

By Mr. KING:

H.R. 19814. A bill to provide that railroad employees may retire on a full annuity at age 60 or after serving 30 years; to provide that such annuity for any month shall be not less than one-half of the individual's average monthly compensation for the 5 years of highest earnings; and for other purposes; to the Committee on Interstate Foreign Commerce.

By Mr. O'KONSKI:

H.R. 19815. A bill to amend title II of the Social Security Act to provide that an individual's primary insurance amount may be computed on the basis of his 3 years of highest earnings during the 10-year period immediately preceding his retirement or death; to the Committee on Ways and Means.

By Mr. PATMAN:

H.J. Res. 1403. Joint resolution to provide an additional temporary extension of the Federal Housing Administration's insurance authority; to the Committee on Banking and Currency.

By Mr. TEAGUE of California:

H.J. Res. 1404. Joint resolution to authorize the erection of a Seabee memorial; to the Committee on House Administration.

By Mr. TIERNAN (for himself and Mr. CONTE):

H.J. Res. 1405. Joint resolution to authorize the erection of a Seabee memorial in the District of Columbia; to the Committee on House Administration.

By Mr. KING:

H. Con. Res. 784. Concurrent resolution urging the President to determine and undertake appropriate actions with respect to stopping armed attacks on aircraft and passengers engaged in international travel; to the Committee on Foreign Affairs.

By Mr. PATMAN:

H. Con. Res. 785. Concurrent resolution authorizing the printing as a House document, the book entitled, "Our American Government and How It Works: 1001 Questions and Answers"; to the Committee on House Administration.

#### PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BROWN of California:

H.R. 19816. A bill for the relief of Lan thuc Le and Nga Thi Nguyen-Le; to the Committee on the Judiciary.

By Mr. TALCOTT:

H.R. 19817. A bill for the relief of Dan Quoc Dao and his wife, Loan Thi Phung Dao; to the Committee on the Judiciary.

H.R. 19818. A bill for the relief of Dzung thi Kim Tran and Nguyen thi Tran; to the Committee on the Judiciary.

#### PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

632. By the SPEAKER: Petition of Orville L. Cain, Grass Valley, Calif., relative to redress of grievances; to the Committee on the Judiciary.

633. Also, petition of the General Executive Board of the International Ladies' Garment Workers' Union, relative to imports of women's and children's apparel; to the Committee on Ways and Means.

## EXTENSIONS OF REMARKS

### THE TRANSITION FROM WAR TO PEACE

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. SIKES. Mr. Speaker, the House has great appreciation for Secretary of Defense Melvin Laird, a long-time, outstanding Member of this body. He has gained important new laurels as the head of a great and essential branch of our Government. I take pleasure in presenting for reprinting in the CONGRESSIONAL RECORD an address delivered by Secretary Laird in Chicago on October 22 before the Chicago Council on Foreign Relations:

ADDRESS BY THE HONORABLE MELVIN E. LAIRD

The United States today is in transition from an old era to a new era; America is in transition from war to peace.

I want to talk with you about our number one goal—peace—about the policies which the Nixon Administration is pursuing to achieve it, and about a strong military assistance program as an indispensable ingredient of our strategy for peace.

The transition of our country from war to peace is seen in the steady reduction of American troop strength in Vietnam; in the decreasing American casualties; and in the declining economic burden of the war in Indochina.

Our country also is in transition from the outdated defense policy of the past—a policy in which we carried a disproportionate burden—toward a new policy of shared responsibility.

Our country is in transition from a foreign policy of confrontation toward a policy of negotiation.

These changes in our relations with other nations have a most significant impact on our domestic affairs, enabling us to begin also a momentous transition at home.

The United States today is in transition from a wartime economy to a peacetime economy. A massive shift of manpower and other productive resources is taking place. The economy is readjusting itself from pro-

duction for what once had seemed an endless war to production for peace—hopefully the first full generation of peace in the 20th Century.

Our country is in transition, as well, from a defense-dominated federal budget to one in which spending for defense is overshadowed by spending for human resources.

And, our country is in transition from military forces obtained in large part through the draft toward military forces composed increasingly of volunteers. Our objective is to reach zero draft calls by July, 1973.

The great goal we are seeking through these multiple transitions is peace for the generation of Americans now reaching maturity—a just and lasting peace, peace in Southeast Asia, in the Middle East, peace everywhere.

This goal of general peace is not a utopian dream. It is not beyond our reach. It would, of course, be utopian to expect that peace will be attained by a miraculous evaporation of the ideological differences among nations. It would be utopian to expect peace to be accomplished by the sudden disappearance of the clash of national interests or of historic antagonisms.

It would be equally utopian to expect that the goal of general peace can be reached by unilateral disarmament or by blind trust in the intentions of adversary nations.

But it is *not* utopian to believe that mankind's common interest in avoiding the potential horror of future wars can lead nations to choose other means of resolving differences.

The strategy by which we hope to realize our goal of peace is summarized in the three pillars of President Nixon's Foreign Policy for the 1970's—partnership, strength, and a willingness to negotiate.

The course which the President has chosen to attain this goal is the course of shared responsibility. It is not the path of isolationism—which history has taught us, does not lead to peace in the world. Nor is it the path of the pax Americana, which would impose on our country the burden of bearing principal responsibility for the safeguarding a peace everywhere in the world against all possible threats.

The President's course carefully maintains a level of military strength adequate to meet the threats to our security, avoiding truculence, provocation, or domination on the one

hand and, avoiding, on the other, the weakness that invites aggression.

The President's course is the path of meaningful negotiation. It is not the inflexible intransigence of non-negotiable demands, nor is it a mindless willingness to barter away our rights—or the rights of any other nation—in order to achieve agreement.

I do not underestimate the problems and the obstacles that lie along the paths we are pursuing. And I know that the question of whether we reach our goal will not be unilaterally settled by what we alone do or fail to do; for peace is not a gift that any one nation by itself can bestow on the world.

Therefore, one of the pillars of our foreign policy is this willingness to negotiate. We are attempting to give fresh impetus to the process of international negotiation. We do so both by using this practice for the settlement of our problems with other nations and also by encouraging negotiation between other states to settle problems in which we are not directly involved.

We have demonstrated our willingness to negotiate and to help others in getting to the negotiating table—in Vienna, Helsinki, Paris, New York, Washington, and several other places around the world.

Of course, if negotiation is to succeed in avoiding conflict, the willingness of one disputing party to negotiate must be matched by equal willingness on the part of other parties.

It must be clearly understood that if this mutual willingness to negotiate existed with relation to the war in Southeast Asia, hostilities there could be speedily brought to an end on terms that are fair to all parties.

President Nixon has clearly offered the elements of a just peace in Southeast Asia. His proposal has been endorsed by the Republic of Vietnam, the Republic of Cambodia, and the Kingdom of Laos. Hanoi, of course, has so far publicly rejected this suggestion as it did the President's earlier proposals for peace.

I hope Americans always will remember that neither peace nor freedom is secure if willingness to negotiate is not constantly complemented by military strength.

Recent events in the Middle East demonstrated again the value of the military strength which the United States has maintained in the Mediterranean. For more than 20 years, the Sixth Fleet has been in that

sea—visible evidence of the ability and the determination of our country to deter aggression and to protect American lives. There can be no doubt that the peaceful presence of the Sixth Fleet has been a powerful restraining influence in the Middle East.

It is impossible for any of us to know beyond doubt what the situation in the Middle East would be today if the Sixth Fleet had not been present and if steps had not been taken to augment it when the threat of a general conflagration suddenly darkened the area. I can report to you, however, the considered judgment of many leaders of the nations of Europe and the Middle East with whom I discussed this matter in the course of the recent trip which I made with President Nixon.

In summary, some leaders believe that, if the Sixth Fleet had not been there, there would be no ceasefire today in the Middle East. If it had not been there during the turmoil and conflict in Jordan, some believe the hostages would not today be free, nor would the hostilities in Jordan have come to an end so quickly and without deep involvement of other nations.

This episode graphically illustrates how military power serves the cause of peace. It shows why President Nixon regards strength as one of the three pillars of a strategy of peace.

And so I emphasize at every opportunity the importance of maintaining a military capability that will constitute a credible deterrent—a deterrent to any breach of the peace that would affect the security of the American people or their vital interests. I want to emphasize that we have been able to cut back on our military spending in 1969 and in 1970 largely as a result of progress in Vietnamization. But I must clearly point out that the cuts we have programmed go as far and as fast as we dare go in reducing our military forces at the present time. I hope that when Congress assembles again next month, it will fund fully the budget requests made by the President for our national defense.

Now, let me return to the principle of partnership, of shared responsibility.

The relationship between the United States and our friends and allies is undergoing transition. Simply stated, responsibility which we have long borne exclusively—or in major part—for peace and security is being shared with other nations. Those nations are assuming greater responsibility for their own defense.

This transition is being accomplished with especially encouraging results in the Republic of Vietnam. It has permitted us to reduce authorized American manpower levels from the 549,500 that existed when we assumed office to a new strength of 284,000 by next May.

The transition we are seeking to make is not a simple one. We are seeking to adapt U.S. policy to the realities of a world in transition and, through U.S. policy, to help guide this changing world toward lasting peace. This requires that many habits and much doctrine developed over the course of the past 25 years be modified. It is difficult to transfer to others a part of the burden which the United States has been carrying for that long period of time—even in the case of nations which have in full measure the ability and the will to assume more of the collective burden. The transfer must be gradual and must be so timed in each of its phases that excessive risks are avoided.

In many respects we already are well on the way to implementation of our new foreign policy. Since President Nixon took office in January 1969, there have been 112 foreign base reduction actions and 68 foreign base closures. These actions alone have resulted in a reduction of more than 60,000 civilian and military positions overseas.

By next spring, under present plans, the

total number of American military personnel overseas will be at least 300,000 below the level stationed abroad when President Nixon entered the White House.

The reduction of American troop levels and of American bases abroad must not, of course, leave a total vacuum. As we reduce the American presence and thereby reduce the risks to our servicemen and the strain on our economy, we also must be prepared to increase reasonably our military assistance to nations we expect to assume increased military responsibility.

Many nations are willing and able to provide manpower for their own defense but lack the means to convert it to well-trained and properly equipped armed forces. By furnishing the materiel and training support essential to the development and maintenance of such forces, the U.S. Military Assistance Program and the U.S. Foreign Military Sales Program serve as key instruments in the implementation of the Nixon Doctrine.

Unless we provide these nations further assistance, the basic policy of decreasing direct U.S. involvement overseas simply cannot be successful.

It troubles me, therefore, to report to you that the appropriation for the Fiscal Year 1970 Military Assistance Program was the lowest in the history of the program—\$350 million. Prior to 1967, the appropriation averaged around \$2 billion a year. This is a trend which must be reversed if we are to bring more Americans home from overseas.

Nations able to pay for military equipment which our national interest leads us to supply to them *do* make payment, either in cash or by a credit arrangement. The nations of Western Europe and Japan, which once received military grants from us, now *pay* for what they receive. To engage in such transactions with other nations, the Department of Defense needs legislation which authorizes the permissible levels of Foreign Military Sales.

This Foreign Military Sales authorization has been languishing in conference between the House and the Senate for several months now in a dispute over an irrelevant provision. I hope that the Congress will no longer delay action on this vital legislation when it reassembles in November.

We must help our allies compensate for the reduction in our presence overseas through increased military assistance and sales.

Korea provides a good example of the Nixon Doctrine at work. We have announced our intention to reduce the authorized strength of U.S. forces in Korea by 20,000 by the end of this fiscal year. But if our Korean allies are to shoulder more of the burden of their own defense, and if the United States is to honor its obligations to Korea, then we must assist them in carrying forth the modernization of their forces to handle greater defense responsibilities.

From every point of view—political, economic, military—it makes sense to increase the military assistance given to nations which help strengthen the fabric of world peace.

It is better to supply American equipment than American troops.

It is better for us who give as well as for those who receive. It reduces the chances that Americans will have to fight in the future. And, from the economic point of view, it is far less expensive to send equipment than to maintain our troops and our equipment for long years in foreign lands.

I cannot stress too strongly the need for increased understanding and support of this vital element of the Nixon Doctrine. A vigorous and revitalized Military Assistance and Foreign Military Sales Program is an absolutely essential ingredient of our new Foreign Policy for the 1970's. Without such a program, we will be severely restricted in our determination to honor our obligations, to support our allies and, at the same time to

reduce present U.S. forces in Asia and elsewhere while diminishing the likelihood of having to commit American ground combat units in the future.

As Secretary of Defense, I have carefully avoided optimistic predictions about future events which always are uncertain and too often beyond our control.

I do believe, however, that there is reason for satisfaction in what has been accomplished so far in making the difficult transitions which President Nixon has set in motion. The two wars that were raging when the President assumed office have simmered down. American involvement in Vietnam has been substantially reduced. A ceasefire is in effect in the Middle East.

The orderly transition course we have been following has brought progress. This progress should hearten us as we continue the unfinished work that lies between us and our goal—the firm establishment of general peace for the next generation.

#### SENATOR MUSKIE'S ELECTION EVE ADDRESS REASSURING

### HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. KYROS. Mr. Speaker, each of us today returns to this body with memories of our own election campaigns, pleasant or otherwise. Many of these recollections are highly personal. Most of our fellow Americans were involved in election activities to a far lesser degree, however, and as November 3 approached there were several newspaper accounts of general voter apathy throughout the Nation.

Then, on the evening of November 2, millions of men and women throughout the land were inspired by words which needed to be said, and said well. From their television screens, a man spoke quietly, not with a stridency of an election-eve broadcast, but with a reassuring message for Americans of all political dispositions. He spoke of the promise of our Nation and of the sense of reason, and trust, which must remain our abiding political tradition. He spoke solemnly and frankly, as is his nature. Many of us were so very, very grateful that our own thoughts and beliefs were being so well expressed, by so fine an individual.

That individual is Maine's own Ed MUSKIE, who returns to Washington with our State's trust in him newly reaffirmed. His speech and an editorial which appeared in the Portland Press Herald of November 4, 1970, follows:

[Editorial from the Portland Press Herald, Nov. 4, 1970]

#### MOMENT OF STATESMANSHIP

The degree to which Senator Edmund S. Muskie's election eve television address may have influenced the Nation's voters is only one of many campaign imponderables.

Whatever its affects may have been on the electorate, it struck us as one of the Senator's finest campaign quarter-hours.

There was nothing namby-pamby about the speech. The Senator laid it on the line. Perhaps the term "low-key" is simply incompatible with an address in which a political contender accuses the President of leading, inspiring, and guiding a campaign built on lies, slander, name-calling and "de-



ception of almost unprecedented volume." Yet that was the manner of presentation and perhaps that, as much as the content of the remarks, made it particularly effective. Certainly it was in welcome contrast to the transparent, emotional cheer-leading in which the President has indulged for several days and which has become virtually a career for the Vice President.

It wasn't so much a speech as a living room conversation. It was a Franklin D. Roosevelt fireside chat with video added. Even in its fiercest allegation it was quiet and restrained in tone. It was a presentation constructed on reason and happily devoid of the passion that has been almost the sole content of so much of the oratory from the top rank Republicans.

As this was written, millions of Americans were marking ballots all across the country. The decision, in Maine and the Nation, was still in the future. Whatever the judgment would be, Senator Muskie had brought a moment of statesmanship to what had been a noisy but barren exercise in political superficiality.

#### REMARKS BY SENATOR EDMUND S. MUSKIE

Fellow Americans—

I am speaking from Cape Elizabeth, Maine—to discuss with you the election campaign which is coming to a close.

In the heat of our campaigns, we have all become accustomed to a little anger and exaggeration.

Yet—on the whole—our political process has served us well—presenting for your judgment a range of answers to the country's problems . . . and a choice between men who seek the honor of public service.

That is our system.

It has worked for almost two hundred years—longer than any other political system in the world.

And it still works.

But in these elections of 1970, something has gone wrong.

There has been name-calling and deception of almost unprecedented volume.

Honorable men have been slandered.

Faithful servants of the country have had their motives questioned and their patriotism doubted.

This attack is not simply the overzealousness of a few local leaders.

It has been led . . . inspired . . . and guided . . . from the highest offices in the land.

The danger from this assault is not that a few more Democrats might be defeated—the country can survive that.

The real danger is that the American people will have been deprived of that public debate—that opportunity for fair judgment—which is the heartbeat of the democratic process.

And that is something the country cannot afford.

Let me try to bring some clarity to this deliberate confusion.

Let me begin with those issues of law and order . . . of violence and unrest . . . which have pervaded the rhetoric of this campaign.

I believe that any person who violates the law should be apprehended . . . prosecuted . . . and punished, if found guilty.

So does every candidate for office of both parties.

And nearly all Americans agree.

I believe everyone has a right to feel secure . . . on the streets of his city . . . and in buildings where he works or studies.

So does every candidate for office, of both parties.

And nearly all Americans agree.

Therefore, there is no issue of law and order . . . or of violence.

There is only a problem.

There is no disagreement about what we want.

There are only different approaches to getting it.

And the harsh and uncomfortable fact is that no one—in either party—has the final answer.

For four years, a conservative Republican has been Governor of California.

Yet there is no more law and order in California today than when he took office.

President Nixon—like President Johnson before him—has taken a firm stand.

A Democratic Congress has passed sweeping legislation.

Yet America is no more orderly or lawful—nor its streets more safe—than was the case two years ago . . . or four . . . or six.

We must deal with symptoms—strive to prevent crime; halt violence; and punish the wrongdoer.

But we must also look for the deeper causes . . . in the structure of our society.

If one of your loved ones is sick, you do not think it is soft or undisciplined of a doctor . . . to try and discover the agents of illness.

But you would soon discard a doctor . . . who thought it enough to stand by the bed and righteously curse the disease.

Yet, there are those who seek to turn our common distress to partisan advantage—not by offering better solutions—but with empty threat . . . and malicious slander.

They imply that Democratic candidates for high office in Texas and California . . . in Illinois and Tennessee . . . in Utah and Maryland . . . and among my New England neighbors from Vermont and Connecticut—men who have courageously pursued their convictions . . . in the service of the republic in war and in peace—that these men actually favor violence . . . and champion the wrongdoer.

That is a lie.

And the American people know it is a lie.

And what are we to think when men in positions of public trust openly declare—

That the party of Franklin Roosevelt and Harry Truman which led us out of depression . . . and to victory over international barbarism;

The party of John Kennedy who was slain in the service of the country he inspired;

The party of Lyndon Johnson who understood the fury of countless demonstrations in order to pursue a course he believed in;

The party of Robert Kennedy, murdered on the eve of his greatest triumphs—

How dare they tell us that this party is less devoted or less courageous . . . in maintaining American principles and values . . . than are they themselves.

This is nonsense.

And we all know it is nonsense.

And what contempt they must have for the decency and sense of the American people to talk to them that way—and to think they can make them believe.

There is not time tonight to analyze and expose the torrent of falsehood and insinuation which has flooded this unfortunate campaign.

There is a parallel—in the campaigns of the early fifties—when the turbulent difficulties of the post-war world were attributed to the softness and lack of patriotism of a few . . . including some of our most respected leaders . . . such as General George Marshall.

It was the same technique.

These attacks are dangerous in a more important sense—for they keep us from dealing with our problems.

Names and threats will not end the shame of ghettos and racial injustice . . . restore a degraded environment . . . or end a long and bloody war.

Slogans and television commercials will not bring the working man that assurance—of a constantly rising standard of life—which

was his only a few years ago . . . and which has been cruelly snatched away.

No administration can be expected to solve the difficulties of America in two years.

But we can fairly ask two things: that a start be made—and that the nation be instilled with a sense of forward movement . . . of high purpose.

This has not been done.

Let us look, for example, at the effort to halt inflation.

We all agree that inflation must be arrested.

This administration has decided it could keep prices down by withdrawing money from the economy.

Now I do not think they will ever control inflation this way.

But even if their policy was sound, the money had to come from someone.

And who did they pick to pay?

It was the working man . . . the consumer . . . the middle class American.

For example, high interest rates are a part of this policy.

Yet they do not damage the banks which collect them.

They hardly touch the very wealthy who can deduct interest payments from their taxes.

Rather they strike at every consumer who must pay exorbitant charges on his new car or house. And they can cripple the small businessman.

Their policy against inflation also requires that unemployment go up.

Again, it is the working man who pays the price.

In other fields the story is the same.

They have cut back on health and education for the many . . . while expanding subsidies and special favors for a few.

They call upon you—the working majority of Americans—to support them while they oppose your interests.

They really believe that if they can make you afraid enough . . . or angry enough . . . you can be tricked into voting against yourself.

It is all part of the same contempt . . . and tomorrow you can show them the mistake they have made.

Our difficulties as a nation are immense, confused and changing.

But our history shows—and I think most of you suspect—that if we are ever to restore progress it will be under the leadership of the Democratic party.

Not that we are smarter or more expert—but we respect the people.

We believe in the people.

And indeed we must—for we are of the people.

Today the air of my native Maine was touched with winter . . . and hunters filled the woods.

I have spent my life in this State . . . which is both part of our oldest traditions and a place of wild and almost untouched forests.

It is rugged country, cold in the winters, but it is a good place to live.

There are friends . . . and there are also places to be alone—places where a man can walk all day . . . and fish . . . and see nothing but woods and water.

We in Maine share many of the problems of America and, I am sure, others are coming to us.

But we have had no riots or bombings and speakers are not kept from talking.

This is not because I am Senator or because the Governor is a Democrat.

Partly, of course, it is because we are a small State with no huge cities . . . but partly it is because the people here have a sense of place.

They are part of a community with common concerns and problems and hopes for the future.

We cannot make America small.

But we can work to restore a sense of shared purpose, and of great enterprise.

We can bring back the belief—not only in a better and more noble future—but in our own power to make it so.

Our country is wounded and confused—but it is charged with greatness and with the possibility of greatness.

We cannot realize that possibility if we are afraid . . . or if we consume our energies in hostility and accusation.

We must maintain justice—but we must also believe in ourselves and each other—and we must get about the work of the future.

There are only two kinds of politics.

They are not radical and reactionary . . . or conservative and liberal. Or even Democrat and Republican. There are only the politics of fear and the politics of trust.

One says: You are encircled by monstrous dangers. Give us power over your freedom so we may protect you.

The other says: The world is a baffling and hazardous place, but it can be shaped to the will of men.

Ordinarily that division is not between parties, but between men and ideas.

But this year the leaders of the Republican party have intentionally made that line a party line.

They have confronted you with exactly that choice.

Thus—in voting for the Democratic party tomorrow—you cast your vote for trust—not just in leaders or policies—but for trusting your fellow citizens . . . in the ancient traditions of this home for freedom . . . and most of all, for trust in yourself.

## TRADE BILL TO COST AMERICAN CONSUMER \$3.7 BILLION PER YEAR

**HON. CHARLES A. VANIK**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. VANIK. Mr. Speaker, on Thursday, November 12, the Washington Post carried a front-page article about the disastrous effect the Trade Act of 1970—scheduled to be considered by the House on Wednesday—will have on the American consumer. The article cited a study by Federal Reserve Board member Andrew Brimmer that the quota bill would cost consumers \$3.7 billion a year and raise the Consumer Price Index by almost 1 percent.

As the world's leading trader with a favorable balance of trade, America stands to lose the most from any decline in world trade—and this bill will create a decline. If the Trade Act is passed other nations will retaliate and hundreds of thousands of jobs in the export market will be lost at the same time that the consumer will have to pay more.

The article is as follows:

[From the Washington Post, Nov. 12, 1970]

QUOTAS COULD COST SHOPPERS \$3.7 BILLION

(By Robert J. Samuelson)

Trade legislation establishing quotas on textile and shoe imports could cost consumers \$3.7 billion more a year by 1975, a member of the Federal Reserve Board declared yesterday.

It was the first estimate by a qualified source of the cost of the trade bill to American consumers.

The trade bill, now pending before Congress, could increase total expenditures for apparel in 1975 from \$52.7 to \$54.5 billion, and inflate the cost of shoes from \$5.9 billion to \$7.8 billion. Andrew Brimmer said in a paper prepared for delivery at the University of Maryland.

The cumulative effect would be to raise the Consumer Price Index almost 1 percent, according to Brimmer.

Though warning that the estimates should be treated with "considerable caution," he said they indicate the "rough magnitude" of the expense of protecting U.S. products from less expensive imports.

The trade bill, approved by the House Ways and Means Committee, is now awaiting action by the full House and the Senate Finance Committee. Its fate, however, is confused by the imminent resumption of negotiations between the United States and Japan over voluntary Japanese textile import quotas.

Textile quotas have been the only restrictive item in the trade bill supported by the Nixon administration.

Yesterday the Japanese ambassador in Washington predicted that a voluntary agreement would shift the government's position.

"I have no doubt that the administration would fight hard against the trade bill if we can reach an agreement," Nobuhiko Usiba said in an interview with United Press International. "I have no doubt that the administration is very much against the trade bill."

Under the bill, the volume of imports in 1971 would be restricted to the average annual level (country-by-country) of imports between 1967 and 1969. That level could be increased 5 per cent annually beginning in 1972.

Foreign textile and shoe products enjoy a significant price advantage over American goods, primarily reflecting cheaper labor costs.

According to Brimmer, the average price for an imported piece of apparel is slightly more than \$6 against an American figure of \$10. For shoes, he said, foreign imports cost only three-fifths as much as U.S. products.

Without import restrictions, this price edge could result in an expansion of foreign textile apparel to 14 per cent of the U.S. market in 1975 (against 7.76 per cent in 1969 and 5.21 per cent in 1965) and foreign shoes to nearly 70 per cent of the total American market (against 25.9 per cent in 1969 and 13.34 per cent in 1965), according to Brimmer's calculations.

The quotas in the trade bill would probably cause a contraction of imports' share of U.S. consumption by 1975—down to 6.18 per cent for textiles and 23.83 for shoes, Brimmer said.

As an alternative to quotas, Brimmer suggested that the government augment its assistance to firms in distress.

"It is far preferable to adopt more effective programs to provide retraining and transitional benefits or financial assistance for those who are displaced by competitive forces over which they have no control—whether the forces originate at home or abroad," he said.

Quotas, he contended, would provide little help to the companies most endangered by rising imports: small firms.

The textile industry, Brimmer said, "is in the process of consolidating into larger, more profitable units" capable of generating sufficient new investment to offset high labor costs. Between 1958 and 1957, for example, the number of firms producing cotton fabrics declined 30 per cent, the number making synthetic fabrics slipped 17 per cent—re-

ductions paralleled in other sections of the industry.

Brimmer's projections were immediately criticized by a leading supporter of the trade legislation.

In a telephone interview, O. R. Strackbein, Washington representative of the Nationwide Committee on Import-Export Policy, said, "There is no possible way for him (Brimmer) to establish that (the price predictions) as a fact or even a profitable fact. If he has gone through a computer process, the output is no better than the input."

Strackbein said his own studies indicate that the prices of products now subject to quotas have "lagged behind general price increases."

"The actual reason for import quotas is not to raise prices, but prevent prices from dropping to disastrously low levels," he said. Such steep declines, according to Strackbein, according to Strackbein, are "ruinous to (domestic) industry" while allowing foreign producers to maintain a profit.

## VIETNAM NEGOTIATIONS: A NEGOTIATOR'S VIEW

**HON. JONATHAN B. BINGHAM**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. BINGHAM. Mr. Speaker, Theodore Kheel, one of our Nation's foremost labor mediators, recently traveled to Paris to observe the negotiations there. His observations were published in *Interplay*, a magazine of international affairs, and were reprinted in the *New York Times* on October 30, 1970.

I feel Mr. Kheel's observations are of particular value and I include the full text of his article at this point in the RECORD:

### HOW TO SETTLE VIETNAM

(By Theodore Kheel)

As one professionally interested in negotiation, I went to Paris to see if it looked like a negotiated settlement in Vietnam is possible.

The roadblocks to analysis are immeasurable. Talks like these cannot be conducted in a fishbowl. In Paris it is only the propaganda, the press handouts, that are available for study.

But in their public utterances, interestingly enough, all participants endorse the same "final" political solution: an election in which the people of South Vietnam choose the government they want to lead them. Of course, it would be naive not to realize that, behind this apparent agreement, is concealed a basic contest over control of South Vietnam.

In South Vietnam what matters is who runs the government when an election is held. Those who start with control of the army, police and other instruments of government obviously have a decided edge over those trying to gain control. Since all negotiators seek to bargain from strength, it is not surprising that the Communists insist on getting rid in advance of our troops and what they call "the Thieu-Ky-Kheim" administration. Nor is it strange that we are opposed.

The question of control is central to the issues framed in the negotiations in Paris.

If we accept the current Communist proposals, they will surely win the election and control of South Vietnam. If they accept our proposals, the Thieu administration will win. We are anxious to end the war in Vietnam



but hardly indifferent to arrangements that would produce a Communist victory. And the same but opposite is true of the Communists.

So, it is naive to think that the North Vietnamese or Vietcong will negotiate election arrangements that begin with the Thieu Government possessing a commanding advantage. And it is equally clear that we are not about to renounce the existing leaders of the Saigon Government.

But we might be asked this question: Can we and should we treat separately our insistence that the Thieu-Ky-Khiem government remain at the bargaining table and the degree of support they should get from us in negotiation? The question seems to suggest that, to reach a negotiated settlement, we may have to do more than merely act as agent for Saigon.

Indeed, it may be that the general endorsement of an election has made the negotiations more difficult for everyone. What is really being discussed is the final political arrangements for Southeast Asia. It might be easier to do this directly.

Is there any possibility of a negotiated settlement? Its importance cannot be overstated. We may succeed in getting our troops out of the war through Vietnamization, but we shall not be able to relieve ourselves of heavy financial and material burdens except through a negotiated settlement. Nor will withdrawal of troops itself end the war.

But a settlement cannot be negotiated on a formula that spells certain defeat for either side. It can only succeed if it permits both sides to continue to exist. No negotiator will voluntarily agree to his extinction. Perhaps a settlement can be achieved through a neutralist regime. Perhaps the negotiations should be enlarged to include all of Indochina and Russia and China, as President Nixon has suggested. But it is important for us to see the negotiations for what they are: a contest for control and, in this respect, an alternative to the military conflict.

Is it possible to evolve a solution through negotiation under these circumstances? To answer this question, we must weigh the hard realities of what the participants see as their own self-interest. But if a negotiated settlement is to be achieved, one thing is clear: it must be based on some form of compromise on political control among the contending forces in South Vietnam.

#### THE NEED FOR A FEDERALLY SPONSORED FAMILY PLANNING PROGRAM

#### HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. CLAY. Mr. Speaker, controversy over birth control and family planning programs has almost totally subsided—"reason" being the victor. In fact the pendulum on this issue has apparently swung to the point where virtually no other federally sponsored community based program shares such general accord.

It is important, however, it seems to me to keep quite separate, concepts of family planning and population control. I think that point was very well made by Hon. Willie Brown, member of the California State Assembly when he testified before the Senate Committee on Labor and Public Welfare.

Mr. Brown said:

First, we should strive to maintain some differentiation between family planning and population planning—population planning is a procedure whereby a national policy is developed for all Americans whether they are rich or poor, concerning the desirability and means of controlling the rate of growth of the total population. No final program or direct services are yet available in this area.

Family planning, on the other hand, is the means whereby individual families can voluntarily select the number of children and the interval between births that best meets their needs in individual situations.

Family planning programs should be offered to the poor as a matter of equity so that they may have the same control over their lives as their more affluent neighbors. The control or limitation of population is not a feature of such programs or services.

Family planning and population control, like gasoline and alcohol, often are closely associated, but they don't necessarily mix well. While it is true that benefits from population control may be expected for the country as a whole, acceptance of family planning by disadvantaged populations as a health measure delivered in the context of a health service has been better to the extent that it presented as a personal benefit, while it is most markedly rejected when it is presented as a mandatory population planning.

I think it is clear that the Family Planning Services and Population Research Act which have cosponsored maintains the important distinction that Mr. Brown deals with. The whole thrust of the service portion of the bill is to assist individual families in making their own decisions about how many children they want and when they want them.

The emotional, health, and economic benefits to a family who can plan the arrival of an infant for a time which is beneficial to both parents and child are countless. Studies have clearly shown that poor families with fewer children: that is, no more than they desired, have a greater opportunity to move out of poverty in the short run and long run. And looking into the future, children born into a poor family with limited numbers of siblings have more of a chance to escape poverty in their adulthood than do children born into a poor family with four, five, or more brothers or sisters.

It is disturbing that while our Government spends billions of dollars on projects and activities which are completely unrelated to its citizens' well being, it cannot find adequate resources to fully fund a successful program like family planning, which is greatly in demand by poor and affluent alike because of its far reaching benefits.

I hope that the administration and my colleagues will join me in support of the Family Planning Services and Population Research Act.

#### "INSINUENDOS" AT HARRIMAN

#### HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. BINGHAM. Mr. Speaker, although Mr. Averell Harriman needs no defense against the wild-swinging attacks of Vice

President AGNEW, the record should be set straight now and again. To that end, Miss Kay Halle wrote the following excellent letter to the Washington Post last month:

#### "INSINUENDOS" AT HARRIMAN

Vice President Spiro Agnew, foreign policy expert come-lately, has recently chosen, in Cleveland and elsewhere, to level his "insinuendos" at Averell Harriman, implying—among other odd "theories"—that Mr. Harriman is soft on communism.

To keep the record straight, it was Mr. Harriman who was first to point out the threat of Soviet postwar intentions in 1944 and flew to San Francisco in 1945 to underline his warning to the American delegation and the American press at the organizing conference of the United Nations. As Mr. Harriman was a leading figure in NATO and directed the Marshall Plan in Europe which helped prevent Soviet domination of Western Europe, Mr. Agnew appears to have twisted his "facts" to suit his own fictions.

As one counter to Mr. Agnew's distortions it is worth repeating Sir Winston Churchill's judgment of Averell Harriman, given during a foreign affairs debate in Britain's House of Commons in 1951:

"I attached great importance," he said, "to the announcement that the President (Harry S. Truman) was sending Averell Harriman to Persia. He is a man who has a complete grasp of the whole world scene and a man of the highest personal capacity . . . Mr. Harriman's exertions have . . . brought the prospects of a resumption of civilized conversation much nearer than they were before." (My italics).

And it was Mr. Churchill who counseled his political colleagues: "Never fall below the level of events." Mr. Agnew reached new heights in "falling below the level of events" when he chose as his target Averell Harriman, one of our greatest and most distinguished public servants.

KAY HALLE.

WASHINGTON.

#### RESEARCH AND DEVELOPMENT ASSURES SUPERIOR WEAPONS

#### HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. SIKES. Mr. Speaker, the importance of research and development is, unfortunately, being taken for granted in some quarters. It is today's research and development that provides the weapons of tomorrow. America's declining military budget doubly emphasizes the need for adequate research and development.

An important contribution to this subject was made recently by Hon. David Packard, Deputy Secretary of Defense, at the annual convention of the Instrument Society of America Civic Center, in Philadelphia. I am pleased to submit it for publication in the CONGRESSIONAL RECORD:

ADDRESS BY THE HONORABLE DAVID PACKARD, DEPUTY SECRETARY OF DEFENSE AT ANNUAL CONVENTION OF THE INSTRUMENT SOCIETY OF AMERICA CIVIC CENTER, PHILADELPHIA, PA.

I am pleased to be with you here today at the kickoff of the Silver Jubilee Conference and Exhibit of the Instrument Society of America. I want to congratulate this Society

and all of its members for the great contribution that has been made to the development of instrumentation during the last twenty-five years. Having spent my professional career in this field, I have had the opportunity to see at first-hand the rapid development in the whole area of instrumentation and measurement in which you are involved.

As I thought about what I might discuss with you this morning, I quite naturally wanted to make my comments in the perspective of the past twenty-one months I have spent in the Department of Defense.

I am, of course, well aware that research and development supported by the Department of Defense has been a very strong factor—if not the key factor—in the development of measurement technology over the last quarter century. I plan, therefore, to talk today about where we have been and where we might be going in Department of Defense supported Research and Development.

Ever since the end of World War II research and development supported by the Department of Defense has provided the major support for expansion of nearly all U.S. technology.

This clearly has been true in the field of electronics. There defense programs have provided the main support for the rapid development of radar, new communication technology and computers.

In addition, a great deal of the technical progress in aviation has come from DoD supported research and development. All turbojet and turbofan engines used in commercial aircraft have evolved from military R & D programs. The Boeing 707 was derived directly from the Air Force C-135. Light observation helicopters developed for the Army have found many civil applications.

Somewhat less well-known is the part Defense has played in developing materials. Aluminum is found today in thousands of every-day products, but it was developed from a rare and costly metal to its widespread use today by work founded on the military need for aluminum in aircraft. Similarly, the current titanium industry is a direct consequence of Department of Defense-sponsored materials research and development.

Today, titanium alloys are used in both military and civilian aircraft as airframe structures and in the compressor stages of the engines. Without titanium no supersonic transport would begin to meet its operational demands. The corrosion resistance of titanium has put it into such civilian applications as food and chemical processing, and titanium uses in the near future will include desalination plants, steam power generating equipment, and equipment for the entire transportation industry.

In yet another area, the development of glass-reinforced plastics was the first important product in the class of materials known as composites. Rocket cases for both stages of the Polaris missile as well as for the third stage of the Minuteman missile utilize this material.

Military development of glass-reinforced plastics has spurred the civilian use of these materials in boats, truck cabs, trailer bodies, fishing poles, shotgun barrels, pipe, battery cases, storage tanks, and aerial booms for utility trucks. Glass-flake reinforced plastics are found in electrical insulation, as are polyethylene laminates in waterproof liners and containers. It is estimated that in the next five years there will be a growth of more than 300% in the commercial use of glass-reinforced plastics. Examples of estimated 1975 uses included auto, railroad and truck parts; shipping containers; mobile homes; farm equipment; tanks; pipe; ducting; boat hulls and other marine equipment; and electrical and utility equipment—an estimated

annual total usage of more than two billion pounds.

The use of satellites for communication, navigation, mapping and weather observations was initiated by the Department of Defense. This technology was rapidly transferred to the civilian sector—for example, the Comsat Corporation. The Federal Communications Commission is now considering an industrially operated satellite system to provide a television and communication transmission capability for the entire United States.

Medical contributions such as greatly improved treatment for severely burned patients, helicopter evacuation and subsequent treatment for serious traumatic injury, and a vaccine for meningitis are valuable advances grounded in DoD research, and I could cite many other examples.

This rapidly developing technology clearly gave great impetus to progress and growth in instrumentation and measurement.

It is well known that from World War II until 1960 U.S. military research and development was by far the major part of the total technological effort of our country. In 1960, for example, the DoD R. & D. budget was \$5.6 billion of a total U.S. Federal R. & D. level of about \$8.7 billion.

The space program, together with expanding defense research, brought the total U.S. government research and development expenditures to a peak of about \$13 billion in 1966 and 1967; defense was about half of that.

But now in 1970 the total U.S. government research and development is going down to a level of around \$11 billion, with both space and defense declining rapidly and with defense still about half the total.

I cannot emphasize too strongly the fact that I am very concerned about this decline in our country's total research and development effort. The R. & D. decline has grave implications for the future military strength of the entire free world. It has grave implications for the future economic growth of the United States, because defense supported research over the past twenty-five years has been a decisive factor in both this country's military capability and its economic growth.

The men who set the pattern for military research and development in the United States after World War II had great vision and wisdom. They had seen the United States leap to the forefront in world technology during that war. They recognized that technology was a basic reason why the Allies won the war; that it was such things as radar, the proximity fuse and nuclear technology that largely made the difference. They realized that a major, well-conceived program of defense research and development could help assure for the United States the military strength necessary for world leadership. More important, they recognized that defense research and development required the broadest possible base of technology and technical education. And they recognized that research and education are the job of this nation's universities; that this was where the pay-off would be the best.

I saw this military-supported combination of research and education blossom at Stanford, just as it blossomed at MIT, Cal Tech, and other universities throughout the country. It was Department of Defense support for research-and-engineering education at Stanford which enabled that university to develop into one of the great engineering schools of the world. The same progress occurred at dozens of major universities throughout the country.

The benefits from Defense-supported research and development seeped far and wide into the national economy. Your industry is a good example. There was a great deal of work during this entire period in the field of instrumentation that was not directly

supported by defense funding. On close examination, however, one can find very few areas in the field of instrumentation and measurement which did not in some way, either directly or indirectly, greatly benefit by this significant level of Defense research and development.

This span of twenty-five years which covers the history of your Society has been the era of greatest progress in instrumentation and measurement, as well as in nearly every other field of technology. The great technical progress of this era has, without any doubt, been the direct result of a continually increasing level of research and development in the United States.

But, the level of research and development is, as I said and as you know, now going down. It began to go down with the reduction in space programs. And now we are faced with the prospect of a reduction in defense programs which are still over half of the total. We were reaching the end of an era of increasing research and development budgets for the United States beginning in January 1969 as I first took on this job, but let me assure you that this was not and is not my objective.

Nevertheless, we face the possibility of continually decreasing Defense Department expenditures for research and development because of radically—and I mean that in a strict definition—changed attitudes in the universities, in the scientific community, and among some elements of the general population. These attitudes are reflected, of course, in the Congress; and they seem to be bringing about a response which, in my opinion, could result in a significant and dangerous change from the quarter century of great technological progress of the past in the United States.

There are two questions of great concern to me about this situation.

First, what does it mean for the future military capability and therefore security of our country?

Second, what does it mean for the future technological and educational base of the country and therefore for its potential for economic and social development?

Let me address, first, the impact of a lower national research and development effort on our future defense capability.

Clearly, the world is no less hostile than it has been. In fact, the threat of conflict and violence is, if anything, increasing. The Soviet Union has been building up its development and production of military weapons. At the present time the Soviet build-up of strategic nuclear forces and naval forces is more rapid than it ever has been. One can hardly deny that forces of subversion and revolution inside the boundaries of many free world countries are expanding at an alarming rate, not only in traditionally troubled areas like the Middle East, but even right here at home in the United States, in Canada and in South America.

At the present time we are from two to four years ahead of the Soviet Union in every important area of weapons technology. In strategic forces we now have better ICBMs, better ABM technology and better equipment at every level of detail that is important. The Soviets have larger missiles now because they have chosen to go that way, not because their technology is better. We now have better ships, better submarines and so forth, across the board, in nearly every area. Our weapons are better now because we developed a substantial lead in technology during World War II. And we have maintained high enough levels of research and development to stay ahead ever since. We had a scare with Sputnik but that was the result of a wrong decision on our part, not a lack of technology. There may be a Sputnik now and then in the future, but this will pose no danger as long as we maintain



our lead in technology. If we ever lose the lead we now have in all major areas of military technology, we will inevitably face the prospect of having to accept a Sputnik not just in one or two unimportant areas now and then, but the prospect of a Sputnik in every important area of military weapons, in strategic nuclear forces, in naval forces, and in conventional ground forces. No responsible administration official nor any member of Congress can afford, in my opinion, to take that gamble with the future security of our nation and the future safety of our people.

Now, I would like to make it quite clear at this point I am not just reviewing this situation to make a case for higher military budgets. In planning our military forces and developing our budgets for the future, we already have recognized the desire of President Nixon and of our people to have fewer dollars spent on defense, and more federal dollars available for non-defense programs.

We have recognized the fact that nearly all our free-world friends and allies have rapidly growing economies, and can therefore be expected to carry a larger share of our mutual defense burden. We have recognized that through negotiation it may be possible to reduce the levels of armament, particularly in the strategic areas. We also believe negotiation is the best way to resolve the problems of the Middle East and of Southeast Asia.

Given all these factors, I believe we can afford to at least level-off our expenditures for military forces, and indeed reduce them to some extent—and Secretary Laird and I have done just that.

But, as we have lower levels of forces we cannot afford to have at the same time inferior weapons. We have superior weapons now, and the reason we do is that up until this time we have had a larger and better military research and development program than the Soviet Union.

Unfortunately, the House has cut back this year our request for research and development funds, and unless we can reverse this trend there will be only one possible result—the Soviet Union will come to have a larger and better military R&D effort, and in due course, will have superior weapons in every category.

I realize that, with regard to the impact of research and development on the growth of the economy, it is not necessary that R&D be supported by the Defense Department. It can be supported by other federal funds. However, we must remind ourselves that we get a double benefit from defense supported research and development. A high level of R&D is the only way we can be assured of superior weapons in the future. And on the average, a defense dollar supporting R&D will contribute to this country's economic and social progress just as effectively as a non-defense dollar supporting R&D.

I am not particularly troubled that a few university faculties have chosen not to support defense-funded research. I do not think that has much effect on our ability to get the necessary R&D done. There are many other universities where defense support is welcome, and there are many scientists and engineers to do the work.

In summary, research and development has been a key element of our nation's strength, the sources of a better life for our people and the decisive element in assuring their security. Our society and the world around us present ever increasing demands on our imagination and technical excellence. Mel Laird and I accept our responsibility to see that these demands are accurately described to the Congress and the American people.

In the final analysis, you of the Instrument Society of America and your counter-

parts in other areas of technology, carry both the challenge and the ability to meet these demands. I am confident that you will join us in stepping up to these responsibilities.

## AN OLD SOLDIER AND NEW POLITICS

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. SCHMITZ. Mr. Speaker, at this point I would like to include in the Record the comments of a man recently retired from the U.S. Armed Forces. Mr. R. D. Patrick Mahoney fought for his Nation in World War II, Korea, and for the last 4 years in Southeast Asia. We owe him a debt of gratitude. He is good enough to tell us why he fought.

Vietnam has never been a test of courage of the American fighting man, for that has never been in doubt. It has been and is, rather, a test of the will of those 7,000 miles behind the lines of freedom forces. The will of many of those in the rear has wavered. Defeatism has assumed protean forms ranging from cries of conscience to studious realism which insists that America cannot defend freedom in many parts of the world.

The defense of freedom in many areas of the non-Communist world is on the verge of being abandoned. We cite the impossibility of imposing an American design on the rest of the planet. Instead of abandoning the method of contesting the issue widely known as limited war, which attempts to convince the enemy that aggression does not pay while at the same time promising that he will not be overthrown under any circumstances, we are contemplating abandoning the fight entirely. We are starting to confuse the results of tactical absurdity with strategic necessity. America cannot survive in a world in which the Communists have extended their sway to all other areas.

If we can be beaten into submission in Vietnam there is no reason to think that the same fate will not await us in other places, if we follow the same policy. A global retreat does not mean that we will avoid other losses as much as it means that we have forsaken our interests in many places. Do we think that we can escape an enemy who does not want a people such as ourselves to exist?

Winston Churchill's statement on the signing of the agreement at Munich is appropriate today.

And do not suppose that this is the end. This is only the beginning of the reckoning. This is only the first sip, the first foretaste of a bitter cup which will be proffered to us year by year unless, by a supreme recovery of moral health and martial vigor, we arise again and take our stand for freedom as in the olden time.

There have been over 2 million men at this point who have fought the Communist enemy in Southeast Asia. These men are not likely to forgive those who would annul their sacrifices by promoting surrender.

Excerpts from Mr. Mahoney's comments in the Review of the News follow:

### AN OLD SOLDIER AND NEW POLITICS

It doesn't seem so long ago that Boston College, my *alma mater*, was not only one of the world's great seats of learning but was also among the nation's foremost centers of anti-Communism. Well do I remember the authority with which the learned Fathers there emphasized that the Great Encyclicals of my Church teach "there can be no collaboration with atheistic communism in any manner whatsoever." Often I listened as such great teachers as Fathers Francis E. Low and John C. Ford reiterated again and again that the threat to our Church and our Nation was the Godless force of the International Communist Conspiracy. The best efforts of free men, they said, must be dedicated to its destruction. There was to be "no collaboration with atheistic communism in any manner whatsoever." It was an "inherent evil," to be destroyed as a part of the moral duty of every educated Christian.

The good Fathers were right of course. All too right. I have seen the Communists at first hand—from World War II, through Korea, and over the last four years in Vietnam and the war zones of Southeast Asia. Many of my best anti-Communist friends are still out there. Or pieces of them.

Men like Colonel Patrick Fallon, who went down from his Skyraider on July 4, 1969, defending the people of Laos. He is still missing.

Men like Green Beret "Snake" Hosking, who in Vietnam smothered a grenade with his own body so that others might live. Charles "Snake" Hosking was posthumously awarded the Congressional Medal of Honor.

Men like an Irish immigrant named Michael Murphy, who left a good job in the States because he thought he owed his adopted country something extra for granting him citizenship. Mike was an American A.I.D. man in Vietnam who organized villagers to plant their rice in peace. Michael Murphy bled to death in III Corps area of Vietnam mortally wounded by Communist terrorists.

Men like that closest of my anti-Communist friends, whose name I dare not repeat here because he has been abandoned by the inaction of his government to the hell of a North Vietnamese prison camp.

My anti-Communist friends! There is a whole lost legion of them marching the hills from Korea to Vietnam. A lost legion of the best Americans you could ever hope to know. The names and faces flood back now. The sacrifices. The commitment. It all seems so long ago, and yet it is only a month since I retired from the military.

There is a tradition that old soldiers, freshly out of uniform, are asked of the battles they fought. I expected that. I never expected to return to an America in which I would be asked *why* I fought. Why I have spent my life fighting the Communists in the uniform of my country. A student at Boston College, at my own *alma mater*, asked me that question the other day.

I replied by quoting a captured directive of the Vietcong for May 18, 1969. Typical of regular orders to the revolutionary cadre, it declared: "Each district cell must exterminate three wicked tyrants living in district seats or wards, and warn thirty other enemy personnel that they will be punished if they do not conform by rallying to our cause." It was one of a continuing series of orders for the sort of terrorism I witnessed in the ruins of Hue, where the Vietcong systematically murdered nearly 4,000 of the city's leading citizens—an eighty-year-old teacher, the priests, members of the faculty of the Hue University Medical School, and on and on.

As Stephen Hosmer described the Hue massacre in May of 1970 for the official *Rand Report*, nearly 4,000 of the city's leaders in every field were found "beaten to death, shot, beheaded or buried alive and many bodies were found bound together in groups of 10 or 15, eyes open, with dirt or cloth stuffed in their mouths."

That is why I fought. That is the face of Communism as more than a million American servicemen have now seen it. That is the war in Southeast Asia as I have seen it myself. That is what I fought to stop. What my friends died to stop. Fathers Low and Ford would understand. If they were still teaching at Boston College the student who asked *why* I fought would not have had to ask.

#### SUPPORT FOR H.R. 19519, COMPREHENSIVE MANPOWER ACT

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, tomorrow the House will consider H.R. 19519, the Comprehensive Manpower Act.

The U.S. Chamber of Commerce has prepared an excellent summary of the genesis of this legislation and the improvements which it feels the House Education and Labor Committee has made in the Senate-passed version, with particular emphasis on the elimination of categorical programs and the refinements in the public service employment program. I think my colleagues will find it helpful in preparing for the debate on H.R. 19519, and I have included the text at the end of my remarks.

I have also included a letter in support of the House committee bill from Prof. Charles A. Myers, Chairman of the National Manpower Policy Task Force. The task force provided major impetus for reform of our present manpower system and has contributed to the development of H.R. 19519 throughout the Senate and House deliberations. The Chairman's support is most appreciated.

[From Here's the Issue, Chamber of Commerce, Nov. 13, 1970]

#### MANPOWER PROGRAM REFORM

One of the first bills on which the House is scheduled to vote when it returns from its election recess is "The Comprehensive Manpower Act."

