" that placed "Berlin 110 miles within the Soviet zone and reserved no guaranteed access routes to the city from the British and American zones by road, rail, water, or airways."

Mr. Krock concluded, as must anyone who studies the record that Joseph Stalin and international communism were the sole benefactors of the zoning agreements, Mr. Krock said he could find no explanation for the obvious fact that the United States government "became a party to the witless travesty on statecraft and military competence" reflected in the agreements on postwar Germany.

After saying as much, Mr. Krock then gave the explanation, which he himself apparently did not understand. He found the explanation in an article by Dr. Philip E. Mosely, then Director of Studies of the Council on Foreign Relations. The article was published in Foreign Affairs, quarterly magazine of the CFR. Here in essence is the story:

The agreements for the postwar division of Germany were worked out by the European Advisory Commission, composed of representatives of the U.S., the U.S.S.R., and Great Britain. The U.S. Representative was John G. Winant, U.S. Ambassador to Great Britain during World War II. Winant's political adviser was George F. Kennan, member of the Council on Foreign Relations, who for years has been touted as America's leading expert on Soviet affairs.

Winant did not cavil at the idea of leaving Berlin isolated 110 miles inside communist-held territory; but he did feel that there should be guaranteed access routes for the western powers to get to the city. Kennan told Winant that it would offend the Soviets if we insisted on specified and guaranteed access routes, because they would think we did not trust them. Moreover, Kennan argued, the very fact that we agreed on four-power occupation of Berlin was tacit agreement that all powers had undeniable right of access to the city.

Winant apparently was influenced by Kennan, but not entirely sold. He drew a map, depicting his ideas for the division of Germany, placing Berlin 110 miles inside the Soviet zone. Following Kennan's advice, he did not recommend that the western powers insist on guaranteed access corridors to the city; but he did sketch in corridors that he thought should be established.

Because of bureaucratic rivalry, or inefficiency, in Washington, Winant never received authorization to submit his proposal to the European Advisory Commission. Therefore, the British representative on the Commission made a proposal: setting Berlin deep inside the Soviet zone, and giving the Soviets 33 per cent of all productive resources of Germany, but keeping for England the greatest industrial areas.

Roosevelt and his military advisers rejected the British proposal. During the Second Quebec Conference (1944), Roosevelt sketched out on a small-scale map *his* idea of occupation zones in Germany. Roosevelt's map reduced the Soviet zone to 22 percent of pre-war Germany, and divided Germany into three zones—British, American, and Soviet, all three zones meeting in Berlin. Negotiations were then deadlocked, because the British and Soviets did not like Roosevelt's suggestion.

*George F. Kennan broke the deadlock by going directly to Roosevelt and persuading him to give up his plan, in favor of the fantastic arrangements which the Soviets wanted: Berlin buried inside the communist zone with no access routes for the western powers agreed upon, or even mentioned.*

In 1948–1949, the Soviets (to draw attention away from Asia where communists were taking over China) blockaded all roads, railways, and canals leading from the western zones of Germany into Berlin.

Harry Truman has been much praised for breaking that blockade with a fantastically expensive airlift; but the airlift was basically wrong. That was the time for us to decide whether to stay in or get out of Berlin. If our decision was to stay in (as, *at that time*, it should have been), we should have established a fully-adequate *land corridor* to Berlin by the use of military force, if necessary.

There can be no doubt in the mind of any well-informed person (and could not have been any real doubt in 1948) that the Soviets would have given way without armed resistance, because we had both right and might on our side. Our prestige and strength were so infinitely superior in 1948 that the Soviets could have done nothing but agree to whatever reasonable land corridors we demanded.

After the Soviet blockade of Berlin had achieved the communist purpose—of drawing attention away from Asia; of making further heavy drains on the economic resources of America; and of showing the world that the U.S. government was afraid of a head-on clash with the Soviets even when the whole world knew that America was in the right—the Kremlin lifted the Berlin blockade. The great internationalist propaganda machine in the United States proclaimed our "magnificent victory."