The bill (H.R. 19519) has an interesting history. A manpower reform measure requested by the Administration has been pending before the House Education and Labor Committee for many months, but passage during this session appeared unlikely. Two events changed the situation.

One was the decision to hold a lame duck session which provides necessary time, and the other was Senate passage of "The Employment and Training Opportunities Act on September 17 (S. 3867)."

Following the Senate approval, the House Education and Labor Committee, which had already held hearings, quickly went into action. A new bi-partisan bill was written in a night session, and the "compromise" bill which emerged was endorsed by the Administration.

The bill was brought to the House floor on the last day of the pre-election session, but was postponed for a number of reasons, including scanty attendance.

As now pending, the House bill is called a "compromise" with good reason. For some time it has been obvious that Congress accepts the general idea of manpower program reform. But there are quite different philosophies as to what form reorganization should take. And there are substantial differences of opinion over the magnitude and character of a proposed new public service employment program—that a Democratically-controlled Congress insists must be included in any manpower reform bill.

The question now is not so much whether the House will approve a bill, but whether amendments on the floor and actions in a subsequent Conference will move the bill in the direction of the far less desirable Senate-approved measure.

#### PROGRAMS HAVE GROWN PIECEMEAL

To understand the current controversy, it is useful to look quickly at the way in which basic problems have developed in our manpower program.

The original Manpower Development and Training Act (MDTA) provides training for the unemployed or underemployed persons who cannot reasonably be expected to obtain full-time employment without training.

Much of the impetus for passage of the MDTA came from those who regarded it as a method for dealing with the problems of workers who lived in depressed areas or were unemployed due to changes in technology. Heavy emphasis was placed on the re-training of workers.

Since that time, numerous other programs have been approved by Congress. In accord with present emphasis, most of them have been aimed at the "hardcore" unemployed and those living in the inner cities. Moreover, many of them have been designed to reach a particular "category" of workers—the poor, the young, the aged, and so on—and they are called for this reason "categorical" programs.

A few examples will illustrate both the nature of the programs and the concept of "categories."

The *Work Experience* program seeks to raise the employability of needy adults, particularly unemployed parents of dependent children. On-the-job training may be provided in the public and private sectors in such occupations as nurse aides, hospital orderlies, clerical and sales work, laboratory aides, and so on.

*Operation Mainstream* provides work-training and employment projects augmented by supportive services, for chronically unemployed adults. The projects are of a type that will improve or beautify the communities or areas where they are located.

The *Neighborhood Youth Corps*, on the other hand, is designed to help young people. It embraces three programs: (1) an in-school program providing part-time work and on-the-job training for students in high school from low-income families; (2) an out-of-school program aimed at economically-deprived school dropouts; and (3) a summer job program for these students.

The *Job Corps* is also aimed at the young people (16-21). It is a residential program of basic education, skill, training, and citizenship attitude for young men and women who are out of school and out of work, and is designed to help those who need a change of environment to develop motivation and skills.

*JOBS (Job Opportunities in the Business Sector)* provides funds to pay the extraordinary expenses of employers who hire and train the disadvantaged for permanent jobs in the company.

As the number of these programs have multiplied, other programs have been created to make them more effective.

For example, the *National Alliance of Businessmen (NAB)* does not provide jobs or set up national programs; rather, it is a merchandising mechanism to encourage local

communities to participate in the JOBS program.

The *Concentrated Employment Program (CEP)* provides a central intake center in a ghetto area for recruiting, counseling and preparing individuals to participate in other manpower programs or to place them in jobs.

As of June 1, 1970, the Labor Department estimated the total number of trainees in the Labor Department's Manpower programs at 452,975.

As the number of programs have increased, costs have also skyrocketed. Federal expenditures for manpower development and training have increased from less than \$60 million in 1963 to \$1.6 billion in 1968 and 1969. The administration has recommended a further increase to \$2 billions.

#### "HIGH COSTS, POOR RETENTION"

Despite the expenditures of vast sums of money, few, if any, people could be found to argue that the present approach has been highly successful.

The Senate Labor Committee reported: "It must be conceded that virtually all of the various manpower training programs which have developed since 1962 have fallen far short of expectations. They have been characterized by high costs, poor retention, and poor records of job placement. They have suffered from administrative disarray. They have been criticized for lack of flexibility, for failing to meet the real needs of trainees and the communities in which they live."

Undoubtedly, we need to know much more than we do about techniques for turning the hard-core unemployed into productive workers. But part of the trouble can also be traced to the number of rigid programs.

The House Committee reported: "The multiplicity of existing manpower programs were developed one by one over the last several years to meet what appeared to be the separate needs of various groups of people."

"Administrative efforts to coordinate the myriad, separately conceived, overlapping programs have not been very effective."

"The patchwork of programs and responsibilities within and among agencies has made it impossible to establish an effective Federal-State-local partnership for delivery of manpower services."

"The Nationally mandated list of disconnected categorical programs with their rigid allocation of resources and mix of services are almost inevitably unresponsive to each community's own perception of the needs of its citizens."

"The multiple funding sources, disparate administrative systems, and incompatible program standards have resulted in the words of the President of the United States, in 'an endless ribbon of red tape . . . which seriously impedes the delivery of manpower services to the persons they are intended to help.'"

What this means in practical terms was explained in somewhat simpler terms in testimony presented on behalf of the National Chamber at the Senate hearings:

"Baltimore, for example, has 25 manpower programs and 15 manpower-related programs . . ."

"The resulting confusion cannot be over-emphasized. Program content aside, employers are hard pressed even to keep informed about the merit of the various programs. A personnel director is besieged by job developers from programs that, to him, simply represent a host of alphabet-soup acronyms, such as NYC, JOBS and NAB. Each program has its own funds, its own organization, its own staff, its own objectives, its own regulations, and its own clients. This proliferation of overlapping programs is a barrier preventing personnel directors from making the best decisions about which program to use. The success of manpower programs depends on these key officials."

"Rigid categorization guidelines also inhibit the development of programs which



meet local needs. Presently, local programs are designed to fit contract specifications, rather than employer and enrollee needs.

"Another problem caused by the current rigid categorization of programs is the necessity for project-by-project contract approval. This causes many difficulties, not the least of which are time consuming red tape and delays."

#### THE SENATE'S PROPOSED SOLUTION

In its Report, the Senate Committee said it had found differences of opinion over some aspects of a solution, but in general there had been agreement that:

The various legislative authorizations should be consolidated.

A much more important role in administration should be given to elected officials in State and local units of government.

Responsibility at the Federal level should be centralized.

Manpower programs must somehow be made flexible enough to meet widely differing situations around the country and widely differing individual needs.

Although the Senate Committee thus clearly identified the direction that changes should take, there is considerable question whether the bill it approved moves satisfactorily in that direction.

The failure comes from two major sources. The bill does not go far enough in decentralizing authority to the States and eliminating the categorical programs.

It goes much too far in grafting on a huge public service program.

#### REDUCING THE NUMBER OF SPONSORS

The Secretary of Labor told the Senate Committee that his Department is dealing with over 10,000 different sponsors in administering the various programs under its jurisdiction.

To make manageable the number of sponsors and promote decentralization, the Administration proposed that the Governor of each State appoint a prime sponsor for manpower programs in his State as well as a prime sponsor for each of the standard metropolitan areas in his State—unless the highest elected officials representing 75 percent of the population of the metropolitan area agreed upon a public or private agency to serve as prime sponsor.

Under the bill, all prime sponsors would be required to appoint a manpower services council to plan manpower programs and to make recommendations to the prime sponsors. The Council would be composed of representatives of community action agencies, vocational schools, business, labor and veterans groups, and others.

The principle of a State prime sponsor was accepted—but modified as the result of the battle that has been going on throughout this session between Governors and Mayors over control of Federal funds.

The Committee went along with the Mayors to a large extent, and the bill permits each city of 75,000 population or more—and certain counties which exercise local government functions—to work directly with the Labor Department. The bill, moreover, makes it clear that these local units can by-pass the Governors, if they so desire.

#### CATEGORIZATION CONTINUED

An even worse flaw in the Senate bill, however, is its failure to move sufficiently far in eliminating the categorical programs.

If one word dominated the hearings, it was the word "flexibility." As has been noted, when programs are set up for specific categories of recipients, flexibility is lessened. The closing of a plant in a community, for example, might suddenly require emphasis on re-training older workers—and yet all the funds available could be those earmarked for training high-school dropouts.

The Senate bill eliminates some of the categories, but it retains most of them under the direct operational authority of the

Secretary of Labor. Moreover, it creates additional new categorical programs. For example:

A community environment service would be created to provide full-time and part-time jobs for persons "to help restore a livable environment in urban and rural areas."

The Secretary of Labor would also enter into contracts with public or private employers to upgrade employees, to provide funds for job opportunities for "low-income persons who are unemployed or underemployed", and to carry out a special program to provide business management education and training.

In short, the Senate bill will perpetuate many of the problems stemming from the system of categorization and create new ones

#### PUBLIC SERVICE EMPLOYMENT

At the same time that the Senate bill does not go far enough in "de-categorizing" programs, it goes much too far in emphasizing public service employment.

The Committee stated flatly that it developed the bill to meet "the twin crisis—widespread unemployment and seriously inadequate public services."

In doing so, it changed substantially the purpose which has hitherto been dominant of "alleviating the plight of those who have been variously termed, the disadvantaged, the hard-core unemployed, or the poor."

Essentially, the bill provides that prime sponsors submit a plan to the Secretary of Labor for putting the unemployed and the underemployed to work in public programs, such as health, public safety, education, transportation, recreation, waste removal, pollution control, housing, neighborhood improvement, etc.

Under the plan, the Federal Government would pay 80 percent of the cost—estimated at \$5,000 per job per year. Thus, about 250,000 jobs would be created for each \$1 billion appropriated.

Justification for believing that a bill which started out to improve our manpower services is being converted into a giant public service employment program can be found in the way that funds are to be distributed.

The bill proposes a basic authorization of \$2 billion for fiscal year 1972; \$2.5 billion for fiscal year 1973, and \$3 billion for fiscal 1974.

But consider: Only one-third of this amount would be used for the comprehensive manpower programs to be run by the prime sponsors.

One-third would remain in the categorical programs.

One-third would be put into the new public service employment programs.

And that is not all. The public service program would be granted an additional authorization ranging from \$750 million in fiscal 1971 to \$1 billion in 1972, and which would grow thereafter.

Supplemental views by Senator Dominick (R-Colo.) and others point out:

"The bill provides only the most minimal link between the public service employment program and the basic manpower delivery system provided in the bill. Very likely, the large bulk of public service job programs . . . would . . . be conducted independently of the basic manpower program."

"We hold it a crucial concept that the role of the public service employment in the manpower program should be one of providing temporary jobs as part of the preparation of disadvantaged individuals for placement in unsubsidized public and private employment . . ."

In practice, it is virtually certain that the \$4.5 billion earmarked for public service employment is so large as to prevent any meaningful training from taking place.

The intention to integrate public service employment into manpower programs is a noble objective as yet unaccomplished in other smaller manpower programs.

Sar Levitan, a noted manpower expert, recently pointed out:

"More recent experience with public employment programs has been less favorable. The Work Experience and Training program initiated under the 1964 'War on Poverty,' for instance, was addressed to a potential clientele numbering more than two million, and it was hoped that eventually the program could reach the majority of these people. By 1968, the program had been dropped, with general agreement that it fell far short of intended goals."

"Out-of-school NYC, another antipoverty effort, started out with high hopes and reached a point where 189,000 slots were planned in fiscal 1966. Here, too, performance was judged to be deficient, and the program has long since been cut back to some 30,000 slots."

"Only Operation Mainstream, a public works program, serving mostly older workers in rural areas, has been favorably received, although it has remained a very modest effort . . ."

"Many public employment projects were merely stopgap measures, with few permanently beneficial effects and even questionable impact at the time. Perhaps such jobs were preferable to income transfers, but they were hardly equal to manpower services with a long-run payoff."

Although authors of the bill would dispute it, the size of the program gives grounds for believing that the concept of public service employment is being changed into the "employer of last resort" concept, which in practice generally evolves into the creation of "make-work" jobs.

A Chamber spokesman told the Committee:

"Our experience with NAB demonstrates that the 'last resort' employment will be untenable, if for no other reason than that the potential trainees for such a job just won't buy it. Retaining the disadvantaged, chronically unemployed is difficult at best when the job is 'meaningful.' If the 'job' is merely a 'make-work' job that is simply an income supplement, a disadvantaged person is no more likely to stay in that job than he is in a job as a low-paid dishwasher."

#### HOUSE BILL IS BETTER

The bill (H.R. 19519) on which the House will vote holds far more promise.

Like the Senate bill, it permits each State and the cities to apply to the Secretary of Labor for the role of prime sponsor of manpower programs in its areas—although the House bill sets the city population at 100,000 rather than as 75,000 as in the Senate bill.

The major advantages, however, come from the House bill's treatment of the (1) categorical programs; and (2) public service employment.

The rigid categories are eliminated. The whole present array of specialized services is authorized, but the programs are lumped broadly together, so that, in the words of the Committee, local administrators are given "maximum flexibility in determining the appropriate mix of services which will best meet local needs."

This approach was endorsed by the National Chamber in a letter to the Education and Labor Committee:

"The consolidation of manpower programs will permit the development of truly comprehensive local manpower programs. The present proliferation of categorical programs is the problem most commonly cited by our members in their criticisms of manpower programs."

The letter further pointed out:

"The second great advantage of the House-drafted bill over the Senate-passed bill lies in the fact that its public service employment program is of sufficient size to cope with the current needs in the public sector, and yet is reasonably limited to permit proper administration."

The basic authorization of \$2 billion for FY 1972, \$2.5 billion for 1973, and \$3 billion for 1974 is similar to the Senate bill, but these sums include the public employment features. The House bill would require something less than 20 percent of the total be spent on the public service feature, whereas the Senate bill not only provides that one-third be devoted to this purpose, it adds huge additional funds.

The great danger, of course, is that the House bill will be substantially weakened, before it is voted into law, either through the addition of categorical programs or by greatly expanding the public employment program.

—  
MASSACHUSETTS INSTITUTE OF  
TECHNOLOGY, ALFRED P. SLOAN  
SCHOOL OF MANAGEMENT,  
Cambridge, Mass., October 30 1970.

HON. WILLIAM STEIGER,  
U.S. House of Representatives,  
House Office Building,  
Washington, D.C.

DEAR REPRESENTATIVE STEIGER: Sir Levitan has sent me copies of H.R. 19519, in which you joined with Representative O'Hara in introducing in the House on October 5, 1970, along with the Report on the bill and the Manpower Administration's comparison of this bill and S. 3867.

I have read these with great interest, because it seems to me, as Chairman of the National Manpower Policy Task Force, that this bill contains many of the best features of earlier bills, without some of their faults. It comes closest to what the Task Force recommended in its published statement of February 1970.

While I may personally differ with the bill on some points, I like its emphasis on occupational upgrading, and the mandatory link with the Public Service Employment program in Title II. It is important to have those newly hired in public service employment move up the occupational ladder, or out into better private sector jobs than they might otherwise have achieved directly.

This bill also avoids the special categories which bothered me in the Senate bill. While I agree with the 18.75% of funds to be set aside for public service employment, this is much less categorical and rigid than the Senate bill which specified much larger dollar amounts. The requirement that "to the maximum extent feasible," these funds be spent through prime sponsors' plans at the city and state levels is also in line with the need to decentralize the development and administration of comprehensive manpower programs.

I hope very much that the House and the Senate will act favorably on this bill when the present session of Congress resumes next month. Other members of the Task Force have been urged to give you the benefit of their individual views, since our next full meeting is not until November 18-19, 1970.

Sincerely yours,

CHARLES A. MYERS,  
Professor of Industrial Relations.

#### THE POLLUTED OCEANS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. DINGELL. Mr. Speaker, the Christian Science Monitor of October 3-5, 1970, carried an excellent editorial entitled "The Polluted Oceans." So that my colleagues will have an opportunity to

read this editorial, I include its text at this point in the RECORD:

#### THE POLLUTED OCEANS

Capt. Jacques Cousteau, the French oceanographer, has added his voice to those who warn that not only the lands, and the air we breathe, but the great oceans are being polluted by man.

The warning is sharp and timely. As Captain Cousteau says, "All pollution, including that of motor vehicles, ends up in the sea." One estimate is that mankind has added a half-million different substances to the oceans, many of them harmful to fish, plankton, crustacea or to the small free-floating plants called diatoms which supply at least half the world's replenishment of its oxygen.

Remember that Thor Heyerdahl, crossing the Atlantic in his papyrus reed boat, said his crew could not always fill their tooth mugs from the ocean, because the water was dirty! What goes into the ocean? (Indeed, what doesn't!) Oil, lead, mercury, nuclear waste, chemical effluents, war gases, pesticides, detergents. Most everything liquid that men throw away reaches the sea, unless it decomposes very rapidly.

Captain Cousteau spoke his mind to committees of the Consultative Assembly of the Council of Europe, meeting in Strasbourg. His view is that Europe, along with the United States and Japan, is responsible for 70 percent of the world's pollution. He argues that a Europe-wide organization should tackle the whole pollution problem, ahead of the United Nations—because the UN includes many underdeveloped countries which would disclaim major responsibility.

American officials estimate that some 13 million tons of oil have gotten into the oceans—oil spillage from tankers, freighters and rigs, waste motor oil, waste gasoline, various solvents. Oil floats on the surface, cuts off light and air, harms marine creatures generally. As for lead, it is found in remote seas at seven to 10 times the normal level. Radioactive substances are found in all oceans and in all marine organisms.

Captain Cousteau has his own "distress plan" which extends to all pollution. He would educate public opinion, end overpopulation, persuade states and industries to "clean up" their messes through tough regulations and international sanctions if need be, and stop the use of the oceans as a "nuclear refuse bin."

The nations of the world should be immensely alert to this peril to the seas. It is proposed now that the oceans be mined, and farmed. Mining could mix the deep and surface waters, again harming sea life. The oceans are mankind's last frontier. Should they become seriously polluted, humanity's prospects of survival on earth would be very dim.

#### SIX AMERICAN POW'S DEAD, HANOI SAYS

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. SCHMITZ. Mr. Speaker, We have just learned of the deaths of six American prisoners of war being held in North Vietnamese prison camps. I would like to express my sympathy for the families of these men. I would like to express my lack of sympathy with present policies in regard to Vietnam which are content to abstain from the use of the force necessary to secure the release of our men in Communist prison camps.

A story in the New York Times quotes the North Vietnamese Communist spokesman, Cora Weiss, to the effect that the release of the names of the men who died, and four others which are still alive, show that the North Vietnamese are following a humanitarian policy toward our men. This is one of the most cynical statements it has ever been my displeasure to read.

The Communists total noncompliance with the Geneva Convention of 1949, to which they are a signatory, and the reports of those few prisoners who have been released indicate that the medical care being received by our men is inadequate. To cite cases of men who have died, and whom might have been saved had modern medical facilities been available, as indicative of North Vietnamese humanitarianism is absurd and malicious.

President Nixon's Director of National Security Affairs has plainly stated that:

It is very hard to see what we could do in Southeast Asia that would produce a direct confrontation with the Soviet Union.

This is a far cry from Dean Rusk's lamentations regarding Vietnam that:

We could let this move into a general war that would knock out 300 million people in the first hour.

It is heartening to see that the policy we are following in Vietnam is no longer dictated by paralyzing fear of the Soviet Union. It is difficult to see why, with this fear factor removed, we do not initiate positive efforts to secure the release of our men. A positive effort in war consists in attempting to impose one's will upon the enemy. The means used to secure compliance is the necessary force.

The New York Times article of November 14, 1970, follows:

#### SIX AMERICAN P.O.W.'S DEAD, HANOI INFORMS A PEACE GROUP

North Vietnam has disclosed that six American servicemen it held prisoner have died. Hanoi also confirmed the identities of four additional American prisoners.

A Government spokesman in Washington said this was the first information that any prisoners had died in North Vietnam.

The announcement was made at a news conference here yesterday by Mrs. Cora Weiss, co-chairman of the Committee of Liaison with Families of Servicemen Detained in North Vietnam, a New York-based peace group.

Identification of the four new prisoners brings to 339 the number of American prisoners confirmed by North Vietnam. The previous belief, based on information supplied to a visiting peace group in Hanoi last June, was that a list of 335 men was final and complete.

The Defense Department challenged this figure at the time, asserting that it believed 376 men were held by Hanoi.

#### PROVIDES HOPE FOR FAMILIES

United States officials said yesterday that the confirmation of the four new names "reopens the list and provides hope for the families of men whom North Vietnam still has not supplied any information about."

According to the Pentagon, 780 men are officially listed as missing in action over North Vietnam, with 1,525 missing in all of Southeast Asia.

Three of the men Hanoi has now confirmed as prisoners had been listed by the Pentagon as presumed captured. They are Lieut. Cmdr,



John H. Fellowes of Virginia Beach, Lieut. Col. George Everett Day of Glendale, Ariz., and Lieut. James J. Connell of Wilmington, Del.

The fourth, Maj. Ben Marksbury Pollard of Colorado Springs, had been listed as missing in action but there had been no indication that he had been captured.

#### NAMES NOT RELEASED

The six men said to have died in prison had been listed by the Defense Department as presumed captured.

Mrs. Weiss refused to release the names of the six dead men because of what she termed family reasons. She did not provide any information on how or when the men had died.

She said she had informed the men's families of the deaths.

A State Department official said: "There is grave concern over the news, since no information has been supplied on the date or circumstances of the men's deaths."

He added that the men's families had been told previously that the men were alive.

The Committee of Liaison was organized in December, 1969, with the agreement of the North Vietnamese, to transmit letters from prisoners to their families in the United States. At the news conference, at the Hotel Diplomat, Mrs. Weiss said that with the recent arrival of 571 letters the committee had received a total of 2,203.

She asserted that the arrival of the letters and the disclosure of the four names "shows that the North Vietnamese are following a humanitarian policy toward the prisoners."

#### RICHARD CARDINAL CUSHING

#### HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. BOLAND. Mr. Speaker, I want to join you in paying tribute to Richard Cardinal Cushing, probably the most celebrated and most beloved Catholic churchman of his era. It is something of a cliché—indeed, it is as threadbare a cliché as any in the stock of obituary writers—to say someone was a "man of the people." In Cardinal Cushing's case, however, the phrase is accurate. He would have no part of the patrician aloofness usually associated with princes of the church. Dancing a clumsy jig with old ladies in a nursing home, cheering the Red Sox in a voice as rough hewn as his broad Irish face, playing Santa Claus at the home for retarded children he founded, Cardinal Cushing had a boundless enthusiasm for life. Afflictions that might have crippled a lesser man—cancer, emphysema, ulcers—did not dim his spirit or dull his wit.

Cardinal Cushing himself admitted he was no theologian or scholar. He took leave early from the first Ecumenical Council—a council he helped create by his lifelong belief in religious liberty—because he could not understand Latin. What he could do is raise money, and he did it astonishingly well. He built up the modern archdiocese of Boston virtually singlehandedly, raising \$100 million for projects ranging all the way from hospitals to sports leagues for children.

Yet the money he raised with such uncanny skill did not touch his personal life. Born in a shabby walkup tenement in turn-of-the-century South Boston,

Cardinal Cushing lived simply and frugally all his life. When he became archbishop of Boston, for example, he summarily dismissed the retinue of servants his predecessor had employed.

His humanity, his compassion, his love for people of all religions and all walks of life earned him the affection of millions.

I put in the RECORD at this point, Mr. Speaker, a TIME magazine article that eloquently sums up the cardinal's life:

#### BIG MAN IN A LONG RED ROBE

To the many who knew him and the millions who watched him from afar, the life of Boston's Richard Cardinal Cushing was a montage of endearing and memorable vignettes. In some of them he was the Populist Prince, handing out miniature liquor bottles at an old folks' home ("Holy water! That's what it is! But don't sprinkle it around. Pour it down!"). In others he was the Court Clown mugging shamelessly in a sailor's hat or a baseball cap. On a cold November day in 1963 he was the nation's own Job, his prayer cracking with grief as he called on the angels to carry his "dear Jack" to Paradise.

Behind the many roles was a man solid and roughhewn. The son of an Irish-born blacksmith, Cushing had a face like a Connemara bogman and a voice like coal rattling down a chute into a South Boston basement. He seemed not so much to live life as to wage it, suggesting that the years were too short for what he had to do. Only his huge energy obscured the truth about how long, and how seriously he had been ill. For years he fought off migraine headaches, ulcers, asthma, and emphysema—the latter two so debilitating that he had to keep oxygen at his bedside. Cancer was also an old enemy and, as it turned out, the final one. When he died last week at 75, the disease had so ravaged Cushing's 6-ft. frame that he had wasted from a robust 200 lbs. to a mere 140 lbs.

#### ONE-DAY RANSOM

Less than two months ago, in a dramatic changing of the guard (TIME, Sept. 21), Cushing turned over his diocese to the Most Reverend Humberto S. Medeiros, an activist bishop who had previously headed the diocese of Brownsville, Texas. "The will to live will be gone," predicted an old friend. Said another: "He's not able to do anything else except be Archbishop of Boston."

Yet Cushing never sought the role that he retained for 26 years. From the beginning, he wanted to be a missionary. In 1962, he tried to resign in order to finish his career in the missions of Latin America. Instead, he remained a founder—and funder—of mission work, even establishing his own Society of St. James the Apostle for work in Latin America. His ability to raise money for the church at home and abroad was prodigious—a total of more than \$100 million in 26 years. Just before Christmas in 1961, he raised \$2,900,000 in cash in one day to ransom the Cuban prisoners captured in "dear Jack's" Bay of Pigs invasion.

Part of Cushing's ability to sell a cause was surely his own quiet example of personal austerity: he joked about his official residence being "the biggest joint on Commonwealth Avenue," but his personal life within it was simple and frugal. Once he amazed a visitor by proudly showing off a \$3 pair of black loafers he had picked up at Filene's basement. Part of his effectiveness, too, was Cushing's broad, transparent humanity, which seemed to embrace not only every faith but even, on occasion, rather conflicting ideologies. "He had a good word to say for everyone who came down the pike," explained an admirer in discussing Cushing's mixed bag of enthusiasms. He was an early, lifelong member of the N.A.A.C.P., and the first Catholic prelate to urge his flock

to attend Billy Graham's crusades. He could also praise the anti-Communism of the John Birch Society and write a glowing foreword to a book by the director of the Moral Re-Armament movement.

#### GOD KNOWS

He had an invincible, perhaps sentimental belief that people could be wrong but not really bad, and that, in any event, it was not the place of one human to judge another. When some Catholic churchmen criticized Jacqueline Kennedy's marriage to the divorced Aristotle Onassis, it was Cushing who chided them. "Only God," he said, "knows who is a sinner and who is not."

Rightly but a shade too formally, some Bostonians called him "the Cardinal of Charity." That he was; and for it, both Catholics and non-Catholics in the U.S. honored Cushing with an affection exceeded only by their love for Pope John XXIII. The affection followed him everywhere, but nowhere did it surround him more warmly than on his visit to the annual Christmas party at St. Coletta's, an institution for "exceptional" children he founded in Hanover, Mass.

The cardinal never missed the party, even putting on his "red dress" for the occasion because the children liked it. One small boy at the school may have spoken for much of the world when a radio reporter asked him to describe Santa Claus. "He's big, and he wears a long red robe," said the child. "And," the boy continued, talking out of the side of his mouth in a raspy voice, "he talks like this."

Fittingly, Richard Cardinal Cushing was buried last Saturday in a simple crypt in the chapel at St. Coletta's, "facing the children," as he had wished.

#### REPORT TO CONSTITUENTS

#### HON. THOMAS J. MESKILL

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. MESKILL. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following report to my constituents:

CONGRESSMAN MESKILL REPORTS TO YOU  
WASHINGTON, D.C.,  
October 1970.

DEAR FRIENDS: The adjournment of the 91st Congress will mark the end of my two terms as your Congressman. The four years I have spent in Washington have proved exciting, educational and fulfilling.

I appreciate your many letters and visits, informing me of your views on national issues and pending legislation. Your Congressman is your voice in Government. You have an obligation to transmit your opinions to him and he has the responsibility to answer to you for his actions. I tried to effectively represent my District and trust you have found me to be a dedicated, responsive Representative.

At this critical juncture in our history I urge your active participation in the affairs of government. All citizens must realize that to enjoy the rights and privileges of a democracy they must meet the responsibilities inherent in such a society.

Thank you for giving me the opportunity to serve as your Congressman.

Sincerely,

TOM MESKILL.

#### BILLS INTRODUCED

Key measures I introduced in the Second Session of the 91st Congress are listed below. Some of these bills I consider to be among the most important I have sponsored in my two terms. These bills cover a wide

range of issues aimed at alleviating pollution, crime, drug abuse, unemployment and other crucial problems facing the nation today.

H.J. Res. 1106: Equal Rights Amendment.  
H.R. 15693: Prohibits use of the mails for unsolicited salacious advertising (passed by the House).

H.R. 16575: Amends the Internal Revenue Code to encourage higher education.

H.R. 17217: Extends to all unmarried individuals the full tax benefits now enjoyed by married individuals filing joint returns.

H.R. 17349: Provides funds for mortgage financing at reduced rates of interest to low- and middle-income families (now public law).

H.R. 17602: Provides for drug abuse and drug dependency prevention, treatment and rehabilitation programs.

H.R. 17825: Omnibus Crime Control and Safe Streets Act Amendments.

H.R. 18402: Suspends U.S. aid to nations failing to curtail drug traffic.

H.R. 18533: Establishes a Commission on Long Island Sound to formulate a plan for the development and protection of the area.

H.R. 18592: Regulates dumping of industrial wastes into U.S. coastal waters.

H.R. 18737: Insures that modern construction methods, including pre-fab and modular units, will be used in building of federally assisted housing.

H.R. 18724: Creates a tri-state Metropolitan Drug Addiction Control Agency for the major counties of New York, New Jersey and Connecticut.

H.R. 18901: Establishes a Commission to investigate the adequacy of the physical and mental examinations conducted by the Armed Forces for selective service registrants.

H.R. 19164: Authorizes research and educational programs to facilitate transition to a peacetime economy.

H.R. 19257: Authorizes a study of national policy regarding dumping into the oceans.

#### JUDICIARY COMMITTEE

In this session I became the ranking Republican member of the Immigration and Nationality Subcommittee and cosponsored legislation to further ease the restrictive and discriminatory aspects of our present immigration policy.

The emphasis of the Immigration and Nationality Act Amendments of 1970 is focused on (1) re-uniting families by easing restrictions on the immigration of certain relatives of U.S. citizens and permanent aliens; (2) redistributing visa numbers among the various preference classes to supply the country with professional, skilled and unskilled labor for occupations now experiencing shortages in the domestic labor markets.

#### POST OFFICE AND CIVIL SERVICE COMMITTEE

Comprehensive postal reform was one of the most important legislative packages of this session. As a member of the House Post Office and Civil Service Committee I am proud to have been a part of the 18-month effort of reorganizing the antiquated Post Office Department into a modern, self-supporting mail service.

The Postal Reorganization Bill of 1970 establishes the Postal Service as an independent agency. Necessary management flexibility is provided and all classes of mail will bear a rate in relation to the cost of delivery. The new Postal Service ushers in an era of dignity and respect for postal employees by providing for collective bargaining and abolishing political involvement in appointments and promotions.

#### CONGRESS IN 1970

Although Congress has been criticized for not solving all of our national crises in one massive outpouring of funds and legislation, I believe that as never before the voice of the people was heard throughout the halls of Congress during this second session.

In response to the demand for a Congress responsive to the critical issues of the day, we have tried to meet our responsibilities in education, in health, in housing, in anti-pollution measures, in public works, in the problems of minority groups and in the lot of the average working person. You might say that the legislation we enacted reflects our interest in human beings and our concern to provide the people of this country with the better life.

A brief synopsis of House action and my position on the more crucial issues facing our nation follows:

#### Congressional reform

For the first time since 1946 the House passed legislation to update Congressional procedures.

The Congressional Reform Act of 1970 incorporates a wide variety of changes but the most important provisions are those to end secrecy in the House. The legislation requires all votes taken in closed committee meetings to be made public, listing how each member voted, and ends the non-record voting by which most issues are decided in the House. This legislation will enable constituents to better determine how their individual Representatives cast specific votes.

I favored this legislation as I consider it urgent that the legislative body be strengthened and its operations simplified so it can once again become a co-equal branch of Government with the Executive and responsive to the public will.

#### Economy

Rising costs are placing enormous pressures on the pocketbooks of wage earners, housewives, farmers and retired people. Those on fixed incomes suffer the greatest and I fully support automatic Social Security cost-of-living increases.

Inflation is gradually but surely being curbed by controlled spending by the Federal Government itself. It may hurt to bring our Federal budget into balance but in the long run it will be far less painful than the alternatives, which are unending increases in living costs and, eventually, bankruptcy for the people and their Government.

Connecticut has been severely affected by huge cutbacks in military spending. Many small defense-oriented industries are facing financial difficulties, and unemployment in some of our cities is far above the national average.

To minimize the impact of defense production cutbacks on our economy and to facilitate the national transition from a wartime to a peacetime economy, I introduced the Conversion Research and Education Act of 1970. This is possibly one of the most important bills of the second session.

Realizing that our economy cannot long sustain the present rate of unemployment, I also sponsored legislation designed to stimulate useful employment in areas suffering from inordinately high rates of unemployment.

#### Environmental protection

The 1970s must be the Environmental Decade if we are to provide for man's survival, much less the amenities of a pleasing life.

"Environmental concerns" encompasses not only air and water pollution but also population, food and nutrition, parks and open space, plants and wildlife, chemical and thermal pollution, noise control, disposal of man's trash and conservation of natural resources.

With a long-standing interest in conservation I have supported passage of environmental legislative measures and have introduced in this session alone six bills to help alleviate our polluted world. These range from providing Federal assistance for programs to recycle solid waste materials to establishing an Intergovernmental Commis-

sion to develop a comprehensive plan for the future development, protection and administration of the natural resources of Long Island Sound. I am also fighting to save Connecticut's wetlands and for continued Federal funding of the Milford Laboratory.

#### Welfare reform

For years we have followed the depression-born "service" approach to social welfare whereby the Government itself tried to provide "services" such as shelter, food, training and medical care. In many cases the programs failed because too much of the money went for administrative bureaucracy and too little reached the needy.

For the first time since the 1930s the House has acted to completely restructure our present ineffective welfare system. Substituting a "workfare" approach, the House passed its version of the President's Family Assistance Plan and is awaiting Senate action. However the differences are finally resolved, the important result will be to throw out the present system which breeds more dependency and poverty than it corrects and replace it with a new foundation on which to build more farsighted, productive programs.

#### Crime

To combat the terrifying escalation in crime the House passed the Safe Streets and Omnibus Crime Control Act Amendments, providing help to local law enforcement officers, and the Organized Crime Control Act, aimed at eliminating crime syndicates.

While these measures will provide the tools to combat crime, at the same time we must heed the advice given by Chief Justice Warren Burger in his "State of the Judiciary" address. Our judicial system needs to be completely overhauled and more judgeships created to alleviate the backlog of cases.

I recently accompanied the Select Committee on Crime on a tour of the Meriden School for Boys and Long Lane School for Girls. This visit forcefully impressed upon me the need to reorient our approach to the treatment of juvenile delinquents. I have urged creation of an Institute for Continuing Studies of Juvenile Justice to redirect our whole approach to the problem of juvenile delinquency.

#### Drugs

There can be little doubt that the nation is faced with a drug problem of near epidemic proportions. Several provisions of legislation I introduced to help solve this problem were incorporated into the recent House-passed Drug Abuse Prevention and Control Act. This bill provides broader enforcement powers against illegal drug traffic and authorizes funds for drug abuse education and for treatment and rehabilitation of addicts.

I have introduced legislation to create a tri-state Metropolitan Drug Addiction Commission to be the only drug addiction control agency in the 22 major counties of New York, New Jersey and Connecticut. Coordination of our regulatory and enforcement efforts on the federal, state and local levels is the only way in which we can effectively deal with narcotics addiction and the crime which it produces. Another bill I cosponsored authorizes the President to suspend economic and military assistance under foreign aid programs to any country which fails to curb its drug traffic.

#### FEDERAL TAX DOLLARS FLOW TO THE SIXTH DISTRICT

One of the duties of a Congressman is to help the people and the communities he represents to benefit from Federal programs enacted by Congress. The figures listed below are a sampling of major Federal grants and contracts to governments, firms and other organizations in the Sixth District since January 1, 1970. The compilation is not complete since many of the Federal agencies



could provide information only on amounts granted through June 30th.

These figures are not meant to be an indication of the total expenditure of Federal funds in our area since such major items as Social Security, Veterans and Civil Service pension benefits, educational assistance, Federal and postal employees salaries, most student loans and small business loans and some long-term projects and contracts are not included. The Sixth District benefits, in addition, by programs which affect more than one district or are state-wide in scope. In many areas these figures show that available funds fall far below the level of needs in our District. They point up the need for prompt enactment of a program of Federal revenue-sharing with state and local governments.

	Total since January 1970
<i>Federal agency and project</i>	
Department of Defense: Materiel for aircraft ships and submarines	\$65,240,000
National Aeronautics and Space Administration: Life support systems, aircraft products	15,144,000
Department of Housing and Urban Development: Urban renewal, low rent housing, water and sewer projects	13,164,274
Department of Interior: Water pollution control facilities, park sites	3,285,600
Department of Transportation*: Transportation improvement programs, paving, landscaping	1,325,524
Office of Economic Opportunity: Headstart, legal aid, community action programs	414,718
Department of Agriculture: Rural community sewer systems	385,760
Post Office Department: Acquisition of sites, equipment	335,500
Department of Justice: Law enforcement	186,490
National Science Foundation: Research	70,120
<b>Total</b>	<b>99,551,986</b>

\* Does not include funding from the Highway Safety Bureau or Federal Aid to Airport programs.

Grants from the Department of Labor for fiscal year '70 for job training, work incentive programs and youth corps totaled \$14,784,940.

Grants from General Services Administration for fiscal year '70 for supplies totaled \$14,560,414.

#### COMPETITIVE STATUS OF THE UNITED STATES IN WORLD TRADE

**HON. ROBERT L. F. SIKES**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. SIKES. Mr. Speaker, there are many, in and out of Congress, who are greatly concerned with the serious and increasing threat to American industry and American workmen from foreign competition. This is well brought out in a statement by Mr. O. R. Strackbein before the U.S. Tariff Commission on November 4. It is particularly apropos that his comments be studied in advance of the trade bill which is to be considered in Congress this week:

#### COMPETITIVE STATUS OF THE UNITED STATES IN WORLD TRADE

The factors of competition in world trade have undergone a transformation in recent times because of the technological revolution. The possession or nonpossession of favorable natural resources of climate, soil, water, minerals and other elements that underlie advantages of production, is no longer the principal determinant of competitive status in world trade that it was before technology took a hand. The virtual ousting of natural rubber and silk by chemistry offers a good example. Substitution of one product for another, abetted not only by chemistry but by metallurgy, mechanical innovations and discoveries, has upset earlier natural advantages or transformed them throughout the world on a broad scale.

The great economic and industrial advancement of Japan serves as the best example. Without modern technology, a country so poor in natural resources could never have moved to the forefront as did Japan. Had that country been guided by the principles of free trade it would never have got off the ground industrially.

Nevertheless, no country is uniformly competitive on all fronts in all products. Even in technology there is no magic that overcomes all economic disadvantage at one time. Also, technology is not evenly distributed, so to speak, even within the same country among all industries and elements of production, including managerial energy and competence. Beyond that, technological advancement, like inventions, cannot be scheduled.

Therefore no country can be expected to be a leader in all items of production at any time. Moreover, it may lead in one field or complex of products for some years only to be surpassed another time; or, where it lagged in some segment it may come to the forefront because of some new discovery or invention.

If the technological disturbance is not enough to upset the fine equation of absolute or comparative advantages as it may exist at least theoretically at a given time, the appearance on the scene of the managed economy, quite surely completes the demolition. Few theories, free trade not excepted, can withstand the frustrations, disruptions, distortions and interferences produced by economic regulation that is the product of political considerations. Here is the pitfall of much economic theory. That fact no doubt explains the unabashed pragmatism that rules the roost today in the political-economic world.

To assess the competitive status of the United States in world markets and within this country *vis-a-vis* imports becomes a matter of fact and not of theory.

So far as our overall balance of trade is concerned, the facts are obscured by the statistical practices of the Department of Commerce which persists in a gross distortion of the import and export movements. It continues to tabulate our imports on the basis of foreign value rather than c.i.f., which includes the costs of shipping, insurance, etc. Few other countries follow this practice. This basis of tabulation undervalues our imports by an estimated 10%. That is the factor employed by the International Monetary Fund to bring our imports to a level comparable with those of other countries.

At the same time our exports are made to appear, so far as competitive standing is concerned, larger than they really are—namely, by including shipments under Foreign Aid, Food for Peace, subsidized agricultural products, grants and give-aways.

The distortion ranges from \$4 to \$5 billion in our annual trade, skewed in the direction of producing a favorable balance and making our competitive position in the world look good when it is actually in deficit. I offer for the record an account of this

practice under the title of "Trade Statistics—A Continuing Distortion."

Yet, even this distortion cannot hide our trade deficit in recent years if we compare our share of the world export trade with that of the remainder of the world. In 1960 the share was 16%; in 1962 it was 15.1%, falling to 14.5% in 1965, to 14.3% in 1968 and to 13.9% in 1969. (See Statistical Yearbook, United Nations, 1969; Int. Financial Statistics, Sept. 1970, IMF, p. 34 and 51.)

These overall statistics, however unfavorable they may be, do not reveal the underlying trends. The following table is more revealing:

U.S. EXPORTS AND IMPORTS, 1960-69  
[In percent]

Country	Increase in—	
	Exports to	Imports from
Japan	141.1	325.4
West Germany	66.4	190.2
EEC countries	75.7	156.3
Italy	76.4	206.8
United Kingdom	57.0	113.5
All of Asia	97.4	204.1
EFTA countries	63.4	127.2
Sweden	43.4	108.2
Canada	239.8	258.1
Argentina	5.3	58.0
Peru	13.6	71.6
Mexico	74.1	132.3
Latin American Republics	36.1	19.4
World total	84.6	146.0
World, less Canada and Latin America	81.8	160.8

The table shows that our exports from 1960 through 1969 grew much less rapidly than our imports.

Another significant trend in our trade has been the shift from raw material imports toward those of finished manufactures. From 1956-68 imports of raw materials increased from 100 to 130 while imports of manufactured goods (exclusive of semi-manufactures) rose to 402. The ratio of increase for manufactured goods was 13 to 1 over the increase in raw materials.

This trend has a special meaning to labor. The imported raw materials do not displace nearly as much labor as do the finished manufactures which incorporate the full complement of processing and manufacturing employment. Today about two-thirds of our imports consist of manufactured products. The shift has meant more labor displacement by imports.

If we analyse our exports we encounter a further confirmation of our generally weak competitive position. Such export surplus as we do achieve is confined largely to machinery, including transport equipment, including, in turn, aircraft exports; to some sophisticated equipment, such as computers; and chemicals.

Yet even in the case of machinery exports our balance is narrowing. In 1960 we exported 4.7 times as much machinery as we imported. In 1969 the ratio was less than 2 to 1. In 1969 our exports of machinery and transport equipment amounted to \$16.38 billion and represented 43.8% of our total exports.

This is, of course, not a healthy condition. Our exports of "Other Manufactured Goods" rose from only \$3.8 billion in 1960 to \$7.0 billion in 1969. Imports of the same goods rose from \$4.5 billion to \$12.0 billion, or 163% compared with an export rise of 83%.

Included among the "Other Manufactured Goods" are iron and steel mill products, shoes, textiles, clothing, glass, glassware, pottery, clocks and watches, nails, screws, nuts and bolts, toys and athletic goods, rubber and plastic manufactures, bicycles and parts, motor scooters, hand tools, plywood, cameras, musical instruments, radio and TV sets, phonographs and records, sound recorders, handbags, umbrella frames, canned mushrooms, optical goods, etc. In this group

as a whole we suffered a deficit of \$5 billion in 1969, even when imports are tabulated on their foreign value rather than their cost landed in this country.

In agricultural products imports are growing rapidly and have caused difficult problems in tomatoes, strawberries, citrus fruits, canned olives and mushrooms, meat, lamb, potatoes, dairy products, mink, fish, oysters, crabmeat, flowers, etc.

In minerals we have a trade deficit in petroleum, copper, lead, zinc, bauxite and aluminum. We do enjoy a handsome export surplus in coal; but it is far outbalanced by our deficit in petroleum. (See Stat. Abs., U.S. 1970, Table 1029, p. 650.)

Our trade in agricultural products has sunk rapidly in relation to other goods. During the 1957-1961 period agricultural exports were 23% of our total exports; in 1969 only 16%. During the same period agricultural imports declined from 28% of total imports to 14% in 1969. (See Stat. Abs., of the U.S. 1970, Table 946, p. 602.)

If we eliminate the Foreign Aid, Food for Peace, and similar agricultural shipments we incurred a deficit in 1969, with official exports reported at \$5.7 billion compared with imports of \$4.9 billion.

Our unbalanced competitive position is further underlined by the fact that employment in the production of manufactured goods in which we have a trade deficit is some 2 million higher than employment in the manufacture of the narrow segment of products in which we enjoy an export surplus.

That the export surplus in machinery and transport equipment is not solid may be inferred from its narrowing in recent years and from the fact that the great rise in industrial machinery exports is attributable largely to the growth of our investment in foreign manufacturing enterprises. These enterprises are increasing their exports to this country and may be expected to shrink our export markets for the products they are producing in foreign markets.

From the foregoing recitation of competitive status of numerous products of industry and agriculture, it is clear that this country, despite its high productivity per man-hour, enjoys a competitive advantage in foreign markets in only a few products, and, further, that this advantage is not solid. It is also clear that our imports of many goods have been rising much more rapidly than our exports of them.

The technological revolution and the mass-production system that brought us world leadership have now been diffused to other industrial countries. This fact has made effective the competitive advantages of low foreign wages. The wage-gap was not competitively so dangerous while our output per man-hour held such a comfortable lead. While the wage-gap persists, the productivity-gap has been closing.

The very fact that other countries have adopted our mass production system has indeed brought them higher productivity. Failure to adopt the other half of the American equation, namely, mass consumer purchasing power, derived from high wages, has left these countries with surpluses that their consumers are not able to absorb because their wages are not commensurate with their increasing productivity.

These countries therefore look to the United States as an outlet for their surplus output. They would not be so dependent on our market if they but increased their wages to the point of ability to buy the output of their improved production machine.

The industries of this country would have no difficulty competing with imports if wages were lowered to their foreign counterpart; but they would be unable to dispose of their output and would accumulate intolerable surpluses under such conditions.

The persistence of international cost differentials results from the universal interferences with free competition. These interferences are principally governmental and of political origin, and may be expected to endure. Therefore there is little hope that the competitive disadvantages suffered by many of our industries can be corrected, especially since technology is now international. New productivity attainments of domestic industries are soon diffused to other countries.

This fact means that artificial interventions must be instituted lest capital move abroad even more rapidly and that our domestic industry will otherwise be inundated progressively by higher tides of imports.

Already the inundation has reached intolerably high levels in numerous industries. The following table shows the market penetration achieved by imports in 1969 with respect to the listed products, as compiled by the Tariff Commission in a recent hurried survey:

*Short title, percent of domestic market supplied by imports, 1969*

<b>Fish products:</b>	
Swordfish	90
Cod, etc. fillets	80
Oysters, canned	72
Scallops, fishmeal and sardines	56-60
<b>Leather and fur skins:</b>	
Calf, goat, miscellaneous mink	46-64
<b>Vegetables:</b>	
Fig paste, apricots, dried; olives, garlic, strawberries, pimentos, cucumbers, tomatoes, eggplant, mushrooms, canned	18-48
Tung oil	82
Whisky	32
<b>Hardwood plywood:</b>	
Birch, luan, Sen, others	26-92
<b>Cotton fabrics:</b>	
Gingham	71
Shop towels	33
Duck	20
Sheeting	19
Pile fabric	42
Fish netting	28
<b>Manmade fabrics:</b>	
Filament, polyester	25
Filament, rayon	25
<b>Apparel:</b>	
Sweaters	41
Shirts, men/boys, dress	30
Blouses, not knit	27
Men/boys sport shirts	25
Women's, girls slacks	25
<b>Chemicals:</b>	
Benzenoid drugs	28
Melamine	36
Monsodium glutamate	20
Sod. silicofluoride	28
Caffeine	64
Antibiotics	18
Synthetic vitamin C	28
Residual fuel oil	64
<b>Ceramics:</b>	
Wall tile, glazed	28
Mosaic tiles	68
Earthenware	30-76
China ware	28-96
Glass (rolled, sheet)	28-33
Glassware, handmade	40
Lead unmf'd	41
Zinc unmf'd	54
<b>Steel:</b>	
Alloy	34
Structural	20
Carbon pipe and tube	18
Trans. tower parts	32
Barbed wire	45
Wire rope	20
Nails	45
Wood screws	58
Stainless steel flatware	49
Power trans. chains	29
Sewing machine and parts	58
Winding and warping machine	37
Knitting machine needles	46

<b>Electronic devices:</b>	
Microphones, loudspeakers	20
TV receivers and phono-combinations	30
Radio receivers	73
Combination electronics and parts	57
Calculating machines	60
<b>Automobiles:</b>	
New passenger cars	16
Snowmobiles	58
Motorcycles, tires, and parts	86-95
<b>Footwear:</b>	
Nonrubber, men, boys, women, misses, infants	22-36
Athletic	20
Rubber, protective	25
Combs	66
Artist brushes and pencils	45
Umbrellas	79
Clothespins	37
Wigs, toupees, etc.	79
Headwear, knit, fur	20-30
Gloves, leather	35
<b>Optical goods:</b>	
Lenses, prisms, etc.	43
Telescopes, etc.	26
Microscopes	39
Balances	25
Watches, clocks, movements, and watch parts	21-52
8 mm mtm. p. cameras	47
35 mm still cameras	100
Enlargers	66
Light meters, etc.	45
<b>Musical instruments:</b>	
Wood-wind	64
Electronic	71
Other, stringed	76
<b>Bicycles:</b>	
Bicycle parts and tires	36-53
<b>Table tennis equipment:</b>	
Badminton	95
Baseballs and gloves	32-95
Tennis balls and racquets	35-76
Skis, snowshoes	68
Dolls, stuffed fig	23
Electric shavers	20

For the sake of abbreviation the short titles are not fully descriptive and in some instances not sufficiently segmented. However, the serious market penetration of imports is readily visible. If trends in recent years could be shown the threat would loom higher.

## THE AMERICAN YOUTH SYMPHONY AND CHORUS

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to place in the CONGRESSIONAL RECORD the background and outstanding accomplishments of the American Youth Symphony and Chorus, which have just completed their sixth annual European concert tour.

The American people should be proud of this fine group of young people and their excellent representation of our country on their tours abroad.

The material follows:

### ABOUT THE AMERICAN YOUTH SYMPHONY AND CHORUS

The American Youth Symphony was founded in 1964 as the School Orchestra of America. The orchestra was completely reorganized by Dr. Donald E. McCathren in 1967 and received its present name at that time. The American Youth Symphony Chorus was founded in 1967 and has become an im-



portant part of the American Youth Symphony program.

The American Youth Symphony & Chorus is dedicated to the development of American youth and the furtherance of peace and understanding throughout the world through the performance of music. A nonprofit organization incorporated under the laws of Pennsylvania, the orchestra and chorus have received the highest praise for their musical achievements, for their contributions to peace in the world, for their accomplishments in motivating young people to a serious high purpose in life, and for their portrayal of a realistic picture of America.

The American Youth Symphony & Chorus have made five highly successful European Concert Tours. Typical of some of the comments regarding the orchestra and chorus are as follows: "It was a surprise to me to hear the results of your musical achievements. I think America can be proud of such a wonderful orchestra and chorus. I especially liked hearing you play the national anthems for it reminded us of the friendship between our countries. The program was a great pleasure for everyone to hear. You played like professional musicians" . . . Mr. Hubert Roeterdink, member the Royal Netherlands Military Band.

"What you have done this evening is to tell the world what America is all about. You have been able to do this more effectively in one evening than I could in an entire year of speeches". Hon. Kingdom Gould, U.S. Ambassador to the Duchy of Luxembourg.

"We were amazed that your young musicians are capable of accomplishing such a brilliance in sound and harmony", Melmut Ernst, Munich, Germany.

"It is generally known that American symphonic orchestras rank among the world's best. Those who heard the American Youth Symphony quickly realize what quality lies in the American musical art. Although the orchestra which appeared in Krizanke consisted of young people, it still demonstrated a surprisingly high level of technical skill. Such almost unbelievably high maturity and excellent musical training at an early age of the musician offers excellent material for symphonic orchestras. Although every year new youngsters join this orchestra, their conductors, and here we must mention particularly the Orchestra's director, Dr. Donald E. McCathren, and his associate, Prof. James Paterson, achieve a perfect homogenous performance of all the instrumental sections. The orchestra captivated their listeners not only with their technically perfect presentation but also with their discipline, enthusiasm and temperament" . . . Mr. Primoz Kuret, Music Critic, *Liubljana Daily, Yugoslavia*.

The American Youth Symphony & Chorus made its first Bermuda Cruise Concert Tour in June of this year aboard the *Greek Line Ship TSS Olympia*. A junior American Youth Symphony and Chorus made up of students ages 11 to 14 was formed for the first time and participated in the concert tour. AYSC and Jr. AYSC Studio Bands were also formed and were an integral part of this concert tour.

The orchestras, choruses and studio bands performed for the school children of Bermuda as well as the grand opening concert of the Bermuda Summer Arts Festival. The tour was a splendid success and AYSC has already received an invitation from the Bermuda Arts Council to perform in Bermuda the following summer. For a great many people in Bermuda, especially the school children, it was the first time they had ever heard a symphony orchestra. The government of Bermuda hopes to establish an instrumental music program in their school system as a result of the concerts presented by the American Youth Symphony & Chorus and the Jr. American Youth Symphony and Chorus.

The American Youth Symphony and Chorus has received much recognition both at home and abroad. One of the most recent honors received was the presentation of the George Washington Medal of Honor Award by the Freedoms Foundation at Valley Forge for outstanding accomplishments in helping to achieve a better understanding of the American Way of Life. Numerous gold medals have been received in Europe for excellence in musical performance.

Many businesses, foundations, fraternal organizations, clubs, civic groups, churches and individuals have made contributions to assist deserving students to have the experience of traveling and performing with the American Youth Symphony & Chorus. It is the hope of the AYSC officials that financial assistance can be obtained to further expand this program and to permit every qualified student, regardless of their financial means, to be able to have the experience of participating in this great adventure in world peace through music.

#### EMBASSY OF THE UNITED STATES OF AMERICA,

Prague, Czechoslovakia, August 7, 1970.

Dr. DONALD E. MCCATHREN,  
Musical Director, American Youth Symphony  
and Chorus, Duquesne University, Pitts-  
burgh, Pa.

DEAR DR. MCCATHREN: The fine concert given by the American Youth Symphony and Chorus in Prague last Saturday, August 1, was a memorable evening for all of us who were there. On behalf of my wife and myself and of all my other colleagues who enjoyed this rare evening of American music, many thanks. The Czech audience expressed their appreciation by their warm and enthusiastic reception of your music on Saturday, and one of the national dailies, *Svobodne Slovo*, had an article about your performance on August 4; I am attaching a copy of the paper and an informal translation of the article.

With best wishes,

Sincerely,

ANDREW T. FALKIEWICZ,  
First Secretary of Embassy,  
(Press and Culture).

AMERICAN YOUTH SYMPHONY AND CHORUS,  
PRAGUE, CZECHOSLOVAKIA CONCERT, AUGUST  
4, 1970

#### TRANSLATION

"All those who looked forward to the concert of the American Youth Symphony and Chorus Concert at the Valdstein Garden on Saturday evening were at first seemingly out of luck. A storm came just as the concert was moved to Mestska knihovna Auditorium. Here, however, the organizers underestimated not only the size of the audience, but also the size of the orchestra and chorus. A comparatively small stage cannot squeeze in more than 120 people. Thus, the pianist had to stretch to see the conductor and vice versa. The chorus stood beneath the stage and the choirmaster in the audience. Water served for refreshment . . .

Since the success or failure of such a performance lies primarily with the performers and the audience, we may say without exaggeration that the Evening of the American Music was a great success. Bearing in mind the young age of the American boys and girls (11-21 years) the technical perfection and maturity of the entire symphony orchestra and chorus was surprising. The public was captured by the directness, elation, and temperament so inherent to young people. Under the batons of Dr. Donald McCathren and James Paterson there were played Symphony No. 2—Romantic of H. Hanson, Rhapsody in Blue by G. Gershwin, with soloist N. Slusznzy of Belgium, music by T. Kirk, J. Paterson and E. Matesky. The chorus, with choirmaster L. Kline, sang songs by W. Billings, P. Royer, Ch. Bryne and others.

Young Americans from all parts of the USA are on their sixth tour this year. They were already in Belgium, Luxembourg, Austria. From Prague they will be proceeding to West Germany, Denmark, Germany and England. This outstandingly successful travel of American music is conducive to better knowledge of this country and contributes to improving relations between people and understanding among nations."

(Svobodne Slovo of August 4, 1970)

#### 1970 AMERICAN YOUTH SYMPHONY & CHORUS, EUROPEAN TOUR PERSONNEL

Musical Director: Dr. Donald E. McCathren, Pittsburgh, Pa.

Tour Public Relations Director: Mrs. Millicent McCathren, Pittsburgh, Pa.

Associate Conductor: Prof. James Paterson, Pittsburgh, Pa.

Choral Director: Mr. Lyle Kline, Brookings, S.D.

Director of Personnel: Mr. Frank Farina, Pittsburgh, Pa.

Assistant Director of Personnel: Mr. Ben Casar, Pittsburgh, Pa.

Executive Secretary: Mrs. Barbara Paterson, Pittsburgh, Pa.

Tour Secretary: Mrs. Edith Casar, Pittsburgh, Pa.

Piano Soloist: Mr. Naum Slusznzy, Brussels, Belgium.

Photographer: Mr. Edson Perry, Wolcott, Conn.

Nurses: Miss Stephanie Milak Mingo Junction, Ohio; Mrs. Catherine Vensel, Pittsburgh, Pa.

Chorus Accompanist: Mr. John Sayre, New Brighton, Pa.

Choral Coaches: Miss Ruth Roberts, Delmar, N.Y.; Mr. James Sevast, Elmira, N.Y.

String Coaches: Miss Wanda Whitaker, Canton, Ohio; Miss Patricia Fraunberger, Bryn Mawr, Pa.; Mr. Nigel Holme, Miami, Fla.

Brass Coaches: Mr. Donald Chadderdon, Hamstead, N.Y.; Miss Barbara Blisek, Thompson, Iowa.

Librarian: Miss Nancy Goldbach, Monaca, Pa.

Orchestra Manager: Mr. Kurt Steinhauser, Park Ridge, Ill.

Student Managers: Charles Kritko, Munhall, Pa.; John Nagl, Munhall, Pa.; James Wade, Bethel Park, Pa.

Chaperones: Miss Barbara Bright, Mingo Junction, Ohio; Mrs. Edith Casar, Pittsburgh, Pa.; Mrs. Nettie Catz, Pittsburgh, Pa.; Mr. Donald Chadderdon, Hamstead, N.Y.; Mrs. Galle Hardwick, Angleton, Tex.; Dr. Milton Hardwick, Angleton, Tex.; Mrs. Nigel Holme, Miami, Fla.; Miss Kathleen McDonough, Pittsburgh, Pa.; Miss Karen McClellan, Mattoon, Ill.; Mrs. Naomi Mortie, Pittsburgh, Pa.; Miss Juanita Murrah, Beaumont, Tex.; Mrs. Velma Peters, Lorraine, Kans.; Mrs. Kathleen Scott, Mingo Junction, Ohio; Miss Ruth Teague, Gary, Ind.; Miss Wanda Whitaker, Canton, Ohio; Mrs. Glen Yates, Leawood, Kans.

#### ORCHESTRA violin

Cynthia Baum, Valley Stream, N.Y.; Patricia Dwyer, Grand Rapids, Mich.; Bonnie Edney, Huron, S.D.; Michael Ensenat, New Orleans, La.; Anita Evane, Canton, Ohio; Theresa Hanson, Monaca, Pa.; Samuel Orbovich, Steubenville, Ohio; Kathryn Parsons, Evansville, Ind.; Patricia Powell, Morresville, Ind. Bonnie Richardson, Canton, Ohio; Cheryl Simpson, Berea, Ohio; Susan Schreck, Jamestown, N.Y.

Jackson Snyder, Findlay, Ohio; Nelson Stewart, Davenport, Iowa; Barbara Stevens, Alexandria, Va.; Jeannette Swesey, Alexandria, Va.; John Vestman, Newport Beach, Calif.; Kathy Wacker, Cheektowaga, N.Y.; Shirley Wilson, Joliet, Ill.; Bernard Zimmerman, Morgantown, W. Va.; Wanda Whitaker,

Canton, Ohio; Patricia Fraunberger, Bryn Mawr, Pa.

#### viola

Robert Churchill, Huron, S.D.; Robert Heckmann, Newark, Del.; Sarah Lynn, Clarendon Hills, Ill.; Christine McIlwain, Holland, Mich.; Linda Miller, Covina, Calif.; Nigel Holme, Miami, Fla.

#### cellos

Richard Heckmann, Newark, Del.; Scott Lavender, Findlay, Ohio; Daria Rosso, Pottstown, Pa.; Jeanne Shumway, Playa Del Rey, Calif.; Michael Scruggs, Pennsville, N.J.; Darlene Skipper, Beaumont, Tex.; Leonard Johnson, Pittsburgh, Pa.

#### bass

Phillip Gray, Martinsville, Ind.; Timm Miller, Elkhart, Ind.; Stephen Misiewicz, Livonia, Mich.; Carolyn Wahl, Cheektowaga, N.Y.

#### harp

Elaine Peters, Lorraine, Kans.

#### flute

Michelle Geoffroy, South Bend, Ind.; Carin Levine, N. Miami, Fla.; Barbara Nelson, Glenn Falls, N.Y.; Mary Porter, Charleston, S.C.; Barbara Walker, Altoona, Pa.; Elizabeth Williams, Edina, Minn.

#### oboe

Janet Butterbaugh, Elkhart, Ind.; Patricia Kelly, Findlay, Ohio; Paula Rossbacher, Greenfield, Cory, Pa.; Jon Schneider, Great Neck, N.Y.

#### English horn

Patricia Kelly, Findlay, Ohio.

#### clarinet

Barbara Andrews, Merion Station, Pa.; Robert Cantor, Great Neck, N.Y.; Barry Numerick, Jeannette, Pa.; Darlene O'Brien, Mingo Junction, Ohio.

Alto Clarinet: Nancy Goldbach, Monaca, Pa.

Bass Clarinet: Wayne Rush, Easton, Pa.

Contra Bass Clarinet: Leslie Kopp, Newport News, Va.

#### saxophone

E Flat Alto: Thomas Oshnock, Greensburg, Pa.; Charles Kritko, Munhall, Pa.

B Flat Tenor: David Schiff, Wilmington, Del.

E Flat Baritone: Barry McCray, Conway, S.C.

#### Bassoon

Melody Shahan, Gallipolis, Ohio; Vicki Wilkof, Canton, Ohio.

#### French Horn

Judith Ballis, Hanover, N.J.; Sara Brewer, Findlay, Ohio; Mark Denman, Zanesville, Ohio; Karen Jessen, McMurray, Pa.; Martha Marvel, Ft. Myers, Fla.; Nadya Nelson, Park Ridge, Ill.; Adele Roper, Leland, Iowa; Polly Ann Suda, Garden City, N.Y.; Mary Sue Robison, Grants, N.M.

#### Trumpet

Wendell Banyay, Evans City, Pa.; Dale George, Arcadia, Calif.; Bernard Nero, Clairton, Pa.

#### Trombone

Richard Linn, Wexford, Pa.; Barbara Lutz, Edina, Minn.; Barbara Bisek, Thompson, Iowa.

#### Tuba

George Parks, Newark, Del.

#### Percussion

Donn Jones, Arcadia, Calif.; Michael Manion, Comstock Park, Mich.; William Panos, Altoona, Pa.; Melvin Van Der Bie, Holland, Mich.

#### CHORUS

#### Soprano

Dorothy Arend, Alexandria, S.D.; Rhonda Bachmann, Clarence, N.Y.; Judy Gannon, Madison, S.D.; Darlene Karas, Cedar Knolls, N.J.; Cynthia Locke, South Charleston, Ohio; Rebecca McCathren, Bethel Park, Pa.; Anita

Scott, Mingo Junction, Ohio; Karen Scott, Lafayette, Ind.; Deborah Williams, Tawas, Mich.; Ruth Roberts, Delmar, N.Y.

#### Alto

Deborah Baron, Indianapolis, Ind.; Diane Beynon, Pittsburgh, Pa.; Joy Blackford, Greenwood, Ind.; Carol Hollingsworth, Pittsburgh, Pa.; Mary Iverson, Dickinson, N.D.; Deborah Jackson, Sedona, Ariz.; Peggy Jarvis, Morgantown, W. Va.; Deborah Rogers, Westington Springs, S.D.; Kyan Stouder, Huntington, Ind.; Tanis Toponak, Lewiston, N.Y.; Michelle Wright, Grand Rapids, Mich.

#### Tenor

James Sevast, Elmira, N.Y.; Kirk Anderson, Alexandria, Minn.; Leslie Christen, Huron, S.D.; Stanley Krawson, Wintersville, Ohio; Gene Miller, Brookings, S.D.; Michael Miller, Bethel Park, Pa.; John Nagy, Munhall, Pa.; Charles Kritko, Munhall, Pa.; Ronald Smith, Estelline, S.D.; Kurt Steinhauser, Park Ridge, Ill.

#### Bass

Dale Anderson, South Bend, Ind.; Ben Barnes, Elkhart, Ind.; James Goehring, Westington Springs, S.D.; Joel Godbey, Tucson, Ariz.; Kenneth Kirk, Brookings, S.D.; John Kolczynski, Port Byron, N.Y.; James McKeel, Monaca, Pa.; Pete Ofstedal, Brookings, S.D.; James Wade, Bethel Park, Pa.; Mark Wahlstrom, Brookings, S.D.

### MEMBER OF CAMPUS UNREST COMMISSION SPEAKS OUT

## HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. HAMILTON. Mr. Speaker, Mr. Erwin D. Canham, a member of the President's Commission on Campus Unrest and editor in chief of the Christian Science Monitor, has recently written a series of articles on the campus crisis. They are, as Mr. Canham indicates, his "own personal perception of a very grave and complex national and worldwide problem." And I recommend them to my colleagues as reading of the highest caliber.

The articles follow:

#### BUILDING BRIDGES TO YOUTH

(By Erwin D. Canham)

BOSTON.—I have just spent four of the most stirring and enlightening months of my life, looking into the question of campus unrest. What I write now is in no sense an attempt to justify the report of the President's commission. It is my own personal perception of a very grave and complex national and worldwide problem.

Fundamental misunderstandings between what are called the two cultures in America exist and are growing deeper.

They could lead to far greater disasters than any we have yet seen if they are not understood and reduced.

I say this in awareness of several factors: At this writing, conditions on campuses seem calmer than for many months.

President Nixon has defused one of the biggest potential bombs in his proposals for a peaceful settlement in Indo-China. Unless something very untoward happens calling for a large-scale resumption of war, this cause for explosion is under control.

The bombings which have intensified in many public places also have burst out on campuses, but evidently without much student support. Indeed, they have evoked student disgust except in the most militant or

"crazy" groups. Yet there is plenty of tinder lying around. There are potential sparks.

Politicians running for office find the hard line irresistible. They know people are fearful and resentful of campus unrest and of violence in general. They want to take ungrateful Junior to the woodshed. One way is at the polls.

Having said all this, I would urge Americans to look beyond these immediate phases. What is happening in the United States, and in much of the rest of the world, goes far beyond Vietnam and social injustice and food in the college dining halls and bombings.

#### EASY TARGET

We have come to a turning point in history which we must all try to understand. If we do not, great anguish and turmoil lie ahead. If we do build bridges of understanding, world society—led by the United States—could move into a wonderfully hopeful period.

It is awfully easy to blame all youth unrest today to "permissiveness." It is perfectly true that many family attitudes have changed, 19th century disciplines have altered, religious and moral standards have been revised and weakened; mass communication pours a flood of entertainment and selected, intensified, emotionalized news into consciousness; the educational process is sometimes disturbing, sometimes irresponsible.

The list of factors is endless. They add up to change. It is simple to say that a return to the good old days would solve everything. Yet of course it would not solve anything because it cannot be done.

There is also widespread feeling that hard-line tactics will work. Voters are refusing to support bond issues for education. Legislatures are imposing various restrictions. They, too, are starving higher educational systems by cutting appropriations drastically. Boards of regents, especially those who are politically designated, are cracking down. Various disciplinary measures are proposed.

#### FEELING OF REPRESSION

All this is understandable. But it will make matters worse. Of course there can be no compromise with crime or violence. The campus is no sanctuary. Arson and terrorism, forcible denial of freedom of speech, demonstrations that deprive others of rights, are all unjustified and should be prevented or punished under the law.

But all such measures, however valid and necessary, add up to a feeling of repression on the part of large elements of youth. Unless such law enforcement is balanced by an even more earnest and intense effort to understand what is happening in the new youth culture, they can only make disaster more likely.

So we come always to the challenge of understanding.

Look at what has happened in the world during the last two decades, especially. The two superpowers, with a third coming along, have destructive devices by which all civilization and human life could be destroyed. Over the heads of all young people hangs the fear that theirs might be the last generation in history.

#### SWEEPING CRITIQUE

Latterly, they have also become very aware of the possibility that pollution of the thin shell of atmosphere around earth might smother life and order as we know it. They see population growth and uncontrolled technological spread grievously altering the human environment.

This is just the beginning, however apocalyptic, of the forces influencing youthful thought. Industrial society in the United States, and a good deal of the rest of the world, is producing abundance. Yet poverty and misery continue. Social injustice persists. Awareness of it intensifies pain and discontent.



The youthful critique of conventional culture in the United States is very sweeping. It is exaggerated. One thing I have learned is to translate youthful rhetoric, couched in its sweeping terms, into discourse to which most of us are accustomed. Doing so, I have found rational bases for criticism which we must all face.

The new so-called counterculture is in great opposition to many values and life styles of the old. Youth is often by nature oppositional. Cannot all of us remember how we argued with our parents? But today the opposition is so deep as to strain understanding.

The nature of the new culture is very carefully described in Chapter 2 of the White House commissions report. I would hope that as many Americans as possible could read this chapter, which will soon be available from the Government Printing Office and in paperback. It would be as useful reading as any of us can do these days.

#### HEADY STUFF

A few words of quotations show something of the gap across which we have to stretch our hearts and minds: The aim of the new culture "was to liberate human consciousness and the quality of experience; it sought to replace the materialism, the self-denial and the striving for achievement that characterized the existing society with a new emphasis on the expressive, the creative, the imaginative. The tools of the workaday institutional world—hierarchy, discipline, rules, self-interest, self-defense, power—it considered mad and tyrannical. It proclaimed instead the liberation of the individual to feel, to experience, to express whatever his unique humanity promoted."

This is, you will say, pretty heady stuff. So it is. But it shows a little of the profound change toward which certainly the trend-setting leadership of youth today is striving. So intensely are such views held that they have become comparable to a religious experience, a conversion, with some of the same mysticism and occasional intolerance.

Punitive measures do not change such views. They have never done so, whether attempted with guns or with lions. Usually repression intensifies and deepens such conviction.

#### UNKNOWN DIMENSIONS

It does not help to say that the freedom to hold such views is a result of a lot of hard work within the terms and disciplines and incentives of the old culture. Perfectly true. But all that hard work, the fruitage of the industrial system, has brought us to the point where deeper social values and goals are required and are possible.

That is what youth is reaching for. In fact, it is the attainment of such purposes that has always been the dream of free society. Youth, in a commission phrase, seeks to make over America in its own image.

Social historians can find parallels to this new culture in the past. Some will feel that this present phase, too, will pass. But today's world has dimensions unknown before: the danger of annihilation, the potency of the industrial system to produce adequacy for all, the vast ubiquity of communication, the shrinking nation and world, the mobility of society, the dawn of the space age.

#### CULTURAL PENETRATION

There is no denying that the new culture is "radical." Its radicalism has subversive components. Some of these will be discussed more specifically later. But if the challenge to postindustrial society is a radical one, so was the American Revolution.

Yet the yearning for free society and the freedom of individuals challenges today's police state everywhere. The kind of radicalism which stems from Marxism, or from the political purposes of Moscow, Peking, or

Havana is something else again. It is another and more severe repression.

The new culture oversimplifies. It is full of naiveté. It unjustly condemns a great deal that must instead be improved and saved. But its values are not to be ignored nor despised.

There is great power in the new culture. It is penetrating the old. If you doubt it, just look at men's hair styles. Sideburns have crept down the oldsters' cheeks. More than a few grizzled beards have appeared. Clothing is brighter.

Ideas change, too. In short, there are meeting grounds on which the two cultures in America could come together. Fear and hate and scorn on both sides will keep us apart.

To argue for understanding is not to argue for tolerance of evil. That's what the youth culture says, too. Once we stop accusing one another we can move together for the better fulfillment of the age-old dreams of humanity.

#### CAMPUS CRISIS

(By Erwin D. Canham)

A great many American believe that campus unrest—and, indeed, the general social unrest that surrounds it—are a result of Communist subversion and conspiratorial organization.

The theory is seductive but it is not correct. Of course, Communists and other subversives make all the trouble they can. Yet the causes of violence in American life are far wider. We hamper the effectiveness of our response to these dangers if we blame them largely on a convenient Red scapegoat.

Happily, the Federal Bureau of Investigation has been very clear on this point. Speaking at Williamsburg, Va., on Oct. 12, William C. Sullivan, top assistant to J. Edgar Hoover, said the Communist Party "is not in any way causing or directing or controlling the unrest we suffer today in the racial field and in the academic community."

Mr. Sullivan went on to say that the Communists "do attempt to exploit troubled situations." He added that "the Communist Party today is not nearly as extensive or effective as it was a number of years ago."

#### PARTY FRAGMENTED

The extreme Left in the United States today is severely fragmented. The Communist Party of America carries on, but as a shadow of its former self. It has always been thoroughly infiltrated by informers. Wisecrackers have long insisted that the CPUSA would be hard hit without the dues of FBI members!

Marxists of varying hues and allegiances are far more extensive. Those who proclaim their support of Mao Tse-tung are much in evidence. Che Guevara, the supporter of Fidel Castro, who was killed in Bolivia, has become a kind of folk hero to young American revolutionaries. Hundreds of young Americans have made pilgrimages to Cuba, to work in the sugar cane harvest and absorb propaganda and techniques.

Handbooks and manuals on bombmaking and placing have been widely reproduced, so naively distributed as to suggest that the conspirators are very amateur indeed.

But the results and the damage are far from amateur. The nation wrestles excruciatingly with the problem of bombing of public places. Bombings on campus seem to have reached a point of diminishing returns. Only a very few students are sympathetic to destruction of the facilities which will help them get an education. An authoritative response which blamed or penalized all students could change this healthy situation.

#### MILITARY INVOLVEMENT

The small fragment of committed radicals and "crazies" can do a great deal of harm. The Weathermen, formerly a faction of Students for a Democratic Society (SDS), but

now underground, has boasted of its bombing plans and exploits. It has sympathizers in other factions of the extreme Left.

There are somewhat misleading facts which would seem to tie campus violence to a carefully organized enemy-supported conspiracy. At Kent State, the Liquid Crystals Institute did work for the Department of Defense which allegedly is useful in detecting campfires in jungle areas.

It is easy to see how this project could be both a target for Communist sabotage and an incitement to students who are bitterly opposed to the war in Vietnam, especially in its application of highly technical methods of killing to a peasant population. Which group tried to close the institute?

At the University of Wisconsin, too, an important military involvement made the Army Math Research Center relevant both as an enemy objective and as a symbol to students of their university's active, financed support of war. The motives interlock but are different.

At Harvard, the Center for International Studies can be described as a significant ideological ally of both the Pentagon and the State Department. Certainly it is a kind of think tank. Hence somebody, presumably the Weathermen, selected it as a target.

The Communists might be expected to support any kind of antimilitary activity, thus to weaken American national defense. Hence the efforts to drive the Reserve Officers Training Corps off campuses might be regarded as pro-Communist. To recruit reserve officers from well-educated civilians is presumably to make a better Army than to have it led entirely by service-academy graduates. Or is it?

An effort to discredit, weaken, and even destroy the great institutions of higher learning in the United States would surely serve the purposes of the nation's enemies. The colleges and universities are essential to a healthy society. To throw them into confusion, to set them back for a generation, is a goal of great magnitude. To arouse America's conventional society against its youth is a grievously wounding tactic.

It is well established that radical teams have traversed the United States, going from campus to campus, seeking to stir up trouble. Familiar faces have been seen at the demonstrations and riots from coast to coast.

Several professional radicals came to Kent State a few days before the tragic events there last May. Yippee leader Jerry Rubin spoke at a rally. His repulsive bombast about killing parents was not well received. The FBI reports do not support the view that any of the disturbances at Kent State during May 1-4, 1970, were planned by members of the SDS.

#### PROTECTIVE HANDS

Yet there are plenty of evidences of a revolutionary underground or many undergrounds in the United States. Two honor graduates of Brandeis University who were accused of taking part in the shooting of a policeman incident to a bank robbery in Boston disappeared into what seemed clearly to be protective hands. They had been involved in revolutionary activities for several months.

The tragic case of Diana Oughton, who was blown up while in the act of fabricating bombs in Greenwich Village, most vividly illustrates the radicalizing of well-educated, cultivated, wealthy young people. She was part of the Weatherman group.

It is reasonable to suppose that some Moscow money, some funds from Peking and even Havana, have gone to pay for radical activities in the United States. But it would be my guess that for every dollar that may come in foreign Communist money, there are \$100 in native American wealth.

Here is one poignant example. An SDS leader in a major university area was the son

of a millionaire in the Southwest. The father drank heavily, sometimes beat up his wife and his son. When the young man reached 21 his father gave him \$200,000 and said: "I never want to see you again." Every penny of the money went into the SDS coffers.

#### PANGS OF CONSCIENCE

Probably this case could be multiplied many times. There are hundreds of young people in the United States, inheritors of great wealth, who today suffer from pangs of conscience. Their money flows into radical channels. Moscow can save its dollars.

Charges are made of infiltration in college faculties of Communists and other subversives. In the 1930's it is well known that Communists did infiltrate many levels of American life. Marxism had many converts in academia. It would be naive to suppose that there are not such sympathizers today.

Indeed, some faculty members proudly proclaim their adherence to some form of Marxism, like the redoubtable intellectual leader of the extreme Left, Prof. Herbert Marcuse of the University of California at San Diego.

Such identified Marxists may confuse young minds but they are not secret agents and not always activists. They are part of the academic freedom which is so vital a part of a free society. The errors they teach must be counterbalanced by more sound and convincing views on the side of what most of us regard as truth.

The trouble is with less identified teachers, and with liberals so freewheeling as to suggest destructive nihilistic thought and action. There are also professors and junior faculty, in many disciplines often far removed from politics or history, who are exceedingly active in protest movements. Some of them have been identified in actions verging on the criminal, and of course they should be sought out, punished, and removed from teaching.

#### REVOLUTIONARY APPEAL

A meeting at Columbia University in September, 1965, of the First Annual Socialist Scholars Conference brought together a good many active revolutionaries. A Yale professor at the meeting was quoted as saying, "I wonder whether every teacher who calls himself a socialist doesn't have a duty to become a professional revolutionary."

The influence of such teachers cannot be denied. It is difficult to control. It can be countered not by witch-hunting which denies freedom of thought and teaching, but by even more vigorous presentation of sounder views.

Despite evidence of some external forces, it still seems clear that the basic causes and instruments of violence on American campuses are home-grown. On the fringes of the counterculture that has grown up are the terrorists and the "crazies." Newsweek in its issue of Oct. 12 carried a revealing interview with a young Vietnam war veteran, member of an all-white, all-male revolutionary gang.

"The people," he said to the Newsweek reporter, "have to be told we're not really a bunch of Communist murderers in disguise. We want change now. And nothing is at our disposal but violence. We can't even demonstrate without getting clubbed and tear-gassed. Well, if we can't live in peace the rich can't live in peace. There will be all-out war within a year. And when the pig picks up arms this time, he won't get rocks and bottles back—he'll get rifle rounds."

#### UNDERGROUND PRESS

There is plenty of such talk going round, especially in the so-called underground press. There is a Liberation News Service supplying these papers with revolutionary copy. Some of it feeds into the regular campus press.

Some of all this may well come from external enemies. But on the evidence, much

more comes from the elements of an age of war, of violence, of disillusionment, of mass neurosis, of a society partly sick.

We will help heal this ailing society more effectively when we diagnose it accurately. And the diagnosis takes us deep into American social and political conditions.

#### SOME CAMPUSES AVOIDED VIOLENCE

(By Erwin D. Canham)

Only 5 percent of United States campuses experienced any sort of violence this year. Only 30 percent of campuses were involved in any degree of strike activity during the tumults of May, 1970.

The quiet places were not all apathetic or heedless. Many of their students were responsibly concerned with their nation's policies. Many opposed them.

But somehow they had learned the ineffectiveness, indeed the folly, of violence.

Something of this lesson has spread from the 70 percent to the others, in this fall of 1970. Reaction to the Portage County grand jury's findings on the Kent State episode has been very mild. Though the grand jury indicted many students and exonerated the National Guard, the Kent students behaved moderately and demonstrations did not break out elsewhere.

Why were the 70 percent tranquil throughout?

Because conditions prevailed on their campuses, quite irrelevant to national or international policies, which either prevented or curbed disorder.

Many colleges and some universities are still church-related. Generally speaking they have a deep sense of order. Many of them also have rather rigid measures of control, and many of their students feel a sense of inner religious commitment to discipline.

Brigham Young University, in Provo, Utah, is a vast, swiftly growing institution under the control of the Church of Jesus Christ of Latter-day Saints. Its students are profoundly motivated by their religious commitment. Ernest Wilkinson, president, has maintained firm standards of faculty control and student discipline.

His students, however, reflect the mores of their faith in their daily lives. Among other things, they have little sympathy for conscientious objection. Many of them have served valiantly in all recent U.S. wars.

The Mormon Church also engages in extensive youth activities. Its young men are inspired to spend two years of their lives in active missionary work, far from home and basically uncompensated by the church itself. Family units are zealously maintained in close relationship. Religious discipline permeates all aspects of individual conduct.

Naturally, even in the relatively freer atmosphere of university life, these standards and inner controls hold over. Thus the university is able to preserve order within itself and in its general community.

#### DISTURBED SEMINARIES

Other church-related or influenced colleges or universities have shown varying measures of the same tranquility. But not all, by any means. Some institutions actively administered by members of religious orders have had their share of protest.

Fordham University in New York was more than once disturbed by protesters. Boston College was occasionally the scene of student strikes which put intense pressure on its administration. This despite the fact that they, like many other universities and colleges, are closely related to the Jesuit order and are administered by clergy.

Even seminaries for the training of clergy often have been very lively places. Students who also would seem to have a genuine religious commitment have been led to protest, sometimes violently. Their "witness" was to

protest, first perhaps nonviolently, but then occasionally in the occupation of executive offices or other campus facilities.

In general, the smaller colleges with backgrounds of church relationship have escaped bad trouble. Partly this was caused by their frequent isolation from urban areas, their size—which permitted an atmosphere less boisterous than the multiversities—and by the skill and wisdom of their administrations, their faculty, and student leadership. And, of course, many of them enjoyed the kinds of inner disciplines manifest at Brigham Young University.

The vast majority of institutions, church-related or not, for these and many other reasons, have been peaceful. Many of them were politically alert and civically active but they found ways to avoid disruption.

A good illustration was Bates College, in Lewiston, Maine. There the students were hit as vigorously as students were universally by the news of the four deaths at Kent State. The student leaders called for a mass meeting on May 5. They invited faculty members and the college president, Dr. Thomas Hedley Reynolds, to address them.

After a good and vigorous discussion of all sides of the Vietnam and Kent State situations, the students voted 214 to 142 to "strike."

However, many students also signed up for various committees to work within the community. They also wrote letters to members of Congress and marched to the post office to mail them en masse. They marched peacefully and were well received in the community. They organized a special program to give blood to the two hospitals. They organized more than 200 of their number to work with the Department of Sanitation to give Lewiston its annual spring cleanup.

Dr. Reynolds says: "We weathered the storm without losing our integrity or compromising our position as an educational institution rather than a political one."

A good many American college presidents would echo some such views. Such is the prevailing climate on the overwhelming majority of small campuses and a few of the big ones.

The prescriptions by which order can be inner discipline of students and faculty, preserved on campus differ widely. There is clearly nothing that works so well as Wisdom, common sense, openness on the part of administrations are invaluable.

Furthermore, it is the elite institutions that have had the worse trouble. The degree of political and sociological awareness has a lot to do with the climate. The average income of the families from which students come would not be a bad indicator of the tendency to violence. A sense of guilt generated by affluence and inherited wealth runs through much of the protest movement.

And there is "permissiveness." The religious precepts accepted at Brigham Young are carried out in institutional policy by President Wilkinson. He believes that proper university management can minimize what he calls anarchy. He feels the notion that universities are enclaves or sanctuaries should be dissipated; that taxpayers have a right to intervene through legislatures; that trustees need to be more active and should delegate power to presidents rather than to faculty committees; that faculties should be under better control and more heavily focused on teaching; that "rigorous discipline" should be restored; that schools should not close early or give credit for courses not completed; that courts and judges should be more severe with students; that there ought to be better business management of institutions of learning; and



that students rather than institutions should receive direct financial aid from legislatures.

This mostly severe set of recommendations illustrates the wide range of view held by responsible educators. Whether what works at Brigham Young would succeed at Yale is scarcely worth speculating upon. We are a pluralistic university society.

But the quiet places are sitting happily back, a satisfied look on their faces. Junior has been taken to the woodshed (or was taken there, figuratively or spiritually long hence) and all is tranquil. For how long is anybody's guess.

#### BLACK STUDENTS—THEY SPEAK OUT FOR THEIR PEOPLE

(By Erwin D. Canham)

Black students play a spectacular role in the present era of student protest.

Their motives are profoundly different from those of white students. They are protesting against the consequences of centuries of discrimination and repression. They are protesting the still widening economic gap between blacks and whites in the United States. They are protesting for the opportunity to compete on equal terms in white America.

Knowing education to be the key to progress in American society, they are protesting for a fair chance.

"But," many white Americans will ask, "don't they have a fair chance now?"

The answer is emphatically "No."

First of all, most blacks can only attend distinctly inferior elementary and high schools. They are poorly prepared for college and university. They come from impoverished homes. The average family income of students in black colleges is less than \$4,000 a year, as recorded by a report of the Carnegie Commission on Higher Education.

The black colleges themselves, where about 50 percent of all black students are enrolled and which in 1968 accounted for 80 percent of the degrees earned by all blacks, are largely impoverished and deprived.

#### LARGE NEED POORLY MET

The predominantly black colleges and universities still suffer at the hands of government. The total federal financial aid to higher education in 1969 was over \$4 billion. Of this only \$119 million, representing 3.5 percent of the total, went to predominantly black colleges and universities. Yet their need was relatively greater than that of the white institutions.

The chiefly black land-grant colleges and universities do not get a fair deal at either state or federal levels. Federal and state aid to such white institutions totals \$650 million a year, while the predominantly black land-grant colleges in the same states received only slightly more than \$70 million. Per student, that amounts to \$1,365 for blacks and \$2,300 for whites.

Protest on the mainly black campuses has been less disruptive and violent than at many white institutions. More students, coming from poor farm families, are soberly intent on getting an education. The religious background which underlay many of the colleges still persists in disciplines and attitudes.

The spectacular demands of black students at largely white institutions relate mainly to black aspirations for identity, pride, and opportunity. Beginning in the middle 1960's, blacks have sought facilities and curricula which permitted them to strengthen their sense of identity as blacks rather than submerge it in white institutions.

#### SPECIAL EFFORTS FEASIBLE

Thus they asked for special black residences, representation on various committees, and black study programs. Scholars agree that there has been shameful neglect of black history and culture. But the programs

being set up must be academically responsible. Special efforts can well be made to compensate for the neglect of the past. But it will do more harm than good to set up programs that are either unsound in scholarship or present a new form of indefensible racism.

The black student movement, whether at mainly black or white institutions, is at the very heart of black aspirations in America today. One black educator has written: "Campus unrest among black students . . . represents the opinion, feelings and attitudes of the black communities in general across the country. The frustration, anger, outrage, fears and anxieties of black students are expressive of the same feelings and emotions which exist among a large spectrum of the black population—'moderate' as well as 'militant.'"

#### WIDENING GAP

My months of contact with the four black members of the White House Commission, who could be classified as "moderates" by any standard, convinced me of the truth of this statement. There were many personal differences among them, as they were among the whites, but from a young Harvard graduate student to a West Point lieutenant general they expressed eloquently the feeling that blacks in America are in many significant respects worse off today than they were 10 years ago.

This statement seems incredible to many whites. But if you look at various measuring sticks, the conclusion is compelling. The relative income of black families compared with white has not increased. They have run hard, but not stayed in the same place. They have fallen behind.

During the 30 years from 1940 through 1969, the percentage of black men and women between 25-34 with four or more years of college increased less than the percentage of whites of the same age group. Thus an already wide gap was further increased, despite a numerical increase in black college enrollment.

Between 1964 and 1968 the total of non-white college-trained males in the labor force (and perhaps this is as relevant a statistic as we could have) rose by 13,000 from 266,000 to 279,000, or slightly less than 5 percent. In the same period, the number of whites in the same group rose by almost one million, from 5,158,000 to 6,076,000, or nearly 18 percent.

In 1969, one black male in 14 in age group 25-34 had received a college education. For white males in the same age group the figure is one in five.

#### ALL-WHITE COURTS

In 1968, a black high-school graduate earned less than a white male who had only completed grade school. A black who had completed four or more years of college earned less than a white who had completed only high school.

An American black rarely sees another black on the side of the authoritarian fence. Revis Ortigue, the eminent black lawyer who was a member of the Scranton Commission, pointed out that although blacks make up a large percentage of those called into the courts of law, there is hardly a black judge, a black bailiff, a black sheriff, or other officer of the court in a large part of the nation. No "soul brother" face is to be seen on the establishment side.

A similar dearth of blacks exists throughout the nation at all levels of authority. It may be pointed out that blacks have not been able yet to qualify for many of these jobs, but it cannot be denied that many have lacked opportunity even to try to do so or have been discriminated against in the process of doing so.

Thus the blacks push forward for higher education. Nearly all Americans give lip service to the goal of more and better educa-

tion for blacks. Not all of them mean it. Some whites fear a better-educated black. They know, correctly enough, that better education—for a time at least—will not lessen but will intensify pressures and unrest.

The better-educated black has a more acute sense of what he has been denied down through the years, and in many respects is still being denied. Thus the awareness of repression grows, even when the fact of repression does not. It is the awareness that creates the climate of unrest.

#### PERSISTENT MILITANCY

There will continue to be pressure for greater financial support for the chiefly black colleges and universities. They need and deserve it. If they continue to be victimized by unfairness, by a deliberate and fearridden effort to starve black education, there could be serious trouble.

In the chiefly white institutions, there will continue to be plenty of black militants. They will keep on demanding more and more recognition of their identity as blacks. Most of them will not wish to be integrated, to be absorbed into white society even on the campus. In the long run, they accept integration as a goal but only after black identity and dignity have been affirmed and protected.

Some of their militancy may be extreme, for they are protesting against old grievances newly exposed and exacerbated. And they, like white groups, have been infiltrated by revolutionaries. Some of them have affiliations with Communist and other Marxist elements in the world. They are angry and violent.

The sense of repression felt by many blacks is so great that they do not hesitate to describe it as "genocidal." This usage is hard for whites to grasp. They mean that their very sense of entity and being is under pressure from a society which—consciously and unconsciously—is aggressively white and always has been.

If the goals and aspirations of black students are reasonably met—better institutions, better recognition of blackness everywhere, better chance to compete—their still increasing alienation from American society can be stemmed. Thus the campuses offer a magnificent opportunity to make progress in healing what is surely the deepest and saddest breach in American life.

#### THE UNSTUDENTS—FRIGHTENED, LONELY, LOST

(By Erwin D. Canham)

The problem of nonstudents and semi-students and the street people who surround most college and university areas in the United States is increasingly severe.

Many of the activists who make most of the trouble come from these largely non-student groups. The blame comes back on the university itself.

Moreover, the satellite areas contain elements which run the whole gamut from crime and tragedy to idealistic utopias. These communities are likely to enlarge in the United States. They may become permanent. They must be understood, not just eyed with distaste or bewilderment.

The makeup of the "culture islands" is very diverse. They include:

Students who prefer not to live on campus, or for whom the university has no accommodations.

Nonstudents, camp followers, hangers-on: the street people.

#### ACCOMPANIMENT OF CRIME

Dropouts or runaways. There are hundreds of thousands of these in the United States each year.

A grim underworld of crime: drug-pushers, thieves, merchants of vice.

Young adults living together, sometimes married, sometimes not, often with children,

but attracted to the freedom of the new communities.

The atmosphere of such areas also varies widely. In large cities they blend with the slums. As criminal elements have moved in they have become armed and terrifying. It is blood chilling that such places should be havens for alienated children running away from home.

Even where no large-scale defined communities have grown up, there are apt to be a considerable number of street people floating in and out of university and college towns. They are everywhere.

And every resort area, every attractive climate in this nation, has drawn to it in appropriate season part of the floating population of youths which is one of the most striking aspects of 1970 America. Their mobility is incredible. It has girdled the globe, from Acapulco to the Himalayas.

#### VIOLENCE OR GENTLENESS

There are also the communes, from the cities to the countryside, from Vermont to the Pacific foothills, resembling to some degree the utopian colonies which have marked America for two centuries. When these communes launch into the crimes of which the Manson group is charged, the blood runs cold. Often, however, they show the gentleness and love of Brook Farm and Bronson Alcott.

Through many of the street people and the communes runs a deep religious streak, as the saffron-robed, shaven chanters and dancers of the Hare Krishna remind us in so many cities. There are more than a few mystic or robed orders running communes, asking money on streets, living lives of retreat.

It is hard to find accurate words to describe the pervasive phenomenon. For many, no doubt, it is a search for life-styles that will reflect greater freedom, individuality, and openness than the conventional culture. There is a deep sense of sharing, of community, of willingness to help others. Peace and love and nonviolence are preached. Some of the most noble of social elements mingle with some of the most sordid.

If these mixed youth communities are to become permanent, we must find ways of helping them reduce crime and achieve genuinely and legitimately the freedoms they seek.

Whatever happens, many of the street people are in desperate need of help. They need health services. They need psychiatric aid. They are getting very little.

#### COLD REJECTION RECORDED

Dr. Joseph Brenner of Massachusetts Institute of Technology, founder-director of the free Cambridgeport Clinic in Cambridge, Mass., has told the touching story of the 2,300 to 3,000 dropouts he estimates to be wandering on his city's streets. One youth, suffering from a bad trip on LSD, was asked if he had a friend with whom the physicians could talk. Yes, he said, his best friends were in the waiting room. They were, indeed, glad to help. But they had only met the youth that evening as they waited for help themselves.

This love and understanding between the street people were not matched in another experience recorded by Dr. Brenner. A 19-year-old girl from a comfortable Boston home had run away, become ill, needed home care. When Dr. Brenner called her mother he was met with a stream of abuse, told she "couldn't care less." Renewed efforts met with cold, hostile rejection.

#### SATELLITE AREAS GROW

Unhappily this alienation happens many times. On the other hand, many of the facilities set up to aid the runaways are successful in reuniting them with their families.

But the rescue services usually have to be rendered by very sympathetic persons, near the peer group of the sufferers.

One such project, just one out of many in the nation, is run in Boston's South End by theological students from nearby institutions. It is called Project Place. It announces itself widely in the underground press. It runs an open line of continuous telephone counseling, especially for drug victims.

It offers refuge to its share of the estimated 750,000 runaways in the nation each year. Staffed by young people, many of whom have been dropouts themselves, it counsels them on health and psychiatric problems. It gives them food and shelter. Last year 5,752 bed-nights were offered in the two Victorian town houses in the South End. Often 30 young people will be sleeping in their residential accommodations while another 60 are bedded down on the floor in reception rooms.

A related but different problem focuses on the growing satellite communities, such as Isla Vista, beside the University of California at Santa Barbara, but 10 miles from that city itself. There 9,000 students (for whom the university has no living accommodation) and 4,000 others are grouped into a "community" without official government of its own, isolated from urban or much suburban life. The magnificent setting beside the Pacific has been wasted. Multiple-unit apartments and private dormitories predominate. Privacy is hard to come by. There are too many dogs.

#### INFORMAL GOVERNMENT SET UP

The "community" is an unincorporated area of Santa Barbara County, under the government of its board of supervisors. It has many needs, from sidewalks to law-enforcement officers based in the community. To meet the need of government of its own, an unofficial Community Council has been set up, for which all over the age of 16 have a right to run and vote. Students are "enfranchised" by this extralegal device, and there is much inner community feeling, based on shared need and outlook.

Here it was, however, that rioting broke out last spring, with intemperate violence on both sides. There could hardly have been a more distressing situation. Isla Vista is still there, an entirely abnormal situation, but with many concerned people wondering how it will evolve. As universities continue to expand, often not being able to provide enough dormitory housing, students will expand into neighboring areas. Their mingling with all the other disparate elements of the youth culture can intensify problems.

But it is the wandering young people, not just the students, who offer a challenge to America. In so many cases they are frightened, lonely, lost, seeking identity and place. Some of them are grim evidence of the breakdowns of family life in the United States. They also show, especially in cases where families have done their best to understand and communicate, that the pull of the youth culture and the "freedom" of the new society is a very magnetic pull indeed.

Conceivably such communities could evolve into healthy situations. Idealism might come out on top. But for this, the nation must make greater progress in controlling the drug problem. Drugs are the manifest curse of the youth culture. The problem of illegal marijuana begins to resemble the problem of prohibition. Law enforcement is difficult to the point of impossibility. And marijuana opens the door to hard drugs.

#### ORPHANS CAN'T BE ISOLATED

There is also the problem of organized crime, which has found a field day among the street people. Especially through drug addicts who must steal to pay for their fixes. Drugs and familiar crime are far more per-

vasive than revolutionary activities in the enclaves of the street people. But terrorism is planned there, too, with easy chances for concealment.

America cannot isolate its orphans. It cannot hound them out of existence. It cannot club or shoot them off the streets.

And I suppose there is no reason why youth communities should not exist, just as "golden age" ones do.

But the millions of wanderers, the hundreds of thousands who dwell in special areas and communities, must be kept in healthy relationship with the total society.

All the circumstances which lead children to run away need prayerful, sensitive consideration by parents. The factors which have produced a drug culture need to be curbed. The sources of alienation need to be reduced. All this can gradually come about as the two cultures listen to one another, strive to understand one another, and find meeting grounds on which both can serve the goals—as there are such goals—on which both agree.

#### HOW NOT TO START A RIOT

(By Erwin D. Canham)

The two cultures in America meet face to face these days on Main Street in any university town.

Of course, town and gown have met—and clashed—as long as universities have existed. More blood was spilled thus in the Middle Ages than ever since.

But today university authorities, police forces, the National Guard, the governors, and the federal government have a large collective problem of law enforcement.

It is not an easy problem. On the terms and methods of its fulfillment a good deal of peace or strife depends.

I for one applaud President Nixon's order to the Federal Bureau of Investigation to investigate criminals on campus. The subversives and terrorists, whether students or perhaps in some cases even faculty members, should be ferreted out and prosecuted under due process of law. Their incendiary activities taint and sometimes beguile honest students.

It is important to find out where the real plotters and terrorists are on campuses and in their vicinity. Thus intelligence work is vital. The use of police undercover agents posing as students is tricky. There is danger that the campus atmosphere will be poisoned by the belief that undercover agents are lurking in every classroom and that dossiers are being prepared and stored on every outspoken student. Yet a good deal can be done without harm. Skillful police work can be preventive insurance. Skill pays off all down the line of law enforcement.

#### "INTELLIGENCE" CAN BE RISKY

The authorities should not be gullible in their assessment of so-called intelligence. The civic officials at Kent State said freely they were convinced—as Gov. James A. Rhodes hinted he was when he called in the National Guard—that panelloads of dangerous radicals were landing at nearby Akron and Cleveland. These rumors were entirely false, but they seemed to have influenced the decisions of the authorities. Every military officer knows well the dangers of false "intelligence."

When it comes to the issue of subversive teaching, as compared with overtly illegal acts or incitements, we enter very difficult ground. Some teaching may be dangerous but not illegal. Then it is the problem of university discipline and responsibility. We cannot have thought control, or idea control, in the free society we cherish.

Mass meetings can be held and very violent things be said without breaking any law. The police come into the arena when there



is disorder and the danger of criminal acts. Their role on the campus is tremendously difficult. Yet, despite high emotions, in May, 1970, in hundreds of cities, thousands of policemen coped with mass student demonstrations with exemplary skill. The tragic spots, like Kent, Jackson, Santa Barbara, etc., were the exceptions rather than the rule.

#### EFFORTS AT IMPROVEMENT PUSHED

It is widely agreed that police forces in the United States need upgrading in pay, professionalism, and training especially to cope with civil disorder. Efforts are under way, legislation has been passed, to improve the quality of police work in the United States. Every step in this direction will increase respect for the police. A police system is sometimes no stronger than its weakest link. A single ill-advised act can precipitate a riot—unnecessarily and undeservedly.

The police are under terrible attack in America today, especially in urban slums. They have been rarely attacked physically on campuses, especially with lethal weapons.

And so, despite the legendary hostility between some police forces and undergraduates, it is frequently observed that those policemen who have the most contact with students like them best and handle them most skillfully. They tell me, around Boston, that police regularly assigned to beats that bring them in contact with students can be distinguished readily in riot situations for their skill and understanding as compared with the men brought in from other areas.

University administrators and law-enforcement professionals must have learned a lot this year. They can overcome many past mistakes. They should have plenty of discussions, long before trouble starts, planning what they will try to do to cope with various situations. It must be decided in advance who will call in the police, who will give the orders as the situation continues.