In June, 1949, the United States, the U.S.S.R., England, and France formally reaffirmed the old agreement about a four-power occupation of Berlin, but again avoided saying anything about access routes for the West to get to Berlin—an action, on our part, which now seems as incredible as the original Kennan-CFR decision to set the city up as a breeder of war and tensions.

For ten years after the Berlin airlift, the Western powers sat, waiting for the Soviets to make the next move. Khrushchev made it in 1958.

On November 27, 1958, the Kremlin delivered to our ambassador in Moscow a "note" announcing Soviet aims with regard to Berlin. The note filled approximately ten full columns in *The New York Times*. Nine and one-half columns contained nothing but Soviet lies and propaganda. About 5% of the

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[1] *Foreign Relations of the United States: Diplomatic Papers: The Conferences at Cairo and Tehran; 1943*, U.S. State Department, 1961.

text was devoted to an announcement of the Kremlin's plan for Berlin.

The plan was that *West Berlin* be declared a separate political entity (a "free city") and disarmed, except for a minimum police force, which would be used primarily to suppress anti-communist activity. All foreign troops would be withdrawn—which meant British, French, and American, but not Soviet, since Soviet troops are not stationed in West Berlin. The government of the "free city" of Berlin would be under the general supervision of the United Nations; but the communist government of East Germany would control all trade and traffic and means of entry into the city. The Kremlin note said:

"If this proposal is not acceptable to the United States Government, there is no topic left for talks on the Berlin question."

Every subsequent Kremlin statement concerning Berlin reaffirms this basic, inflexible plan.

On June 14, 1961, the Kennedy administration (through Mike Mansfield, Democrat leader in the Senate) suggested a Berlin plan—which, in effect, accepted the Kremlin plan but incorporated East Berlin as part of the proposed "free city." [2] American public opinion was hostile to the Mansfield suggestion, and it was dropped. But President Kennedy skillfully used the "Berlin crisis" of 1961 "as a lever" to force congressional approval of a long-range foreign-aid bill and other measures claimed to be necessary for resisting international communism.[3]

What is President Nixon likely to do, if anything, about Berlin?

When one realizes that the Berlin situation was created by a member of the Council on Foreign Relations (which has been virtually the invisible government of the United States since the outset of World War II [4]), it is not comforting to know that President Nixon's most important appointed adviser (Henry Alfred Kissinger) is a CFR member, as was the President himself a few years ago.

What should the U.S. do?

We no longer have any business defending or promising to defend any part of Europe against anyone. Defending Berlin is a job for Germans, not Americans. Germans are an able, industrious people—more soundly prosperous, in some ways, than we are. Surely, a nation which, in two world wars, fought the might combination of allied powers as Germany fought, can now defend itself.

With or without the consent of any of our World War II allies, we should negotiate a peace treaty with the government of West Germany, recognizing it as the lawful government of all Germany, and imposing no restrictions on German sovereignty—leaving the nation unhindered to rearm for its own defense as it pleases.

We should repudiate the nuclear nonproliferation treaty, give the Germans a reasonable time to prepare their own defenses, and then withdraw our military aid and presence from all of Germany, exerting whatever diplomatic pressures available to persuade France, Great Britain, and the Soviet Union to do likewise. What the Germans decide to do, or can do, about the division of their land and their capital city is not our business, as long as they commit no aggression against us.

Our own diplomatic and military resources should be devoted to the defense of our own country.

[2] "A Third Way On Berlin," speech by U.S. Sen. Mike Mansfield (Mont. Dem.), CONGRESSIONAL RECORD, vol. 107, pt. 8, pp. 10328–10334.

[3] "Berlin Propels Foreign Aid Through Committee in House," article by Robert E. Baskin, *The Dallas Morning News*, Aug. 2, 1961, Sec. 1, p. 1.