Police need the right tools with which to handle or disperse crowds. These include protective devices and nonlethal weapons. Many imaginative suggestions have been made but relatively little progress has been seen in new measures and skills.

#### TRAINING FOCUSED ON WAR

When and how to disperse an illegal assembly, when and how to break up a sit-in or other illegal occupation of property, when and how to handle an actual mob—these are all technical skills that benefit from sophisticated knowledge. Some of this analysis is taking place, but more is needed.

Yet, compared with police forces both local and state, the techniques of the National Guard are far behind. This is not really the guard's fault. Criticism of the guard at Kent State is resented by many who realize the guard's legitimate and worthy role in the whole panoply of national defense and civil order.

The trouble is that the National Guard has been assigned tasks for which it had limited training and improper equipment. The disgrace lies with those who failed to foresee these fatal flaws. Between September, 1967, and June, 1970, the guard was ordered to help in curbing civil disorders, urban and campus, 221 times. They were required to play almost no role in Southeast Asia. And yet their training remains overwhelmingly for war. Their six months' initial training is identical with regular-Army troops. After the 1967 disturbances they were required to have 33 hours of training for civil disturbance, but the requirement was cut back to 16 hours annually and 8 hours for new recruits, with no such training to take place during summer camp.

#### STATE POLICE OFTEN CAN DO BETTER

Typically the guardsmen do not have as good protective equipment as police have. In many cases their weapons are entirely unsuited to crowd control. Of course the

men and officers earnestly apply themselves to their tasks. But with limited training and poor equipment, their morale for crowd control can hardly be very good, their self-confidence is weakened, and fear or anxiety creeps in.

Many responsible officers are working hard at better training of the National Guard for their tasks. And in most instances the guard has functioned well. It remains an essential part of ultimate law enforcement. But governors must think responsibly before they call in the guard. Often the state police can do a better job where local forces—as in small communities—are inadequate.

The act of calling in police to a campus should be wisely considered. Often such an invasion can precipitate a riot when a crowd would have subsided of itself. Quite possibly this would have happened both at Kent and at Jackson. But of course force and a firm line are sometimes badly needed.

One of the best examples came at Dartmouth College in May, 1969, when a protesting group had occupied the administration buildings. The college authorities obtained an injunction from the court, and the state police were called in from both New Hampshire and Vermont. They evicted the students who were breaking the law without use of clubs or other weapons, all under the watchful eye of Gov. Walter R. Peterson Jr. His personal presence and careful advance planning and instructions prevented worse rioting. Students and faculty were subsequently prosecuted; many served brief terms in jail.

The role of law enforcement is under siege in the United States today. The police have been elected for special vilification throughout the revolutionary underground. The courts are similarly attacked. It is well understood by those who wish to destroy the system that law and law enforcement must be undermined first.

#### MERE REPRESSION POSES THREAT

The response of law-enforcement officials and of the public will make matters worse if it is merely repressive. The only alternative more dangerous is vigilantism.

But intelligent, carefully prepared sensibly equipped police work can support law more than anything else.

Nowhere is this crisis being acted out more decisively than on the campuses. The score is not bad. Utter tragedies have happened in only a few places, although their effects sweep like wildfire across the nation and around the world.

The police task is exceedingly difficult. It becomes almost impossible when kidnappings and the holding of hostages occur. Recent events in Canada and the Middle East have shown the frequent helplessness of law enforcement.

There are not enough police officers, there is not enough National Guard, to enforce the peace if a sufficient proportion of the citizenry—on campus or off—becomes alienated.

Wise students will behave themselves for fear of destroying the entire system. Wise officers will show skill and proper restraint.

There is much that can be done on both sides to help restore order in the most effective manner. Planning, equipment, intelligence, cooperation—these are all significant.

No free society can achieve real peace with guns. And so the problem of law enforcement, like all other aspects of the current clash of cultures, comes back to understanding.

#### RESHAPING THE UNIVERSITIES

(By Erwin D. Canham)

It is possible that out of present turmoil, American colleges and universities will be reshaped into the kind of communities of teaching and learning they ought to be.

Certainly massive efforts are under way to diagnose their ills and prescribe cures. The Carnegie Commission on Higher Education is in the throes of producing a report of some 80 volumes. And just about every institution is engaged in deep, traumatic introspection.

It really is no wonder they are in trouble. The big ones have grown faster than anything has a right to grow healthily. They are distorted by such pressures as that for open admissions, or for major public or private services they really should not perform. Costs of operation are going up dizzily. Sources of revenue are shaky, whether at the decision of legislatures, wealthy alumni, or foundations.

In a time of vast social and political change, universities and colleges are breeding grounds and arenas of conflict for all sorts of ideas. They should be. But the fact makes them vulnerable.

#### SPOILERS SEEK CHAOS

Moreover, anarchistic revolutionaries who would destroy the entire system seek shrewdly to destroy the universities first. They do not want restructuring and reform. They do not want real freedom. They want chaos. Fortunately there are only a few of these spoilers, but a few can do great harm.

The rest of us, the great majorities—silent and otherwise—must through our support see that institutions of higher learning are not weakened or destroyed.

It is perfectly evident that great changes must be made. The goal is to restore institutions of teaching and learning, true communities of scholars and doers, exemplars of character building and mind expansion.

They are also centers of research and exploration on today's vast and dizzy frontiers of knowledge. Never was there greater need for true universities and colleges, for never did knowledge need to be understood with greater insight and wisdom.

Start with the colleges. They are more easily remodeled. They can be quite selective in their admissions policies. Therefore they can come close to shaping a student body which is appropriate to the particular function of the college. They need not include students rebelliously or apathetically there just because their parents went, or they need a work license, or seek a status symbol.

#### QUESTION TO ASK

Perhaps the best question parents, students, and the college could ask is: "Why go to college at all?" If the purpose is one of true self-development, not a four-year interlude before the reality of work, and if the development is handled with academic discipline, through communication with authentic teachers, the experience is invaluable.

The best of colleges could be truly thoughtful, truly scholarly, truly committed to sound and competitive social values. They could develop leadership. They could be genuine communities in the way a multiversity never could be.

Their faculties should be carefully chosen for dedication to teaching and learning, and for their recognition of academic responsibility as well as academic freedom. Academic responsibility is an easy phrase. What it means to me is that there should be an honest and fair fight between conflicting ideas and interpretations of facts.

There has not been such a fair fight in recent years. The trend of academic teaching has been heavily to what is called the left. That's all right if competitive views are adequately presented and taught, so that students have a real choice.

It is just as misleading to have an economics department made up of all liberals as to have them all conservatives. The trouble is that the system feeds on itself, and fewer conservatives are being produced in the graduate schools. An academic rebel on the right should be very welcome these days.

## ADVANTAGE ENJOYED

The college has the inestimable advantage of close relationships between students, faculty, and administration. Workable systems of governance are possible by which students can participate in matters affecting them most nearly, and faculty can collaborate closely with administration—and even trustees.

Admirable systems of college governance are being hammered out these days. They need not make campuses over into New England town meetings. But they can achieve far greater participation and communication than ever before. They can build closer-knit, healthier communities than ever before.

The problem of the big university is far tougher. There should certainly be limits on their gigantism. Or they should be subdivided into colleges or clusters.

They have great advantages, especially at the postgraduate level. But they have lost human scale, they have ceased to be communities. They have naturally been the scene of the worst violence and revolutionary plotting. Their presidents and deans deserve sympathy, and more often than not, respect.

With universities the need is to sift out the people who should not be there at all, and help them to find their right learning experience elsewhere. Vocational and technical schools are admirable for many, and should not be confused with universities.

It is possible that a good deal of the responsibility for vocational education should be transferred to private enterprise. Business and industry might well maintain directly (as they do now in some part) and indirectly the training process for many of their employees.

They would receive training in circumstances far more conducive to learning and motivation than at present. What is now a resented symbol—the diploma as job ticket—could be part of the overt process. Hypocrisy would be ended.

## UNIVERSITY ROLES PERVERTED

Universities have been very bad in their deviation from the basic role of teaching, learning, and even of research. Government has moved in, with its billions. Deans and professors build empires with federal funds. Some of them become millionaires as private consultants.

The planes from Boston on Thursday afternoon used to be crowded with Massachusetts Institute of Technology or Harvard professors heading for Houston or Seattle or almost anywhere else where the bond between knowledge and industry paid big honoraria. They are not so crowded these latter days, as defense contracting tapers off. And of course, many—perhaps most—took the planes to Washington.

The inflow of federal money has greatly expanded the frontiers of research. Even in defense, there has been very large fallout of knowledge adaptable to a great range of human need. From the fruits of such research flowed freely—without classification as secret—into the channels of scientific knowledge, the advantages were large.

But classified research in universities uses the scholar or scientist in a different sense. He and his institution should be very sure that the service to the national interest clearly outweighs the disadvantages of making the open university a closed agent of defense power. Indeed, many believe that all defense research should be channeled from the open university, dedicated to scholarship, into the special institute totally in government hands.

## PRIVATE NEEDS SERVED

Universities also serve private and community needs. There has been a colossal expansion of institutions and departments

devoted to urban studies and many other specialized areas of public and private concern. The service role of universities is important. But it is not the primary mission. Students should not have to pay the price.

Indeed, nearly every aspect of the problem comes back to the relationship between teacher and student, and the quality of the teacher. Universities have fallen deeply into the practice of using graduate teaching assistants.

They are by definition inexperienced, and often overworked, underpaid, and distracted by their own degree programs. They can also be academically irresponsible and unbalanced. They are used because they are cheap, and as soon as the universities can afford to do better they should.

## TENURE TACTIC ABUSED

The practice of tenure, intended to protect academic freedom, is grossly abused. Before tenure, the department faculty sometimes resembles a club of like-minded zealots with acolytes striving to please; afterward, there is precious little evaluation of quality of work and enforcement of intellectual discipline. It is a wonder the system works as well as it does.

Even with tenure, there is a lot of movement between universities these days. The professor often has little loyalty or fellow-feeling to his institution. His link is with his field of work.

Proposals for free-entry and -exit universities are made. The student is like the patron of the public library. He takes what he chooses, absorbs it at his own pace. Either he gets an education or he does not. Operated recklessly, this could be permissiveness raised to an extreme. Eat what you like.

Perhaps this is no worse than the opposite extreme: cramming the student with course and degree requirements which are ingested under orders and spewed back at examination time, bearing little relevance to the needs of the student and his future life. For the motivated, bright student, the open university would give the chance of an education in jig time, without wasted effort, unnecessary courses, needless expense.

## FAITH NOT LOST

Colleges and universities need to win back the public confidence. For many reasons, they have lost it. Their own willingness to accept responsibility for reform will go far toward restoration. Americans have not lost faith in higher education.

The reform program must be comprehensible to those whose confidence has been shaken. Perhaps it can be explained in terms of getting rid of meaningless and valueless rigidities—a step which would seem to be toward “permissiveness”—in order to achieve a deeper sense of structure, purpose, and morale based on a freer, more open, more individualized concept. Truer order can really grow out of self-reliance, purpose, and motivation.

I believe colleges and universities will get their morale back, but they face an era of experimentation which will not restore confidence automatically. We may face an interlude of trial and error, with plenty of mistakes being made.

Out of it all could come new institutions based on old traditions but with more discrimination, more responsibility, more true freedom, more dedication to the one person for whom the colleges and universities exist: the student.

## HOW TO CLOSE THE GAP

(By Erwin D. Canham)

It seems extravagant to say that America is slipping dangerously toward misunderstanding and hostility comparable to last century's Civil War itself.

And yet the gap between the two “cultures” in America and in much of the rest

of the world is in many ways a bewildering, profoundly disturbing phenomenon.

The “new” or “counter” culture is relatively small. But it has penetrated widely among youth and its thrust goes deep into society itself.

This new culture is marked physically by differences in dress and life style. It stresses values related to humanness and the sacredness of life and feeling. It is often utopian, sometimes mystical, sometimes felt with the fervor of religion.

But the new culture attacks the old: It believes industrial society has weakened human purpose; that the gap between ideals and performance has never been greater; that the American nation is betraying its role at home and in the world.

The old culture attacks the new: It scorns the new life styles openly (while adopting some of them—sideburns, beards, men's bright clothes) and points out that without the economic achievement of the old there would be no margin to support the new.

The divisions are often marked by intolerance, by hate, by fear.

## PRINCIPLES AND STANDARDS

Oh, sure, we have been a divided country before, not just in war. Kids and their parents have misunderstood one another in every generation. It is easy to say that a little old-fashioned discipline would set everything straight. Or that if only we could keep those Communists out we would have no trouble. Or suppress the radical professors in college. Or the Eastern liberals. Or something.

When you look hard at the phenomena in American life today, however, you see that the divisions are very deep. There are surface divisions, related to such issues as the unprecedentedly distasteful war in Vietnam. There are deep divisions, related to ethical principles and standards of value. There are crime and violence. There is the narcotics curse. There are the terrorists, and the worst part of their terrorism may be the well-educated, well-reared, delicate and lovely young girls who do not hesitate to make bombs and plant them in public places, sometimes—fortunately—with a warning telephone call.

The integrative fabric of American society—which is its public morality—is in danger.

I do not think this is exaggeration. But I think the situation can be saved. We can make peace.

What are the elements of a peace program?

The first step has already been taken by President Nixon in his latest Indo-Chinese settlement proposals. It must be made clear and credible that the United States is doing everything it can to end the war. This minimizes or removes one temporary cause of national malaise.

The second step has been under way for some time, but with setbacks. We must make swifter progress toward full social justice for America's minorities: the blacks, the Chicanos, the Indians, the poor.

A third step is so impelling that it might provide a platform on which we could all come together. It would be: far more intensive work to find out how badly we have upset our relationship with nature, and what we need to do to make peace with it.

At present, antipollution programs are regarded by many blacks and the poor as an effort to change the subject—a cop-out. We must persuade them that the struggle for social justice does not need to be subordinated, but that if we are making earth's atmosphere unfit to breathe or to live in, nobody will survive.

Thus an environmental program on a scale commensurate with the gravity of the problem could bring young and old together, could unify the two cultures in a common cause, possibly around the world. I believe few people, even the doomsmen, have yet realized how massive a program we must have—locally, nationally, internationally—to



get the world physically back on the right track. I hope this awareness will grow soon, and that it will help us unite.

Meantime, the two cultures in America should open wider channels of communication with each other. Few of us know what actually is going on in the minds and hearts of the others. Few are willing to listen.

We will hear from one another a good deal we cannot accept. But we can strive to comprehend. The voices of the new culture do not have ready a program of reformatory action. Steps they proposed are often wildly impossible of fulfillment. Sometimes they are merely destructive. Nor, indeed, does the conventional culture have a persuasive reform program at hand.

I believe the two cultures should get together to work out practical measures of progress. Criticism and response should join. The two cultures could blend, as America has blended many inheritances down through the years.

There could be an agenda of issues. On them we could work together. Government could give the lead, but the task of developing a program would lean heavily on public opinion and citizen action. Here are some of the ways we could work together:

Recognizing that unilateral disarmament by the United States would be suicidal folly, we could put greater pressure behind the negotiation of limitation of armaments agreements with the Soviet Union. In short, raise this issue to the magnitude it deserves.

Demand more effective grappling with the waste and inordinate power of the defense establishment. Already careful studies of this problem exist. Little is being done to carry out their recommendations.

Curb the political and economic power of the military-industrial complex. An important step, perhaps the most vital, would be reform the rules of Congress so that committee chairmen representing districts with heavy defense benefits would not dictate legislative action. Truly effective popular demand could bring about congressional reform.

Press harder for real tax reform. The present laws are unfair, they distort the whole economy, they give inordinate benefits to a few. The subject is complex but it cannot forever be postponed.

Grapple with the unending spiral of wage-price increases. If national government continues to be ineffective in coping either with trade-union power or managed-price increases, then consumers' strikes can again be pushed. They could be extremely effective.

Encourage young people to participate still harder in the political process. Welcome them. Utilize them. Prove to them that work within the system is better than trying to destroy it.

Awaken the rest of us to the need for greater civil and political participation. Even to vote regularly would be a big gain. General citizen activity in the political process would be a sensational step forward. Apathy is the present curse.

Open doors for young people in the whole range of civil and service organizations which perform so much of the nation's work through voluntary activity. The instruments exist. They have only to be used.

Just ahead—if, indeed, we are to have programs that will cope adequately, with various forms of pollution—we must forge governmental methods of regulation and control of a magnitude never before contemplated in what we would like to keep a free society.

Here are platforms on which the most thoughtful citizens, people of the old and new cultures, could collaborate in working toward solutions.

#### UNFINISHED BUSINESS

These are concrete, pragmatic, difficult issues. They are certainly part of our unfinished business.

Such tangible steps, and many more, could provide an agenda for interaction by the two cultures.

Transcending them all is the need for mutual respect.

The reconciliation of American society begins in the hearts of us all. Each one of us, on both sides of the gulf, could literally stop backbiting the other. We could reaffirm our common humanity. We could express the love we profess.

Dwellers in the old culture could hear and see the sincerity and meaning of the new; dwellers in the new culture could perceive that history and experience are not dead and valueless, but useful guides for the future.

If the chasm which now yawns in American society can be spanned there is great promise and hope. We must work at it.

### TWENTY-FOUR HOUR PATROL POWER IN INDIANAPOLIS

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. BRAY. Mr. Speaker, the Indianapolis City Police Department has used an old tool—the patrol car—on a new plan that shows great promise in coping with city crime rates.

The following article from the November 1970 FBI Law Enforcement Bulletin, by Indianapolis Police Chief Winston L. Churchill, describes what was done:

#### TWENTY-FOUR HOUR PATROL POWER

(By Winston L. Churchill)

The crime rate has become one of the major issues of the 1970's. Indianapolis, seeking a way out of the seemingly bottomless pit of spiraling crime, has pioneered a new plan using an old tool—the patrol car. Since traditional police practices seemed to have little effect on the crime rate, the Indianapolis Police Department took a long look at old methods and decided to try to increase the protection that one man and one car can give to the public.

In 1969 the Indianapolis City Council, at the urging of the Police Department, passed an ordinance appropriating \$650,000 to be financed by a bond issue, for the purchase of 347 new 1969 vehicles. We purchased standard four-door sedans with police package and automatic transmissions. By the time the police accessories were added, the cars cost approximately \$2,600 per unit. Not included is the cost of radios which are leased (\$144 per year) and insurance (\$125 per year).

In September 1969, 455 marked patrol cars were issued to uniformed patrolmen, sergeants, and lieutenants. Since there were not enough new cars to issue one to each man, we decided to issue them to the patrolmen on regularly assigned beats. Superior officers were issued 1968 cars. The department felt that the patrolmen, who are the backbone of any police department, should have firstline equipment.

Rules were published pertaining to off-duty use of cars. Basically officers are urged to use the cars as they would their own private vehicles. Prudence, good taste, and commonsense are stressed. Radio contact is to be maintained at all times and officers are expected to respond to serious nearby calls. Emergency runs are forbidden while non-police passengers are in the car.

#### VEHICLE MAINTENANCE

Periodic maintenance is performed at the municipal garage, and regular maintenance schedules are set up on the officer's off-duty

time. Routine car care such as washing is the responsibility of the individual officer. Monthly inspections are held by shift commanders to check car condition and equipment. Past departmental policy called for the replacement of vehicles every 2 years. We hope that the increased care by the individual officer will lengthen the car life by one-third.

Department research has shown that the practice of off-duty service has saved thousands of man-hours. Formerly cars were serviced and washed during duty hours.

Before the cars were issued to the patrol officers, men coming on duty reported to central headquarters, received instructions from the shift commander, picked up the cars left by the previous shift, and drove to their beats. This procedure took from 20 to 30 minutes. At the end of each tour of duty, the men would leave their beats, come downtown, gas their cars, and park them at headquarters. This practice would sometimes begin as much as 30 minutes before shift change. The time loss meant that the city was virtually unprotected for 1 hour each shift change or a total of 3 hours each day.

The present system allows the department to schedule the rollcalls at locations in the various districts. Sector lieutenants arrive at headquarters prior to shift change to pick up the orders of the day. They meet their men at predetermined sites, such as schoolyards, parks, or other areas where a large number of patrol cars might intimidate potential lawbreakers.

#### DOUBLE COVERAGE

Oncoming shifts meet the lieutenants, receive orders, and are on their respective beats within minutes of shift change. During roll-call the car radios are left on and the men are subject to call. One important side effect of the program is that the oncoming and off-going shifts meet at the rollcall sites and exchange information concerning the beat activities.

Now at a time when previously there was virtually no street coverage, the department can, if necessary, utilize double coverage. On several occasions men have been held over when civil disturbances threatened. This was accomplished by assembling the off-going shifts at designated areas to be used as a fully equipped mobile force.

How do the men like the program? A good indication of their feeling is that for the first time the uniformed men are not as eager to get transfers to the detective division. The men feel that the loss of the car plus the expense of buying business suits for work are not worth the regular hours and weekends off which most detectives enjoy.

The men, with the department's blessing, have added personal touches to their cars. Accident investigation men have added specialized first aid equipment; lockboxes have been installed in most cars to neatly store rain gear and flares. For the first time most cars sport a coat of wax. The department feels that these special touches are an indication of high morale, personal pride, and professionalism among the men.

#### RIGHT PLACE—RIGHT TIME

When the program was instituted, there was concern in some quarters that incidents which would mar the department image might occur. However, the opposite has been true. On several occasions off-duty men have been at the right place at the right time. One off-duty sergeant was on his way home from a meeting at headquarters when he was flagged down by two women who had heard a tavern owner call for help. He notified headquarters by radio and went to the scene. Another off-duty patrolman driving nearby with his 8-year-old son heard the call over his radio. The patrolman put his son inside a nearby warehouse and told him to stay there until he got back. After aiding the sergeant in the capture of three robbery suspects, the

patrolman returned and picked up his son. Other instances of men assisting at the scene of serious accidents, searching for lost children, and rendering emergency first aid to neighborhood residents are commonplace.

#### INCREASED PROTECTION

Economically from the citizen and businessman's viewpoint, the new program is inexpensive compared to the protection rendered. Initial studies indicate an increase of about one-third more driving time for each vehicle for use during an officer's off-duty hours. The public is therefore receiving this extra one-third more protection for only the operating expense of the vehicles. The manpower in this instance is free. Maintenance records now being stored in computers will enable us to readily analyze expenses and flag any vehicle whose maintenance cost becomes excessive.

The Indianapolis Police Department 24-hour patrol program is too new to evaluate with any conclusiveness. Nor do we know what permanent effect it will have on our crime rate. We believe, however, that the presence of so many police vehicles on the streets will deter lawbreakers. We have experienced a decline in burglaries and vehicle thefts during 1970, but all other crimes have increased. While crime has been increasing at a rate of about 10 percent, the arrests for major offenses in Indianapolis have increased by 43 percent in 1970. We believe the 24-hour-car system has contributed to this arrest increase.

Crime control was the primary purpose in setting up the 24-hour-car system. However, a very welcome and dramatic effect has been made in the traffic area. Our traffic arrests have not increased, yet our traffic fatalities are 39 percent below last year and pedestrian accidents are down 34 percent. We have experienced a decrease in traffic accidents. It appears that the presence of police cars parked and cruising in so many areas of the city has had a definite effect on the driving habits of our citizens.

The Indianapolis Police Department is pleased with the results of the 24-hour-car system. However, we are not satisfied with any increase in crime. We therefore are involved in a continuing research program in an effort to establish new patrol procedures to complement the car system.

The 24-hour-car concept is not the total answer to the crime problem. We did not think it would be, but it has proven to be the useful tool we envisioned. Hopefully it is one of the devices that will help police officers stem the rising crime tide and allow law enforcement to move to the plus side of the statistical ledger.

#### HIJACKERS OF FREEMASONRY

**HON. OTTO E. PASSMAN**

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. PASSMAN. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

[From the New Age magazine, November 1970]

#### THE GRAND COMMANDER'S MESSAGE: HIJACKERS OF FREEMASONRY

Washington Post editorial of September 9, 1970, commented on the presidential ballot in Chile for a reported Marxist and Mason. It set forth this incredible claim:

"De Allende, a medical man, is no ordinary doctrinaire ideologist. His anti-establishment

attitudes may come as much from being a Mason as from being a Marxist."

That is Masonic-hijacking, for it is a distortion of the meaning of Masonry, tending to create fear and hatred and to divert public opinion into a false direction. The invidious nature of the mentioned "anti-establishment attitudes" is obvious from this and similar articles, including alleged socialization of the economy, confiscation of private property, suppression of the press and alliances with Cuba's Castro. Any American Mason knows that these attitudes of atheistic Marxism are diametrically opposed to those of our Deity-conditioned Masonry. The two simply cannot coexist. To claim otherwise indicates either careless editing, woeful ignorance, or deliberate calumny.

Masonry in its history has been the victim of many unfair attacks. In some areas of the world, to paraphrase Shakespeare, slanderous tongues have done it to death. Often we have suffered in silence, content that:

"Be thou caste as ice, as pure as snow, thou shalt not escape calumny."

Yet, fairness and justice impel the observation that the charge now made is so far from reality as to be an outrage. It is a low blow. It is cruelty to those patriot Masons who were responsible for the civil and religious freedoms we enjoy. At its worst it smacks of the rapacious greed and the "big lie" technique with which dictators have confiscated the properties and imprisoned the leaders of our brethren abroad. We have every right to cry foul!

Consider those who have persecuted Masonry and then ask why. One of the first acts of the Russian Bolsheviks in 1917, precursors to our present-day Communists, was to dissolve all Lodges. Bela Kun in 1919 proclaimed the dictatorship of the proletariat in Hungary and ordered dissolution of all Lodges. Spain's first dictator, General Primo de Rivera, abolished Freemasonry in 1925. Mussolini, who tried unsuccessfully more than once to join a Masonic Lodge, having established his regime, decreed in 1924 that no member of his Fascist Party could be a Mason, and proceeded in 1925 to exterminate the Lodges and imprison the leaders. The Nazis, on Hitler's rise to power, dissolved Germany's Grand Lodges and sent prominent dignitaries to concentration camps. Gestapo agents seized the membership lists, looted the libraries and the collection of Masonic objects. Much of this was exhibited in an "Anti-Masonic Exposition" started in 1937 by Goebbels in Munich. This poured over into Austria where Masters of Lodges were confined in notorious concentration camps, including the living hell of Dachau. Similar mistreatment was repeated on Hitler's takeovers of Czechoslovakia, Poland, Holland, Belgium, Norway and Denmark. Nations subservient to Germany similarly were obliged to enact punitive laws against Masonry. General Franco of Spain in 1940 sentenced all Masons in his nation automatically to ten years in prison. When France fell the Vichy government dissolved the Lodges, seized their properties and imprisoned the leaders.

Misguided church hierarchies also have blasted forth Bulls from time to time, trickily directed not against individuals but against the whole Masonic Order, prompted primarily because they could not impose upon everyone their political, social, and religious dictates as long as there were freedom-minded people. They considered the Masons a bar to their desire to dominate. No wonder the Bulls frequently have been coldly received or ignored.

Masonry is tolerant and universal, embracing all men, and all religions with a belief in God. We therefore welcome, for example, a Christian, or a Jew, or a Buddhist, or a Mohammedan. There is no divisive dogma or creed. Many a member of the clergy

who graced a pulpit has felt he was a better man and a better minister or priest because of his Masonry. They found in their Lodges high religious ideals amid centers of enlightenment and good fellowship.

Mason-baiting therefore has been the practice of the White Terrors, the Red Terrors, and the Black Terrors. The full sorrowful story includes murder, inquisitions, imprisonment, tortures, looting of treasures and charities and outlawing of organizations.

Why? Why this fanatical hatred? Why this misdirected animus? The answer is simple. It is demonstrated in Masonry's history and purpose. For centuries Masons have opposed intolerance and bigotry, spiritual despotism and political tyranny. They have stood for integrity, for freedom and for individual dignity. They refrain from meddling in politics. They believe in a Divine Power, in morality and in a practice of charity, the teachings of which are derived in Lodge meetings with similar minded men. It is not a secret society. Its design, its object, its moral and religious tenets and humanitarian doctrines are as open and available as the obvious places where we meet. It is not a religion. It is dedicated to bringing about the Fatherhood of God, the Brotherhood of Man and the making of better men in a better world, wiser men in a wiser world, happier men in a happier world.

As individuals, enlightened Masons have advanced the cause of human progress and its republican institutions. They laid the intellectual and spiritual foundations of America. The authors of the great first Encyclopedia—Diderot, d'Alembert, Condorcet, Helvetius—were Masons. When Benjamin Franklin went abroad as an envoy to France and met there with his brethren in Masonry, it was with the moral strength gathered in Masonic Lodges for individual action outside the Lodges. Similarly, George Washington, his most trusted generals and Alexander Hamilton, Robert Morris, Paul Revere, John Marshall, John Hancock, and many of the cosigners of the Declaration of Independence were Masonically so inspired. When Voltaire went to Paris, the year he died at 79, he was initiated into Freemasonry. The ceremony climaxed with Benjamin Franklin handing Voltaire the Masonic apron that the great Helvetius had worn. Voltaire then kissed the apron. As he did so he must have remembered the hounding and killing of Masons who met in the sewers of Paris just before the French Revolution in 1789.

Masons historically have been in the forefront of movements that fired the imagination of freedom-loving people throughout the world. Goethe, Mozart, LaFayette were enthusiastic Masons as was the great Hungarian hero of democracy Kossuth, who found temporary refuge in America. Garibaldi was a Thirty-third Degree Scottish Rite Mason and a Grand Master. Leaders of the Young Turkish Committee that in 1908 forced Sultan Hamid "the Damned" to give their nation a parliamentary form of government were Masons. In Latin America the great liberators, Bolivar, San Martin, Mitre, Alvear, Sarmiento, Juarez, were active members who put into practice their Masonic humanitarian ideals. They were charged in Lodges with teachings that enabled them to become individual champions of democratic progress and of religious and civil liberty.

The hatred of the Nazis, the Fascists and the Communists was not merely emotional. It went deeper. The cleavage was a fundamental divergence of creed, namely, the totalitarian super racial versus the Masonic ideal of equality and freedom and the fulfillment of man's destiny as an individual.

From "the time whereof the memory of man runneth not to the contrary," Masonry always has championed the highest ideals of civilization. When permitted to flourish, those ideals have come nearest to realization



and in a climate of the highest living standards. Conversely, when suppressed, the humanitarian ideals and freedoms and the welfare of the people have deteriorated.

Perhaps we can best sweep away the rubbish of anti-Masonic ravings with the words of a great Mason and guardian of American freedoms, the man who in 1793 while our first President wore a Masonic apron and laid the cornerstone of the Nation's Capitol in Masonic ceremonies—George Washington:

On August 22, 1790, he wrote this letter to King David's Lodge in Newport, Rhode Island:

"Being persuaded that a just application of the principles, on which the Masonic fraternity is founded, must be promotive of private virtue and public prosperity, I shall always be happy to advance the interests of the Society, and to be considered by them as a deserving brother."

Today our four million plus Masons in the United States happily and proudly join in those sentiments. They number among them prominent statesmen, scientists, businessmen, artists, writers, clergymen, government officials, professional men, military men, rich men, poor men, lawyers, doctors, professors, mechanics, laborers, democrats, republicans, butchers, bakers, and candlestick makers, strong exponents of Americanism all.

We could list hundreds whose names, brilliant in history and fame, adorn schools, streets, and municipalities, the halls of our lawmakers and the executive offices of our government. In this setting, the Scottish Rite of Freemasonry enjoys amazing success and popularity, at home and abroad, symbolizing to all peoples the ideals and principles of freedom, the independence from fear and archaic superstition and serfdom, the dynamic Masonic leadership and action, and the onward march of a free, a wise and a happy humanity. We proclaim in our Scottish Rite what we believe is right and true and honorable and pay homage to our great national heritage and to the beneficent Deity that gave us life. Consequently, since a lie never fits a fact and facts are stubborn things, the attempts at Masonic-hijacking will never succeed. Long may our Masonry live and flourish in the free soil of a free world!

# BIBLIOGRAPHY ON DRUG ABUSE, USE, EXPERIMENTATION, AND EFFECTS

## HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. COHELAN. Mr. Speaker, on March 17, 1970, I inserted in the CONGRESSIONAL RECORD an extensive bibliography on drug abuse, use, experimentation, and effects, both behavioral and psychological. This bibliography was compiled by the Committee for Psychedelic Drug Information of Berkeley, Calif.

This committee, which is attempting to encourage a wider dissemination of information on the effects of drugs, has recently compiled an updated bibliography on this issue which may be helpful in attempting to understand the consequences of drug usage and abuse.

Mr. Speaker, I am pleased to insert the committee's bibliography that I hope will be of interest to my colleagues in the House and the readers of the RECORD:

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For additional copies, please send a self-addressed stamped envelope with any sized contribution to the committee. Thank you.

#### THE DRUG PROBLEM—SELECTED REFERENCES

Prepared especially for designers and implementors of programs and policies aimed at alleviating the problem of drug abuse among youth.

#### GENERAL INFORMATIONAL SOURCES

Educational Research Information Center for information regarding ERIC's Document Reproduction Service and Drug Abuse Bibliography write ERIC at 4936 Fairmont Ave., Bethesda, Maryland 20014.

National Clearinghouse for Drug Abuse Information (National Institute of Mental Health) has initiated a 24 hr. telephone service to answer requests for information regarding drugs. The number is Area Code 301/496-7171. Written inquiries may be sent to the Clearinghouse, Box 1701, Washington, D.C. 20013. Requests for literature should be sent to "Publications"; requests for other services should be addressed to "Information Services".

National Coordinating Council on Drug Abuse Education and Information, Inc. If—A Newsletter on the latest developments in drug abuse education. Write to the Council, Suite 212, 1211 Connecticut Ave., N.W., Washington, D.C. 20036. Year subscription to If—\$3.50.

National Coordinating Council on Drug Abuse Education and Information, Inc. *Drug Abuse Information Service: Grassroots*. The Drug Abuse Information Service is offered at the fixed cost of \$60 a year. Included is a monthly supplemental service, and special supplements. Write to the Council, Suite 212, 1211 Connecticut Ave., N.W., Washington, D.C. 20036. (Beginning publication in Fall 1970).

National Library of Medicine. Write 8600 Rockville Pike, Bethesda, Maryland 20014 regarding their informational services.

Science Information Exchange Descriptions of research projects (current or recent) may be obtained. For a full description of services write to the Exchange at 209 Madison National Building, 1730 M Street, N.W., Washington, D.C. 20036.

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For all requests for additional copies of this reference list and other materials available through the Committee for Psychedelic Drug Information write: C.P.D.I., P.O. Box 851, Berkeley, California 94701. Please enclose a self-addressed stamped envelope and a contribution with all requests. Financial contributions are essential to the work of the Committee and are greatly appreciated.

The Committee for Psychedelic Drug Information is a non-profit tax-exempt organization. All contributions are tax deductible.

## THE QUIET ROOMS OF HELL

## HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. BRAY. Mr. Speaker—

Captives sick and sunless, all a labouring race repines Like a race in sunken cities, like a nation in the mines. They are lost like slaves that swat, and in the skies of morning hung The stairways of the tallest gods when tyranny was young. They are countless, voiceless, hopeless as those fallen or fleeing on Before the high King's horses in the granite of Babylon. And many a one grows witless in his quiet room in hell Where a yellow face looks inward through the lattice of his cell, And he finds his God forgotten, and he seeks no more a sign . . .

G. K. Chesterton wrote these lines in his famous poem "Lepanto," which dealt with the great naval battle between the Turks and the combined Venetian-Papal fleet under Don John of Austria in 1571. The above quote refers specifically to the plight of the Christian captives in Turkish galleys, who, of course, were set free after the battle was over and the Turks were defeated. But from what we know of the plight of our own men in North Vietnamese prison camps, the description is grimly and tragically true of their situation today.

Throughout all of recorded human history, the blood-spattered annals of mankind's wars have had their added measure of bestiality from treatment accorded war prisoners. The Assyrians, twenty centuries before Christ, slaughtered all prisoners in religious rites. During the siege of Tyre by Alexander the Great in 332 B.C., the Tyrians openly slaughtered Greek captives on the city walls. When the city finally fell, this cost them dearly. Alexander's troops butchered 8,000 Tyrians on the spot and sold 30,000 into slavery.

Roman imperialistic character had a sinister side. After the legions had defeated the Greeks in Macedonia, at Pydna, in 168 B.C., the example of Tyre was repeated: slaughter for many, slavery for the rest. At the end of the war between Sulla and Marius, in 82 B.C., the victorious Sulla sent his prisoners to the arena, to be butchered. After the Roman General Varus was defeated, with his three legions, in the Teutoburger Forest in northwest Germany in 9 A.D., the Roman soldiers not killed in the fighting were crucified, buried alive, or sacrificed to the Germanic gods.

Basil II, of Byzantium, completely destroyed the growing power of the Bulgarians in a hideous 30 years' war. After his victory in 1014 A.D., he blinded 15,000 prisoners, leaving one eye in every hundredth man to lead the tragic mob back to the Bulgarian Tsar Samuel.

The onset of the "Age of Chivalry" modified things somewhat—for the knights and the nobles. Capturing a knight and holding him for ransom was much wiser than killing him on the spot, and thus inviting a blood feud for revenge. Chivalric rules demanded courtesy to prisoners, and moderation in ransom. Froissart, one of the outstanding chroniclers of the time, mourns the fact that after one battle, there had been slaughter of "as many good prisoners as would well have brought 400,000 francs." As a rule, prisoners were released on their word of honor to return at a given date, with the ransom. Few knights broke the pledge.

Shakespeare, in his "Henry V," has King Henry order every man to kill his prisoners, during the battle of Agincourt in 1415. However, in the two speeches in the play immediately following Henry's order, we find two different opinions:

Fluellen. "Kill the boys and the luggage! 'tis expressly against the law of arms: 'tis as arrant a piece of knavery, mark you now, as can be offered; in your conscience, now, is it not?"

Gower: "'Tis certain there's not a boy left alive; and the cowardly rascals that ran from the battle have done this slaughter: besides, they have burned and carried away all that was in the king's tent; wherefore the king, most worthily, hath caused every soldier to cut his prisoner's throat. O, 'tis a gallant king!'"

At times, killing prisoners was a mutual thing, as has been shown. After the fall of Acre, during the Third Crusade, in 1191 A.D., Richard the Lion-Hearted became angry over what he thought was Saladin's failure to return the True Cross and 3,000 Christian prisoners, in exchange for 3,000 Moslems. Richard ordered the Moslems killed; Saladin, on hearing the news, gave the same order for the Christian knights.

The chivalric code was not restricted to Europe. Around the 8th Century A.D., a recognized code of behavior for the military grew up in Japan, known as "the way of the horse and the bow." It lasted close to one thousand years. Interestingly enough, it was in Asia that we have one of the first written records of the need to treat prisoners well—albeit for a purpose. Chang Yu, around 1000 A.D., wrote:

All soldiers taken must be cared for with magnanimity and sincerity so that they may be used by us.

But in the 18th century the old Japanese code was replaced by "Bushido," meaning, literally, "The Way of the Warrior." There was infusion of certain elements of moderation and conservatism, and some parts of Confucian teaching. But, as Field Marshal Sir Bernard Law Montgomery of Alamein bluntly put it in his "A History of Warfare":

However, this "moderation" had little effect on the behaviour of Japanese soldiery during the 1939/45 war, when their brutal treatment of prisoners in the Far East was



past all belief and broke all accepted rules of civilized conduct—under the cloak of bushido.

In 1587, 1 year before the defeat of the Spanish armada, the Spanish commander in chief had orders to kill every man he found on board any English ship he might capture.

Of course, the following year, the armada was swept into flight, and many of its ships, trying to make an end run north around England, were wrecked on the coast of Ireland. Queen Elizabeth I sent home all Spaniards who survived the wreck, and who had also been lucky enough to be captured by English soldiers or sailors instead of by the Irish. The Irish killed most of them they caught.

William Augustus, Duke of Cumberland, son of George III and victor over Bonnie Prince Charlie and his Scots Highlanders at Culloden in 1746, ordered all Scots prisoners to be put to death. Tradition has it he wrote the order on the back of a nine of diamonds, and supposedly whenever a true Scotsman plays this card, he spits. The English named a flower "Sweet William" after the Duke—although not because of Culloden; the Scots did remember Culloden, for their part, and to this day in Scotland the same flower is called Stinking Willie.

Two incidents in American history come to mind when both sides knew no prisoners would be taken.

The first was after the infamous Cherry Valley Massacre, of November 11, 1778, during the Revolutionary War. Described by historians as "monuments to the bloodthirsty Johnson family, the Butlers—John and Walter—and Chief Joseph Brant's Indians" the Tory/Indian atrocities in northern Pennsylvania and New York left the night hideous with flames of burning settlers' cabins, and the screams of the dying.

Action after the massacre was accompanied by great cruelty on both sides. There is one account of a frontiersman, having come upon a fallen Indian, wounded after a skirmish. "I beg you," cried the Indian. "Give me quarter!" "I give you Cherry Valley quarter," growled the settler, and buried his tomahawk in the Indian's skull.

The second was at the defense of the Alamo, February/March 1836. Generations of American schoolchildren have known the story, and thrilled to it, how Colonel Travis answered Santa Ana's demands for surrender with a cannon shot.

Santa Ana's troops promptly raised the blood-red flag of "No Quarter" and to back it up, as the Mexican storming columns swept forward, the Mexican bands in the background were heard playing the sinister "Deguelo," or "Cutting-of-Throats." And, of course, as the world knows, no one was spared.

Captain Wurz, commander of the Confederate prison camp at Andersonville during the American Civil War, was hanged after the war for alleged mistreatment of Union prisoners. To this day his case is still controversial and the issue will probably never be settled. It is recorded, though, on the day he was hanged, the soldiers drawn up in ranks around the gallows began chanting "Wurz! Remember Andersonville! Wurz!

Remember Andersonville!" as the hood was placed over his head. And they kept up the chant until the trap was sprung.

Basil II's grim cruelty toward his Bulgarian prisoners was topped by the Ethiopians after the Battle of Adwa, or Adowa, in 1896. An Italian force of 20,000 had rashly attacked Emperor Menelek's 90,000, in mountainous country. The lead Italian brigade was surrounded and wiped out to a man; the other three were then overwhelmed one at a time. Sixteen hundred Italians were taken prisoner; it was Menelek's policy to treat his captives humanely, but before his men could be stopped, some truly ghastly mutilation had been inflicted on some of the prisoners. The records are still unclear as to exactly what happened, but the details speculated on do not belong here.

The Hague Regulations of 1907 tried to codify some of the better forms of POW treatment. It was decreed that all personal belongings except weapons, horses and military papers were to remain property of the prisoner. POW's were to be treated as well in all respects as the troops of the nation that captured them, as to food, clothing and quarters. Opinion differed here; some nations considered boots to be part of military equipment, rather than clothing. Prisoners' labor might be used except officers; however, officers frequently asked for work to relieve the interminable boredom of prison camp life—but such labor was not to be excessive, must have nothing to do with military operations, and must be paid.

Again, from Montgomery's book:

These regulations were to be disgracefully contravened by the Japanese during the 1939/45 war, particularly on the notorious "Railway of Death" in Siam. During the two great wars, 1914/18 and 1939/45, Britain and Germany reached agreement that neither side would employ prisoners within nineteen miles of the firing line.

American POW's helped grow potatoes in Germany during World War II; German POW's, likewise, worked on American farms. There is more than one former member of the German Wehrmacht who spent a couple of years in this country, farming, in World War II, and today still speaks English which is a weird mixture of either southern or Middle West accent, combined with World War II GI phrases.

There was a phenomenon during World War II with grim implications that, although recorded and written about, was pretty much ignored as to what it might mean for the future. This was Communist treatment of prisoners of war, and, likewise, Communist attitudes towards their own men who might be captured by the enemy.

The Soviet Union regarded its own men, taken captive by the Germans, as having ceased to exist. As far as the Kremlin was concerned, they were no longer fighting men, therefore they were not worthy of notice, nor concern. Not to their Government, which made not one single move in their behalf, nor, might it be added, for their families. A captured Soviet soldier was a dead Soviet soldier. Some came home after the war. Accounts of their treatment and reception vary; most seem to agree, though, that a re-

turned Russian prisoner of war did not have an easy way of it.

The Germans were not noticeably tender toward Soviet POW's; official Nazi doctrine had tagged all Slavs, and Russians in particular, as "untermensch"—subhuman. German POW camps for Russians, according to the few stories that ever came out, were full of horrors unparalleled, due mainly to just plain neglect.

The Russians reciprocated; the most famous instance is that of the fate of the 130,000 Germans taken prisoner after the Battle of Stalingrad, when Field Marshal von Paulus' 6th Army Group had to surrender after being encircled. Less than 5,000 ever came home; some did not return to Germany until almost 20 years afterward. The Russians simply denied their existence, then suddenly let them go.

No one thought, during those days of the 1940's, that we would ever face a Communist enemy on the battlefield. Perhaps some particularly astute observer read into the Soviet Union's attitude toward its own prisoners an ominous warning of what would come from an enemy armed not only with weapons, but also with Communist ideology. At any rate, we were unprepared for the grinding shock of the Korean POW experiences, when "brainwashing," an invented term, became an integral part of the English language.

Ordinary brutality—I use the term "ordinary" in a relative sense here—can be understood. War is brutal; everything about it makes it so. But mix this brutality with the added and heretofore unknown ingredient of brutality as a part of political doctrine, and use of prisoners for political purposes as part of the entire POW picture, and the Western World finds itself confronted with yet a new horror of war that had been unanticipated and unimagined until it burst on us with full force.

To Hanoi, its 33,000 prisoners held by South Vietnam are, as were Russians held by the Germans, "nonpersons." Hanoi has not made the slightest effort to show it cares where they are, who they are, or what happens to them. Unless, of course, it can do so for propaganda purposes; the Con Son incident of a few months ago is a case in point. Unfortunately, Con Son was also jumped upon by many Americans as food for their own gristmills; I wrote a newsletter at the time about it all, and the text of the newsletter follows:

There is a lot of cheap moralizing and hasty headline-grabbing going on right now about the "discovery" of the prison camp on Con Son Island, off South Vietnam. I put "discovery" in quotes, because the entire story was first brought out almost exactly a year ago. I also wish to put on record the fact that there would be no such "discovery" of a prison camp in North Vietnam; there, the enemies of the regime are shot, out of hand.

Believe it or not, a Member of the House of Representatives charged that Con Son is "a symbol of how some American officials will cooperate in corruption and torture because they want to see the war continued and the government they put in power protected." This asinine drivel was answered sharply and correctly by an editorial in the National Observer. In part:

"... Getting Thieu and Ky is a long-standing game—in which there has been far more weeping and gnashing of teeth over what they have allegedly done than hard evidence of ill doing—of which Con Son, though not really dramatic, is rather heaven-sent. . . . We would be more impressed by all the concern over atrocity if it were applied to atrocities themselves and less to political targets.

The very nadir of flagellation of the American Republic for being an "accomplice" to Con Son appeared in a column in the Washington, D.C. Star. The writer whined on bitterly at some length, then, in a truly incredible statement, had this to say:

"The House (of Representatives) is the last body in the world to make a protest of conscience. It displays cages used by the North Vietnamese for American POWs under the dome (of the Capitol) and concentrates on the mote in the enemy's eye. . . ." (Italic added.)

I could not believe I had actually read this. Here, at its sordid worst, is the very example of what I have been talking about: we, in the American Republic, are supposed to writhe in torment of guilt and feel ourselves beasts because of Con Son, while North Vietnamese prisoner of war camps, with all their blatant inhumanity to our fellow Americans, represent nothing more than a "mote in the enemy's eye."

But another writer for the Washington Star wrote in a much different vein. He is a prominent writer on foreign affairs and author of several very good books. From his column:

"... When you have seen an Israeli spy swinging like an over-ripe pear from a Damascus gibbet, you learn to turn away dry-eyed from lesser horrors. When you remember the whiteness of the bones of a dead Belgian nun's legs, after Lumumba's Simbas have whipped her with bicycle chains, you can stand a lot. . . . The Con Son story, of course, will be used to illustrate other random theories. The political flagellants will enjoy their own and their country's pain tremendously. . . .

"But before the cacophony of outrage wells up, it might be well to recall the testimony before a naval board of inquiry of Commander Lloyd M. Bucher, skipper of the intelligence ship PUEBLO. Bucher, his fists clenched and weeping from time to time, on Jan. 23, 1969, had this to say about the way the North Koreans treat those who disagree with Pyongyang's policies:

"There was a man strapped to a wall. They (the North Koreans) explained he was a South Korean spy. He was alive . . . but had a compound fracture of his upper right arm with the bone sticking out. He was stripped to the waist. He had completely bitten through his lower lip and the lip was hanging on the side of his mouth.

"His right eye had been put out. His head was hanging down and there was a lot of black matter running out of his eye and down his cheek. He was under three spotlights. . . ."

"So much for the tender-hearted regimes of Kim Il Sung, and the late Ho Chi Minh, so beloved of those who would save us from the fascism of Thieu. It is right to mourn for the prisoners of Con Son Island. But it would be wrong and false to forget Bucher's South Korean and thousands of others who this very day are experiencing torments far more excruciating than Thieu's prisoners. . . ."

Man was created lower than the angels; he is afflicted with a lesser nature that will surface from time to time. No one is free of it, and there is cruelty and brutality brought on in a moment of stress—when a man or a nation fights for life—that can afflict any person, any country.

But then we have the spectacle of cruelty and brutality for the sheer sake of it—as a matter of ideology, as a matter of national policy, as an intrinsic part of a creed. The most authoritative and exhaustive and scholarly work on Stalin's ruthlessness is quite fittingly and accurately named *The Great Terror*. Here is brutality as, almost, an article of faith. Bucher saw and felt it in North Korean prison camps; God alone knows how many of our fellow Americans suffer from it in North Vietnam.

I heard no shrieks over the Communist massacre of thousands of South Vietnamese at Hue. That story, for that matter, had a rather difficult time making the front pages. I heard no exhortations from columnists after Commander Bucher wept on the witness stand over what he had seen. Why is this?

For myself, it has gone to the point where I for one will no longer, in a spirit of tolerance, let it go by. I will no longer admit, to anyone, that those who strain the gnat of Con Son and swallow the camel of Hue, or of North Vietnam's POW camps, have merely a blind spot, and have just slipped a little.

No, in thunder! I choose to call it what it is; political cynicism that would sicken Stalin; revolting propagandizing that would make Goebbels reth; callousness towards their own country that would halt Quisling and Laval in their track and moral prostitution that has reached depths of depravity hitherto unplumbed in the annals of the American Republic.

And, while we are on the topic of blind spots, let us turn the light for a moment on another one that has rankled me for some time. There is much talk of reordering priorities and giving our Republic's attention to the most pressing matters at hand. Some of this is loose and careless; some of it is valuable, and contains much in it that is worthwhile. But what I have found most repulsive and sickening, for some time now, is the river of pity and sympathy that is beginning to flow for Americans who have fled to Canada or Sweden or some other country—either as deserters from the Armed Forces, or as outright draft dodgers.

A few items; from New York Magazine, October 19, 1970:

TORONTO, CANADA.—The draft community of Americans here is stirring things up politically (on the issue of U.S. annexation of Canadian gas and other natural resources, for instance), running restaurants and art galleries, working in the theater, filmmaking, teaching in universities, and generally contributing to the vitality of Canada.