[4] For history of the Council on Foreign Relations' manipulation of American policy, see *The Invisible Government*, by Don Smoot (1962), available from The Dan Smoot Report, Inc., P.O. Box 9538, Dallas, Texas 75214; $1.00 pocketbook, $4.00 for clothback edition.

# HOUSE OF REPRESENTATIVES—*Thursday, March 6, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

*To this end we toil and strive, because we have our hope set on the living God.*—1 Timothy 4: 10.

O God, our Father, who hast called us to walk in Thy way and to live with love in our hearts, grant unto us the steady assurance that although we forget Thee Thou dost not forget us, and that notwithstanding the fact we let Thee down Thou dost never let us down. May Thy spirit abiding in us through all our changing moods sustain us in every right and good effort.

Bless Thou the young people of our land. Let not the undue license of a few limit the due liberty of the majority. Strengthen our youth that they may have full regard for the rights of all their fellows. Help them to use their freedom to discover themselves at their very best, to find creative channels for their restless endeavors, and to live and labor for justice by all, good will among all and liberty for all.

In the name of Him who was true to Himself, to others, and to Thee, we pray. Amen.

## THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

## RESIGNATION FROM THE MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER laid before the House the following resignation from the Mexican-United States Parliamentary Conference:

MARCH 5, 1969.

Hon. JOHN W. MCCORMACK,
*Speaker, U.S. House of Representatives,*
*The Capitol,*
*Washington, D.C.*

DEAR MR. SPEAKER: It is with deep regret that I must take this opportunity to submit to you my resignation as a Member of the United States delegation to the Mexico-United States Interparliamentary Conference for 1969.

I appreciate your understanding and acceptance of this resignation from the Conference. With deepest regrets,

Sincerely,

JAMES HARVEY,
*Member of Congress.*

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

## APPOINTMENT AS MEMBER OF THE MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER. Pursuant to the provisions of section 1, Public Law 86–420, the Chair appoints as a member of the U.S. delegation of the Mexico-United States Interparliamentary Group the gentleman from Arizona (Mr. STEIGER), to fill the existing vacancy thereon.

## FARM GROUPS OPPOSE HIGH INTEREST RATES

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, farm and rural groups are deeply concerned about the rising burden of high interest rates.

Farm people, particularly, depend on credit to finance their seasonal operations and the high interest squeeze is creating severe problems in rural areas all over the Nation.

Mr. Speaker, this week I received copies of resolutions from two important farm groups in North Dakota expressing concern over this problem and demanding that the Federal Reserve move to bring down interest rates.

Mr. Speaker, I place in the record a resolution from the North Dakota Farmers Union adopted on February 25, 1969, and one from the Production Credit Association of Grafton, N. Dak., adopted on February 15, 1969:

RESOLUTION OF THE NORTH DAKOTA FARMERS UNION, ADOPTED FEBRUARY 25, 1969

We view with alarm the continued draft to higher interest rates on borrowed money. This is one of the biggest increases in costs of production for farmers.

Government policies need to be reviewed and reformed to prevent further rises in interest rates. We recall that most farm depressions of the past have been signaled by a tightening of credit, advancing interest rates, and a failure on the part of public officials to note these signals of danger promptly.

We recognize with appreciation the excellent service which the district and central banks for cooperatives have provided to farmer owned cooperatives. We appreciate that the whole Farm Credit System and the Farmers Home Administration have been of great value in helping farmers.

The continued rise in interest rates by the Federal Reserve Board has not only increased the National Debt, but is rapidly moving the money into the hands of money lenders.

We urge Congress to take immediate action to change the tight money policy of the Federal Reserve Board.

PRODUCTION CREDIT ASSOCIATION,
*Grafton, N. Dak., February 21, 1969.*

Congressman WRIGHT PATMAN,
*Chairman of the House*
*Banking Committee,*
*Washington, D.C.*

DEAR CONGRESSMAN PATMAN: The following resolution was adopted at the stockholders Annual Meeting of the Production