We used to benefit from the high quality of other countries' political refugees. Now Canada is benefiting from ours.

From the Chicago Tribune, December 18, 1969:

A group of Detroit clergy and laymen presented a "token gift" of \$1,000 today to representatives of United States draft dodgers and military deserters. The presentation was made on the Ambassador Bridge which links Detroit and Windsor, Ontario.

From the Washington Post, August 24, 1970:

Michigan Democrats yesterday endorsed the concept of granting amnesty to draft resisters who have been jailed or fled the country. The resolution was passed by the party's state convention as an amendment to one calling for an end to the draft except during a state of declared war.

From the New York Daily News, September 16, 1970:

Mayor John Lindsay . . . said last April 29, in a question-and-answer period following a speech at the University of Pennsylvania:

"The ones I have unending admiration for are the guys who say 'I simply will not serve in the Army of the United States in Vietnam,' and are willing to take the consequences for it. These are the guys who are heroic."

A U.S. Senator has asked for establishment of a national commission to determine whether amnesty should be granted to the estimated—figures vary—20,000 who have fled to Canada, and 400 who are in Sweden. A Member of the U.S. House of Representatives, after a visit to a draft-dodger haven in Canada, returned to hail them as first-rate young men. Another Member of the House told a college audience:

As the draft and the war end, we must require the President to grant general amnesty and pardon for those young men who have been jailed, deprived of the rights of citizenship or driven into exile because of their sincere beliefs on the injustice of the war.

It must be noted here that 51 percent of Canadians polled did not want their country to be a haven for draft dodgers from the United States. And, as for these "fine young men" in Sweden, to date 100 of the 400 have been in trouble with the police; 56 of them are up on drug charges.

In response to the drivel I have cited above, I cite:

William S. White, in the Washington Post, December 6, 1969:

And speaking of compassion for these "refugees," as they are so tremulously called, where is the Christian charity for those other young men lost in the green hells of Vietnam because they did not reckon that every man had a right, in the end, to make his own personal law and his own foreign policy?

Ernest Cuneo, of North American Newspaper Alliance, in the Indianapolis Star of September 1, 1970:

Since about 50,000 American servicemen who had to take their deserters and draft-dodgers places never came home except in coffins, it seems eminently fair that the evaders whose places they filled be free to pursue such life, liberty and happiness they may find in any country but the one for which their substitutes died.

Smith Hempstone, Washington Star, June 10, 1970:

In short, it would be intolerably unjust to grant a full and unconditional amnesty to those who declined to serve their country when their country rightly or wrongly, called upon them. To do so would be to cheapen the personal sacrifice made by other young Americans who did what was required of them, some at the cost of their lives.

One has no desire to be punitive or harsh. But, as the 19th century philosopher Herbert Spencer wrote, "The ultimate effect of shielding men from the effects of (their) folly is to fill the world with fools."

For myself I find it incredible that any American should prattle so senselessly about those who turned their faces and ran, at a time when the fate of hundreds of their fellow Americans are unknown. As I said, a reordering of priorities is



necessary. Not alone in tribute to the fallen, but also in service to those who are not dead, but neither are they alive. How any American could turn his thoughts to the welfare and comfort of those living relatively safe and easy lives abroad at such a time when the fate of hundreds is unknown, and far from being settled, is beyond me. It must make our enemies wonder, too, what manner of country they face.

The point has been made, and I think it is a good one, that Hanoi must be closely watching Western reaction to the Middle East plane hijackings, the kidnappings in Latin America, and the present hideous situation in Canada. It is known for instance that Peking and North Korea encouraged the Palestinian commandos in their Middle East hijackings. Reports indicate Hanoi is taking great interest in Canadian Premier Trudeau's reaction to his own problems with terrorists.

It is also well known that for the last 6 or 7 years Hanoi has placed great value on having prisoners as pawns and chips in bargaining talks. Captured documents, and statements of interrogated prisoners, confirm this. And, of course, Hanoi's own actions with U.S. servicemen back it up.

There is no immediate, hard-and-fast answer to give in attempts to resolve our present dilemma over the prisoner situation. The President has gone as far as is humanly possible; indeed, his recent offer for immediate, unconditional exchange of all prisoners of both sides is quite probably unprecedented in modern warfare. But, given Hanoi's attitude toward its own men—it probably counts one of ours worth 5,000 North Vietnamese—the prospects of any success in this maneuver are not good.

One thing has, it seems to me, been established. That is, the value of a "hard line" on the matter. In mid-July 1966, Hanoi announced that captured American fliers would be treated as war criminals. This was followed by pictures, released from Hanoi, of manacled prisoners being paraded through Hanoi streets. This strategy on Hanoi's part backfired, badly.

The Pope, the U.N. Secretary General, and American peace organizations appealed to Hanoi to stop the "trials." Twenty-three Senate "doves" issued a strong statement condemning the "trials" and there were some not-very-veiled hints of instant retaliation of a sort Hanoi had not expected if the trials were carried out. On July 23, 1966, Ho Chi Minh announced the trials had been cancelled.

There are, at latest and most accurate count, both missing in action and known prisoners, approximately 1,429 Americans unaccounted for; a few have been definitely identified but for the greater majority of names on lists, their fate is unknown.

There are, waiting for them, hundreds of Americans of their immediate families—fathers, mothers, wives, children.

Now, admittedly, at times, there are great temptations to say, "They would not be there, if."

If the war had been prosecuted as a war should have been?

If we had never been involved at all? If we would immediately, unconditionally and unilaterally withdraw?

All of these arguments are academic, and, as such, worthless. It is useless to speculate on them or to engage in recriminations among ourselves as to their correctness. As arguments, as points to be considered, they are futile. Conduct of the war in the past, which, if more vigorous, might have ended it by now with a victory in the military sense, simply was not done. Involvement is now a matter of recorded history. Withdrawal? Did Nazi Germany's "withdrawal" from the Soviet Union, and subsequent total defeat, mean German prisoners were returned at once? Not at all; the record is clear on that point; some did not see their homes again for 20 years. The Korean war has been over for 15 years; there are still almost 400 American soldiers unaccounted for from that conflict. They are either dead or they are still being held in some remote camp in North Korea.

The stark, simple, horrible truth of the matter is this: there is in all probability not one single thing the U.S. Government, or individuals, or groups—with in the Government, or out, acting together or singly, acting publicly or privately—can do to effect these men's release unless and until the whim of North Vietnam sees it advantageous to go along.

Then, are we to conclude, that everything that has been done, is being done, and will be done—is all of this to no avail? No, I think not. For these reasons:

We are a humane people, we who have centuries of Western civilization and culture, with a Judaeo-Christian heritage behind us. We, as a country and as a people, are not writing off these men and putting their files away in storage with the notation "unsolved" or "unknown." We are not turning our backs on their wives, their children, their parents, their brothers and sisters. We will not abandon them to the fate of which Lord Byron wrote so graphically in his "The Prisoner of Chillon," as the prisoner prepared to accept his lot:

It might be months, or years, or days—  
I kept no count, I took no note;  
I had no hope my eyes to raise  
And clear them of their dreary mote;  
... I learned to love despair ...

These men are pawns to Hanoi. They, and their families, are pawns to a hideous ideology that thrives on terror, fattens on misery, grows on despair, and takes to its own bosom consolation from the discomfort of others.

So, then, if our fellow Americans are to be pawns to our enemies, then these same fellow Americans must be symbols to us. For the prison cell they occupy today will be ours tomorrow if we falter for one moment in our resolve to free them. The agony of separation and longing that their families feel, now, will be visited upon this country one hundred thousand fold if for one instant our enemies feel we weaken in this resolve.

"And therefore never send to know for whom the bell tolls; it tolls for thee," wrote John Donne. The prison cells gape wide for the rest of us. Fill them we will, if our enemies for one moment feel they can pressure or blackmail or coerce us

into a position where we are at their mercy.

A symbol, in our sense, for these reasons, is immeasurably stronger than a pawn, in Hanoi's sense. Let us, then, as a people and as a nation, as a mighty Republic, let our resolve be stiffened and strengthened by the memory of these men and by the living, day-to-day example of the courage and fortitude shown by their wives and families. Especially their wives, these incredibly gallant women, who hold families together, who dry the tears of their children, who hope, and who so nobly live up to Milton's reminder that "they also serve who only stand and wait."

These men and their families have kept, and are keeping, faith with the American Republic. It would be the darkest blot upon our history's pages, and upon the folds of our flag, if that Republic failed to keep faith with them.

One of the noblest, most moving verses ever written on the plight of prisoners was one by the great Russian poet, Alexander Pushkin. It is said of Pushkin that—

He is placed in the company of Dante, Shakespeare, and Goethe by his compatriots. The intensity of his passionate nature was governed by a wide intelligence, a capacity for detachment, and above all by a sense of measure and harmony.

The following lines, given here in the Max Eastman translation, were written for those who toiled in Siberian prisons, under the Czars. It is perhaps an irony of history that I should invoke them now, on behalf of those held under communism, which replaced the brutality the czars with brutalities Pushkin could never have imagined under the commissars. But the sentiment and the spirit—and the promise—are timeless, and eternal:

#### MESSAGE TO SIBERIA

Deep in the Siberian mine,  
Keep your patience proud;  
The bitter toll shall not be lost,  
The rebel though unbowed.  
The sister of misfortune, Hope,  
In the under-darkness dumb  
Speaks joyful courage to your heart;  
The day desired will come.

And love and friendship pour to you  
Across the darkened doors,  
Even as round your galley-beds  
My free music pours.

The heavy-hanging chains will fall,  
The walls will crumble at a word;  
And freedom greet you in the light,  
And brothers give you back the sword.

#### HUMAN PROBLEM

#### HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. KYROS. Mr. Speaker, as we take up debate on the Trade Act of 1970, I would like to bring to the attention of my colleagues a letter which I received in my office today from Mr. Marcel Bertrand of Biddeford, Maine.

This letter sets out most explicitly the human problems confronting us; the

Pepperell Manufacturing Co., referred to in the letter, is a large textile concern which has suffered from the continuing increase in the level of foreign imports. In fact, as a direct result of the loss of jobs from this company, the Biddeford-Sanford area has been designated as a redevelopment area under the Economic Development Act. As we consider the various economic theories pro and contra the Trade Act, I hope we will also consider the dilemma confronting those who are most directly affected.

The letter follows:

NOVEMBER 14, 1970.

DEAR MR. KYROS: I know you're busy, but I want to know what it is that is being done to help get work for the people of Biddeford, Maine, and surrounding communities.

As you know the Pepperell Manufacturing Company, Biddeford's only industry has closed its door and 900 people are out of work. One of them was my father who worked for Pepperell for some 30 years. The past five years he's been a foreman—now he was told he's got to find some other type of work. What kind of work can a 53-year-old man whose whole life has been working for Pepperell get? No one wants to hire him, no one needs an old man who has only a few years left to work. All of his pension, hospitalization, etc., is gone. All he has worked for all his life for his old age is gone. No benefits. I just returned from the U.S. Army in April, but finding no work in Maine I had to go and work in Massachusetts.

Sincerely yours,

MARCEL A. BERTRAND.

MR. TIM PAULSEL LIKENS MODERN  
DAY UNITED STATES TO BIBLICAL  
BABYLON

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. TEAGUE of Texas. Mr. Speaker, under leave to extend my remarks in the RECORD, I wish to include an address made by my good friend Mr. Tim Paulsel of Fort Worth to his Sunday school class on Sunday, August 23, 1970. I think it worthwhile reading for every Member of this body:

ADDRESS BY TIM PAULSEL

As you hear my voice this day, I ask your suffrance. Mercy—remember—is, by many, set above justice! As a rule, I do not use notes or read when I am speaking, but because of the importance of the occasion and the topic assigned me concerns "A Responsible Person," it is my feeling that such a subject should not be treated so lightly, and I have therefore attempted to go into the background of how we got to be that way—and in what direction the present day "responsible" people are headed.

Peter states: "But ye are a chosen generation, a royal priesthood, an holy nation, a peculiar people; that ye should shew forth the praises of him who hath called you out of darkness into his marvellous light;"

Paul says that through Christ we are all children of Abraham, so I bow to no man or to no particular race in my feeling that we present-day Christians have the same closeness and relationship to the God of Israel that was handed down through Abraham, Isaac and Jacob when a covenant was made and delivered to them that they were chosen above all people.

Dr. Edward Teller recently said in a speech in Pennsylvania that it is the purpose of the teacher to teach and of the student to learn—to learn the truth and so to arrive at what I consider IS the truth. Like others of old who have done research, so have I.

May I name a few from whom I have received a portion of knowledge that I here impart to you today. First, the Bible . . . Homer . . . Herodotus . . . the un-named soldier of Napoleon who discovered the Rosetta Stone . . . the Englishmen George Smith and Leonard Wooley . . . the Germans Georg Friedrich Grotefend and the greatest of all archeologists, Heinrich Schliemann . . . and to numerous others I am indebted for their aid in the preparation of this paper.

To not have the exact truth is a terrible thing. For instance, the ten-year battle for Troy would probably never have been fought had the Greeks known the truth. They besieged the city and in doing so, lost their great warrior, Achilles, while also causing the death of the great Trojan hero, Hector. After having breached the city walls, they found no Helen about whom the war was waged—as Herodotus discussed centuries after Homer had written his incomparable Iliad that Alexander, who had stolen the wife of Menelaus, had taken her to Egypt instead of to Troy.

In our own time, in response to a request from Governor Andrews of Massachusetts, Abraham Lincoln wrote probably the most beautiful letter of his life to a Mrs. Bixby. It had been reported that she had lost five sons in battle and so he wrote this lady, expressing his gratitude for the nation, and the pride that must have been hers to have placed so great a sacrifice on the altar of freedom. The real truth came out later after the letter was written, that two of the sons had actually died in battle, one became a prisoner of the Confederates, another became a prisoner of the Confederates, and then joined the Confederate Army; and the youngest son deserted the Army and went to sea. So we see what misinformation can bring about.

Longfellow described the universe by saying:

Softly, one by one, in the infinite meadows of Heaven blossomed the lovely stars—the forget-me-nots of the Angels.

And indeed I subscribe to this beautiful description of space. Our Spacemen today tell us that there are billions of solar systems such as our—which they claim is a minor one—and yet it is ten billion miles across, they say. However, I have no doubt but that the God in which I believe can cause it all to vanish in the twinkling of an eye, including space itself.

I am persuaded, like Peter was when he declared, "For we have not followed cunningly devised fables when we made known unto you the power and coming of our Lord Jesus Christ, but were eyewitnesses of his majesty." As far as I am concerned, he nailed it down and gave the substance of proof to the truth in which I believe, "for he received from God the Father honour and glory, when there came such a voice to him from the excellent glory: 'This is my Beloved Son in Whom I am well pleased.'" "No prophecy of the scripture is of any private interpretation for the prophecy came not in old time by the will of man: but holy men of God spake as they were moved by the Holy Ghost."

Judge Abner McCall, President of Baylor University, states clearly my views and, I hope, that of all Baptists and—indeed—the creed of all Christians when he said the basic principles of Baylor University are old. "We believe", said he, "in an infinite, eternal, omnipotent, omniscient God as revealed in His Son Jesus Christ through Whom we are offered salvation. We believe in a personal God who created man uniquely in His own image, Who has an inalienable and infinite

compassion for every man, and in Whose sight man is of inestimable value. We believe that God has a purpose and will for man and that this purpose and will is embodied in the Great Commandment to worship God with all our heart, soul, and mind, and to love our neighbor as ourself. We believe it is the divine will that man do justly, love mercy, and walk humbly with God. We believe there is a divine stamp on personal integrity, morality, and responsibility, upon respect, compassion, and concern for all fellowmen, upon justice, courage and freedom. We recognize that there must be a constant search for proper and effective implementation of these with differences of opinion thereon, but regard the principles as immutable."

We know that there are many in the world who do not believe in God, in his special concern for man, in man's unique nature, or in God's purpose and will for man.

"There are many who claim that there are no eternal unchanging truths, that such truths are relative and changing with the time, place, and people; and that all questions remain forever open, and the search for truth on every point is endless."

Thus spoke Judge McCall.

And, yet, with all these beliefs of ours about God, these truths as we have today proclaimed, I am persuaded that if we fail to hear the echo of the words of the poet who sang, "Stand Up! Stand Up! for Jesus!" that we as a nation of Christian people may cease to exist and the noose of oppression that each new session of our high court . . . of each session of our Congress . . . of each newly-elected President of our country . . . that through these three branches of our Federal Government our country will feel the lash of the beast as spoken of by John in his Revelations . . . and that our civilization is being destroyed; and with that destruction, so will we who are true believers of God suffer more and more by reason of a repressive central government that may very well come into our churches with restrictive measures; then may we well remember that in Fort Worth, Texas on the 23rd day of August, 1970, we addressed ourselves to you to be of strong courage, and—if must be—fight the good fight with all the weapons at our command in behalf of our beliefs and truths; to be a strong willed, steady, hard-working, hard-headed "responsible" person; that we no longer be timid and permit a few to lead the majority to another day of Babylon in our own time, for if we continue to permit such things that are trampling our God-Given rights, great will our fall be when that dreaded Day is upon us.

However, I am not forgetful that it has been well said no one is so foolish to prefer war to peace—peace in which the fathers bury their sons instead of sons burying their fathers; and yet we cannot hide ourselves behind the wall of unreality and thus feel as the foolish people of Babylon did when Cyrus the Great conquered that Great City in 539 B.C. Even today, there is little evidence that such a great city ever existed.

Consider, for a moment, this city—this immense place, with its unbelievably deep and wide moat all around. Its outer walls and inner walls that hid the Babylonians, their Gods, their festivals, their merry-making and other enterprises from a world of reality . . . a city, four square if you please, 14 miles in each direction and a moat full of water all around the city. The construction of the moat and walls was as follows:

First, they removed the dirt and made it into kiln dried bricks; they lined the walls of the pit with these bricks, forming the moat. The bricks of the walls were made from these self-same bricks. We have at this day in the museum of East Berlin some of these bricks to tell us of their beautiful colors, well preserved, with ornate animal, human and other designs, to make probably



the most beautiful brick wall this world has ever seen. The mortar used for the brick was hot asphalt and every 30th course of brick had as a binder a layer of woven reeds.

It had 25 brass gates in each of its four 14-mile long walls, with brass lintels and brass side-posts. The outer wall was 300 feet high and 75 feet thick. Upon the top of the wall were apartments for the people to live in—and around the entire wall on each side, room was left between for chariots with teams of 4 horses to travel and turn around. On the inside of the city, just beyond this 300 foot high wall was another smaller but not inferior wall.

They diverted the water from the Euphrates River into the moat and through the center of the city flowed the mighty Euphrates River itself, with brass gates along the river's edge.

The city had provided for itself within these walls, several years supply of food to withstand the attack of Cyrus the Great; thus, secure, they gave themselves over to revelry and giving obeisance to their Gods.

The task that confronted Cyrus to get across this moat and breach the walls of Babylon was one so formidable that it was almost beyond human comprehension with the machines available at that time, and yet the way he solved it was simple. He dug a canal around the moat on the outside of the walls and diverted the River Euphrates; then no longer did the river flow deeply through the center of the city, but was now about knee deep. And the soldiers simply waded the water and came in by this unprotected portion of the city. The people, inside with their feelings of smugness and built-in self-confidence that they had constructed the ultimate in self-defense, failed to close the gates at the river's edge, so the Good-Time Charlies, with their Merry-Making Janes, were self-centered and whooping it up because it was one of their customs to forever hold festivals and have a good time, and forget about the realities of life.

So, in marched the Army of Cyrus the Great. And this Army was literally inside the center of the city before the people and its king realized what was really going on. And so the fall of Babylon was accomplished, and great was the fall thereof!

The great Babylon, with its mighty walls and protective moat, had succumbed to the enemy from without because of the weaknesses of the people and their failure to face facts as they were from within and from without.

So, today, I declare to you that our nation is facing—as John foretold in Revelations—the fall of our Babylon, and great will be the fall thereof! For today, we must and should face any and all enemies of our way of life; for when we are conquered—as indeed we must be unless we take heed—we must not pursue life as we do on our present road. We are all hell-bent upon the road, with our enemies from without, aided by many in high places of our government. And yet, there are many voices crying out that our nation is unwilling to face the realities of the present. We have thus become a confused people with the endless propaganda from abroad spread by their chosen spokesmen in our fair land.

For we, like the Babylonians of old, do not wish to face up to facts. We build the greatest wall of defense the world has ever known. Weapons of war never dreamed of that would stop the Armies of any nation. We bury these weapons in the ocean because our enemy prods use on to a supposed road of peace. They cry peace when there is no peace. Our governing bodies, both local as well as national, attempt to hide from us the certainties and the realities of this life; and they are delivering us, I declare to you, into the hands of the enemies who are also the enemies of the God we serve.

For we are indeed a chosen generation, a peculiar people; that should shew forth the praises of Him Who hath called us out of darkness into His marvelous light. It is our duty to our God . . . to ourselves . . . to our country . . . to be a "responsible" person and do something about it.

Will you, a small portion of this "responsible" people join with me in trying to make ourselves be like unto that little cloud of old from which came rain in the days of Elijah to save from starvation the children of Israel, and ask the

God of our Fathers, known of old  
Lord of our far flung battle-line  
Beneath whose awful hand we hold  
Dominion over palm and pine.

Lord God of Hosts, be with us yet  
Lest we forget—lest we forget!

All valiant dust that builds on dust  
And guarding calls not Thee to guard  
For frantic boast and foolish word  
Thy mercy of Thy people, Lord!

Be with us yet  
Lest we forget—let us forget!

#### MAN'S INHUMANITY TO MAN— HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

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

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

#### THE FATHERS OF THAT YOUTH CULTURE

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. BOLLING. Mr. Speaker, following is a provocative article by Robert L. Bartley, member of the Wall Street Journal's editorial-page staff. It appeared in the Journal of October 19, 1970:

[From the Wall Street Journal, Oct. 19, 1970]

THE FATHERS OF THAT YOUTH CULTURE  
(By Robert L. Bartley)

Several years before the Scranton Commission elaborated its "new youth culture" or anyone was writing books about the "counter culture," literary critic Lionel Trilling was already analyzing the emerging "adversary culture." To understand the turmoil of the 1960s, it's important to know that Mr. Trilling wrote not of college kids but of adult intellectuals.

The point is especially pertinent to the Scranton Commission's conclusions: That a basic, "perhaps the basic," cause of campus unrest has been the emergence of "a new youth culture that defines itself through a passionate attachment to principle and an opposition to the larger society." This is a

sound insight, though of course one need not sympathize with the fawning tone toward this subculture that crops up now and then in the report and almost always in news stories about it. In fact, the full text is on balance an amazingly profound document to have been put together by a committee, let alone a Presidential commission.

Still, to analyze the oppositional subculture of college youths without reference to the oppositional subculture of adult intellectuals is to overlook the obvious. The Scranton Commission does offer some useful comments about how certain parental values are transmitted to activist youths and reinforced by college faculties, and on the possibility that the deepest causes of unrest are yet to be found in social and economic currents reaching back a century or more. Yet it would have been able to uncover a great deal more of the genesis of campus disorder, and to illuminate far more of what disorder tells us about the more general condition of our time, if it had spent some time specifically on intellectuals, their alienation and their status.

The unrest, after all, is found at universities, which are, after all, citadels of intellectual endeavor. Most writers on intellectuals offer definitions that would not necessarily include any college professor; they stress neither pure intelligence nor mastery of a given discipline, but rather a creative and speculative bent of mind. The purest intellectual probably is the creative artist, who is usually more comfortable outside the university. But intellectuals do set the tone of a university, and especially on those campuses where disruption came earliest and strongest. The type of student from which the disruptions come is under the tutelage of intellectuals; indeed it seems for all their evident anti-rationalism some radicals begin their trek by striving to become intellectuals.

#### INTELLECTUALS AND ALIENATION

Like businessmen or bureaucrats or whatever, intellectuals have their own peculiarities. As in other groups, the general tendencies are often marked by conspicuous exceptions, and bitter internal quarrels abound. Yet there are the predominant attributes of a specific class, with its own interest, its own social agenda, its own traditions, its own inner needs. Among the most pronounced historical results of Western intellectual traditions and intellectual impulses has been a sense of alienation—from society, sometimes from life, and most particularly from a nation's power holders.

One of the leading writers on intellectuals as a class, Edward Shils of Cambridge and the University of Chicago, writes that "any effort to understand the tradition of the intellectuals and their relations with the authorities" must recognize that the vocation of intellectuals is "striving for contact with the ultimately important." From this the intellectual draws "the self-regard which comes from preoccupation and contact with the most vital facts of human and cosmic existence, and the implied attitude of derogation toward those who act in more mundane or more routine capacities."

In many types of intellectual endeavor alienation is almost inherent. Writing of the thrust of literature over the last two hundred years, Mrs. Trilling remarks that a historian "will take virtually for granted the adversary intention, the actually subversive intention." Literature has had the "clear purpose of detaching the reader from the habits of thought and feeling that the larger culture imposes, of giving him a ground and a vantage point from which to judge and condemn, and perhaps revise the culture that produced him."

The tradition of alienation has been especially strong among American intellectuals, for few societies have historically accorded them less power or status. Their estate is traced in Richard Hofstadter's Pulitzer-prize

winning "Anti-Intellectualism in American Life." Intellectuals led society in Puritan New England and in founding the Republic, but were almost entirely divorced from power and often scorned from the collapse of the Federalist Party until the onset of the New Deal.

"Being used to rejection, and having over the years forged a strong traditional response to society based upon the expectation that rejection would continue, many of them have come to feel that alienation is the only appropriate and honorable stance for them to take," Mr. Hofstadter observed.

#### A GAIN IN STATUS

Starting on a national scale with the New Deal, and vastly accelerated by the surprise of Sputnik, the intellectual started to gain status and even power in America. It became apparent that the expertise needed in modern times is often found only among intellectuals. By 1963, when Mr. Hofstadter's book was finished, intellectuals basked in a quite unaccustomed glow, represented among officials of the Kennedy Administration and celebrated at White House soirees.

In a concluding chapter that now seems eerily prophetic, though, Mr. Hofstadter wrote that "this acceptance sits awkwardly on their shoulders." Most accepted society, but only uneasily. The tradition of alienation was so strong that, especially for the young intellectuals, to join society was to sell out, to cease to be an intellectual. Even if society wants to embrace intellectuals, they must do something—anything—to maintain their detachment and alienation.

This, Mr. Hofstadter wrote, "leads to a kind of desperation, which may in itself command sympathy but which ends only in the search for a 'position' or pose. Dissenting intellectuals often seem to feel that they are morally on trial for being intellectuals, and their moral responsibility is then interpreted as responsibility primarily to repudiation and destruction; so that the measure of intellectual merit is felt to lie not in imagination or precision, but in the greatest possible degree of negativism. The responsibility of the intellectual is not seen, in the first instance, as a responsibility to be enlightening about society but rather to make an assertion against it—on the assumption that almost any such assertion will presumably be enlightening, and that in any case it re-establishes the writer's probity and courage."

The embers Professor Hofstadter so shrewdly discerned even at the height of Camelot leaped to raging blaze as the nation plunged into the griefs we now know as the '60s: The assassinations, the war, the riots in slum and campus. In this atmosphere the strident New York Review of Books, given to stunts like adorning its cover with directions for Molotov cocktails, quickly surpassed more sedate magazines as the most prestigious organ of the intellectual community.

There and elsewhere the troubles of the nation were articulated in terms of the intellectuals' inner need to make a case against society. The war's brutalities became the ultimate expression of America, a case of "imperialism." Despite the historically impressive gains with civil rights, we were told this society was irredeemably "racist." Attempts to prevent arson and pillage became evidence of "political repression." And while not every intellectual agreed with those formulations, those who did not were largely silent.

#### WAR'S END WOULD HELP

"Radicalism is irresistibly chic," Mr. Hofstadter told a Newsweek interviewer by mid-1970. "I don't suppose there was any age in which you had such a mass consensus of intellectuals on their own alienation as you have in this period." He added that while an end to the war would help, the younger intellectuals probably would not change their minds until they were "surprised in some tremendous way," as the 1930's intellectuals who expressed their alienation through Com-

munist flirtations were surprised by the Nazi-Soviet pact.

There is also the matter, as Mr. Trilling has observed, that as an adversary culture develops it itself spawns the same social controls found in any other culture; "it generates its own assumptions and preconceptions, and contrives its own sanctions to protect them." These sanctions are mainly matters of peer group pressure, but at times they become more blunt: You do not allow W. W. Rostow to return to his previous post at MIT, but you do take up a collection to pay Angela Davis' salary when she is fired at UCLA.

The evolution of an adversary culture, significantly, did not slow the status gains of intellectuals during the 1960s, at least as measured by surface indicators. The decade opened with the complaint that college professors were paid "less than truck drivers." As it closed, a survey published by the Chronicle of Higher Education found the typical full professor was paid \$19,269, not at a few prestige universities but at 1,148 institutions.

President Johnson felt the need for a special White House aide in charge of relations with the intellectuals, certainly a singular distinction for a social group. His failure to win their approval was widely regarded as a special failing of this Administration; whole books have been written about it.

The moral authority of the intellectual community reached a new peak during the decade, especially among the rapidly growing number of persons exposed to a college education. The Scranton Commission remarks, "Since science and critical method are enshrined in the university, it occupies a place in the public imagination that may be compared to that of the church in an earlier day."

Especially in a society permeated by instant national communication, this authority is real power. The authority and status of intellectuals have spread their views far beyond a small avant-garde to a wide class of camp followers. Writing in the current Public Interest, sociologist Daniel Bell observes, "The protagonists of the adversary culture, despite their sincere and avowed subversive intentions, do substantially influence, if not dominate, the cultural establishments today—the publishing houses, museums, galleries; the major news, picture and cultural weeklies and monthlies; the theater, film, and the universities."

"The intelligentsia has been transformed from a tiny group of marginal status to a fast-growing, increasingly organized mass playing a key role in the functioning of the system," writes another sociologist, Richard Flacks, in *Trans-action*. The growth of this "antibourgeois" class to critical size, he argues, is the fundamental cause of revolutionary unrest on campus. He reports that when he and his colleagues "looked into the social background of New Left students, we found that our group of activists was distinct from other college students in the degree to which they aspired to be part of the intelligentsia."

Mr. Flacks is not a right-wing anti-intellectual but a founder of the Students for a Democratic Society. He celebrates the revolutionary culture rather than attacks it, but other than that his view of its tendencies and origins is difficult to distinguish from that of Spiro Agnew. The counter-culture is not a youth culture but an intellectual culture.

Spreading recognition of this could cause a new wave of mindless anti-intellectualism, of course, and some careful distinctions need to be drawn. American society does need to grant its intellectuals a proper esteem. It's obviously wrong to condemn every intellectual for the sins of some. In the past few months, indeed, certain well-placed intellectuals have shown new vigor and confidence in debunking radicalism, and in time this trend could conceivably spread to college kids and even journalists. Also, the problems at hand, those of beliefs and symbols that hold a so-

cietly together, are profoundly intellectual problems. If intellectuals did much to cause them, it's also up to intellectuals of one sort or another to repair them. Until the proper intellectual foundation is laid, it's futile to implore a political leader to bring us together.

#### MORAL LEADERSHIP

Still, if our crisis consists of an adversary culture leading its youthful aspirants if not to violence at least pell-mell to the brink of it, then what does it mean to call for "moral leadership" from the President? Presumably the Scranton Commission means he should endorse the social and cultural prescriptions of the intellectual class. But another view of moral leadership might be rejecting those prescriptions when they clash with the President's own feelings, showing that the moral authority of intellectuals is not after all beyond question.

This is what the Administration is in fact doing through Spiro Agnew and "the social issue." Not without some success, it is trying to halt the status gains of intellectuals, to dilute the moral authority of the prevailing elite. Spiro Agnew attacks "the foolish fads of phoney intellectuals" in precisely the same spirit that Franklin D. Roosevelt attacked "the Ishmaels and the Insults."

Insult (singular) was acquitted, but the Insults (plural) found that FDR succeeded in his attempt to undermine their formerly unquestioned authority. As it pondered its experience, the nation concluded that it had invested too much trust in the moral authority of the business elite, that it had forgotten that elite had its own axes to grind.

What then will the nation conclude as it ponders its experience during the 1960s? In that decade American society invested an unprecedented status and authority in a class by tradition and instinct alienated from American society. Revolt broke out among the youths in closest contact with the same class, most sensitive to its new status and most likely to aspire to joining it. Will we really conclude that this "new youth culture" arose by spontaneous generation from youthful idealism, or will we conclude that two and two make four? Might we even conclude that there are dangers in trusting too much the moral authority of an intellectual elite, that it too has its own axes to grind?

#### PRODUCTION ROOT OF INFLATION CURE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. DERWINSKI. Mr. Speaker, as economists debate the impact of the General Motors' contract settlement and we in Congress face the issue of tariff legislation later this week, an editorial in the Sunday, November 8 San Diego Union, is pertinent to both these points.

The editorial also makes the proper point that many of the economic problems facing the country cannot be automatically solved by Washington but by the natural working of our economic structure:

[From the San Diego Union, Nov. 8, 1970]  
PROTECTIVE TARIFF NO SOLUTION: PRODUCTION  
ROOT OF INFLATION CURE

Few national problems have had more intensive application of rhetoric than did the subject of inflation during the last election campaign.

As is usual in the heat of campaign, there was little more than surface treatment of the issue although the speakers may have



been sincere and their arguments may have been touched with the truth.

Certainly it is true that the inflation is due in part to the fact that we as a nation spent \$60 billion more than our national income during the decade of the 1960s.

It is equally true that the reluctance of Congress to curb spending to stay within our income at the present time contributes heavily to the continuing upward economic spiral.

Similarly, the uneasy economy and unacceptable unemployment are due in part to the fact that defense reductions have eliminated more than 300,000 jobs, and that the General Motors strike is costing the nation an estimated \$90 million a day in lost business. The multiplier effect of both of these is enormous.

Not enough has been said, however, about one of the major causes of inflation and unemployment that is within the scope of each of us individually to correct to some extent.

The key is in the word "productivity."

Productivity is the factor that has made the working man of the United States of America unique in the world. His ability to use the tools of a sophisticated technology to out-produce all other artisans has made American goods competitive in world markets, even in economically backward nations.

Productivity of the American worker also has made the price of the things that he bought for his own needs and pleasures a reasonable proportion of his own paycheck.

Finally, it is his productivity that has given the American worker the highest income in the world and the highest standard of living.

Unfortunately, we seem to have lost sight of the importance of productivity in the scheme of things. More and more the wage settlements reached in major industries have no relationship to increased output, but are merely designed to pay for the higher prices of things. The higher prices, in turn, are created by the decreasing output of the individual artisan.

Nowhere is the result more visible than in the increasing clamor in Washington for tariff or quota protection from the effort of the working man abroad. Today the protection is demanded for shoe and textile industries. Tomorrow it could be sophisticated electronics devices, computers, aircraft and even agricultural commodities.

This is why it is futile to turn to Washington in the long run to solve inflation. When all is said and done, the final answer to inflation in a free enterprise economy lies in the natural wage and price controls created by a production-conscious society.

#### WHAT THE PUBLIC DOES NOT KNOW COULD KILL SOMEBODY

**HON. JOHN D. DINGELL**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. DINGELL. Mr. Speaker, pursuant to permission granted I insert into the CONGRESSIONAL RECORD an excellent editorial entitled "What the Public Does Not Know Could Kill Somebody" appearing in volume 35, No. 19, dated October 1, 1970, of that publication.

Hopefully, widespread awareness of the contents of this article will bring about some desirable rethinking on the part of the administration on handling of pollution abatement practices.

#### The editorial follows:

##### WHAT THE PUBLIC DOESN'T KNOW COULD KILL SOMEBODY

The polluters' most important product is public ignorance. And over the years corporate polluters have successfully fought every attempt to find out what they are dumping into the public's air and water.

Their tactics have ranged from putting pressure on the government through the infamous business "advisory" committees up to and including flatly refusing to come clean even when they know their noxious emissions pose a threat to public health.

The House Conservation and Natural Resources Subcommittee has probably been the most consistent of the many official efforts to make industrial polluters reveal the content of their effluents. For almost seven years the Subcommittee has pushed for cooperation between industry and the Federal Government. And for almost seven years the polluters and their captives in the "regulatory agencies have refused.

Meanwhile back at the plant, industry uses an estimated 17 trillion gallons of water a year but treats less than 5 trillion.

In 1964, 1967 and 1968, however heartedly, the Interior Department apparently did ask the Bureau of the Budget to approve an inventory of industrial waste discharges, but the BOB (now Office of Management and Budget) refused approval. In 1969 Interior made noise about an inventory, but didn't even produce an echo.

Subcommittee Chairman Henry S. Reuss of Wisconsin finally tired of the obvious stalling by the Executive agencies and called a Congressional hearing on September 17 to get the responsible government officials on the block.

During the hearing Reuss charged BOB withheld approval of the inventory in the past because many industries opposed it. He cited the Bureau's refusal in 1968 after the inventory was opposed by the Advisory Council of Federal Reports, an organization organized and financed by the Chamber of Commerce, National Association of Manufacturers and other national business lobbies.

Reuss nominated the Bureau of the Budget as "My candidate for the environmental boogie prize of the environmental decade."

FWQA Commissioner David Dominick testified that the need for full industrial waste data pervades every major aspect of Federal and State efforts to prevent, control and abate water pollution. Which is exactly why so many people have fought so hard for an effluent inventory. And that's exactly why the polluters have resisted so fiercely: if you don't even know what they're dumping you can hardly make them clean it up.

In the finest tradition of political "coincidences," OMB spokesman Robert F. Krueger told the Subcommittee that only two days before the hearing OMB had "informally approved" an Interior Department industrial waste inventory.

By the middle of October, Interior will mail industries a questionnaire asking them to disclose the quantity and kind of goodies they unload on the environment. Compliance with the request will be entirely voluntary, of course.

If a company does decide to cooperate, any information that would disclose trade secrets will be kept confidential. But Congressman Reuss demanded and received an Interior commitment that the names of all companies, especially those who do not cooperate, and the nature of their discharges will be made available to the affected party, the public.

Interior is sure to get good cooperation from responsible corporations that have done their best to minimize pollution and have viable programs underway to further reduce

emissions. Far from anything to hide, these companies have something to be proud of these days.

But the chronic polluters who consistently abuse the public's health and the environment for relatively little extra profit aren't about to cooperate voluntarily or truthfully with anyone. Secrecy is their only protection from public outrage.

Even Office of Management and Budget spokesman Robert F. Krueger acknowledged, "I would have personally very grave reservations as to the success of this kind of approach in obtaining forthright, honest, complete reporting in response to this questionnaire."

Ralph Nader bluntly challenged a polluter's right to any kind of anonymity. "I fail to see why the intrusion into the environment of the citizen of lethal toxic contaminating ingredients that go into the water and underground and seeping into the water that way should be given any protection whatsoever as private property. I fail to see why any of those contaminants should have a legal protection that contraband doesn't have. If anything, they should have less legal protection than contraband because contraband doesn't kill people. It doesn't give them diseases. It doesn't poison their drinking water. And it doesn't contaminate food products."

The nation has long had a more direct avenue for identifying the incredible variety of substances dumped into the public's waters. A U.S. Army Corps of Engineers spokesman told the Subcommittee that the 1899 Refuse Act requires polluters of navigable waterways to obtain a permit which requires identifying the nature of their discharges. "Furnishing information on effluents is not going to be voluntary and is going to be required. We cannot compel someone to furnish information about the quality of their effluent, but we are in a position to say that unless you do so we will not consider your application for a permit."

Through no fault of the Corps, however, the Justice Department is trying its best to forget that particular law exists, forcing private citizens with limited or nonexistent resources to file their own suits.

The real kicker, however, is that the Corps' incredibly belated enforcement of the 1899 Act is hamstrung by lack of personnel. It currently has only 110 people working on permits. In the heavily industrialized Detroit area, for example, two men attempt to monitor 3000 miles of shoreline. The Corps has requested \$4 million for personnel to work in the environmental field, but the Office of Management and Budget hasn't approved the request. And quite frankly, it probably won't.

The OMB has consistently thwarted attempts at identifying the nature of industrial discharges. Interior's voluntary questionnaire will do little to rock the boat, so approval was painless. In this context, it's highly unlikely OMB would give the Corps money to enforce a mandatory disclosure of pollution ingredients.

So as a practical matter, for all its obvious limitations, Interior's voluntary industrial waste discharge inventory is the best game in town. It was either a voluntary inventory or no inventory at all. Congressman Reuss' Subcommittee and other citizen advocates intend, if necessary, to pry the names of non-cooperating industries out of Interior. And through it's highly unlikely, except in the case of imminent health hazards like mercury, Interior may be able to use any true information that's provided as a lever to encourage voluntary cleanup.

The Inventory has a much more practical value, however. A legitimate, official attempt at voluntary compliance is an absolutely

necessary prerequisite to official, enforced compliance. And the latter is as inevitable as the public's demand for it.

## INVESTIGATING THE GREEK PRISONS

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. SCHMITZ. Mr. Speaker, there has been an inordinate amount of criticism by our mass media of the current Government of Greece. It is along the lines of an historical pattern. Any government which is staunchly anti-Communist immediately becomes suspect of the most heinous crimes against humanity.

It is encouraging to find that the Nixon administration has not allowed itself to be misled by the deluge of vilification and invective which has poured forth from certain segments of our mass media aimed at creating dissension between the United States and our long-time ally, Greece. The recent lifting of the partial arms embargo which had been mistakenly established by the Johnson administration was an action clearly in line with our own national interests and is to be applauded.

To help clear the air in connection with the internal situation in Greece, I would like to include in the RECORD at this point several articles by Mr. Thomas J. Haas. Mr. Haas took it upon himself to travel to Greece and form his own opinion of the situation there. His findings differ radically from the run-of-the-mill, unthinking, parrot-like condemnations of this gallant ally. The first article appeared in the review of the News and the second in American Opinion magazine.

The articles follow:

### INVESTIGATING THE GREEK PRISONS

(By Thomas J. Haas)

As Alitalia's Flight 424 touched down at Athens airport I was already making mental notes. Athens—the Cradle of the West, the birthplace of formal drama and philosophy, the Acropolis, Pericles, St. Paul . . . and, yes, the Athens of the Colonels. What would it be like? I didn't believe the "Liberal" attacks on the new regime—but surely the *New York Times* isn't always wrong? Well, I would soon know.

The new terminal building gave an immediate impression of order and efficiency. The man at the passport control station was far more pleasant, and the procedure much quicker, than it had been in Paris or Rome.

I expected a thorough search. Instead, I got a smile and was waved on through. As the taxi sped to the center of the city I noticed that my driver was listening to a speech over his radio. I tried to catch a word or two, but to no avail. Then, as we passed the beautifully lighted ruins of an ancient temple, the cabby looked back with a proud smile, pointed to the radio, and said: "Papadopoulos!" I looked out with delight at the Greek past; my driver was listening, with equal pleasure, to what he obviously considered the Greek future.

The mood of that first hour was borne out by everything I saw during the week I was in Greece. Here was an orderly, clean, peaceful country; here a pleasant, friendly, happy

people, proud of their heritage and of their Government. The only brute viciousness I experienced occurred when an obviously Communist dog bit me in the Plaka district, which is slightly below the Acropolis.

Today there are two Greek nations: the real Greece and the Greece of the *New York Times*, *Look*, and other purveyors of Leftist fairy tales. The lies about the anti-Communist Government of Premier George Papadopoulos have been so vicious, so constant, and so completely universal that it is almost impossible for anyone who has not recently been in Greece to appraise the state of affairs in that country. There have been a few articles exposing the hundreds of lies about the regime, but even these missed the point that the situation in Greece is the exact opposite of the one reported in our mass media, where white has been depicted as black; good as bad; truth as error.

American journalists have not been satisfied with damning Greece for the unpardonable sin of anti-Communism. No, they have gone so far as to claim that these people, who were once so admirable under a Leftist regime, have turned into blood-thirsty monsters under the evil influence of the anti-Communist Colonels. We have been told that naive actresses, timid song writers, and even a virtuous Playboy Bunny, have been scooped off the streets of Athens and thrown into dungeons to be tortured hour on end by sadistic guards. When I asked an official at the Press Division why the Greek Government has not done more to expose this nonsense, she replied: "How? Can people really believe this? And if they are so gullible, what can we say that will convince them otherwise?" I was not especially impressed by that reply until I had seen one of the dreaded Greek prisons for myself.

When your correspondent asked permission to visit a prison to see what was really going on, the Government immediately agreed to my request. I was surprised to be told that I could visit any prison of my choice in all Greece. I chose Korydallos Penitentiary, where most of the inmates are "political prisoners"—Communist terrorists and murderers. If there were torture chambers to be found, this was the place to find them.

I was surprised to learn that while the main buildings at Korydallos have been in use for some years the prison complex has recently undergone extensive remodeling. Much of it is new. As we arrived (I was accompanied by a reliable interpreter), relatives and friends of the prisoners were waiting at the gate with bundles. They told me that anything within reason may be given to the prisoners.

The assembled visitors were not, of course, in a festive mood. Neither were they distraught. They resembled those one might expect to see waiting for visiting hours to begin at a hospital. These were not the faces of people waiting to see loved ones put on display after hours of torture in a dungeon.

I was given a complete tour of the penitentiary by its warden, a career man with twenty-seven years of service behind him. His comments were void of political overtones. Here was a professional penologist, proud to show the institution under his charge to a visiting American.

One is at once struck by the informality of the prison. A number of inmates, in civilian clothes, were walking casually about the brightly lighted, spotlessly clean corridors. Except for those sentenced to life imprisonment, the inmates are free to wear whatever they wish. The Greek Government says it believes that prison uniforms degrade the individual and thwart rehabilitation.

Our first stop was a cell block. The cells were only a little smaller than my deluxe hotel room in Athens—about the size of a room in a moderately priced American hotel.

They each contained a bed (which I found to be reasonably comfortable by American standards), a table and chair, shelving for personal belongings, and a sink and toilette facilities. Each had a large window overlooking the courtyard or, depending on the side of the cell block, the Athenian mountains. (Either way, it was a better view than the one from my hotel room.) Furthermore, there was an opening in the cell door to provide cross-ventilation (I had no cross-ventilation in my hotel room), a radiator twice the size of the one in my room, a call button directly connected to the infirmary for use of the prisoner in case he took sick, and an outlet where the inmate could plug in earphones and listen to recorded music! At the entrance to the cell block was a water cooler from which prisoners could be served ice water.

I asked to go downstairs—to what the warden had called the dungeon. There we found shower facilities with hot and cold water (only the better Greek hotels have hot showers). Next to the shower room was a modern laundromat.

So much for the dungeon!

Upstairs, we viewed the prison's new kitchen facilities. The modern equipment would be the envy of any Hilton; the cabinet tops were all of marble. We also inspected the courtyard, where the inmates were taking their exercise and engaging in various sports. All looked healthy and well fed, and they seemed to be cheerful—certainly more so than I would be in any prison. The inmates also had available a recreation room where they could play table games and listen to phonograph records. Please remember, these are the Communist prisoners the *New York Times* assures us are being brutalized and confined in concentration camps!

After leaving the old section of the penitentiary, we proceeded to the area where the new church will be built. The government is also building workshops and a new hospital. (So progressive is this prison program that the new hospital will have a special psychiatric ward.) Next we inspected the nearly completed conference room to be used for discussions between inmates and their lawyers. It was as modern as any I have seen anywhere in America. Nearby were handsome new visiting quarters.

You will understand that I was not surprised when I learned that an Attorney General from the United States had earlier inspected this same prison and admitted that there was not a single penitentiary in his state as modern as Korydallos. And the modernization was accomplished under the Papadopoulos regime—a Government accused throughout the world of brutality to prisoners.

Finally, I interviewed the warden. He is a pleasant, vigorous man—a career man, as I have noted, having served as a prison official continuously for twenty-seven years. Are we to believe that under the Papadopoulos regime he was a saint, but that with the advent of the Papadopoulos Government he suddenly became a sadist?

Nonsense!

The warden refused to discuss the prisoners in political terms. Rather, he considered them as individuals in need of rehabilitation, and he showed a genuine concern for their spiritual and physical well-being. Again and again he emphasized his belief that most of the inmates could be rehabilitated, and that this could best be accomplished by treating the men well and fairly. Before I left his office, he pointed to the picture of Jesus over his desk. He spoke quietly: "I believe that every man should have such a constant reminder of the need and importance of Christian love, and the tenets of Christ, in every human endeavor. A warden is no different in that respect from any other man."



The reader will note that I compared the prison cells to my Greek hotel room, and found the cells only a little inferior. What then is the relation between prison conditions and those in the villages?

There is none!

I visited a number of Greek villages, and not the poorest by any means. With the exception of the very barest essentials the villagers have none of the comforts of the incarcerated criminals. They are lucky to have running water, much less electrically cooled ice water; they are lucky to have a radio, much less piped in music; they are lucky to have a doctor within fifty miles, much less a sick-call button by the bedside; they are lucky to have an ancient washing machine, much less a new laundromat; and on and on. Greece's convicted Communists are probably living better than they have ever lived before. True, the workers and the peasants have their freedom, whereas the prisoners are confined. But if the jailed Communists had had their way, the people would not have been left with even their freedom.

I realize that this account is so radically different from the one presented in the mass media that it might well raise questions as to my credibility. (Is Korydallos a Potemkin?) But what about the credibility of the International Press?

That, alas, is the point!

In the above account I have simply given a straight presentation of what I saw with my own eyes. The significance of the fact that this report is so completely at odds with the accounts in our mass media is to me overwhelming and terrifying evidence of conspiracy. Greece has been so surrounded by the Big Lie that not only does everyone believe the Lie, but now no one will believe the Truth.

Other American reporters have visited Korydallos, seen exactly what I saw, and come back to write of it as an example of the horrors of Greek prisons. Other American reporters have interviewed prisoners, asked them if they had been tortured, been told no, and then come back to write of torture in the Greek prisons citing as victims the very prisoners who denied being tortured. The falsehoods about Greece in the International Press are so colossal as to stagger the imagination. They are so contrary to the truth that one who has not been in Greece cannot even begin to comprehend their magnitude and viciousness.

But consider the vital, determined, and inspiring nation that lives behind this paper curtain of falsehood. Again, I shall rely upon a personal experience, simply trying to record what I saw and heard.

The event was a celebration at the Athens Stadium commemorating the third anniversary of the Colonels' Revolt. The same program was presented on two nights (Sunday and Monday, May tenth and eleventh). The first was open to the general public; the second reserved for high school and college students. Here was an excellent chance to judge the popularity of the regime. An honest International Press might have asked: Would Greeks attend such a pageant? And, if they came, would they support the Government with cheers, or record their displeasure by silence? Yet, so completely has the Greek Government been prejudged by the press that to the best of my knowledge I was the only foreign journalist to bother to attend the affair.

The 80,000 Greeks who attended each night were wildly enthusiastic. It was not the forced enthusiasm one might see at a Communist celebration, or a hysterical response of the sort that occurred at Nuremberg. The applause and cheers were spontaneous and individual, each reacting to what touched him personally. It was, I suppose, like combining an American football game and a political rally for George Wallace.

As we entered the stadium, martial music played from the loudspeakers was periodically interrupted by the voice of Premier Papadopoulos: "Communism must be destroyed!" ... music ... "Greece shall live!" ... music ... "Victory over Communism!" ... music ...

The opening of the program was signalled by a blast from trumpeters who lined the top of the classical stadium. Several hundred young people, boys and girls alternated, dressed in white, marched onto the field followed by a hundred flag-bearers and a band. After the national anthem, the youths formally pledged themselves to the Greek fight against Communism. The stadium fell dark, the field emptied; out of a smokescreen at one end—out of the mist of the past—marched a procession from the millennia of Greek history.

First came the Creteans with their "Snake Goddess," the cup-bearers, the head of the Minotaur. Then the Mycenaeans with a hundred girls dancing to lute and lyre. Next representatives of the Classical period with two chariots, the elders, the Olympic runners. The Byzantine era was heralded by two cavalry units. Then came the Court and the Patriarch. Over a huge Bible carried by an attendant, flood lights formed an immense cross in the Athenian sky.

The bitter years of Turkish domination were symbolized by a candlelight procession through the dark stadium, accompanied by an awesome Byzantine chant. As the loudspeakers recorded the overthrow of the Turks, the candles went out.

When the lights came on again the entire field was covered by hundreds of Greek dancers in the costumes of the various regions. The dancers were replaced by a huge stage mountain, moved onto the center of the field. After a mock battle between the forces of Greece and those of the Fascists and Nazis, Greek soldiers and refugees stood at the base of the mountain as the top opened to reveal a famous Greek singer whose songs had done much to maintain the morale of the troops during that terrible period. As she sang her patriotic songs the audience exploded in appreciation—if anything, the response of the young people was even greater than that of their elders the night before.

As the singer was escorted from the field, another woman appeared at the top of the mountain to relate how the Communists had taken advantage of the chaos after the war, and during the Leftist collapse in recent years, to try to seize control of Greece. And, as the mountain disappeared to the right, a beautiful float—representing the April 21 Revolution and the rebirth of an anti-Communist Greece—entered from the left, followed by the young people and flag-bearers. A sky-rocket exploded high above the stadium, and down came a parachute bearing an illuminated portrait of Premier Papadopoulos. The applause of the audience was hearty and prolonged as the program concluded in a massive display of fireworks.

The celebration at the stadium symbolized the new Greece: A people being brought in living contact with their heritage; a people once more standing between Western Civilization and the totalitarian hordes.

The message of April 21 was: Greece shall not die. The people understood, they believed, and they have responded with a new confidence in themselves and in their nation. They have responded with hope, with vitality, and with determination. The people of Greece are happy, they do not live in fear, and they are grateful to Premier Papadopoulos.

But there are forces determined that Greece shall die; that she shall be murdered. Our controlled press is in the forefront of the pack of would-be assassins, and Greece is only one intended victim.

The ultimate target, of course, is America. But the Communists know that each blow at an anti-Communist Greece is a blow at

the United States. The same forces screaming lies about the Greek prisons are screaming lies about "police brutality" in America. They are attacking Greece not because of any evil in her, but to serve the purposes of the monstrous evil in themselves.

#### GEORGE PAPADOPOULOS AND THE GREEKS

To understand Greek Premier George Papadopoulos—the man and his mission—we must consider the historic role of the nation which produced him. The great contributions of Greece to sculpture, painting, literature, medicine, science, and philosophy are well known. But the role Greece has played in preserving and defending this heritage is often overlooked in a day when Western Civilization is under attack everywhere.

When the Persian kings, first Darius and then Xerxes, led their million-man Army against a divided Greece in the Fifth Century B.C., there seemed no hope for the Greeks. Yet, in one of the greatest and most important series of campaigns in history, at the cost of countless Greeks dead and Athens burned, the Persians were defeated. If the Persians had been victorious, their occupation and influence would almost certainly have prevented the development of Western Civilization as we know it.

In any case, that Civilization would have been destroyed in its infancy if the Greeks of Constantinople had not later stopped the sweep of the Moslem hordes by guarding the invasion route to the West for nearly eight centuries. When Constantinople finally fell, a Europe immensely more powerful than the one at the time of the first assault nearly fell also, with the Moslems reaching the very gates of Vienna. Again the Greeks had saved Europe, and again they paid a terrible price—this time, four hundred years of Turkish occupation.

Today the world is faced with the greatest threat in history—more brutal than even the Persians could imagine, more powerful than any ever dreamed of by the Moslems. And, again, it is the Greeks who man the ramparts of the West. Little Greece, ancient Hellas, today stands as the most committed opponent of Communist tyranny in all Europe. If Greece falls to the Communists, the Mediterranean Sea will become a Russian lake.

The Soviet fleet is already in the Mediterranean in strength, and the Communists completely control the land base from Syria to Algeria. The apparent "Eastward look" of Spanish policy will, if continued, leave only Greece as an obstacle to unquestioned Soviet domination of the Mediterranean and Red seas. With such control the Soviets can use their troops in Czechoslovakia as a powerful threat behind ultimata to the nations of Europe which few will dare reject. Without exaggeration, the fall of the present Government in Greece could seal the fate of all Europe. And the destiny of Greece, and thus of Europe, is in the hands of George Papadopoulos.

Who and what is Papadopoulos? First, last, and always he is a Greek. He was born on May 4, 1919, in Eleochorion, a small and rather poor village in the Achaia region of Greece. But Papadopoulos was not warped and twisted by early years of poverty, as the radical Press would have us believe. His family was poor, yes; but not desperately so. His father's salary as the village schoolmaster did not allow much room for luxuries after providing for the needs of his wife and five children, but he gave his son George something far more important than an easy life—he gave him a sound discipline of mind and body, and an unquenchable thirst and love for knowledge.

After receiving primary education in his father's school, young George Papadopoulos attended secondary school in Patrai and then

went on to the War Academy, graduating in 1940 as a second lieutenant. He had attained the highest possible grades there, and it was at the Academy that he began collecting books. This scholarly avocation resulted in his having time at the April Revolution the best and most complete library of Greek authors, from ancient to modern, in the entire country.

Here indeed was a rare personality—an intellectual, a soldier, a strict disciplinarian, and a man of the people. And he was steeled by fire. Two months after his graduation from the War Academy the Greek-Italian war broke out and the young officer was assigned to the Albanian front. His combat record was "excellent," and he was awarded the Medal of Valor and twice the War Cross. During the German occupation he joined the national resistance units. From November 1944 to January 1945 he was a staff officer, and then served in Intelligence until May 1946.

With the outbreak of the Communist guerrilla war, Papadopoulos served nineteen months as a commander of artillery and took part in operations on Grammos Mountain, at Souli, in the Peloponnese, in Roumeli, and at Agrafa. After the Communists were defeated in the field, he was assigned to the Artillery School as an instructor, and attended the School of Army Engineers Corps. He had earlier graduated from the Artillery School and the Officers Training School. From 1955 to 1957, Papadopoulos served at the Intelligence Bureau of the Army General Staff and attended the Higher War School (1955), the Naval Academy (1956), and the Armed Forces School of Special Weapons (1958)—always graduating with academic distinction.

From August 1959 to July 1964 George Papadopoulos was posted at the Central Intelligence Service. And, after an artillery command, he served from August 1966 until April 21, 1967, at the Third Staff Bureau of the Army General Staff.

As Papadopoulos moved up the ranks, he watched the political situation in Greece go from bad to worse. By the early months of 1967 the crisis was reaching catastrophic proportions. The nation faced a complete economic collapse and a Communist takeover. Radical Premier George Papandreou and his Communist Harvard-trained son, Andreas, were throwing the nation to the Reds. The Communist terrorists Papandreou had released from prison were tearing Greece apart. Strikes, demonstrations, and riots led by the Reds were paralyzing the nation. The end was near. Parliament, which should have moved forcefully to avoid the imminent disaster, was too steeped in corruption to act. And the corruption was not limited to monetary affairs alone. As one Greek citizen told me: "It is so good now to have a government run by men instead of homosexuals."

Papandreou even had the university fees raised so high that only the sons of the wealthy or the graft-soaked politicians could obtain a college degree. No one would deal with the national crisis or the corruption because nearly all were in on the take. With seventeen different Parties there was always the change of Deputy A and his Party forming a Government and really getting to the big money—to hell with the people.

The situation in Greece seemed hopeless when on April 21, 1967, a group of Army officers took charge of the Government and made George Papadopoulos Prime Minister. The corrupt Parliament was suspended.

We have now answered: Who is George Papadopoulos? But what is he? More specifically, is he a dictator? This is, of course, a matter of semantics. If by dictator one means a tyrant in the fashion of Josef Stalin, no. If one means dictator in the ancient sense—a man who is selected for leadership

in a time of national emergency, and who takes upon his shoulders, with no thought of his own well-being, the cares of his nation for the duration of a crisis... a man such as Pericles—then, yes, George Papadopoulos is a dictator.

Here is a man who has voluntarily undertaken a task nearly impossible to complete successfully. Here is the material of legends; here the stuff of ancient Greece. Papadopoulos works eighteen to twenty hours a day, seven days a week. When he returns home to his wife, Despina, and two daughters (his son, an engineer, is married and lives elsewhere), it is not to a palatial villa. His home is typical of the residence of a moderately successful Greek doctor or lawyer; not spectacular by the standards of his country, and quite humble by those of the United States.

What has Papadopoulos done? First, and most important, he has saved Greece from a Communist takeover. If he had waited a year, six months, a month, it might have been too late. But he did not wait. And, after becoming Prime Minister, he rounded up the Communist leaders, organizers, and agitators... and jailed them. These were no idealists or parlor pinks—they were hard-core Reds, many of whom had been serving prison terms for mass murder and atrocities before being released by Papandreou. Premier Papadopoulos simply put them back in prison. Yet, since the April 21 Revolution, and contrary to Communist propaganda, not one drop of blood has been shed by the Government.

What is more, lesser offenders have been offered their release by simply signing a pledge to refrain from political activity. But few of the Comrades will sign. They have been directed by their superiors to stay in prison and play martyr, in the hope that the *New York Times*, America's slick media, and "our" State Department will be successful in destroying the present Government. Such Communists hope then to become the masters of Greece.

Meanwhile, the new Government's five-year economic development program is running well ahead of schedule. Furthermore, decentralization is the keynote of the regime. And, Premier Papadopoulos is making powerful attempts to distribute the political, economic, social, and intellectual life of Greece over all the country, rather than permit Athens to continue sapping the vitality of the nation for its own benefit.

When Prime Minister Papadopoulos introduced a new reform Constitution, it was supported at the ballot box by an overwhelming majority of the Greek people. The Prime Minister and his Government are working feverishly to complete the mechanics of this new Constitution. When it goes into effect, in a year to a year and a half, George Papadopoulos will be excluded from serving in the Government by an age-limit clause upon which he personally insisted.

What kind of dictator is this—an anti-Communist intellectual who works eighteen to twenty hours a day preparing a new governmental order which will exclude him from any political power?

Yet, if the International Establishment and the kept Press have their way, the new anti-Communist Greece will be smothered in her cradle. The "East" will be victorious! Christian charity and national interests demand that the American people come to the defense of Papadopoulos and Greece. But, even more important, the West must come to realize that the attack on Greece is only one more part of the Communist strategy. Greece is the key to the Mediterranean. The Communists need it to turn the lock on an imprisoned Europe. Only George Papadopoulos and his anti-Communist Government stand in their way.—THOMAS J. HAAS.

## TOO LITTLE TOO LATE

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. ROBISON. Mr. Speaker, I include the following editorial from the October 2 *New York Times* in the *Record* because it points out most vividly the dangers for this winter. I have cosigned letters asking that the Cabinet Task Force's Report on Oil Import Control be implemented. When that request went unheeded, I joined in sponsoring a House resolution to the effect. Now it appears that the President will be denied the option of moving from quotas to tariffs or to free trade because of provisions in the Trade Act of 1970, if that bill should pass the Congress.

I, for one, find it difficult to understand how our national security is enhanced by the maintenance of oil quotas if those quotas operate so as to threaten to expose a large segment of our population to a winter without adequate heating oil. Additionally, the effect of a quota is invariably higher prices for the consumer—since domestic industry knows that it is guaranteed a share of the market. I would urge the President, while he still has the authority, to implement the recommendations of the task force so that supply will equal demand and price will be at a reasonable level.

The editorial follows:

## MAN-MADE FUEL CRISIS

It comes as a stunning surprise to most Americans to realize that a temporary shortage of coal, oil and natural gas may produce power blackouts and brownouts this winter. That surprise is heightened by the state's notice to New Yorkers that fuel rationing might be necessary here for the first time since World War II. The ordinary citizen's astonishment is justified. If ever there was a man-made crisis, this is it.

There is no shortage of coal, oil and gas as such. The nation's reserves of all three are still enormous. Foreign sources are also available. But several special circumstances have developed at the same time to cause disruptions in the normal marketing of these fossil fuels.

The United States is a coal-exporting country, and coal exports have risen this year. Heavy exports have tied up railroad coal cars at seaports where they wait for days to be unloaded. The new Federal Coal Mine Safety Act—long overdue and still slackly enforced—has pinched production because companies are closing small mines rather than making the capital investment necessary to bring them up to the new Federal safety standards. But, basically, the shortage is not of coal but of railroad cars.

The international oil market has been upset because Libya is restricting production in an apparent effort to get a higher royalty for its oil. Syria, bringing pressure for higher transit fees, has refused since May to repair a break in a major pipeline. But the United States could easily overcome these adverse factors if domestic oil production were not rigged low to keep the price stable and imports from Venezuela not rigidly restricted.

Natural gas has moved temporarily into short supply, partly because gas producers and distributors did not foresee the extent to which the public outcry for clean air



would send the demand for their product skyrocketing. Unfortunately, however, another part of the explanation is that the major oil companies, which own the lion's share of gas leases, are not averse to an artificially induced gas shortage which would heighten the pressure for a hefty increase in gas prices.

The Council of Economic Advisers' first "inflation alert" noted that fuel prices have been advancing with "exceptional rapidity" this year. The cost of bituminous coal climbed at a 34.4 percent rate in the first quarter, then shot up at an 81 percent rate in the second quarter. Residual fuel prices went up at a 36 percent pace in the first quarter and 60 percent in the second.

The Administration's instinctive response to this many-sided problem was to let it drift. Dr. Paul W. McCracken, the President's chief economic adviser, said several weeks ago: "I think the most helpful solution from what very little I have been able to see of this problem at the moment would be to pray for a benign weatherman this winter."

With the seriousness of the problem becoming more apparent every day, however, the White House has now announced some small measures. They seem more designed to take the political heat off the Administration than to provide real heat to anyone else.

The Interstate Commerce Commission has doubled the charge for railroad cars standing idle in loading zones. The import quota of 40,000 barrels a day on fuel oil used for home heating on the East Coast is to be doubled in the first quarter of 1971, but with a compensating reduction in the last nine months of next year to maintain the over-all average. Other import restrictions are eased in minor ways. "In view of numerous uncertainties, no one can now be sure that these steps will be adequate," the Administration spokesmen observed.

The Administration has spent a year and a half marching up the hill and then down the hill on oil import quotas. It is time to march back up the hill and stay there. Oil import quotas make no sense at any time, as the President's own task force has made plain. In a time of fuel shortage, they constitute nothing less than an attack by the Federal Government on the welfare of millions of its own citizens to safeguard oil industry profits. The Eastern Seaboard should routinely meet much of its energy needs by imports of oil from Venezuela. The quota changes announced this week amount to mere trifling with the issue.

The regulatory commissions in the oil-producing states could be prodded to increase the number of days on which oil is pumped from existing wells. The doubling of charges on idle railroad cars is a step in the right direction, but the Department of Transportation could work with the coal-carrying railroads to devise new procedures and, if necessary, new incentives and stiffer penalties to get them to cut their "turn-around time" on unloading coal cars.

If fuel rationing is necessary this winter, homes and stores will have to take precedence over heavy industry. But this is a choice which should not have to be made. Aggressive Government leadership can still make it unnecessary.

#### IN SUPPORT OF OUR POLICEMEN

**HON. ROBERT V. DENNEY**

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. DENNEY. Mr. Speaker, as I was reading through the October 1970 issues of the Industrial Banker, published

monthly by the American Industrial Bankers Association, I noted with special interest a full page encouraging good relations with our law enforcers. The promotion depicted a lone police officer on his nightly rounds and was accentuated by the following text:

Frustrating. That's what it's like to be a cop today.

We hired that guy to do a job. A job too rotten for us to do. Then we isolate him. Fight him. Ignore him.

That's what it's like to be a cop. And it's getting worse.

Good men are leaving our police forces. And other good men aren't joining.

We can't let it happen. We have to care. Do something.

You've heard it and read it a hundred times: write your officials. Support new tax measures. Back legislation.

Sure, you'll do those things . . . when you have time.

But here's something you can do right now, and it won't take any time at all . . . smile at the next policeman you see.

I want to commend Leonard G. Rose, president of the National Account Systems, Inc. of Chicago, Ill., for initiating this promotional campaign in the Industrial Banker.

I know I will remember to smile at the next policeman I see, and I hope that all those taking note of these remarks will too.

#### TRIAL

**HON. JOSEPH G. MINISH**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. MINISH. Mr. Speaker, I should like to point out to my colleagues the forthcoming "trial" expected to open shortly in Leningrad involving at least 20 Russian Jews.

This trial may signal another wave of harassment against Jews in the Soviet Union, and should be condemned for its Gestapo tactics.

Two hijackers of a Soviet airliner diverted to Ankara, both of whom are non-Jews, are no longer in the U.S.S.R. but in Ankara. Thus far, Soviet attempts to extradite them have been unsuccessful. Yet documents brought back from the U.S.S.R. by tourists within recent weeks attest to the fact that the first eight of 10 persons arrested after the hijacking were Jews said to have applied for permission to emigrate to Israel. A roundup of searches and arrests by the Soviet authorities have netted several more persons, all of whom are Jews.

The swiftness of the arrests, said to be completed within 30 minutes, coupled with the lack of any information from the actual hijackers no longer within the U.S.S.R., leads us to believe that this is simply another trumped up charge in order to permit Russia to persecute its dissatisfied Jewish population.

Mr. Speaker, as a sponsor of House Concurrent Resolution 744, which condemns religious persecution by the Soviet Union and gives congressional support to the President to diplomatically negotiate for Soviet Jews to emigrate to Israel,

I believe that it is necessary to remain aware of the terrible invasion of human rights perpetrated by the Soviets against Jews. We must see to it that the pernicious antisemitic activities of the Russians are brought to public attention in the hope that they will be mitigated.

#### COOLING WORDS ON A HOT ISSUE

**HON. RICHARD T. HANNA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. HANNA. Mr. Speaker, "Cooling Words on a Hot Issue" appeared in the October issue of Fortune. I commend heartily this editorial to my colleagues' attention as an excellent example of a balanced approach to the critical housing problem facing our Nation today.

The editor endorses the very sensitive analysis of residential segregation presented by Anthony Downs, a noted housing consultant.

It is clear to me that we cannot solve our housing problems by having one generation of ghettos follow another. We must have a well financed and planned housing program, as well as an adequate insurance program to protect the sizable investment of the program and to accomplish its goals effectively.

In many of the Government housing redevelopment efforts a significant problem has arisen in that insurance has not been readily available due to the propensity of urban areas for high rates of crime and disorder. As Mr. Downs indicates, we must insure that the redevelopment efforts do not result in a lowering of the standards of care and general well-being of the surrounding community. One possible remedy would be to restrict the allocation of Federal assistance moneys to those projects assured of adequate insurance coverage for the new and existing property owners.

It is very fortunate that we have articulate voices such as Mr. Downs' to comment on this problem. I would hope that this article and others like it will spur renewed efforts to provide the necessary housing and insurance so gravely needed in our country.

The article follows:

#### COOLING WORDS ON A HOT ISSUE

Without fanfare, the federal government has been getting very deeply involved in subsidizing housing. Next year about 500,000 new homes—at least one out of four that are built—will carry some form or other of subsidy to keep down the mortgage interest rate, the homeowner's monthly payment, or the rent. The federal role in housing will grow even larger in subsequent years, and it will give the government weighty leverage in dealing with what George Romney, Secretary for Housing and Urban Development, has described as the nation's most explosive domestic problem: the pattern of racial segregation in the suburbs that helps keep blacks locked in overcrowded core-city slums.

Desegregation of the suburbs would not only ease some of the problems of the cities, but would also provide blacks with a healthier environment. They would have a much better chance of seizing opportunities available in the fast-growing suburban job market. Residential mixing would produce

substantial school integration without resort to long-range busing.

More than federal financial incentives are needed, however, to overcome the deep-seated resistance among many white suburbanites to the introduction of low-income black families into their communities. Secretary Romney quickly discovered that when he recently tried to open up housing in a blue-collar suburb outside Detroit. Nor are moral preachment and legal pressure likely to have much effect. Racial prejudice undoubtedly plays a part in suburban opposition to integration, but other concerns, some of them quite rational and justifiable, are also involved. What is needed is dispassionate analysis of factors that trouble even relatively unprejudiced suburban homeowners, and practical suggestions for dealing with these practical concerns.

Just such an approach has been proposed by Anthony Downs, a Chicago housing consultant with an impressive record of working to break down residential segregation, in testimony before the Senate Committee on Equal Educational Opportunity. He not only examines the causes of suburban uneasiness, but also suggests several means for allaying legitimate fears.

"Every household," Downs says, "is necessarily and rightly concerned with the nature of its neighbors regarding certain aspects of their behavior—particularly public comportment and the way they maintain and use their property." Middle-income homeowners oppose low-cost, integrated housing in their communities because they fear that local taxes will rise, that property values will decline, and that there will be more crime and disorder in the neighborhood.

These anxieties, although no doubt often exaggerated, are by no means wholly unrealistic. Low-income families add more to school costs than they pay in local taxes, and therefore, under the prevailing system of school financing, are bound to put an additional financial burden upon middle-income property owners. Property values do not always go down when low-income or minority-group families move in, but this possibility certainly exists, particularly if there is a wave of panic selling. The majority of poor people are decent human beings and good citizens, but crime and disorder are unquestionably among the byproducts of poverty. It is for this very reason that many law-abiding low-income families are anxious to get away from their present surroundings.

Instead of castigating suburban homeowners for wishing to hold down their taxes, protect the value of their properties, and raise their children in safe and orderly communities, Downs argues that we should find ways to carry out integration without infringing unduly on these normal human objectives. The tax problem, for instance, could be greatly moderated if state and federal governments accepted a larger part of the responsibility for financing education, thus taking the pressure off the local property tax. Some form of government-supported property-value guarantees or insurance for homeowners in areas where subsidized low-income housing is being built would help allay worries over declining real-estate values. A government policy of scattering subsidized low-cost houses or locating them in small clusters would prevent massive change in the nature of single communities or neighborhoods. More controversially, Downs proposes that the government place a definite limit on the proportion of low-income families that would be permitted to locate in a given area.

We hope Downs's sensible and constructive suggestions will be remembered as the government gets further into the difficult problem of residential segregation. His reasonable

way of looking at the problem, in fact, is a model for debate on any critical social issue today.

## THE VETERANS VOICE

### HON. EARLE CABELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. CABELL. Mr. Speaker, a longtime friend of mine and a friend of the veterans of Dallas County, Mr. Hymie Greenspan, has written the following article in celebration of Veterans Day and I want to insert it in the RECORD:

#### VETERANS DAY 1970

Again we observe another Veterans Day in America and again Americans are still giving their lives on the field of battle representing the American people on distant shores. Your editor could discuss many phases of our policy as it effects our fighting men, but I feel that the following message which was delivered sometime ago on a Veterans Day by American Legion Commander John Olear of Waterbury, Connecticut properly sets the tone for the appropriate observance of this year's Veterans Day. Your thoughts on this day must be sincere as to the sacrifices that our fighting men and their families have made and are making today for all Americans. I am hopeful that a unified America will this year pause and pay proper tribute to all veterans who have fought for freedom and human dignity. Yes, I am still hopeful for the attainment of a lasting "Peace with Honor."

#### A TRIBUTE TO ALL VETERANS

It is appropriate on this Veterans Day since we are observing it during a period of national unrest and uncertainty, to look realistically at some facts that have been forgotten.

First and foremost, let it be remembered that no one wants peace more passionately than those who have fought for it.

There is no greater dedication to the cause of a world at peace than that of a man or woman who has lived through the hell of war. Can anyone know the importance of peace more than the man who served with the A.E.F. at Seicheprey, or the soldier or marine who fought in the sugar cane fields of Okinawa, or the sailor on convoy duty through the submarine infested North Atlantic, or the airman in the lonely battle in the sky, or the nurse of WAC under enemy bombardment?

These people cherish peace because they know what war is. But they cherish honor also. And they also cherish simple love of country.

The veterans want peace; of course they do; but they want "Peace with Honor." When American troops have marched off to war, they have marched in freedom's cause. They have sought no new territory, and no new peoples to enslave. They have fought for freedom and for the right of each people to choose its own government in its own way.

These men who fought—the veterans whom we honor today—were and are the real champions of peace. Only those who have lived intimately with the horrors of war can truly know how vitally urgent it is that we build a world in which all men and all nations can live in peace together as neighbors in peace and harmony.

These men know also that surrender to aggression does not mean real peace. They know that a temporary cessation of hostilities resulting from a yielding to the aggressor

will be used by the aggressor only to build up his strength for new and greater assaults on free nations and free men.

#### TIME FOR REMEMBERING

It would be a mockery if we let the social unrest of today serve to downgrade in the slightest the valor and the sacrifices of those who have fought in freedom's cause from Valley Forge to Vietnam.

Today should instead be an occasion for paying even greater tribute to them—those veterans who fought under the flag of the country they loved. Veterans Day should be a time for remembering—and today, in remembering, let us seek a deeper appreciation of our veterans.

On this day of remembering, let us make the record show that we have deepened our admiration for those who have served their country in uniform—that we are etching deeper into the metal of history our gratitude to those who went to war in freedom's cause. Let us remember those who fell in battle, giving their all on the altar of freedom, and let us hail with affectionate pride those who returned safely from the field of battle.

#### VETS FOUGHT FOR ALL AMERICANS

Let us also remember, on this day for remembering, that it is only because of the courage and the sacrifices of those who fought for America and freedom that Americans are able to meet today in an assembly such as this. But for what the Veterans did, this city and this land would today be under the jackboot of a foreign dictator.

Our Veterans fought for the freedom of all Americans—even those who today consider it fashionable to dishonor their contributions and belittle their memories.

HON. HERBERT TENZER

HON. LEONARD FARBEINSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. FARBEINSTEIN. Mr. Speaker, I came across an article in the East Side News, a weekly publication with wide circulation throughout the Lower East Side of New York City which I have the honor to represent in the Congress, about our former colleague, the Honorable Herbert Tenzer of New York. Having known and served with Congressman Tenzer it affords me great pleasure to bring to the attention of my colleagues this partial résumé of his many efforts, membership, and leadership in the various organizations and laudatory projects and programs mentioned:

HON. HERBERT TENZER

(By Abe E. Eisenstein)

The story of the Hon. Herbert Tenzer and fame of such a character can find no limit in earthly gratitude from all concerned. If there is any single attribute which characterizes his life—it is dedication to service. The beloved native East Sider, Brooklynite, Queensite, New Yorker, Herbert Tenzer is a long time noted leader in community, civic, educational, recreational, religious and charitable endeavors. He is a doer as well as a giver. He is a deeply religious man. He is a man of warmth and friendly personality, a man of heart, compassion, courage, and dedicated to all the people. His dedication to men, women, and children transcends race, color or religious beliefs.



The prominent New York attorney (235 East 42 St., Man.), humanitarian, active patriotic and public-spirited citizen, Herbert Tenzer is a former outstanding business executive, former chairman board of directors of Barton Candy, Inc., a labor-management relations expert, a former-founder president (now honorary) of the Brooklyn Crown Heights Talmud Torah and Yeshivah, a member of the East Side Chamber of Commerce, Pheta Alpha Phi, a "Guardian of Israel," a chairman (since 1933) of the Federation of Jewish Philanthropies, an Honor Roll member of the United Jewish Appeal, member of the Masons, Shriner, K. of P., B'nai B'rith, served as president of the National Council to Combat Blindness (Fight for Sight), voting member N.Y. City division American Cancer Society, organized and handled Rescue Children, Inc., after World War II, chairman of MIND—Malmondes Institute for New Development—a school for exceptional children, past president Congregation Beth Shalom (Lawrence, L.I.), national secretary Synagogue Council of America, chairman South Shore Albert Einstein College of Medicine, Trustee of Yeshiva University, member of the Grand Street Boys Assn., and many more.

Son of the late noted East Side businessman, Michael and Rose (Bernstein) Tenzer, Herbert Tenzer was born in an old tenement house on the Lower East Side on Nov. 1, 1905. He is one of seven children—Sam, Milton (Dec.), Estelle, Jeanette (Dec.), Bertha, and Eva.

Famed East Side old P.S. 34 alumnus and active member of its alumni, Herbert Tenzer

was a boy member of the well known Aimwell Club at The University Settlement. Later, he was a volunteer youth leader and settlement worker. He is also a noted alumnus of Stuyvesant High School (Class of 1923), New York University Law School (Class of 1927), an honorary member University Amigos and member of The University Settlement Alumni Assn. He is at present a prominent leader in Lawrence, Long Island, and a member-officer of many well known organizations.

Former distinguished United States Congressman (5th District, Nassau County), Herbert Tenzer served two terms (1964-68) and did not seek a third term. He was a member of the House Judiciary Committee and served high in The House of Representatives as an active law maker. He always welcomed suggestions from responsible dedicated citizens and organizations, faced all the facts and showed the way to a possible solution of the problems. In the time he served in The House of Representatives, Mr. Tenzer has won the profound respect and affection in both sides of the aisle. He has helped stretch many minds and broaden many horizons.

The many awards, citations, encomiums, that have been heaped on attorney Herbert Tenzer, have been well deserved. He married the lovely young lady, Florence R. Novor, on June 29, 1930. There is a rich life before them and a legacy of fine children—Diane, Barry (an attorney), grandchildren, and a family circle.

East Siders, New Yorkers, family, alumni, co-workers, associates, and friends everywhere join the many, many thousands

throughout the nation in saluting you—attorney Herbert Tenzer—on your 65th birthday year. May the good Lord give you health and strength to continue your "Ma'asim Tovim" in behalf of all people everywhere.

## RESPONSES TO ANNUAL CONSTITUENT QUESTIONNAIRE

### HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. DELLENBACK. Mr. Speaker, again this year, as I have each year since I have been in the Congress, I sent a questionnaire to citizens of Oregon's Fourth Congressional District in which I asked for their opinions on a number of issues facing the Congress.

I think the questionnaire is a useful tool for measuring the views of a large and diverse congressional district. Questionnaires, together with the hundreds of letters I receive each month and frequent conversations with constituents, help me learn the thinking of the district.

The questionnaire is designed so that both husband and wife can express opinions.

The results of my latest poll follow:

[In percent]

	Husband	Wife	Total		Husband	Wife	Total
1. U.S. military policy in Vietnam should be: (check 1)				5. What action should the Federal Government take to meet the U.S. population problem? (check as many as are appropriate):			
(a) Withdrawal of all U.S. troops by some set time.....	34.6	39.9	37.3	(a) Promote distribution of birth control information....	66.7	71.0	68.9
(b) Phased withdrawal of all U.S. troops based on progress of Vietnamization program.....	54.8	52.1	53.5	(b) Promote distribution of birth control devices.....	52.9	53.5	53.2
(c) Escalation of military effort.....	10.6	8.0	9.3	(c) Relax restrictions in present abortion laws.....	52.4	50.5	51.5
2. What action should the Federal Government take in connection with 1st-time use of marijuana? (check 1)				(d) Reduce the number of income tax exemptions for dependents.....	45.6	45.7	45.7
(a) Eliminate present penalties.....	16.8	15.4	16.1	(e) Take no action.....	8.1	8.6	8.4
(b) Reduce present penalties.....	19.7	21.1	20.4	6. What action should the Federal Government take in connection with student unrest? (check 1)			
(c) Retain present penalties.....	16.8	18.4	17.6	(a) Cut off Federal aid to students participating in violent activities.....	54.4	57.3	55.8
(d) Increase present penalties.....	45.3	43.3	44.3	(b) Cut off Federal aid to students participating in demonstrations.....	14.6	15.0	14.8
3. Should the Federal Government provide tax incentives for industry to install pollution control devices?				(c) Cut off Federal aid to colleges not controlling violent activities of their students.....	32.3	29.4	30.9
Yes.....	57.7	60.6	59.2	(d) Leave action to colleges and States involved.....	21.8	22.4	22.1
No.....	40.5	39.0	39.8				
4. As an alternative to the present welfare system, President Nixon has proposed a work incentive and job training program while guaranteeing a basic level of financial assistance. Do you favor this proposal?							
Yes.....	80.9	84.1	82.5				
No.....	13.8	13.3	13.6				

I also listed 20 issues and asked constituents to number in order the six they consider the "highest priority areas of national concern." I then weighted and ranked the answers, giving more weight, for example, to an item marked "1" than to one marked "6."

It is interesting to compare the rankings of different age groups, as follows:

#### PRIORITY RATINGS—WEIGHTED UNDER 30 AGE GROUP

1. Pollution.
2. Vietnam.
3. Inflation.
4. Crime.
5. Poverty.
6. Conservation.
7. Race relations.
8. Education.
9. Student unrest.
10. Tax reduction.
11. Defense budget.
12. Tax reform.
13. Draft reform.
14. Housing.

15. ABM.
16. Electoral reform.
17. Exploring space.
18. Agriculture.
19. Gun control.
20. Social security.

#### 30-45 AGE GROUP

1. Pollution.
2. Vietnam.
3. Crime.
4. Inflation.
5. Poverty.
6. Tax reform.
7. Student unrest.
8. Tax reduction.
9. Education.
10. Conservation.
11. Race relations.
12. Housing.
13. Defense budget.
14. ABM.
15. Draft reform.
16. Social security.
17. Gun control.
18. Electoral reform.
19. Agriculture.
20. Exploring space.

#### 45-60 AGE GROUP

1. Crime.
2. Inflation.
3. Pollution.
4. Vietnam.
5. Student unrest.
6. Tax reduction.
7. Tax reform.
8. Poverty.
9. Education.
10. Conservation.
11. Housing.
12. Social security.
13. Race relations.
14. Defense budget.
15. ABM.
16. Draft reform.
17. Electoral reform.
18. Agriculture.
19. Gun control.
20. Exploring space.

#### SENIOR CITIZENS OVER 60

1. Crime.
2. Inflation.
3. Pollution.
4. Vietnam.
5. Student unrest.

6. Social security.
7. Tax reduction.
8. Poverty.
9. Tax reform.
10. Conservation.
11. Education.
12. ABM.
13. Housing.
14. Electoral reform.
15. Agriculture.
16. Defense budget.
17. Race relations.
18. Draft reform.
19. Gun control.
20. Exploring space.

## VETERANS DAY 1970

## HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. ZABLOCKI. Mr. Speaker, Veterans Day 1970 has passed but its significance and essence lingers longer than the 24 hours set aside to honor our brave fighting men and women who have given their most prized possessions—their lives—that their fellow countrymen might live in a world longing for peace.

I was privileged, Mr. Speaker, to participate in Veterans Day parades in Milwaukee. It was indeed gratifying to see Milwaukee's streets lined with people who, by their presence, were saying a special thank you to those brave and loyal Americans who accepted their responsibilities as citizens. Participating in the events were civic, veterans groups, and auxiliary units. Special guests were two of Wisconsin's Medal of Honor winners, Gary Wetzel, whose artificial hand symbolizes his sacrifice in the Vietnam war, and Einar Ingmann who served in the Korean war, as well as Milwaukee's 1970 Veteran of the Year, Joseph A. Greco. Their sacrifice merits the respect of every American.

But along with the gratitude expressed on Veterans Day, comes a painful sorrow—the sorrow of loss, of pain, of death. For the freedom and liberty which we retain today has been purchased with the sacrifice of American veterans throughout America's 194-year history. On nine occasions since the founding of this Nation, Americans have been asked to bear arms in her defense. Over a million men and women have never returned from those battlefields to enjoy the fruits of their sacrifice while millions more came back maimed—yet proud to have served.

We have learned the bitter lesson that peace is not an absolute that can be found or achieved and then enjoyed once and for all. There is no plain and definitive formula by which peace can be maintained. However, it is because of the sacrifices made by Americans in time of national peril that this Nation exists today; and it is for this reason that America cannot allow the passage of time to obscure or minimize the memory of our heroic dead.

Nor can we afford to forget that when the guns cease firing and the soldier once again becomes the civilian, it is he who contributes to a stronger, better America through his work in every trade, every

profession, and every form of human endeavor.

It has been said that in times of protest, it is an unpleasant task to pay tribute to the serviceman. I think not. America has every reason to honor her veterans both for services rendered on the battlefield and at home for the preservation of our democratic ideals. It is for this reason that Veterans Day is such a meaningful holiday. America salutes her veterans both living and dead for services which can never adequately be rewarded.

## A SCOTTISH VIEW OF WEST FLORIDA IN 1769

## HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. FASCELL. Mr. Speaker, in 1769, a British Admiralty chartmaker, George Gauld, described the unspoiled wilderness shores, bays, and rivers of Florida in an unpublished 30-page report. While his navigational charts were posthumously made public and used by the Admiralty, it fell to one of the Scot's descendants, Dr. Charles A. Gauld, to call our attention to the historical importance of his ancestor's observations.

Dr. Gauld is a distinguished student of Florida history and a member of the faculty of Miami-Dade Junior College's South Campus. He is presently at work on a major encyclopedia of Florida, a compendium of information about the State.

Dr. Gauld's article, "A Scottish View of West Florida in 1769," appeared in the 1969 issue of *Tequesta*, the annual publication of the Historical Association of Southern Florida. I am pleased to be able to call our colleagues' attention to this historian and his scholarly efforts in the field of Florida history:

## A SCOTTISH VIEW OF WEST FLORIDA IN 1769

(By Charles A. Gauld, Ph. D.)

A scholarly Scot wrote but never succeeded in publishing a 30-page "General Description of the Sea Coasts, Harbours, Lakes, Rivers etc. of the Province of West Florida, 1769." He was George Gauld, born in Scotland in 1732. He received an honorary M.A. from Aberdeen, one of the four democratic Scottish universities. As a chart-maker for the British Admiralty, his death in 1782 may have occurred in London or at sea. Gauld's charts for navigation between East Florida and the British West Indies were posthumously published by the Admiralty. That of the Tortugas and Florida Keys or Martyrs appeared only in 1815.

Gauld's two pamphlets were issued in London by William Faden in 1790 and 1796. The second, of 28 pages, was entitled "Observations on the Florida Keys, Reef & Gulf with Directions for Sailing along the Keys from Jamaica by the Grand Cayman & the West End of Cuba; also a Description, with Sailing Instructions, of the Coast of West Florida between the Bay of Espiritu Santo & Cape Sable." There was added, "by George Gauld, to accompany his Charts of those Coasts, surveyed and published by order of the Rt. Hon. the Lords Commissioners of the Admiralty, to which have been added a description of the East Coast of Florida between Cape Florida & Cape Canaveral (and) within the Florida Reef."

The 1796 pamphlet was consulted by Dr. Wallace McMullen in his "English Topographical Terms in Florida, 1563-1874" (University of Florida Press, 1953, 227 pp.) Gauld's 1769 manuscript is useful both for some topographical terms and for place names of the British era in West Florida.

George Gauld served the Admiralty in Florida from 1764 until 1771. In 1773 he presented to the American Philosophical Society in Philadelphia his West Florida manuscript, hoping for its publication in the Society's "Transactions" along with his communication on measuring the height of Catherine's Hill and of the magnificent Blue Mountains in Jamaica. The latter was enclosed in Gauld's letter to Hugh Williamson, presumably a Scottish member of the Society, dated Port Royal, Jamaica, February 15, 1773. Neither manuscript was published in the "Transactions." Perhaps Gauld was inspired to write to the Philadelphia body through his associates in West Florida, Dr. John Lorimer, presumably another Scot.\*

It would be interesting to know of any relations between Gauld and William Roberts, whose "Account of the First Discovery & Natural History of Florida" (London, 1763) Gauld probably read. Also Gauld's ties in Florida with Captain Bernard Romans, author of "A Concise Natural History of East & West Florida" (New York, 1775). The American Philosophical Society has no information on Gauld, who may even have donated his 1769 manuscript while on a visit to Philadelphia. The Scottish National Library and the British Museum also lack information on Gauld's career. Aberdeen University Library stated that Gauld studied there between 1750 and 1753 and was given an honorary M.A. in 1759 while an Admiralty mathematics teacher.

We can assume that Gauld attended the East Florida Masonic Lodge meetings in St. Augustine with such Caledonians as Governor James Grant, royal superintendent of Indian affairs John Stuart, Rev. John Forbes, the Lieutenant Governor Dr. James Moultrie, John Bethune from the Isle of Skye, and Dr. Andrew Turnbull, who in partnership with Sir William Duncan, introduced Mediterranean colonists into his short-lived New Smyrna colony. In addition, Gauld may well have participated in Scottish Rite Masonic rituals in Pensacola with such Scotsmen as Governor George Johnstone, the rich Indian traders William Panton and John Leslie, and the brilliant half-Scottish leader of the Creek Nation, Alexander McGillivray.

There follow passages of interest from the two-century old manuscript. Gauld began, "The Province of West Florida (is) the frontier of the British Dominions in America," extending some 350 miles west of the Apalachicola River nearly to New Orleans. He foresaw great advantages from the region's possession by a maritime commercial nation. He admired a unique red bluff near Santa Rosa Island at the entrance of Pensacola Bay. Chart and navigation conscious, Gauld cautioned of dangers from shoals and the lowness of the treeless island, hard to distinguish. He described anchorages in deep water protected from storms for vessels seeking the hard-to-find mouths of the Mississippi River, an area as fertile as the Nile delta. "Vessels that draw above 11 feet cannot enter the Mississippi's passes without being lightened."

Gauld then described bays, estuaries, lagoons, creeks and rivers of West Florida. Choctaw Indians were killing the cattle of the few settlers on St. Louis Bay, forcing them to leave in 1767. He visited some new settlements on the Pearl River where tobacco,

\*Alabama professors Robert Rea of Auburn and Jack D. L. Holmes of Birmingham plan research on Lorimer, whose letter of April 21, 1769 appeared in the "Transactions" (I:250), according to Gauld's pamphlet of 1796.



indigo, cotton, rice, corn and many vegetables were raised in rich soil. The indigo rivalled that of Guatemala. The settlers planned to make barrel staves of white oak. Gauld lauded the timber available for masts and shipbuilding. Further west he noted that French settlers were raising cattle and were clandestinely making pitch, tar and turpentine, and selling these naval stores very profitably in New Orleans to France and Spain "as we have no army posts or vessels to prevent them."

Johnstone in Pensacola in 1765 ordered the construction of Fort Bute on the Mississippi. "But after Governor Johnstone's departure it was abandoned and demolished by order of General Gage in 1768, the consequence of which measures are already obvious. . . . Had it not been for the withdrawing of the British troops from the Mississippi, that country would in all probability have been well settled by this time (by Britons). During the late disturbances at New Orleans, a great many of the French inhabitants were desirous of settling on our side of the river. Some of them had actually embarked with their families, Negroes and effects on the arrival of the Spanish troops, but afterwards allowed themselves to be dissuaded, partly because Irish-Spanish General O'Reilly gave them assurances that everything would be forgiven." Many French, with no British presence, suffered greatly in the New Orleans area, according to Gauld. "The French in general in Louisiana have an utter abhorrence of the Spaniards which will probably last for generations."

"It would be of great advantage to British West Florida to have one or two small armed vessels" cruising between Pensacola and New Orleans. Gauld saw them preventing clandestine activities in naval supplies and helping to secure to Britons a considerable trade with the aborigines.

Gauld noted that Nassau Road, west of Pensacola, was named by "Dr. Daniel Cox, an adventurer about the time of King William III." Nassau Road was termed one of the best anchorages for large ships in all West Florida. Another was Ship Island with its "high hummock" and ample fresh water and cattle for beef. He found a few French at Biloxi raising cattle and producing pitch and tar despite the troublesome Choctaws. Shallow Biloxi Bay abounded in excellent oysters as Father Charlevoix also observed. Gauld mentioned the Pascagoula River mouths and estuary as virtually paved with oysters. He saw some farms but learned that the red men killed the cattle. "The Choctaws were always firmly attached to the French (in) Louisiana, and it will probably be some time before they are thoroughly reconciled to the British."

The observant Scot carefully described navigational matters for all West Florida such as channels, shoals and deep, protected anchorages as well as soils and forests. On Dauphin Island he pondered the age of overgrown shell mounds. He said that Hawkes Bay was named for the British armed schooner "Hawke" used in his surveys. The bay had been choked by a hurricane.

Gauld wrote, "Mobile is a very considerable place (with) a small fort, formerly called Fort Conde, now called Fort Charlotte, built of brick, and a neat square of barracks. The town is pretty regular, of an oblong shape on the west bank of the river by the bay. Several of the richest of the French left Mobile on its being given up to the English, but a great many still remain in the town and at their plantations on the river and on both sides of the bay. There is a considerable Indian trade carried on. Mobile (under us) has sent yearly to London skins and furs worth £15,000. At present this may be called the only staple commodity in the Province."

He ascribed summer fevers and agues in Mobile to the many marshes and lagoons rather than to mosquitos. He referred to the

Spanish River and the "Alibama" River near Mobile, and to the chief settlements of the Upper Creeks and "the French fort at Alabama evacuated in 1763. 'It has not since been garrisoned by us.' Gauld mentioned the Tombbee (Tombigbee) River in the country of the Chickasaws. The British commander at Pensacola in 1767 ordered the Tombbee fort abandoned. Good soils for rice, thick cane brakes, and fine stands of cypress, elm, ash, hickory and red and white cedar were listed.

Gauld explained that the Perdido River was named because a Spanish ship was lost (perdido) near its mouth. Canoes were portaged from the Perdido Bay to a coastal lagoon leading to Pensacola. He added in the margin, possibly in 1773, that at a narrows in Perdido Bay "a ferry has been established and a new road opened (which) cuts 20 miles from the land journey and saves a day between Mobile and Pensacola. A sawmill had recently been erected nearby." The Perdido was formerly the boundary between Spanish Florida and French Louisiana, Gauld added.

He described the Pensacola bar approaches as involving sightings of the red cliff and "Reid's tree," and predicted that the Indian name Pensacola would endure. Gauld reviewed French and Spanish contention over Pensacola and its Fort San Carlos in 1719-22. The Spanish "signal house" on Santa Rosa Island was "greatly improved of late by General Haldimand." Spanish Pensacola was on the island until inundated by a hurricane about 1754, when it was moved to its present site.

Governor Johnstone considered moving the tiny, ramshackle Pensacola to another site on the bay. It had just been abandoned by 600 Spaniards and Catholic Pensacola Indians (and some mestizos) whom Spain moved to Veracruz, Mexico.\* But he decided that its present site was best and had the British town "regularly laid out" early in 1765. Gauld described it as stretching about a mile along the bay and a quarter mile inland. At the west end was a fine stream for filling the water casks of ships. Nearby was a naval reservation with "garden, storehouses, hospital etc." He added that the military garrison had a reservation of 200,000 square yards in the middle of Pensacola, dividing it in two. "It can be of no great service for defense (against) either savages or a civilized enemy." The hill behind town was named for General Gage, who later fought American colonists seeking independence. "The hope of a Spanish trade induced many Britons to settle here at great expense. It has not yet answered their expectation. The principal objectives ought to be the Indian trade (plus) indigo, cotton, rice, hemp, tobacco and lumber, the natural products of the country."

Pensacola's sandy soil could be made to produce lettuce, tomatoes, turnips, carrots and potatoes, along with oranges, figs and peaches. "Provisions of all kinds are now very plentiful. His Majesty's troops and ships are always supplied with fresh beef (from around Mobile?), and the inhabitants buy it for half a bit a pound."

Near Pensacola was "an iron mine where a large natural magnet was lately found." Gauld later added, "now in the possession of Dr. Lorimer."

Near the mouth of the Escambia River lay "Campbell Town, a settlement of French Protestants, about ten miles from Pensacola by land and 13 by water . . . unhealthy because near marshes." Several French died. Great Britain had settled them there in to produce silk, but the effort failed. Gauld spoke of the Escambia valley's good soils, vegetation

\* Robert L. Gold, "The Settlement of the Pensacola Indians in New Spain (Mexico), 1763-70," *Hispanic American Historical Review*, vol. 45, no. 4, Nov. 1965, pp. 567-76.

and tall pines, fine for masts and yard arms for the royal navy. "Many other vessels have been supplied from them." He listed a thousand-acre reserve on the large peninsula in Pensacola Bay with its stands of live oaks and large pines for firewood for the navy and army. Possibly it was part of the reservation for naval supplies set aside by President Monroe and unfortunately abandoned. Nearby another British naval reserve was created at a former royal careening place where in 1766 a wharf was begun by order of Sir William Burnaby, then commander-in-chief in Jamaica. Nothing had been done with these reserves as of 1769. There was a private careening wharf, apparently near Deer Point and the Santa Rosa Channel.

Santa Rosa Island extended east nearly 50 miles, "very remarkable for its white sandy hummocks." Choctawhatchee Bay was called by Gauld, St. Rose's Bay, with an entrance barely five feet deep. Into it flows the "Choctawhatchee" River. Some 35 miles upstream lived "Coussa Indians who have joined the Creeks and sometimes bring provisions and wildfowl to Pensacola in their canoes," although generally too lazy to do so as required by treaty.

Gauld wrote of the St. Joseph area, deserted by the Spaniards about 1700 only to return in 1719 after Pensacola protested a French fort there in 1717. He thought the bay ideal for making salt for curing bass, red cod and other abundant, excellent fish. His final word to Britons under full sail at night off West Florida was to beware the many logs disgorged by the Mississippi in flood.

#### DR. DONALD G. EMERY NAMED DIRECTOR OF THE NATIONAL READING CENTER FOUNDATION

#### HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. REID of New York. Mr. Speaker, during the recent recess, I received with mixed emotions the news that Dr. Donald G. Emery, Superintendent of Schools in Scarsdale, N.Y., had been named Director of the National Reading Center Foundation.

I was delighted that a distinguished educator of Dr. Emery's caliber had been selected for such an important position, yet I was dismayed that the Scarsdale school system would be losing such an outstanding and completely dedicated superintendent.

The Scarsdale schools have flourished under his guidance since 1965, and I am certain that, with Dr. Emery as its director, the National Reading Center will make constructive progress toward eliminating illiteracy in this country.

We in Westchester have been fortunate to have had the benefit of Dr. Emery's experience, commitment and concern for quality and equality in education. He has contributed much to Scarsdale and to our county as a whole, and we will miss his leadership and effective administration. On the other hand, the National Reading Council will gain as its director an educator of proven competence and ability, with a broad range of experience.

A native of Indianapolis, Dr. Emery was graduated cum laude from Indiana Central College in 1941. He received his

master's degree from Butler University in 1945 and his Ph. D. from the University of Iowa in 1949.

He was a civilian consultant on educational programs for the Strategic Air Command in Europe during spring, 1960 and was among the 10 school superintendents participating in the study of European education in 1964. He also took part in the invitational appraisal of binational schools in Brazil in 1968.

In announcing Dr. Emery's appointment to head the National Reading Center, Walter W. Straley, chairman of the National Reading Council, said:

We are fortunate in being able to obtain the services of a man of Dr. Emery's calibre. His varied experience gives him first hand knowledge of problems in all segments of the educational field.

Together with Dr. Wayne Howell of Encyclopaedia Britannica Films, he conceived "Project Discovery", a highly successful program in the use of film on a saturation basis in classrooms.

As Superintendent of Schools in Shaker Heights, Ohio, he developed an outstanding biracial community and school program, and at his present position in Scarsdale, he reorganized the approach to curriculum development to secure broad, continuous involvement of the teaching faculty.

His work in the adult education field has been equally impressive. While serving as Dean of the College of Adult Education at the University of Omaha, he directed one of the Mid-West's largest adult education programs, generating a nationwide reputation for quality adult education.

In a statement at the time of his appointment, Dr. Emery said, in part:

I would first assure you I am properly impressed by the substantial challenge, and intrigued by the opportunity that serving as Director of the National Reading Center presents.

What we plan to do is to complete all possible tasks that are necessary so that every child and every adult who is presently handicapped in his ability to read but who is denied the opportunity to full access to this society, because of reading deficiency, will have that deficiency eliminated and will have an opportunity for a fair vocational opportunity; social mobility, to be a free man and a citizen in all the respects that are denied anyone who does not have ordinary functional ability with that basic skill of reading.

The statistics about the inability to read or limitations in reading are staggering statistics in terms of the nation as a whole. Our basic approach to accomplishing this task is to serve as a catalyst, a rallying agent, to stimulate a great and unique partnership in this country of many segments of both the public and private sectors of the economy and society; for many of us to join together and in separate ways and together do those things yet to be identified and designed that will, in fact, open up the opportunity of this society to those persons who cannot read or read well enough.

The right to read must be a birthright of every child from now on. There is no longer the need for that not to be true. Our job in the next decade is to remove that handicap, that disability, from the society. We are not so naive as to presume we will do this singlehandedly or by ourselves, or even through our organization, the Reading Center. But we do believe that The Reading Center, with the help of the Council, and this partnership can be the avenue to cause this accomplishment to happen in our society. . . .

## SAVINGS ACCRUED THROUGH MEDICAL RESEARCH

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. WALDIE. Mr. Speaker, the current need for continued medical research in our country is one of great importance as many of us are aware. However, during periods of fiscal stress, funds for medical research are at times not available. Yet the demands persist.

In an attempt to show that funds allocated for medical research are wisely spent, Dr. H. Hugh Fudenberg, professor of bacteriology and immunology at the University of California, San Francisco, and chairman of the Committee on Congressional Liaison on Health, Education and Welfare, for the American Association of Immunologists, has taken the time to compile and make available to the Members of the Congress figures which would indicate the validity of his appraisals.

I call the attention of my colleagues to his findings:

SAN FRANCISCO, CALIF.,  
September 14, 1970.

HON. JEROME R. WALDIE,  
Cannon House Office Building,  
Washington, D.C.

DEAR CONGRESSMAN WALDIE: I and other biological and medical investigators are grateful to you for your support and past efforts to prevent reduction in Federal funding for basic research in these areas. I believe (and, indeed, hope) that it was partly through your efforts that representatives of two scientific associations to which I belong (the American Association of Immunologists and the American Society for Clinical Investigation) were permitted to testify at the recent hearings of the House and Senate Subcommittee on Health, Education and Welfare Appropriations.

I have been told that these witnesses were articulate and well-informed, and presented convincing, ethical and intellectual data supporting the views of scientists in general. However, despite the aid of Congressmen who share your views on the importance of research in this country, I fear that in these times of fiscal stress only hard economic data on dollars saved through research versus dollars spent can convince the Congress, the Bureau of the Budget, and the present Administration that funds thus allocated are wisely spent. Therefore, with apologies for the intrusion of your time, I enclose what data I have been able to garner on the economics of basic medical research. Since my work is largely (though not wholly) in Immunology, and is supported for the most part by the National Institute for Allergy and Infectious Diseases, I shall confine the data listed on the enclosed sheets to funds saved as a result of funds expended for basic research in this area, mostly by this Institute. I shall try to outline for you savings accrued through virtual eradication of three diseases of immunologic or infectious nature. Perhaps scientists in other areas, supported by other Institutes, could be encouraged to gather similar data in their areas of scientific (though not economic) expertise. If you wish references to the original literature from which these data were obtained, I shall be glad to provide these for you.

Very sincerely,

H. HUGH FUDENBERG, M.D.

I. The eradication of poliomyelitis resulted directly from research funds granted to determine whether viruses would grow in monkey kidney. They did!!! Therefore, it became possible to grow large quantities of viral material so that the Salk and Sabin vaccines could be given to virtually all persons at risk.

Insofar as I can ascertain, economic data on cost-benefit poliomyelitis are available only for the type of poliomyelitis known as paralytic poliomyelitis, and only for the years 1955-1961. During this seven-year period, the use of Salk vaccine prevented approximately 154,000 cases of paralytic polio as based on the difference in incidence during this period and the period during the three immediate pre-vaccination years 1955-1961; of those affected during this period, again based on data from the preceding three years, 12,500 would have died, 14,300 would have experienced no residual disability; of the remainder, 36,400 would have been severely disabled, 58,100 moderately disabled, and 32,700 have suffered only slight disability.

1) Estimates of the medical care costs avoided through prevention of paralytic cases during these seven years are estimated at \$327,000,000 based on hospital costs at that time (obviously, much higher since), length of hospital stay, cost of other services (braces and appliances, special nursing, physical therapy, etc.).

2) Estimates of loss of lifetime income, based on age at which morbidity and mortality occurred, and on sex, the per capita lifetime income lost (assuming 100 percent loss of income for deaths), 50 percent for severe disability, 25 percent for moderate disability, and 10 percent slight disability for males, and a total cumulative income; for males of \$226,040, and for females of \$44,850 was \$6,389,700,000 (for males, approximately \$5.1 billion, and for females \$1.3 billion).

Total savings [\$0.3 billion from 1) and \$6.4 billion from 2)] --- \$6,700,000,000

Costs:	
Purchase of vaccines-----	129,800,000
Physicians' vaccination fees -----	468,600,000
Vaccine administration--	13,300,000
Total -----	611,700,000
Vaccine research and field trials -----	41,300,000
Estimated net gain accrued -----	6,053,000,000

## II. Tuberculosis:

Data have been compiled for the period 1954 to 1969, since 1954 was the first economic year in which the control of tuberculosis by chemotherapy and chemoprophylaxis has been recorded. The data below represent conservative figures, since they are based on the following estimates, which are, indeed, conservative:

(a) average cost of hospitalization in 1954—\$15.00/day; average cost of hospitalization in 1969—\$38.00/day.

(b) average loss of productivity per hospitalized patient in 1954—\$2,000/year; in 1969—\$4,000/year.

(c) Calculated on data from the U.S. Veterans Administration and the United States Public Health Service, the average per diem census in all hospitals in the United States for tuberculosis was 100,000. The figures below are based on the assumption that the incidence of new cases of tuberculosis would have declined 3.5%/year without chemotherapy so that 58,600 beds would have been occupied in 1969 (assumption).



(d) cost of out-patient clinic was 10% of the cost of care in hospital (probably, at least for the year 1969, a very excessive estimate; therefore, a conservative estimate as compared to present savings).

*Resulting estimates—in billions of dollars*

Savings in hospitalization costs----- \$4.19  
Cost of out-patient care of non-hospitalized patients----- -.42

Net savings on treatment----- 3.77

Savings in decreased loss of productivity----- 1.20

Estimated economic benefit----- 4.96

It is noteworthy that during this same period of time the Congress of the United States allocated \$773.1 million (less than one-sixth this amount) to the National Institute of Allergy and Infectious Diseases for support and training in the area of all infectious and immunologic diseases.

III. An immunization effort against measles was initiated in the United States in 1963; this again, was made possible by the research which made large-scale propagation of viruses possible. Ender, J. F., and Peebles, T. C.: Propagation in tissue cultures of cytopathogenic agents from patients with measles. *Proc. Soc. Exp. Biol. Med.*, 86: 277-286, 1954.) In 1968, the estimated number of measles cases was 250,000, about 6% of the estimated mean for the ten-year period (1953-1962) preceding immunization.

For every 100,000 cases of measles, 100 cases of measles encephalitis can be expected to occur; of these 100, 10 will die, and 33 will be mentally retarded, or have other central nervous system damage. Long-term institutionalization is assumed for this latter group. In addition, an average of 500 more patients with measles will develop complications such as pneumonia, or otitis, or other illness severe enough to warrant hospitalization.

Based on an estimated mean hospital stay of 14.6 days for encephalitis patients, and 8.5 days for other hospital patients; the estimated number of hospital days/100,000 cases of measles is 5,710-1,460 for encephalitis patients, and 4,250 for other patients. The following computation assumes that half the number of patients not hospitalized were attended by physicians (half in physicians' offices, and half in patients' homes). (Data from the National Center for Health Statistics indicated that 51% of measles patients were medically attended in 1964, and 65% in 1965.) Other figures are based on data that hospitalized encephalitis patients were charged \$190.00/patient in 1966 for physicians' services, and that hospitalization costs at short-stay community hospitals for non-encephalitic acute measles ranged from \$38.91 in 1963, upward to \$54.09 in 1967, and that hospital costs for encephalitis patients were \$73.00 in 1966 (Schwab, P. M.: *Public Health Reports* 83: 860-966, 1968).

The cost of custodial care is estimated at \$3,000/patient a year for the institutionalized patient:

Savings based on above----- \$531,543,000  
Cost of immunization (at \$3.00/dose of vaccine)----- 108,300,000  
Net savings----- 423,243,000

*Savings; Direct medical:*

Physicians' services in offices:  
Encephalitis cases----- 173,000  
Other acute cases----- 37,259,000  
Physicians' services in hospitals:  
Encephalitis cases----- 1,971,000  
Other acute cases----- 2,755,000  
Hospital services:  
Encephalitis cases----- 12,359,000  
Other acute cases----- 17,490,000

Gamma globulin for contacts----- 5,558,000  
Lifetime care for mentally retarded----- 200,833,000  
Total----- 278,398,000

*Indirect—due to loss of productivity:*

Premature death----- 49,904,000  
Mental retardation----- 166,433,000  
Work losses----- 36,808,000  
Total----- 253,145,000

In summary, the basic research which led to the measles vaccine during the years 1963 to 1968 averted 9.7 million acute cases of measles, and 3,244 cases of mental retardation. It is also estimated to have saved 55,000 hospital days, 291,000 years of normal life, more than 1.6 million work days, 32 million school days and \$423 million. (Incidentally, about 90% of the savings in each of these categories was realized in the last three years—the period of intensive national effort to eradicate measles.)

IV. Other examples might be cited, though it is too early to garner meaningful economic data. For example, funds awarded to investigate "feedback control" of antibody synthesis led to the introduction of the use of minute amounts of anti-Rh antibodies into Rh negative mothers, eliminating their ability to make antibody to the red cells of their fetus when Rh positive (about 85% of the time), and will, within the next few years, lead to the complete eradication of hemolytic disease of the newborn with the economic savings accruing from exchange transfusions avoided, doctors costs avoided, and institutionalization due to severe brain damage avoided, as well as to the abolition of intrauterine death due to this cause (hydrops fetalis).

**STUDENT PETITION TO CONGRESS FORECASTS WORLD TRADE WAR**

**HON. SAM GIBBONS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. GIBBONS. Mr. Speaker, under leave to extend my remarks, I would like to have included in the CONGRESSIONAL RECORD a statement and a declaration that has been sent to me by the Student Coalition for Development. The student coalition has made a study of the pending trade bill and particularly its harmful quota aspects concerning developing nations.

The student coalition is now circulating this declaration to interested student leaders on campuses throughout the Nation.

Attached are the statement and declaration:

**STUDENT COALITION FOR DEVELOPMENT  
STUDENT PETITION TO CONGRESS FORECASTS  
WORLD TRADE WAR**

NEW YORK, November 5.—A grass-roots petition-campaign asking Congressmen to vote down the proposed "Trade Act of 1970" is hitting campuses and communities throughout the United States today, led by a team of students from universities and colleges across the country.

Their petition, titled "Declaration on the Trade Act of 1970", forecasts massive unemployment, spiraling prices, shattered international prestige for the U.S., and a world-

wide trade war if the act is allowed to pass into law. The statement begins by urging Congress to "vote down the Trade Act" and gives five reasons for doing so before calling upon "every American to make his voice known to Congress by endorsing this Declaration".

**RIISING PRICES**

The petition claims that the Trade Act will deal a severe blow to the world's poorer nations and will uproot "a generation of progress towards a more rational world economy". It further states that the Act "will increase inflation at the expense of the consumer by limiting foreign competition in the American market", "will cause unemployment to spiral, as a result of protectionist reciprocity by other nations", and "will contravene every recent international trade accord that the United States has signed".

**COALITION FOR DEVELOPMENT**

The Declaration and the campaign to endorse it, are the work of a nationally representative team called the U.S. Student Coalition for Development, formed in 1969 to create greater understanding on the American campus of people and problems in the world's developing regions. Their campaign to stop the Trade Act first arose out of a concern for America's impact on much poorer countries.

Campaign co-ordinator Paul A. Laudicina, who spent this summer with a Coalition team in Chile, Bolivia and Peru, says he believes that the legislation wouldn't have a chance of passing Congress if the American people knew its implications.

The political hostility which caused the Second World War resulted from an international economic crisis intensified by the protectionist tariff legislation of Smoot-Hawley in 1930. The Trade Act of 1970 is equally dangerous.

**RESPECT FOR THE PROCESS**

"Those of us who become aware of the implications have a responsibility to tell others", he said. "This is why we have chosen a petition campaign, because we have respect for the democratic process, in contrast to the way powerful special interests are attempting to push this bill through Congress".

DEADLINE NOV. 19TH

The Coalition's campaign plan calls for student and community leaders to circulate the Declaration as widely as time will allow before Congressional consideration of the legislation begins on Nov. 19. A Coalition office at 20 West 40th Street in New York has sent out 10,000 Declaration petitions to campus and community organizations, student newspapers and other mass media, as well as congressmen and senators.

Campaign leaders expect to reach their greatest audience with the co-operation of campus newspapers and student leaders. "We hope that those who don't receive the Declaration personally will read it in their local paper and send their endorsement directly to the Coalition's New York headquarters," said Laudicina today. "We have a good supply of Declarations for such requests, although the petition is easily re-printable locally, and some campuses have been mass producing them".

The mail-out is being supported by a telephone follow-up, to stress the urgency of the campaign in view of the deadline for presentation to Congress.

**STUDENTS LOSE FAITH**

Laudicina, a 21-year-old Brooklyn-born University of Chicago '70 graduate, claims students lose faith in the Government's stated desire to build a more prosperous world for all when they witness Congress' serious consideration of the Trade Act. "Such legislation stifles the growth of less-developed countries by limiting their access to the

American market and diminishing their vital export earnings", he says.

#### INFLATION AND UNEMPLOYMENT

"In our own national interest we must urgently curb inflation and reduce unemployment, yet this bill threatening to become law will create greater inflation and more unemployment. It is legislation by the powerful few at the expense of the voiceless many".

"It will make meaningless the 'International Development Strategy for the Second Development Decade', which received U.S. approval in the U.N. General Assembly less than one month ago. How can our Government's word bear any credence at all if the Trade Act becomes law?" the student leader asked.

#### NO CAUSE FOR HOPE?

"We who seek signs for hope in the way our nation is ordering the present to build for the future, do not see the 'Trade Act of 1970' as a cause for hope. We earnestly urge Congress to reject the legislation, and the people of the United States to lead the way by telling their elected representatives what they think of the proposed Trade Act".

Contact: Student Coalition for Development—20 West 40 St., New York 10018 (212) 563-1779.

#### DECLARATION ON THE "TRADE ACT OF 1970"

We, citizens of the United States of America, urge Congress to vote down the "Trade Act of 1970".

Whereas, it will unleash an international trade war by uprooting a generation of progress towards a more rational world economy;

Whereas, it will contravene every recent international trade accord that the United States has signed;

Whereas, it will undercut the efforts of the poorer nations of the world to increase their vital export earnings;

Whereas, it will increase inflation at the expense of the consumer by limiting foreign competition in the American market; and

Whereas, it will cause unemployment to spiral, as a result of protectionist reciprocity by other nations.

Therefore, we call upon every American to make his voice known to Congress by endorsing this Declaration.

#### BILL TIMMONS AND CONGRESS

#### HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. COLLIER. Mr. Speaker, now that the furor of prelection partisan politics has subsided I would like to enter into the RECORD a news story that recognizes and praises the ability of one of the President's deputy assistants, William E. Timmons.

The article appeared in the Chicago Tribune on November 17 and was written by Willard Edwards. The article follows:

#### YOUNG NIXON AIDE HAS POWER

(By Willard Edwards)

WASHINGTON.—In the opinion of several White House insiders, the youngest and least-publicized of the President's top assistants is probably the one most responsible for Nixon's strategy, tactics and successes in dealing with a Democratic-controlled Congress.

He is William E. Timmons, 39, the Presidential assistant for congressional relations. He is entrusted with direct charge over White House contact with Capitol Hill. His name

seldom appears in print because he shuns interviews, believing they can only handicap his performance.

"He's got one of the toughest jobs in Washington, dodging brickbats flying between the legislative and executive branches," remarked an admirer. "He must be constantly aware of the political consequences as he prods for action on administration bills. He's liked by both Republicans and Democrats and has done a remarkable job."

Timmons, despite his comparative youth, is a veteran of national and congressional politics. He is a former aide to Rep. William Brock, now Tennessee's senator-elect; a former director of congressional relations for the Nixon-Agnew ticket in 1968.

The President took office as the first Republican in 120 years to start his term by facing a hostile Congress. He was elected with the support of a fraction over 43 per cent of American voters.

Nixon saw in the Senate ambitious Democratic Presidential aspirants such as Edmund Muskie, Edward Kennedy, George McGovern and others. All were eager to frustrate his recommendations. He saw a handful of Republican defectors who, on key votes, would make the G. O. P. minority even smaller.

Under these circumstances, most of Nixon's legislative goals could have been denied. He did suffer defeats over the Senate's refusal to confirm two southern nominees for the Supreme Court. Many of his measures were revised and amended. Some were shelved.

The administration's legislative achievements, otherwise, have been described by at least one Democratic leader as amazing. Nixon initiated and expanded major antiballistic missile programs, phased out the income tax surcharge, reformed the tax-laws, beat the McGovern-Hatfield end-the-war amendment and bottled up the Cooper-Church provision infringing on his constitutional powers.

Other accomplishments: major modernization of airports and airways, a strong crime control measure, environmental quality legislation and unemployment benefits. The Selective Service law was made more equitable and the antiquated Post Office Department converted into an independent agency.

"He took the pollution issue away from Muskie; the war issue from McGovern; foreign-policy making from Bill Fulbright," conceded one of the President's foes. "His vetoes of excessive appropriations were smart. He got himself a substantial legislative package."

Timmons is given credit for much of this success. He has a staff smaller than those allotted to Kennedy and Johnson aides with similar duties. He works 12 hours a day, six days a week, shepherding administration measures thru subcommittees, committees and on the floors of both houses.

Meanwhile, Republican conservatives in Congress have been alerted to pressures on the President to interpret the elections as a signal that the nation is turning to the left. Timmons, a conservative since his days as a leader of the Young Republicans, will be occupying a hot seat if any such inner-party dispute arises. He's already proved that he weathers high temperatures well.

#### CARA OFFERS A UNIQUE SERVICE TO CHURCH IN THE UNITED STATES

#### HON. RICHARD D. MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. MCCARTHY. Mr. Speaker, in recent years research and planning have

come of age in all our institutions and organizations. Research, we are gradually learning, is no panacea for the ills that beset our institutions and society. It is nonetheless an essential component of sound decisionmaking in the contemporary world.

As with other critical major sectors of society—business, labor, government, academia—our churches are also utilizing research and planning to improve their responses to the needs of their members and of the American community.

Exemplifying the growth of this trend within religious bodies is CARA—the Center for Applied Research in the Apostolate—an independent but church-related national Catholic cooperative research center. Established in 1965 as a nonprofit body by more than 200 religious superiors and provincials, Catholic bishops and lay leaders, the center has already made major contributions both to the church and to our national well-being.

With its strong interfaith and ecumenical emphasis, CARA's concerns are as broad as those of the church, and it develops activities for both home and overseas. The center has a research council composed of distinguished Catholic, Protestant, and Jewish scholars and social scientists, and its rural, urban, and campus research programs are widely recognized for their usefulness to both public and private sectors alike.

Much of the center's steady growth is due to its outstanding board of directors, which has been composed of a cross-section of American leaders. Among these members have been:

Richard Cardinal Cushing, the recently retired Archbishop of Boston, honorary president, whose vision in 1961 triggered the establishment of CARA;

John Cardinal Krol, Archbishop of Philadelphia, former president of CARA during the center's period of most rapid growth; Cardinal Krol is the secretary of the National Council of Catholic Bishops;

Mr. Philip D. Lewis, K.S.G., vice president of CARA; a former member of the board of directors of the Catholic University of America, Mr. Lewis is a well-known Florida businessman and civic leader;

Miss Genevieve Blatt, CARA secretary-treasurer; in 1964 Miss Blatt was the Democratic candidate for the U.S. Senate from Pennsylvania; a former Assistant Director of the U.S. Office of Economic Opportunity, she was also elected for four terms as Pennsylvania's Secretary of Internal Affairs;

Mr. Charles M. Grace, chairman, CARA Finance Committee; in 1969 Mr. Grace was named a Knight of the Holy Sepulchre for his many religious activities, and his national leadership in the environmental field is well known;

The Most Reverend Leo C. Byrne, Coadjutor Archbishop of St. Paul-Minneapolis, who has provided essential leadership for CARA's Campus Ministries Department;

Mr. John G. Foerst, president of Community Counselling Service, Inc., of New York; in 1966 Mr. Foerst conducted the first study of CARA's financial potential



and is greatly responsible for CARA's financial successes;

Dr. T. Franklin Grady, dean of Jamestown College, Jamestown, N. Dak.; Dr. Grady is the representative in CARA of the Knights of Columbus, which has provided a \$250,000 5-year grant to the center for campus related research;

Mrs. Eugene J. McCarthy, M.A., Litt. D., Washington, D.C., author and lecturer; Mrs. McCarthy who is also a Board member of Church Women United, has provided leadership for the center's ecumenical emphasis;

The Reverend Frederick A. McGuire, C.M., assistant director of the Latin America Bureau, U.S. Catholic Conference; a former executive secretary of the Mission Secretariat, Father McGuire was one of the founders of CARA;

Mr. John McShain, Philadelphia businessman and philanthropist; Mr. McShain's long and distinguished business career has made him aware of the need to improve church management;

Mr. John O'Neil, finance chairman of General Tire and Rubber Co.;

The Most Reverend Ernest L. Unterkoefler, Bishop of Charleston, S.C.; theologian, ecumenist, and a very active member of CARA's Finance Committee;

The Most Reverend Coleman J. Carroll, Archbishop of Miami, whose much-cited work with Cuban refugees has helped direct CARA's focus toward the needs of Spanish-speaking Americans;

Mrs. Richard H. Walsh, supreme regent, Daughters of Isabella; Mrs. Walsh led the Daughters to help support CARA's Africa Department, starting in 1968;

Mr. Harry John, President of De Rance, Milwaukee, Wis.; Mr. John is deeply concerned with the church's overseas program;

Mr. Paul Noelke, president of Serra International; a body of distinguished Catholic laymen who promote church vocations, Serra has long worked hand-in-hand with CARA.

At the present time CARA's president is John J. Cardinal Carberry, Archbishop of St. Louis. He has encouraged the center to develop its research and planning activities so that the authentic voice of the laity and non-Catholics can be incorporated into the church's decision-making machinery. Illustrative of this unique CARA approach to planning is its program with the Archdiocese of Washington which is described in the news story below.

Much credit for CARA's success is due to the combined efforts of the deceased vice president of its board of directors, the Reverend James Darby, S.M., former president of the Conference of Major Superiors of Men, its executive director, the Reverend Louis J. Luzbetak, S.V.D., and development director, Francis X. Gannon, Ph. D.

Father Luzbetak is a member of the Anthropos Institute, Germany, founded by the world-renowned Father Wilhelm Schmidt, S.V.D., under whom he studied in Fribourg, Switzerland, and received his doctorate. He is a fellow of the American Anthropological Association and was president of the Catholic An-

thropological Association—1962-68—and a Ford Foundation overseas fellow in New Guinea.

Mr. Gannon's many-sided career has been particularly helpful to the center's public relations and financial development activities. A former research director, Eastern Conference of Teamsters, he also spent 3 years in Central America helping the State Department set up the U.S. program for the Regional Economic Integration Movement, assisted in establishing the framework for HEW's civil rights and antipollution programs, and has been a key coordinator for several national and State political campaigns.

At present CARA has a full-time staff of 30. It has been supported by professional talent contributed from approximately 25 religious communities and orders of men and women and is currently at work in six dioceses across the Nation. In addition, the center has a wide range of activities underway or in the planning stage for its various clients and constituencies. Its management staff has recently been strengthened by two nationally known figures: Sister Peter Claver, O.P., D.L.S., who has served as President of the Library Education Division of the American Library Association and as a member of the association's Committee on Accreditation; and the Reverend Thomas H. McBrien, O.P., St. D. While serving as president of the St. Thomas Aquinas Foundation, Father McBrien helped establish the Yale University unit of the Leonine Commission, an international program which is developing the critical edition of Aquinas' works.

CARA is the first and only national cooperative venture of its kind in the history of American Catholicism. Nearly 5 years of planning went into its creation. Another 5 years of trial and error have proved that the vision of its founders was quite correct: The center is meeting a genuine need of both the church and the American community. No doubt CARA will require several more years before it reaches its full potential. But it is well underway. As a center for applied research it is already fulfilling its original goal—helping to bring men closer to God and to each other through research and planning. The board and staff of this unique center are to be congratulated for the manner in which they are seeking to serve all Americans.

The material follows:

[From the Catholic Standard, Oct. 1, 1970]  
CARA OFFERS A UNIQUE SERVICE TO CHURCH IN THE UNITED STATES

The Center for Applied Research in the Apostolate, which designed the self-study of the Archdiocese, is a Washington-based research center that provides a service unique in American Catholicism.

In its five years in existence CARA has grown from modest beginning to a highly professional, diversified organization that puts the tools of modern research in the service of Church decision-makers.

CARA is located in the 1700 block of Massachusetts Ave., N.W.—known as Washington's "research row" because it houses a number of research and planning agencies. The center was started, however, in a converted row house near Catholic University in March, 1965.

#### RAPID GROWTH

Its rapid growth in physical facilities and, more important, in program and staff in the intervening five years indicates its growing acceptance and prestige. CARA is the only central agency in the country established to research and help plan all aspects of the U.S. Church's apostolic mission in the contemporary world, both at home and overseas.

As its name indicates, the center focuses not on "pure" research—knowledge for its own sake—but on the application of research findings to the decision-making process.

The center houses a number of departments. These include a church personnel department, which has conducted a number of studies on the recruitment, training and use of church manpower; a department of religious women; a theology department; a "town and country" department concerned with the Church's mission in small town and rural areas; several overseas departments; and a campus ministries department.

#### SELF-STUDY

The Washington self-study was designed by CARA's department of diocesan services, which also is providing professional staff and consultation for the life of the project. The project director is Father Gervase Beyer, O.F.M. Conv., while Gilbert A. Lowe, Jr., and Sister Marguerite Moore are research associates.

"Research is an essential component of sound decision-making in today's complicated, fast-changing world," Father Beyer commented recently. "Government and industry have come to recognize this fact, and increasingly the Church does too."

"We at CARA are honored that the Archdiocese of Washington has selected us to provide professional services to its self-study."

#### VARIED RESEARCH

The center has performed numerous research activities in its five years on behalf of the U.S. bishops, religious orders, dioceses, and other Church organizations. Among these have been developing a model program for training overseas missionaries; a study on the assessment of candidates for religious life; preparation of a national "profile" of U.S. seminarians; a study of the role of parents in developing vocations; a number of workshops and orientation courses dealing with such subjects as the Church in the inner city, the non-metropolitan apostolate, Africa, and vocations; preparation of a U.S. seminary directory; and a major study of clergy distribution conducted for the bishops.

Currently the center's staff numbers more than 30 and includes sociologists, anthropologists, educators, theologians and specialists in other fields. Its work is carried out under the direction of a board made up of bishops, priests, religious and lay people.

CARA's research director is Father Louis Luzbetak, S.V.D., who has been with the center since its founding. An anthropologist and former Ford Foundation Overseas Research Fellow, he is the author of several works including the prize winning book, "The Church and Cultures: An Applied Anthropology for the Religious Worker."

#### DYNAMIC ACTION

The center, he says, is "tremendously interested in dynamic action," in line with its emphasis on "applied" research.

"We are concerned with the utilization of knowledge—with steering practical knowledge through channels that will end up in action," he declared.

The agency sets several definite criteria for taking on a research assignment. These include that the research be of "service to the apostolate" and therefore of service to the decision-makers in the Church, especially the hierarchy; that the research be based on sound theology; and that it be carried out

according to professional research standards. The center also puts stress on the urgency of issues to be researched, their practicality, and the avoidance of duplication of work being done by others.

According to CARA staff members, the Washington Archdiocesan self-study—a massive undertaking aimed at evaluating the spectrum of apostolic activities here and developing plans for the future—is a major example of the sort of project the center exists to serve and will be a significant model for many other dioceses in the country. It will be, Father Beyer said, "the largest study of its kind ever undertaken by an American diocese."

From CARA's point of view, a particularly noteworthy feature of the Washington project will be its massive grassroots participation.

"We don't propose to bring in a team of researchers who will give the Archdiocese a once-over and come up with packaged solutions," Father Beyer said. "Instead, the plan calls for the people of the Archdiocese themselves to examine the full-range of the Church's programs, evaluate them—their strengths and their weaknesses—and develop plans of action for the future."

"CARA will be helping through this process. But we will not dictate the outcome."

#### IMPLEMENTATION

In line with the center's emphasis on the use of research findings to further the mission of the Church, CARA staff members already are thinking beyond the completion of the Washington self-study next June to the implementation phase, when plans of action developed during the project will be put into effect. They said it is likely that findings of the self-study will lead to new programs and structures in the Archdiocese, including probably an Archdiocesan-level office of research, plans and programs.

"We're promoting a cause—the mission of the Church," Father Luzbetak said.

#### STATUS OF PROCEEDINGS IN FEDERAL COURTS ON ENJOINING THE PRINTING AND DISSEMINATION OF HOUSE REPORT NO. 91-1607

#### HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. ICHORD. Mr. Speaker, on October 14, 1970, I advised the House of an action—civil action No. 3028-70—which had been instituted in the U.S. District Court for the District of Columbia to enjoin the printing and dissemination of a committee report to the House—No. 91-1607—titled "Limited Survey of Honoraria Given Guest Speakers for Engagements at Colleges and Universities." See CONGRESSIONAL RECORD, October 14, 1970, pages 36680 and 37110. Following this statement, the House recessed until November 16, 1970.

Meanwhile, further proceedings were had in this civil action. This case is, of course, a matter of great concern to this legislative body for it involves a most serious intrusion by the judicial branch upon the legislative duties and privileges of the House and constitutes likewise a denial of that freedom of speech accorded to Members by the speech and debate clause of the U.S. Constitution, article I, section 6.

Following the entry by Judge Gesell on October 13, 1970, of a temporary re-

straining order which after argument was extended on October 23, 1970, the court thereafter on October 28, 1970, granted permanent injunctive relief against the Public Printer and Superintendent of Documents. An appeal was taken on October 30, 1970, to the court of appeals and a request made upon that court for expedited processing of the appeal so that the action might be considered and decided before Congress returned from its recess.

In a per curiam order of November 5, 1970, the court of appeals denied the request of the committee for expedited processing. Thus the permanent injunction issued by Judge Gesell on October 28, 1970, continues in effect as of this date, awaiting further argument and disposition in the normal course and delays of the business of the court of appeals.

For the information of the House, I include herewith copies of the proceedings in the case to date. They are as follows:

First. Plaintiffs' complaint for injunctive and declaratory relief.

Second. Record of proceedings before Judge Gerhard A. Gesell of October 13, 1970.

Third. Judge Gesell's temporary restraining order.

Fourth. Motion of plaintiffs for preliminary injunction, together with plaintiffs' memorandum of points and authorities in support of motion for preliminary injunction.

Fifth. Defendants' motion to dismiss, together with attached affidavits of Donald G. Sanders, chief counsel, House Committee on Internal Security, and Adolphus N. Spence, Public Printer, and defendants' memorandum of points and authorities in opposition to plaintiffs' motion for preliminary injunction and in support of defendants' motion to dismiss.

Sixth. Motion of plaintiffs for order directing certain of the defendants to show cause why they should not be held in contempt, together with memorandum of points and authorities in support of motion of plaintiffs for order directing defendants to show cause why they should not be held in contempt.

Seventh. Order of Judge Gesell of October 23, 1970.

Eighth. Memorandum opinion of Judge Gerhard A. Gesell, dated October 28, 1970, together with order of court.

Ninth. Defendants' motion in U.S. court of appeals—case No. 24, 761—for summary reversal of the district court's order or, in the alternative, for expedited processing of this appeal.

Tenth. Per curiam order of U.S. court of appeals of November 5, 1970, denying motion for summary reversal or, in the alternative, for expedited processing of the appeal.

The material referred to follows:

#### COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF

[U.S. District Court for the District of Columbia, Civil Action No. 3028-70]

(Nat Hentoff, 25 Fifth Avenue, New York, New York;

John Doe; Richard Roe, on their own behalf and on behalf of all others similarly situated, Plaintiffs, v. Richard H. Ichord, Claude Pepper, Edwin W. Edwards, Rich-

ardson Preyer, Louis Stokes, John M. Ashbrook, Richard L. Roudebush, Albert Watson, and William J. Scherle, as Chairman and Members of the Committee on Internal Security of the United States House of Representatives, 309 Cannon House Office Bldg., Washington, D.C. 20515; Donald G. Sanders, Chief Counsel, Committee on Internal Security of the United States House of Representatives, 309 Cannon House Office Bldg., Washington, D.C. 20515;

Carper W. Buckley, Superintendent of Documents; and James L. Harrison, Public Printer, United States Government Printing Office, North Capitol and H Streets, Washington, D.C. 20401, Defendants)

#### COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF

1. This is a class action to enjoin the filing, printing, publication, and dissemination of a report listing persons whom the defendants assert are "radical revolutionaries", which publication is for the purpose of deterring college and universities from permitting such persons to appear and speak on their campuses.

#### PARTIES

##### 2. Plaintiffs:

Plaintiffs are citizens of the United States. On information and belief, they have been named in the above-mentioned report and, along with the others in the class, labeled as "communists", "radical revolutionaries", and "radical pied pipers of pernicious propaganda."

##### 3. Defendants:

Defendant Richard H. Ichord is Chairman of the Committee on Internal Security of the United States House of Representatives (hereinafter the Committee). Defendants Claude Pepper, Edwin W. Edwards, Richardson Preyer, Louis Stokes, John M. Ashbrook, Richard L. Roudebush, Albert Watson and William J. Scherle are members of the Committee. Defendant Sanders is the Chief Counsel of the Committee. Defendants Buckley and Harrison are officials of the Government Printing Office and are responsible for the printing of official government documents. All defendants are to be found in the District of Columbia.

#### CLASS ACTION

4. Plaintiffs sue in their own behalf and on behalf of a class of persons consisting of those whose names appear in the report (hereinafter "blacklist") which defendants are about to publish. Joinder of all members of the class is impractical because the members of the class are so numerous and because of the short time available for seeking immediate relief. The claims of the named plaintiffs are typical of the class. The relevant questions of law and fact are common to all and plaintiffs will fairly and adequately represent the interests of the class. The defendants have acted on grounds generally applicable to the class. An adjudication of the rights of the individual representatives would as a practical matter be dispositive of the interests of all other members of the class and would avoid inconsistent or varying adjudications and multiple litigation.

#### JURISDICTION OF THE COURT

5. This suit raises questions under the Constitution and laws of the United States and the amount in controversy, exclusive of interest and costs, exceeds \$10,000. Jurisdiction rests on 28 U.S.C. §§ 1331, 1332, 2201 and 2202 and on D.C. Code 11-521.

#### CAUSE OF ACTION

6. Plaintiffs are persons of various professions and political beliefs who have spoken at a number of colleges and universities, exercising their rights of free speech under the First Amendment of the United States Constitution.

7. On May 18, 1970, defendant Ichord advised the other defendant members of the



Committee that he planned to investigate the honoraria paid to persons "whom we know to be associated with revolutionary groups."

8. In June, 1970, defendant Ichord wrote to the presidents of 179 American colleges and universities, requesting that they identify such speakers, their sponsors, the amount and source of any honorarium.

9. On information and belief, many colleges and universities responded to that request by supplying the Committee with the names of such persons.

10. On information and belief, the Committee has compiled this information into a blacklist which it plans to file on the afternoon of October 14, 1970, as an official document of the Committee and which will be printed, published and made available to the public.

11. The blacklist identifies all those on it as "members, or participants in the activities of communist, communist-front, or communist-infiltrated organizations, and/or militant, radical or extremist groups, or self-proclaimed revolutionaries."

12. The assertion in the blacklist that all those on it fall into such categories is false, and, in any event an unwarranted categorizing of political speech in an attempt to inhibit and deter such speech.

13. The aforesaid project, and the filing and publication of the aforesaid blacklist has no legitimate legislative purpose, but is being carried out by the defendants with the purpose and effect of: (1) deterring colleges and universities from permitting plaintiffs to appear on their campuses as speakers, on the basis of the false assertion that such activities by these colleges and campuses finances and thereby promotes "the radical, revolutionary movement"; and (2) punishing plaintiffs for their views by exposing them to the harassment normally associated with blacklisting.

14. No adequate remedy at law exists for plaintiffs and the class they represent.

15. Unless relief is granted, plaintiffs will suffer irreparable injury.

Wherefore, the plaintiffs pray for the following relief:

1. That the Court declare that the actions of the defendant committee members in preparing and seeking to publish the aforesaid blacklist are unconstitutional.

2. That the Court enjoin the defendants from filing, printing, publishing or disseminating the blacklist and from disclosing any material or information contained in it.

3. That the Court grant such other relief as it deems appropriate.

Attorneys for the Plaintiffs:

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Washington, D.C. 20036.

HOPE EASTMAN,  
1424 16th Street, N.W., Suite 501,  
Washington, D.C. 20036.

Of Counsel:

MELVIN L. WULF,  
American Civil Liberties Union Founda-  
tion, 156 Fifth Avenue, New York,  
New York 10010.

[U.S. District Court for the District of  
Columbia]

#### VERIFICATION OF COMPLAINT

(Nat Hentoff, et al., Plaintiff, v. Richard H. Ichord, et al., Defendants)

The undersigned attorney for plaintiff hereby avows that he is familiar with the subject of the complaint in this action, that he has read the foregoing complaint, and that, to the best of his knowledge, the factual allegations contained therein are true and correct.

LAWRENCE SPEISER.

Subscribed and sworn to before me this  
13th day of October, 1970.

My Commission expires March 31, 1972.

[In the U.S. District Court for the District  
of Columbia, civil action No. 3028-70]

NAT HENTOFF, ET AL., PLAINTIFFS, v. RICHARD  
H. ICHORD, CLAUDE PEPPER, EDWIN W. ED-  
WARDS, RICHARDSON PREYER, LOUIS STOKES,  
JOHN M. ASHBROOK, RICHARD L. ROUBENUSH,  
ALBERT WATSON AND WILLIAM J. SCHERLE,  
AS CHAIRMAN AND MEMBERS OF THE COM-  
MITTEE ON INTERNAL SECURITY OF THE  
UNITED STATES HOUSE OF REPRESENTATIVES,  
ET AL., DEFENDANTS

OCTOBER 13, 1970.

Washington, D.C.

The above-entitled cause came on for hear-  
ing on Plaintiffs' Complaint for Injunctive  
and Declaratory Relief before the Honorable  
Gerhard A. Gesell, United States District  
Judge, at 2:00 p.m.

Appearances: Lawrence Speiser, Esq., Hope  
Eastman, Esq., Counsel for Plaintiffs. Joseph  
M. Hannon, Assistant United States Attorney,  
Counsel for Defendant Donald G. Sanders.

#### COURT'S RULING

##### Proceedings

The CLERK. Civil Action No. 3028-70, Nat  
Hentoff, et al. v. Richard H. Ichord, et al.  
Mr. Lawrence Speiser and Mrs. Hope Eastman  
for the Plaintiffs. Mr. Joseph M. Hannon for  
the defendants.

The COURT. Gentlemen, in view of the time  
factors that are involved and knowing that  
this matter will unquestionably be taken this  
afternoon to the Court of Appeals, the Court  
is going to undertake to give its ruling orally  
at this time.

The Court has before it in this case a com-  
plaint for injunctive and declaratory relief  
framed as a class action seeking a temporary  
injunction to enjoin a proposed report of the  
Committee on Internal Security of the House  
of Representatives, captioned, "Limited Sur-  
vey of Honoraria Given Guest Speakers for  
Engagements at Colleges and Universities."

The complaint verified by its counsel in  
general terms indicates that the proposed report  
is scheduled to be published at noon  
tomorrow.

Initially the Court is confronted with the  
claim by amicus that there has not been ap-  
propriate notice under Rule 65. The Court  
feels that in view of the presence of the  
various officials here in Court today, the ur-  
gency of the situation and the fact that  
Plaintiffs were lulled into a belief that Mr.  
Hannon represented all of the Defendants,  
that the spirit of the rule has been met and,  
accordingly, the Court will entertain and  
consider the issues presented on the merits.

The first matter the Court must determine  
is whether or not there is in this case subject  
matter jurisdiction. The complaint states a  
claim under the Constitution, clearly raises  
a Federal question. There is also clearly  
alleged an imminent threatened injury, and  
the issue presented, as the Court sees it, is  
concrete, a specific real and live issue ten-  
dered for specific adjudication.

The merits present a question involving  
separation of powers which is always a very  
difficult question for the Court to confront,  
as it arises particularly these days with in-  
creasing frequency.

Obviously, this Court must accord defer-  
ence to the Committees of Congress, a coor-  
dinate branch of the Government, and to  
their authority to conduct investigations  
and proceed in the conduct of Congressional  
affairs. But it is clear under the decision of  
the Supreme Court in the Powell case, which  
the Court believes overrules a number of the  
cases cited by amicus, as interpreted by our  
Court of Appeals in the Davis case, the Court  
is not barred from considering a constitu-  
tional issue of this urgency and specificity  
merely because it may involve some intru-  
sion into the delicate area of separate powers  
under our Constitution. Thus the Court feels  
the matter must be resolved in accordance  
with traditional consideration of equity fol-  
lowing the standards that are appropriate in

a situation of this kind in the exercise of the  
Court's discretion.

There is not presented here any challenge  
to the authority of the Committee to engage  
in the work of the Committee under the  
various general assignments it has had from  
the Congress. The more specific question  
presented is whether there is a valid legisla-  
tive purpose with respect to this particular  
document which is before the Court. In  
other words, is this report pursuant to a valid  
legislative purpose of Congress conducting  
its traditional role or is it merely, to use  
the language of such cases as *Watkins v.*  
*United States*, "an attempt to expose the  
private affairs of individuals for the sake of  
exposure alone?" That is the initial question  
which the Court must confront here.

The issue also, as the Court sees it, is not,  
as the Plaintiffs suggest, whether or not the  
report in its entirety should in any way be  
enjoined but more specifically the question  
of whether or not an injunction should issue  
with respect to the publication of the names  
of listed speakers that are set forth in vari-  
ous lists in the proposed report because it is  
in that respect that there may be an intru-  
sion into the rights of individuals threaten-  
ing their rights of free speech and assembly  
under the Constitution for the sake of ex-  
posure rather than for any legislative pur-  
pose.

While the Committee apparently under-  
took to inquire into whether or not various  
subversive organizations, so-called, were re-  
ceiving funds from speakers on the various  
campuses of the United States, it made no  
definitive investigation into that issue as far  
as this report is concerned but merely satis-  
fied itself with obtaining a list of speakers,  
then checking various private and public  
lists available to the Committee for the pur-  
pose of determining whether there was any  
indication that any of these people in any  
way had any connection with organizations  
which the Committee considered in some  
manner extremist, revolutionary or distaste-  
ful to the members of the Committee. The  
purpose in publishing the names is clearly  
suggested in the galley where it is stated  
that:

"The Committee believes that the limited  
sampling made is sufficient to alert colleges  
and university administrators, alumni, stu-  
dents and parents to the extent of campus  
speaking in promoting the radical revolu-  
tionary movement." Clearly a non-legislative  
purpose.

It appears to the Court that the Plaintiffs  
here have a legitimate grievance and that the  
Court should permit all of the interested  
parties full opportunity to be heard on the  
matter. The Court appeals to the conscience  
of the Congress and feels that the traditional  
methods which have long applied in the Fed-  
eral Courts of this land should apply in this  
case just like any other case, and that there  
should be a careful examination into any-  
thing that purports to be, as this does, an  
indirect attempt to inhibit and deter free-  
dom of speech under the First Amendment  
in a manner which is contrary to constitu-  
tional principles and chilling in its effect.

The Court is well aware that there is no  
practical remedy if Congress, in its wisdom,  
chooses directly or indirectly to ignore the  
Court's order.

Basic rights of Plaintiffs may be infringed  
as the Court sees these papers and our Con-  
stitution demands that they be given their  
day in Court. Hence the Court has con-  
cluded that a temporary restraining order  
must issue and that the matter should be  
set down for a hearing on a preliminary in-  
junction at the earliest possible moment.  
Under the rules it can be set down in two  
days if the Defendants wish to take advan-  
tage of the provisions of Rule 65, to which  
reference has been made.

The Court feels that considerations of fair-  
ness and proper regard for the rule of law  
requires this result and the Court earnestly

hopes that the Defendants will accept the necessities of orderly procedure.

There is no consideration of the public interest that has been brought to the attention of the Court that necessitates any immediate release of the challenged document. It is the traditional role of the Court of equity to preserve the status quo which is preserved by enjoining the release of these names and the Court feels that the plaintiffs have a reasonable likelihood of success on the merits.

There is no effort here to impede investigatory activities of the Congress and there is no effort in any way here to restrict what Congress may say or do on the floor of the Congress. There is nothing here that affects speech and debate by Congressmen.

The Court will issue a temporary restraining order permitting the publication of this report but enjoining any publication in the report listing the speakers. The names of the speakers as listed shall not be published and any publication of those names is legally unauthorized.

I have before me a proposed form of restraining order which has been submitted by the Plaintiffs. I think it can be readily adapted to the ruling of the Court, limited to the names of the speakers.

I say to you, Mr. Hannon, that this matter will be set before a Judge of this Court within two days or next week, in accordance with whatever is the wish of the Defendants in that regard. If you wish a forty-eight-hour hearing, it will be granted.

I would ask counsel to look at the proposed restraining order which was handed to the Court and make the necessary changes in it consistent with the ruling the Court has just made. When you have done that and have reached some conclusion as to the date of the hearing, I can endorse the order accordingly.

I want to express my appreciation for the presence of the distinguished gentlemen here from the Congress. I have attempted to do what a Federal Judge always should do in circumstances such as this, to do what is fair and right in connection with the serious constitutional issues raised and I feel certain that upon a full hearing as to these matters all of the rights and interests of the parties can be fully developed.

Mr. HANNON. I don't believe Your Honor was reading from an opinion?

The COURT. No, I have no opinion in front of me.

Mr. HANNON. Is this going to be written up as the findings of fact and conclusions of law of the Court?

The COURT. This would constitute my findings of fact and conclusions of law as required under the rule. I will direct the court reporter to transcribe it immediately for the benefit of all concerned. I have no opinion here.

Mr. HANNON. Yes, Your Honor.

The COURT. I have simply had an opportunity to look at these and make a few notes.

Mr. HANNON. I appreciate what Your Honor has told me and we would like a copy of the Court's findings.

The COURT. Yes.

Mr. HANNON. I suggested to the Court that you had no jurisdiction over the members of the Congress. The Supreme Court has said so twice. Although Your Honor was very careful in your opinion, I did not catch who the Court is going to enjoin, who you are going to enter the restraining order against. You didn't mention who it is Your Honor is restraining in that. I would like that, please.

The COURT. I would think the injunction should run to all persons other than the named Congressmen, themselves. It would run to the printer and to all of the staff and all of the people that would necessarily be involved in the publication.

Mr. HANNON. Not to the members of the

Congress but to the staff, the other Defendants named and their agents, is that what I understand, Your Honor?

The COURT. That is what I have in mind. I see no need of enjoining the members of Congress. They are free to publish this report in so many ways anyhow there is no point in trying to get involved in that. They can make speeches on television; they can talk everywhere they wish.

Mr. HANNON. If Your Honor is clear in his mind, as I am in mine, that the Court does not have jurisdiction over these Congressmen by virtue of *Powell v. McCormack*, which Your Honor adverted to, and *Domkowski v. Eastland*, would the Court at this time sua sponte dismiss this lawsuit as to the members of the Congress?

The COURT. No.

Mr. HANNON. Thank you, Your Honor.

The COURT. You gentlemen can bring back the order to chamber when you have it in shape.

#### CERTIFICATE OF COURT REPORTER

I, Ida Z. Watson, certify that I reported the proceedings in the above-entitled cause on October 13, 1970 and that the foregoing Pages 1 to 10, inclusive, constitute the official transcript of the Court's Ruling.

IDA Z. WATSON.

[U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA, CIVIL ACTION NO. 3028-70]

(Nat Hentoff, et al., Plaintiffs, v. Richard H. Ichord, et al., Defendants)

#### TEMPORARY RESTRAINING ORDER

It appearing to the Court from the verified Complaint and the application for Temporary Restraining Order and accompanying affidavit that a Temporary Restraining Order pending hearing and determination of plaintiffs' motion for a preliminary injunction should issue, because, unless defendants (except the named Members of Congress) are restrained from printing, publishing and distributing the Report on Honoraria Paid Guest Speakers for Engagements at Colleges (a copy of which has been filed and impounded as the Court's Exhibit) which contains any list of names of individuals who have had speaking engagements at colleges or universities, plaintiffs will suffer immediate and irreparable injury, loss, damage and infringement of constitutional rights before a hearing can be had on plaintiff's motion for a preliminary injunction;

And the Court having concluded from the materials before the Court that the printing, publication and distribution of any such lists of names as part of said Report may be unlawful, unauthorized by Congress, serves no proper legislative purpose and infringes upon the constitutional rights of those so named;

Now, therefore, it is ordered, that defendants (except the named Members of Congress) and their agents, servants, employees and attorneys, and any persons acting in active concert or participation with them (except the named Members of Congress), be and they are hereby restrained until the determination of plaintiffs' motion for a preliminary injunction from directly or indirectly seeking to print, publish or distribute any list of names of individuals who have had speaking engagements at colleges or universities as part of a proposed Report on Honoraria Paid Guest Speakers for Engagements at Colleges and Universities.

It is further ordered, that the 23rd day of October 1970 at 9:30 o'clock a.m., at the United States Courthouse in Washington, D.C. is fixed for the time and place of hearing plaintiffs' motion for a preliminary injunction.

It is further ordered, pursuant to Rule 65(c) that plaintiffs post a bond in the sum of one dollar (\$1.00).

GERHARD A. GESELL,

Judge.

[U.S. District Court for the District of Columbia, civil action No. 3028-70]

(Nat Hentoff, et al., Plaintiffs v. Richard H. Ichord, et al., Defendants)

#### MOTION OF PLAINTIFFS FOR PRELIMINARY INJUNCTION

Plaintiffs respectfully move the Court for a preliminary injunction enjoining defendants and their agents, servants, employees and attorneys, and any persons acting in active concert or participation with them, from directly or indirectly seeking to print, publish, distribute, or otherwise disseminate any list of names or individuals who have had speaking engagements at colleges or universities as part of a proposed Report on Honoraria Paid Guest Speakers for Engagements at Colleges and Universities pending conclusion of this proceedings. Plaintiffs respectfully request that the preliminary injunction specifically include all defendants including the named Members of Congress except to the extent that Article I, Section 6 of the United States Constitution confers immunity to said Members with respect to their speeches on the floor of the House of Representatives and extension of their remarks in the Congressional Record.

The grounds for this Motion are set forth with particularity in the Memorandum filed herewith in support of this Motion.

Respectfully submitted,

Attorneys for the Plaintiffs:

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HOPE EASTMAN,

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MITCHELL ROGOVIN,

JOHN T. RIGBY,

JEFFREY D. BAUMAN,

ROBERT D. ROSENBAUM,

Arnold & Porter, 1229 Nineteenth Street, N.W., Washington, D.C. 20036.

Of Counsel:

MELVIN Y. WULF,

American Civil Liberties Union Foundation, 156 Fifth Avenue, New York, New York 10010.

[U.S. District Court for the District of Columbia, civil action No. 3028-70]

#### MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

(Nat Hentoff, et al., Plaintiffs v. Richard H. Ichord, et al., Defendants)

Plaintiffs have brought this action for declaratory judgment and injunctive relief. They seek to have declared illegal and to prevent actions by and under the auspices of the defendants which, at best, are designed to inhibit plaintiffs' exercise of their First Amendment rights of freedom of speech.

Now before the court is plaintiffs' motion for a preliminary injunction to preserve the status quo *pendente lite*. After ruling from the bench on October 13, 1970, this court on October 14, 1970 signed a limited temporary restraining order against some of the defendants. Plaintiffs seek to enjoin, pending litigation of this proceeding on the merits, all of the defendants from taking any further steps to have printed and distributed a college speaker blacklist proposed by defendants for release as an official document of the United States House of Representatives.

With respect to the defendant members of Congress, plaintiffs seek preliminary injunctive relief only to the extent that the actions of these defendants are not clearly immune from question and process by virtue of the Speech or Debate Clause of the Constitution (Art. I, Sec. 6). Since the proposed blacklist report palpably serves no valid legislative purpose, plaintiffs submit that the Art. I, Sec. 6 immunity involved here extends only to speeches on the floor of the House of Representatives and insertions in the Congressional Record. Under the circum-



stances of this case, defendants—including the defendant members of Congress—can and should be enjoined *pendente lite* from causing release of the proposed blacklist report as an official report bearing the imprimatur of the United States House of Representatives. In addition, said defendants can and should be enjoined from any other action, not specifically immune from judicial scrutiny under Art. I, Sec. 6, which would be in furtherance of defendants' obvious goal of infringing on plaintiffs' First Amendment freedoms.

#### I. STATEMENT OF FACTS

The court has impounded, and has before it, a copy of a proposed report by the House Committee On Internal Security entitled "Limited Survey Of Honoraria Given Guest Speakers For Engagements At Colleges And Universities". (Court Exhibit) This proposed Committee report grows out of an investigation, conducted through a survey by staff personnel of the Committee, addressed to some 179 colleges and universities in the United States. A survey questionnaire sought to elicit a list of speakers who had appeared on the campuses of various educational institutions and to determine the extent of honoraria received by these speakers. The stated objective of the Committee in conducting this survey "was to determine whether or not honoraria paid might be of sufficient amount to indicate a prime source of financing to revolutionaries" (Court Exhibit, p. 6). However, the proposed report itself disclaims any demonstrated link between paid speaking engagements and "financing to revolutionaries." As stated in Court Exhibit, p. 8: "The Committee has no way of ascertaining whether honoraria paid as indicated herein to a speaker inured to the benefit of the organizations with which they are identified or that the individuals were speaking in behalf of such organizations." (Emphasis added)

Upon receiving responses to its survey questionnaire, the Committee staff engaged in the following exercise (Court Exhibit, p. 8):

"All the names of speakers furnished by the colleges and universities were searched in public source material available to the committee to ascertain whether individuals of the same names had been identified as members, or participants in the activities of communist, communist-front, or communist-infiltrated organizations, and/or militant, radical, or extremist groups, or self-proclaimed revolutionaries or provided public support to such groups and organizations."

The "public source material" searched by the Committee was not identified. And, notwithstanding its disclaimer of ability to link speaker honoraria with the designated "groups and organizations", the proposed report asserted that: "the people of the United States have a right to conclude that the campus-speaking circuit is certainly the source of significant financing for the promoters of disorderly and revolutionary activity among students. Speaking appearances are not only revenue-producing, but afford a forum where the radicalization process may be continually expanded." (Court Exhibit, p. 14)

The report further asserts that "the Committee believes that the limited sampling made is sufficient to alert college and university administrators, alumni, students, and parents to the extent of campus speaking in promoting the campus revolutionaries." (Ibid.) The text of the proposed report concludes as follows (Ibid.):

"The committee believes that further, more costly, probing of this matter would only

add greater detail to the findings—not greater enlightenment. This report, therefore, concludes the committee's inquiry into the question of honoraria paid campus speakers."

On October 13, 1970 plaintiffs instituted this action and, at 2:00 p.m. on that date, a hearing was heard before this court on plaintiffs' motion for a temporary restraining order. An order in a form attached hereto (Attachment A) was issued by this court at approximately 10:00 a.m. on October 14, 1970. The court ordered as follows: "that defendants (except the named Members of Congress) and their agents, servants, employees and attorneys, and any persons acting in active concert or participation with them (except the named Members of Congress), be and they are hereby restrained until the determination of plaintiffs' motion for a preliminary injunction from directly or indirectly seeking to print, publish or distribute any list of names of individuals who have had speaking engagements at colleges or universities as part of a proposed Report on Honoraria Paid Guest Speakers for Engagements at Colleges and Universities."

Later in the day on October 14, defendant Congressman Ichord appeared before the press and stated his intention that the report ultimately will be given wide distribution as a formal report of the Committee and an official House document. (See Affidavit, Attachment B, pp. 4 and 6) In fact, press reports on October 15 did in fact list certain of the names contained in the proposed report. At his press conference, defendant Congressman Ichord stated his intention to refrain from having the text of the proposed report inserted in the Congressional Record so as to avoid rendering this proceeding moot. (See Attachment B, p. 3)<sup>2</sup> In the view of defendant Ichord, this court's temporary restraining order "is such a ridiculous, perplexing decision in my opinion, that I want this matter litigated to the fullest extent." (Ibid.)

#### II. ARGUMENT

##### A. A preliminary injunction is appropriate in this case

The purpose of interlocutory relief is, of course, to maintain "the status quo among the parties until a full adjudication of the claims of all parties be had." *International Ass'n of Machinists of Aerospace Workers v. National Railway Labor Conference*, U.S. Dist. Ct. D.C., Nos. 298-70, 299-70, — F. Supp. — (January 31, 1970) On this present motion for preliminary injunction, the court "is called upon to exercise its discretion 'upon the basis of a series of estimates.'" *Perry v. Perry*, 88 U.S. App. D.C. 337, 338, 190 F.2d 601, 602 (D.C. Cir. 1951); *Industrial Bank of Washington v. Tobriner*, 132 U.S. App. D.C. 51, 54, 405 F.2d 1321, 1324 (D.C. Cir. 1968).

As stated by the court in *Green v. Kennedy*, 309 F. Supp. 1127, 1132 (D.D.C. 1970), decision on a motion for a preliminary injunction is controlled "by the convergence of . . . interrelated considerations. These are as follows (Ibid.):

"(1) The issue on the merits is grave and substantial, and plaintiffs have a reasonable probability of success. (2) The primary effect of the temporary injunction is to preserve the status quo *pendente lite*. (3) Plaintiffs are threatened with irreparable injury if the injunction is denied, and the final decree is in their favor. (4) On the other hand if the temporary injunction is granted but final decree is rendered against plaintiffs, little if any permanent injury will be done to others, and such harm as may eventuate is outweighed by the other considerations calling for a temporary injunction. (5) The public interest is served by grant of the temporary injunction.

Abridgement of First Amendment freedoms is inherently grave and substantial, giv-

ing rise to incalculable and irreparable injury.<sup>3</sup> Conversely, the proposed report contains no suggestion that its precipitous release is required in the public interest or to safeguard defendants from irreparable harm in the event defendants prevail on the merits.

The determinative issue now before the court is whether there is a reasonable probability that plaintiffs will succeed on the merits. Plaintiffs submit that, as on the plaintiffs' earlier motion for temporary restraining order, the Court should conclude that preliminary injunctive relief is clearly warranted:

Basic First Amendment rights are at stake. Plaintiffs have been chosen for defendants' blacklist by virtue of plaintiffs' election to speak on the campuses of colleges and universities. The purpose of the release of the proposed report is to sound an "alert" to the public of vague and unspecified affiliations by plaintiffs with one or more of a catalogue of purportedly undesirable organizations.

Defendants' proposed report serves no valid legislative purpose. On its face, the proposed report marks the conclusion of the Committee's investigation. Significantly, the proposed report does not even pretend to be addressed to the members of Congress. In short, the proposed report serves no legislative purpose, valid or otherwise, since it is not intended for the consumption of the legislators. By no stretch of the imagination can the proposed report qualify as aiding "the Congress or any committee of the House in any necessary remedial legislation." (Rule XI.11, Rules of the House of Representatives, adopted by the 91st Congress)

Defendants' actions since the institution of this litigation, and subsequent to the issuance of the temporary restraining order herein, make clear defendants' intentions. As stated on October 14, 1970 by defendant Congressman Ichord, the proposed report is designed to identify "radical revolutionary speakers who advocate the violent overthrow of the government." (See Attachment B to this motion, p. 3)<sup>4</sup> Widespread distribution of the proposed report, including distribution to colleges and universities, is contemplated. The only ostensible purpose of the proposed report is to deter the designated speakers from further campus speaking engagements.

In issuing its temporary restraining order herein, this court made clear its concern to avoid judicial infringement on the prerogatives of a coordinate branch of government. (Transcript of Court's Ruling herein, October 13, 1970, pp. 3-4) The court's deference to the Congressional defendants has, unfortunately, enabled defendants to release to the press—directly, and not simply via disclosure immune to judicial scrutiny under the Speech or Debate Clause of the Constitution—the basic contents of the proposed report, including the names of the persons contained therein. Defendants' actions since the court's ruling on plaintiffs' earlier motion—and particularly defendant Ichord's intemperate attacks on the motivations underlying this court's actions<sup>5</sup> and his rejection of this court's appeal to the conscience of the Congress—have made it clear that the judicial restraint exercised herein vis-a-vis members of a coordinate branch of government is not being reciprocated. However, there is still available to this court—and it is essential to full preservation of plaintiffs' rights—the opportunity to forestall the printing and distribution of the proposed report as an official document of the United States House of Representatives. Moreover, under the circumstances of this case, plaintiffs submit that there are compelling reasons for the court to limit any restraint on the exercise of its injunctive powers to those actions expressly declared immune by the Constitution.

Footnotes at end of article.

B. Defendants propose actions which, if permitted, would clearly infringe on plaintiffs' first amendment rights

Plaintiffs will not restate in detail here their earlier arguments that preliminary injunctive relief is required to prevent a serious infringement on their freedom to engage in protected First Amendment activities. (A copy of Plaintiffs' Memorandum of Points and Authorities in Support of Plaintiffs' Motion for a Temporary Restraining Order, together with accompanying affidavit, is annexed hereto as Attachment D and incorporated herein by reference.)

Plaintiffs' principal reliance is, of course, upon *Watkins v. United States*, 354 U.S. 178 (1957), where the Supreme Court held that "there is no Congressional power to expose for the sake of exposure." (345 U.S. at 200) See also *Stamler v. Willis*, 371 F.2d 413 (7th Cir. 1966). The contemplated action of defendants will, without question, impart the chilling effect on exercise of First Amendment rights that was condemned by the Supreme Court in *Dombrowski v. Pfister*, 380 U.S. 479 (1965).

Notwithstanding the presence of Congressional defendants, the instant case raises issues comparable to those litigated in *Boorda v. Subversive Activities Control Board*, 421 F.2d 1142 (D.C. Cir. 1969), cert. denied, 397 U.S. 1042 (1970). There the court held that Section 13(g) (2) of the Subversive Activities Control Act was unconstitutional in permitting public disclosure of an individual's membership in the Communist Party without any finding that the individual shared in any illegal purposes of the organization. In the instant case, the proposed Committee report itself disclaims any ability to provide a relevant nexus between the named speakers and the organizations with which they are asserted to be affiliated.

Plaintiffs' claims of future harassment and impairment of First Amendment freedoms are real, and not just ephemeral. As noted in Attachment D, blacklisting of individuals in the past has led to severe financial loss, social ostracism, illness, and other difficulties. (See cases cited in Attachment D, p. 4) Moreover, the activities of defendants to date vis-a-vis these plaintiffs suggest that release of the proposed report may simply be a precedent, and a predicate, for further harassment comparable to that described by the Supreme Court in *United States v. Rumeley*, 345 U.S. 41 (1953). That case involved an attempt by a Congressional Committee to compel an organization known as the Committee for Constitutional Government to disclose the names of those who purchased its books and pamphlets for the purpose of learning its supporters and the source of its funds. Justice Douglas, in a concurring opinion joined by Justice Black and cited with approval by the Court in *NAACP v. Alabama*, 357 U.S. 449 (1958), was concerned with just the type of harassment intended by the Committee in the instant case (357 U.S. at 57-58):

"If the present inquiry were sanctioned, the press would be subjected to harassment that in practical effect might be as serious as censorship. A publisher, compelled to register with the Federal Government, would be subjected to vexatious inquiries. A requirement that a publisher disclose the identity of those who buy his books, pamphlets, or papers is indeed the beginning of surveillance of the press. True, no legal sanction is involved here. Congress has imposed no tax, established no board of censors, instituted no licensing system. But the potential restraint is equally severe. The finger of government leveled against the press is ominous. Once the government can demand of a publisher the names of the purchasers of his publications, the free press as we know it disappears. Then the spectre of a government

agent will look over the shoulder of everyone who reads. The purchase of a book or pamphlet today may result in a subpoena tomorrow. Fear of criticism goes with every person into the bookstall. The subtle, imperceptible pressures of the orthodox lay hold. Some will fear to read what is unpopular, what the powers-that-be dislike. When the light of publicity may reach any student, any teacher, inquiry will be discouraged. The books and pamphlets that are critical of the administration, that preach an unpopular policy in domestic or foreign affairs, that are in disrepute in the orthodox school of thought will be suspect and subject to investigation. The press and its readers will pay a heavy price in harassment. But that will be minor in comparison with the menace of the shadow which government will cast over literature that does not follow the dominant party line. If the lady from Toledo can be required to disclose what she read yesterday and what she will read tomorrow, fear will take the place of freedom in the libraries, bookstores, and homes of the land. Through the harassment of hearings, investigations, reports, and subpoenas government will hold a club over speech and over the press. Congress could not do this by law. (Emphasis added)

C. Defendants' distribution of portions of the blacklist to the press does not moot plaintiffs' case

Notwithstanding this court's appeal to the "conscience" of the Congress, certain of the defendants—with knowledge of this Court's decision—released the names in question to the press on the afternoon of October 14, 1970. The list appeared in at least one newspaper the following morning. Defendants may well argue now that, the harm already having been done, the case is moot and should be dismissed. However, this case is still very much alive.

The Supreme Court has recently restated its standard for determining when a case or controversy becomes moot. In *Powell v. McCormack*, 395 U.S. 486 (1969), where Powell's claims concerning the legality of his exclusion from the 90th Congress, as well as his claim for back pay remained unresolved, the Court said:

"... a case is moot when the issues presented are no longer 'live' or the parties lack a legally cognizable interest in the outcome. . . . Where one of several issues presented becomes moot, the remaining live issues supply the constitutional requirement of a case or controversy." (395 U.S. at 496-97)

Even where the defendants have abandoned allegedly unlawful conduct, the Supreme Court has held that a continuing dispute over the legality of those acts prevents a case from becoming moot. *Walling v. Helmerich & Payne Co.*, 323 U.S. 37 (1944).

In this case, the dispute over the legality of defendants' conduct remains. In fact, all of the issues remain "live" and unresolved, although some of the harm sought to be avoided by plaintiffs through this suit may have already been done. The important factor is that much of the harm which the defendants seek to do the plaintiffs has yet to be accomplished. Publication and distribution of the list as an official House document will carry much greater weight and thereby have a much stronger "chilling effect" on plaintiffs' activities and rights, than its far more casual release to the press. Congressman Ichord has made quite clear his intention to distribute this report widely, especially to administrators, parents, and students at our colleges and universities.

It also must be remembered that plaintiffs continue to seek a determination that publication of the list to "alert" others to the "evil" consequences of constitutionally protected conduct involves no proper legisla-

tive purpose and unlawfully and unconstitutionally "chills" constitutional rights. Even if the members of Congress could file this report and suffer no consequence because of immunity under the Speech and Debate Clause, a judicial decision that its publication is both unlawful and unconstitutional could help to counteract its impact.

There can be no doubt that the plaintiffs' effort to put an end to these future harms and to minimize the effort of any harm already done meets the *Powell* test. Plaintiffs very real interests also meet the test set down in *Davis v. Ichord*, No. 23,426 D.C. Cir. (August 20, 1970), — U.S. App. D.C. —, — F.2d —. There the Court held (slip opinion, p. 8) that plaintiffs' effort to quash a subpoena had become moot because "no action associated with the subpoenas or hearing is threatened." Plaintiffs here, despite the defendants' limited publication of the list, are indeed, as Congressman Ichord's own words make clear, presently threatened with further publication and distribution of the list.

The fact that only a portion of the harm has occurred further supports plaintiffs position. For example, in the latest of a long line of cases, the Supreme Court has recently emphasized that appeal of a criminal conviction does not become moot when the defendant finishes his sentence, because such convictions "entail adverse collateral legal consequences," i. e., other harms which will still flow from such a conviction. *Sibron v. New York*, 392 U.S. 40, 55 (1968). Similarly in *Scoville v. Board of Education of Joliet*, 286 F. Supp. 988 (N.D. Ill. 1968), affirmed 2-1, 415 F.2d 860 (7th Cir. 1969), reversed on other grounds en banc on rehearing April 1, 1970, the District Court refused to dismiss as moot an action for declaratory and injunctive relief against a school which had expelled students for publishing a newspaper although the semester for which they had been barred was over. Plaintiffs in *Scoville* also sought to restrain the defendants from communicating the substance of events to colleges and employers. The situation here is comparable. The occurrence of partial harm should not preclude this Court from restraining the defendants from causing plaintiffs even further harm.

Even if the defendants could establish that all the harm had already been done, there would be another important reason for the Court to hear this case. The Supreme Court long ago recognized the unjustness of permitting defendants to thwart review of their conduct by an act which harms plaintiffs before review can take place, and thereafter to argue that the plaintiffs should wait until the next time their rights are violated to seek their vindication. Understanding that the defendants would be likely to allege "mootness" the next time as well, the Supreme Court has established a doctrine of "continuing controversy" to guard against just this result. *Southern Pacific Terminal Co. v. ICC*, 219 U.S. 498 (1911). In recent years, the Court has relied upon this doctrine to decide the merits of cases involving issues of public interest where the original harm had already occurred, but was capable of repetition unless the Court ruled it unlawful or unconstitutional. *Moore v. Ogilvie*, 394 U.S. 814 (1969); *Carroll v. Princess Anne*, 393 U.S. 175 (1968).

This approach has been followed in this Circuit in cases involving the assertion of First Amendment rights to demonstrate and communicate political views where the particular occasion which triggered the suit has passed before judicial review can take its course. As the Court of Appeals so aptly put it,

"When controversies present what are essentially recurring issues of public interest they are not mooted because the most recent particular occasion for consideration of the issue has come and gone." *Women Strike*



for *Peace v. Hickel*, No. 23,268 (August 1, 1969) (Slip op. 11); See also *Jeanette Rankin Brigade v. Chief of Capitol Police*, — U.S. App. D.C. —, 421 F.2d 1090, 1092-3 (D.C. Cir. 1969).

If the defendants here are permitted to moot this case by releasing an unofficial report to the press each time threatened individuals sue to protect their rights, the defendants would be able to evade review by causing the very harm the court is being asked to prevent before the Court can act to do so. Whether publication and dissemination of this political blacklist for the purposes stated by the Committee violates the First Amendment rights of the Plaintiffs is a "public interest" question which sorely needs resolution. The court should insure that persons, including plaintiffs herein, whose rights are once "chilled" in this fashion, will have a remedy without being forced to wait until the next time they are harmed.

*D. The congressional defendants do not enjoy absolute immunity from process in this case*

This court did not include the Congressional defendants within the scope of the October 14 temporary restraining order. Such omission, was, we believe, an exercise of judicial restraint. The Speech or Debate Clause of the Constitution (Art. I, Sec. 6) does not grant absolute immunity to the Congressional defendants in this proceeding.<sup>7</sup> The test which appears to be emerging from the current cases is whether the Congressional activity not on the floor of the House is pursuant to a valid legislative purpose. Plaintiffs submit that where, as here, Congressional defendants' activities off the floor of the House are not pursuant to a valid legislative purpose, said Congressional defendants stand in no different stead than the other defendants.

The question of whether the Speech or Debate Clause affords immunity to a Congressman in a suit seeking injunctive relief for alleged violations of First Amendment rights has never been directly decided. In *Powell v. McCormack*, 395 U.S. 486 (1969), the Supreme Court found it unnecessary to decide whether the Clause would be a bar if a Congressman was not acting in the sphere of valid legislative activity or, assuming that he was, whether the fact that a damage suit or criminal prosecution was not involved would remove the immunity provided by the Clause. In reliance upon *Powell*, the Seventh Circuit in *Stamler v. Willis*, 415 F. 2d 1366 (7th Cir. 1969, cert. denied, — U.S. — (1970)) found it unnecessary to decide "whether under the Speech or Debate Clause the plaintiffs would be entitled to maintain this action solely against members of Congress where no other remedy was available." 415 F. 2d at 1368.

In reaching this decision, however, the court in *Stamler* relied on a concession by plaintiffs that "a judgment against the prosecutors will afford appellants [plaintiffs] all the relief they request."

Unlike *Powell* and *Stamler*, however, plaintiffs here cannot obtain full relief unless the injunction applies to the Congressional defendants as well as the non-Congressional defendants. Defendant Congressman Ichord has already demonstrated his willingness and intention to frustrate this court's inquiry by proceeding on his original course of publication of the blacklist to a point just short of what he believes would render the proceeding moot. The Court of Appeals for this Circuit has not aforded an injunction against the Congressional defendants. Indeed, Judge Leventhal in *Davis v. Ichord*, supra, while recognizing the decisions in *Powell* and *Stamler*, indicated that the maintenance of an action against Congressional defendants in a case such as this one

is still an open question, (Concurring Opinion of Leventhal, J. in *Davis v. Ichord*, supra, at 24-25).

Current cases construing the Speech or Debate Clause all involve the question of where that Clause provides immunity in actions by private parties for damages or in criminal prosecutions. *U.S. v. Johnson*, 383 U.S. 169 (1966) involved a criminal prosecution;<sup>8</sup> *Barr v. Mateo*, 368 U.S. 564 (1959), *Tenney v. Brandhove*, 341 U.S. 367 (1951), and *Dombrowski v. Eastland*, 387 U.S. 82 (1967), all involved damage actions. These cases, although construing the Clause broadly, indicate that the Supreme Court believes there are limits to immunity under the Clause. Thus, in *Tenney*, the Supreme Court found that immunity existed when a Congressman was acting within the scope of "legitimate legislative activity," a suggestion which also appears in *Johnson*, where the Supreme Court stated that the Clause could not reach conduct "that is in no wise related to the due functioning of the legislative purpose". (388 U.S. at 172) Finally, in *Dombrowski v. Eastland*, supra, the Supreme Court, in dismissing the complaint against a Senator for failure to show his involvement in activity which could result in liability, implied that the Speech or Debate Clause would not automatically have immunized a Senator had such evidence been shown. In *Dombrowski*, the Supreme Court accepted the *Tenney* test of whether legislators are engaged "in the sphere of legitimate legislative activity", and implied that the Senator may not have been acting in a way which would satisfy that test. (See Note, "The Scope of Immunity for Legislators and Their Employees," 77 Yale L.J. 366 (1967).)

In the present case, this court predicated its issuance of a temporary restraining order on the finding that the proposed blacklist report was not the product of pursuit of a valid legislative purpose. (Transcript of Court's Ruling on October 13, 1970, pp. 4-5) Accordingly, under the rationale of *Tenney* and *Dombrowski*, this Court is not constitutionally barred from entering an injunction against the Congressional defendants.

For the reasons stated herein, plaintiffs respectfully move the Court for a preliminary injunction enjoining defendants and their agents, servants, employees and attorneys, and any persons acting in active concert of participation with them, from directly or indirectly seeking to print, publish, distribute, or otherwise disseminate any list of names or individuals who have had speaking engagements at colleges or universities as part of a proposed Report on Honoraria Paid Guest Speakers for Engagements at Colleges and Universities pending conclusion of this proceeding. Plaintiffs respectfully request that the preliminary injunction specifically include all defendants including the named Members of Congress except to the extent that Article I, Section 6 of the United States Constitution confers immunity to said Members with respect to their speeches on the floor of the House of Representatives and extension of their remarks in the Congressional Record.

The grounds for this Motion are set forth with particularity in the Memorandum filed herewith in support of this Motion.

Respectfully submitted,

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FOOTNOTES

<sup>1</sup> It is important to note at the outset that one of the fundamental purposes underlying plaintiffs' pursuit of this litigation is to prevent the generation of spurious "public source material" involving plaintiffs and which bears the prestigious imprimatur of an official document of the United States House of Representatives.

<sup>2</sup> Plaintiffs do not concede that printing of the proposed report *in toto* in the Congressional Record would render the proceeding moot. See Section II, C, below.

<sup>3</sup> As stated in *The Washington Free Community, Inc. v. Wilson*, No. 23,438, slip opinion at 9 (D.C. Cir., December 12, 1967), even a delay in the exercise of First Amendment rights constitutes an irreparable injury to those seeking to exercise them.

<sup>4</sup> Defendant Ichord's public statements appears to go somewhat beyond the report itself. Plaintiffs do not propose to inhibit the defendants' own freedom of expression. However, plaintiffs do, through this litigation, seek to prevent the defendants from enjoying the singular advantage of bootstrapping their personal opinions in derogation of the plaintiffs' with an official document, of their own creation, bearing the imprimatur of the United States House of Representatives.

<sup>5</sup> Defendant Ichord has accused this court of permitting "personal philosophical and ideological commitments to overrule his better legal judgment." (Attachment B to this Memorandum, p. 2) This defendant has ascribed to this court's earlier ruling herein the quality of leading "to the ultimate tyranny of the judiciary over the legislative body." (Id. at 7) Additional remarks by defendant Ichord concerning this court's ruling appear in the Congressional Record of October 14, 1970, p. 37110-37111. (Attachment C to this Memorandum)

<sup>6</sup> Defendant Ichord has publicly stated his view that any court action on the plaintiffs' claims would be illegal. It should also be noted that, while the parties cannot stipulate that a case is not moot, Congressman Ichord published the list outside the Congressional Record precisely to avoid making the matter moot. (See Attachment B)

<sup>7</sup> Clearly Article I, Section 6 of the Constitution extends to speeches on the floor of the House and extension of remarks in the Congressional Record. And plaintiffs do not here contend that this court should seek to enjoin printing and distribution of the official journal of House debates, the Congressional Record.

<sup>8</sup> A case likely to be relevant is *United States v. Brewster*, decided by the U.S. District Court for the District of Columbia on October 9, 1970. No opinion has yet issued.

[U.S. District Court for the District of Columbia, civil action No. 3028-70]

MOTION TO DISMISS

(Nat Hentoff, et al., Plaintiffs, v. Richard H. Ichord, et al., Defendants)

Defendants respectfully move this Honorable Court to dismiss this action on the grounds that:

1. The suit is barred by the Separation of Powers Doctrine and the Speech and Debate Clause of Article I, Section 6, of the Constitution of the United States;
2. The defendant Members of Congress are immune from suit;
3. The Court is without jurisdiction to interfere with the legislative process of the Congress by proscribing the printing and the

distribution of the Report of a Committee of the Congress;

4. The Court lacks jurisdiction over the subject matter of this action;

5. The complaint does not present a justifiable issue and there exists no basis for the granting of equitable, declaratory or other relief; and

6. The complaint fails to state a claim upon which relief can be granted.

In support of this Motion to Dismiss the Court's attention is respectfully invited to the attached affidavits of the defendants Sanders and Spence, filed herein as defendants' Exhibits A and B, respectively, and to the defendants' "Memorandum of Points and Authorities in Opposition to Plaintiffs' Motion for a Preliminary Injunction and in Support of Defendants' Motion to Dismiss."

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Assistant Attorney General.

KEVIN T. MARONEY,

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BENJAMIN C. FLANNAGAN,

Attorney, Department of Justice.

GEORGE W. CALHOUN,

Attorney, Department of Justice.

Attorneys for Defendants Ichord, Pepper, Edwards, Ashbrook, Roubush, Watson, Scherle, Sanders, Darling and Spence.

#### DEFENDANTS' EXHIBIT A

[U.S. District Court for the District of Columbia; civil action No. 3028-70]

AFFIDAVIT OF DONALD G. SANDERS

(Hentoff, et al. v. Ichord, et al.)

CITY OF WASHINGTON,

District of Columbia:

I, Donald G. Sanders, a defendant in the above action, do depose and say that:

(1) I am a member of the professional staff of the United States House of Representatives and employed by the House as Chief Counsel for the House Committee on Internal Security. I perform my duties under the direction and supervision of the chairman of the Committee and at the direction of the said Committee on Internal Security. Included among my duties is the supervision of the staff employees and work of the Committee under the direction of the said chairman and Committee.

(2) The House Committee on Internal Security is a standing committee of the U.S. House of Representatives, constituted as such by the rules of the House, enacted by House Resolution 7, January 3, 1969, as amended by House Resolution 89, February 18, 1969, pursuant to Article I, Section 5 of the Constitution of the United States which authorizes the House to determine the rules of its proceedings.

(3) House Rule X enacted as aforesaid provides that there shall be elected by the House, at the commencement of each Congress, a standing committee designated as a Committee on Internal Security, to consist of 9 members. By House Resolution 251 agreed to on February 18, 1969, the House elected to the standing committee of the House of Representatives on Internal Security Richard H. Ichord (chairman), Claude Pepper of Florida, Edwin W. Edwards of Louisiana, Richardson Preyer of North Carolina, Louis Stokes of Ohio, John M. Ashbrook of Ohio, Richard L. Roubush of Indiana, Albert W. Watson of South Carolina, and William J. Scherle of Iowa.

(4) House Rule XI of the 91st Congress, enacted as aforesaid, defines the powers and duties of the said Committee on Internal Security, inter alia as follows:

"RULE XI. POWERS AND DUTIES OF COMMITTEES

"11. Committee on Internal Security.

"(a) Communist and other subversive activities affecting the internal security of the United States.

"(b) The Committee on Internal Security, acting as a whole or by subcommittee, is authorized to make investigations from time to time of (1) the extent, character, objectives, and activities within the United States of organizations or groups, whether of foreign or domestic origin, their members, agents, and affiliates, which seek to establish, or assist in the establishment of, a totalitarian dictatorship within the United States, or to overthrow or alter, or assist in the overthrow or alteration of, the form of government of the United States or of any State thereof, by force, violence, treachery, espionage, sabotage, insurrection, or any unlawful means, (2) the extent, character, objectives, and activities within the United States of organizations or groups, their members, agents, and affiliates, which incite or employ acts of force, violence, terrorism, or any unlawful means, to obstruct or oppose the lawful authority of the Government of the United States in the execution of any law or policy affecting the internal security of the United States, and (3) all other questions, including the administration and execution of any law of the United States, or any portion of law, relating to the foregoing that would aid the Congress or any committee of the House in any necessary remedial legislation.

"The Committee on Internal Security shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

"For the purpose of any such investigation, the Committee on Internal Security, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, to hold such hearings, and to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary. Subpoenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member."

(5) At a meeting of the said Committee duly called and held on February 20, 1969, at which a quorum of the Committee were in attendance, and at which I was personally present, Chairman Ichord submitted a proposal to the members of the Committee for a study of revolutionary violence within the United States. The proposal was in written form, a copy of which had been delivered to each member of the Committee and which he read as follows:

"I desire hereby to lay before the Committee a proposal for study and investigation in depth of revolutionary violence within this Nation.

"It is becoming increasingly evident that one of the gravest threats to our internal security and to the free functioning of our democratic institutions is posed by the activities of certain organizations which would effect changes in our government or its administration by other than constitutional processes. Recent investigations of this Committee, the statements of responsible officials, Federal and State, and daily press reports, appear to me to sustain this conclusion.

"In this respect, moreover, we are faced with ever-mounting demands from the Members of the House and the public for legislative action, both for additional legislation and with respect to the examination and appraisal of the administration and enforcement of existing law, including proposals for constitutional amendment as well.

"I need not state that the legislative problems we face on the subject of subversion are of the utmost complexity and difficulty not solely from the constitutional standpoint, but equally so from the standpoint of developing practical and effective legislation. We must find the answers to certain basic questions, among which are the following: Is additional Federal legislation necessary? What form should such legislation take? Should these statutes be essentially regulatory or penal? Can we profitably amend existing statutes in this area? What is the Federal role, as contrasted with the State role, in the exercise of the police power on this subject?

"In addition, a number of bills have already been referred to the Committee. Undoubtedly additional legislation will also be referred to it from time to time. Such legislation involves a number of subjects vital to the protection and maintenance of our internal security, including such subjects as the protection of defense facilities, the security of classified information released to industry, Federal employment security, vessel, ports, and harbor security, the protection of our armed forces during periods of undeclared war, passport security, proposals with respect to the Emergency Detention Act of 1950, etc.

"The answer to the foregoing questions, and the disposition of such legislation, will obviously require the most painstaking and thorough inquiry and understanding of the extent, character and objectives, the organizational forms, financing, and other facts, with respect to those organizations and individuals engaged in revolutionary violence, sedition, and breach of peace and law, as are proper subjects of investigation as mandated by the House. Obviously, we cannot legislate in a vacuum.

"I therefore submit for your approval my proposal that, under my direction, the staff be authorized to undertake preliminary studies and inquiries, the results of which I shall, from time to time, report to the full Committee with a view toward the subsequent authorization of such full scale investigations and public hearings as to the Committee may seem desirable and necessary."

A discussion followed, and on motion made and seconded, the following resolution was adopted:

"Resolved, That the Chairman be directed to cause staff studies and preliminary inquiries to be made with respect to the organizations and subjects herein proposed, and to report on same from time to time, with his recommendations, with a view toward determining whether full-scale investigations and public hearings shall be authorized and conducted by the Committee with respect to any such organization or subject."

(6) The chairman thereupon directed me, as Chief Counsel, to cause the staff of the Committee to undertake preliminary studies in accordance with the resolution thus adopted. Pursuant to such resolutions and directions, I caused staff studies and reports to be prepared on revolutionary violence, and the reports were submitted from time to time to members of the Committee for their views.

(7) At a meeting of the Committee, duly called and held on March 6, 1969, at which a quorum was present and at which I was in attendance, a discussion was had on the subject of the aforesaid staff studies. The following resolution was moved and adopted:

"Whereas, on February 20, 1969, considering that a serious threat is posed to the internal security of this Nation and to the free functioning of its democratic institutions by the activities of certain organizations which would effect changes in our government or its administration by other than constitutional processes, the Chairman accordingly proposed a study and investigation



in depth of revolutionary violence within the United States for the purpose of resolving a number of legislative problems, including an appraisal of the administration and enforcement of existing law, an examination of the respective roles of the Federal and State governments in the exercise of the police power, the need for remedial legislation, and to assist in the disposition of bills referred to the Committee, on subjects committed to it by the mandate of the House;

"Whereas, a resolution on that date was adopted by the Committee directing the Chairman to cause staff studies to be made with respect to such organizations and subjects, and to report on the same, from time to time, together with his recommendations, with a view toward determining whether full-scale investigations and public hearings shall be authorized and conducted with respect to any such organization and subject;

"Whereas, certain staff studies have been reported and the Chairman has recommended that the Committee on Internal Security undertake initially an investigation of the origin, character, objectives, activities, and other facts relating to the Students for a Democratic Society;

"Whereas, the Committee has considered such recommendation;

"Now therefore be it resolved, That investigation in depth by the Committee on Internal Security, or by a subcommittee thereof appointed by the Chairman for that purpose, be conducted in Washington, D.C., or at such place or places, and on such date or dates, as the Chairman may determine, on the following subjects of inquiry;

"The origin, history, organization, character, objectives, and activities of the Students for a Democratic Society, with particular reference to (1) the extent to which it may be involved in acts of violence or other unlawful activities to accomplish any of its purposes or objectives; (2) the extent to which, and the manner in which, it may incite or employ acts of force, violence, terrorism, or any unlawful means to obstruct or oppose the Government of the United States in the execution of any law or policy affecting the internal security of the United States; (3) the extent to which, and the manner and means by which, it or any of its chapters or affiliated groups may be controlled, directed, or assisted by organizations or individuals who seek to overthrow or assist in the overthrow or alteration of the form of Government of the United States or of any State thereof by unlawful means, or by any such means to obstruct or oppose the Government of the United States in the execution of any law or policy affecting the internal security of the United States; (4) the manner in which it is financed and supported; (5) the extent to which it may act in concert with, aid or assist, or be supported by, foreign Communist powers, their agents or nationals; and (6) all other facts in relation to the foregoing."

(8) Similarly, on the basis of staff studies and reports, which were undertaken and circularized to the Committee pursuant to the resolution of February 20, 1969, the Committee met from time to time and agreed to undertake investigations of other relevant organizations and activities, including but not limited to the Black Panther Party, specifically authorized by Committee resolution adopted October 8, 1969, and the New Mobilization Committee to End the War in Viet Nam by resolution adopted December 10, 1969. The following are extracts from the resolutions duly adopted by the Committee with respect to such investigations:

"Now therefore be it resolved, that the Committee on Internal Security conduct an investigation in depth in Washington or at such other place or places as the Chairman may determine on the following subjects of inquiry:

"The origin, history, organization, character, objectives, and activities of the Black Panther Party, with particular reference to (1) the extent to which it may be involved in acts of violence or other unlawful activities to accomplish any of its purposes or objectives; (2) the extent to which, and the manner in which, it may incite or employ acts of force, violence, terrorism, or any unlawful means to obstruct or oppose the Government of the United States in the execution of any law or policy affecting the internal security of the United States; (3) the extent to which, and the manner and means by which, it or any of its chapters or affiliated groups may be controlled, directed, or assisted by organizations or individuals who seek to overthrow or assist in the overthrow or alteration of the form of Government of the United States or of any State thereof by unlawful means, or by any such means to obstruct or oppose the Government of the United States in the execution of any law or policy affecting the internal security of the United States; (4) the manner in which it is financed and supported; (5) the extent to which it may act in concert with, aid or assist, or be supported by, foreign Communist powers, their agents or nationals; and (6) all other facts in relation to the foregoing."

"Now therefore be it resolved, that an in-depth investigation be conducted by the Committee on Internal Security, or by a subcommittee thereof appointed by the Chairman, concerning the following:

"The origin, history, organization, character, objectives, and activities of the New Mobilization Committee to End the War in Vietnam, with particular reference to (1) the extent to which it may be involved in acts of violence or other unlawful activities to accomplish any of its purposes or objectives; (2) the extent to which, and the manner in which, it may incite or employ acts of force, violence, terrorism, or any unlawful means to obstruct or oppose the Government of the United States in the execution of any law or policy affecting the internal security of the United States; (3) the extent to which, and the manner and means by which, it or any of its chapters or affiliated groups may be controlled, directed, or assisted by organizations or individuals who seek to overthrow or assist in the overthrow or alteration of the form of Government of the United States or any State thereof by unlawful means, or by any such means to obstruct or oppose the Government of the United States in the execution of any law or policy affecting the internal security of the United States; (4) the manner in which it is financed and supported; (5) the extent to which it may act in concert with, aid or assist, or be supported by, foreign Communist powers, their agents or nationals; and (6) all other facts in relation to the foregoing."

(9) Pursuant to House Rule XI, the Committee has conducted extensive hearings and investigations, which were published from time to time and reports rendered and filed with the House, as required by the Rule, which provides that the Committee shall report to the House the results of any such investigation authorized under Rule XI, together with such recommendations as it deems advisable. Several of the available Committee publications are submitted herewith for the information of the Court.

(10) Pursuant to the authority conferred by House Rule XI and Committee resolution aforesaid of February 20, 1969, the chairman also directed me to cause staff studies to be made with respect to the financing of revolutionary violence and activities through speaking engagements on college and university campuses. The members of the Committee were advised of the action of the chairman in a memorandum dated May 14, 1970, addressed to all members of the Com-

mittee, which I caused to be delivered on May 18, 1970, to each member thereof, which reads as follows:

"Re Survey of colleges and universities with regard to honorariums paid to guest speakers.

"I have become increasingly concerned over the past months with the financing of revolutionary groups through speaking engagements on our college and university campuses. Accordingly, I have asked the staff to prepare a list from public source material to determine the extent of speaking engagements by those persons who we know to be associated with revolutionary groups.

"Though the extent of honorariums paid to college and university speakers is not always reported in the newspapers, the limited information that is available suggests to me that honorariums may well be of significance in funding the activities of revolutionary groups. In March of this year, J. Edgar Hoover, in his testimony before the House Subcommittee on Appropriations, discussed financing and furnished the names of Black Panther speakers who appeared before secondary schools, colleges and universities during the year 1969. Attached is an excerpt from Mr. Hoover's testimony for your consideration.

"I have requested the staff to prepare, in the form of a survey, a letter to be sent to selected colleges and universities in the 50 states, requesting the voluntary participation of these schools in providing to us information with regard to speakers they have had on campus, group identification and sponsorship of speaker, the amount of honorarium paid (check or cash), to whom this money was paid and the source of funds involved.

"It appears to me that this is a logical inquiry in connection with the Committee fulfilling its mandate and I would be most appreciative of your suggestions and comments with regard to this proposed survey and its implementation."

(The statement of J. Edgar Hoover, Director of the Federal Bureau of Investigation, to which reference is made, is attached to this affidavit and made a part hereof.)

(11) Subsequently at a meeting of the Committee, duly called and held on June 16, 1970, at which a quorum was in attendance and at which I was present, the chairman called up the subject of this aforementioned memorandum of May 14, 1970, for discussion by the Committee. Following discussion, it was duly moved, seconded, and agreed that the survey and inquiry on this subject be undertaken. The progress and development of the survey was likewise considered in subsequent meetings of the Committee.

(12) The Committee staff was then directed to prepare a final report for consideration by the Committee and with a view toward reporting the results of the investigation to the House in accordance with the authority and direction of House Rule XI. At the instruction of the chairman, the proposed report, titled "Limited Survey of Honoraria Given Guest Speakers for Engagements at Colleges and Universities," was disseminated to all members of the Committee. At a meeting of the Committee, duly called and held on October 7, 1970, at which a quorum was in attendance and at which I was present, the report was considered, amendments made, and as thus amended the Committee agreed that the report be made to the House.

(13) In accordance with the authority and direction of the Committee, and in accordance with the rules of the House, the report was filed with the House by the chairman on October 14, 1970, and designated House of Representatives Report No. 91-1607, which was referred to the Committee of the Whole House on the State of the Union.

(14) The House Committee on Internal Security is an investigating Committee, as well as having a bill reference function, and is mandated by the House to make its investigations on the subjects set forth in House Rule XI and to report to the House the results of any such investigation so as to aid the Congress or any committee of the House in any necessary remedial legislation. A large number of bills are pending before various committees of the House related to the question of revolutionary violence and the activities of revolutionary organizations, several of which are submitted herewith for the information of the Court.

DONALD G. SANDERS.

Sworn to and subscribed before me, the undersigned Notary Public, this 19th day of October, 1970.

[SEAL]

AILEEN M. FOLEY,  
Notary Public.

My commission expires: July 14, 1974.

#### DEFENDANTS' EXHIBIT B

[U.S. District Court for the District of Columbia, civil action No. 3028-70]

#### AFFIDAVIT

(Nat Hentoff, et al., Plaintiffs, v. Adolphus N. Spence, Public Printer, and Rowland E. Darling, Acting Superintendent of Documents, et al., Defendants)

WASHINGTON,

DISTRICT OF COLUMBIA, ss:

Adolphus N. Spence, being first duly sworn, deposes and says:

I am the Public Printer of the United States, having been duly appointed by the President of the United States, by and with the advice and consent of the Senate. The statements set forth in the following numbered paragraphs are true and correct to the best of my knowledge, information and belief:

1. Under the terms of 44 U.S.C. 301 the Public Printer is mandated to take charge of and manage the Government Printing Office.

2. The Public Printer is further mandated by 44 U.S.C. 1702 to appoint a competent person to act as Superintendent of Documents.

3. Congress is required under 44 U.S.C. 501 to have all of its printing, binding and blank-book work done at the Government Printing Office, with certain exceptions not here applicable.

4. There is discretion vested in the Public Printer as to what Congressional material he will or will not print. The provisions of chapter 7 of title 44, U.S.C. require him to print the reports and other documents of Congress as evidenced by section 701.

An order by either House of Congress to print a report or other document need only signify the "usual number" of copies for binding and distribution among those entitled to receive them which shall be printed.

5. Of the number of reports printed a certain amount must be bound.

6. The Public Printer is further required to make a certain distribution of all reports printed as set out in chapter 7 of title 44.

7. In addition, he shall supply the Superintendent of Documents with sufficient copies of reports to be bound and distributed to State libraries and other designated depositories for their permanent files under 44 U.S.C. 738.

8. As provided in 44 U.S.C. 1903, copies of publications furnished to depository libraries by the Superintendent of Documents shall include all publications, not confidential in nature, printed upon the requisition of a congressional committee.

9. A number of copies of all Congressional reports is also required by 44 U.S.C. 1718 and 1719 to be printed and furnished to the Library of Congress for use in the District of Columbia and for international exchange.

10. House Report 91-1607, entitled "Limited Survey of Honoraria Given Guest

Speakers for Engagements at Colleges and Universities," was duly authorized and submitted for printing to the Government Printing Office in the normal course of business on September 21, 1970.

11. In accordance with the requisition and the terms of title 44 U.S.C. the Government Printing Office commenced work on the required number of copies of the report.

12. The temporary restraining order issued in this action has prevented the Public Printer and the Superintendent of Documents from executing their statutory responsibilities as required by the act of Congress set forth as title 44 United States Code.

ADOLPHUS N. SPENCE.

Subscribed and sworn to before me this 16th day of 1970.

ALICE K. COMO,  
Notary Public.

My commission expires February 29, 1972.

#### CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Motion to Dismiss with attached Affidavits of the defendants, Sanders and Spence were served on the plaintiffs by delivering a copy to the Office of their counsel Lawrence Speiser, Esquire, 1424 16th Street, N. W., Suite 501, Washington, D. C. 20006 on October 20, 1970.

Attorneys for Defendants Ichord, Pepper, Edwards, Ashbrook, Roundenbush, Watson, Scherle, Sanders, Darling and Spence:

BENJAMIN C. FLANNAGAN,  
Attorney, Department of Justice.

[U.S. District Court for the District of Columbia, Civil Action No. 3028-70]

DEFENDANT'S MEMORANDUM OF POINTS AND AUTHORITIES IN OPPOSITION TO PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION AND IN SUPPORT OF DEFENDANT'S MOTION TO DISMISS

(Nat Hentoff, et al., Plaintiffs, v. Richard H. Ichord, et al., Defendants)

#### I. STATEMENT OF CASE

Plaintiffs seek a preliminary injunction restraining the named defendants from printing and distributing in any form the "Report on Honoraria Paid Guest Speakers for Engagements at Colleges" (a purported copy of which has been filed and impounded as the Court's Exhibit) which contains a list of some of the names of individuals who have spoken at Colleges or Universities. The Report by the Committee on Internal Security of the House of Representatives was prepared by the Committee and given to the United States Government Printing Office for printing and distribution on September 21, 1970, pursuant to the provisions of Title 44 of the United States Code, Sections 501 and 701.

This action was filed on October 14, 1970, at which time plaintiffs moved for a temporary restraining order, which motion was heard and granted on that date by Judge Gesell. The verified complaint sought a declaratory judgment that the actions of the defendant-Committee members in preparing and seeking to publish the aforesaid Report are unconstitutional; an injunction halting the defendants from filing, printing, publishing, or distributing the report or disclosing any material information contained therein; and the grant of such other relief as the Court deemed appropriate.

The Temporary Restraining Order issued by Judge Gesell provided that the hearing on plaintiffs' Motion for a Preliminary Injunction would be held on October 23, 1970.

Contrary to situations which existed when the T.R.O. was entered last week, the Report in question has been formally filed by the Committee with the House and referred to the Government Printing Office for a printing of 6,000 copies. The final printing of the Report is being held in abeyance pending

the disposition of the restraining order. And as evidenced by the affidavit of the defendant Spence dated October 16, 1970, on file herein as defendants' Exhibit B, the temporary restraining order issued in this action prevents the Public Printer and the Superintendent of Documents from carrying out their statutory responsibilities as required by the Act of Congress as set forth as Title 55, U.S. Code.

The matter is now before the court on plaintiffs' Motion for a Preliminary Injunction and defendants' Opposition thereto. Defendants have also filed a Motion to Dismiss.

#### II. STATEMENT OF FACTS

The pertinent facts are fully set forth in the affidavits of the defendants Sanders and Spence filed herein as Defendants' Exhibits A and B, respectively, and in the interest of brevity the facts will not be repeated here.

#### III. ARGUMENT

The plaintiffs' motion for a preliminary injunction should be denied and the defendants' motion to dismiss should be granted since the suit is barred by the Speech and Debate Clause of the Constitution of the United States and by the Separation of Powers Doctrine; the defendant members of Congress are immune from suit; the Court is without jurisdiction to interfere with the legislative process of the Congress; the Court lacks jurisdiction over the subject matter; the complaint does not present a justiciable issue; denial of relief to plaintiffs will cause them no irreparable injury; the granting of injunctive or declaratory relief would substantially harm the public interest; there is no likelihood that the plaintiffs will prevail on the merits; the plaintiffs are not otherwise entitled to relief; and the complaint fails to state a claim upon which relief can be granted.

#### A. Speech and debate clause

Article 1, Section 6, Clause 1, of the Constitution of the United States provides in part that:

"The Senators and Representatives . . . shall . . . be privileged . . . for any speech or debate in either House, (and) they shall not be questioned in any other Place."

It has been held that this clause should be read broadly and interpreted liberally. *United States v. Johnson*, 337 F. 2d 180 (4th Cir., 1964); *affirmed* and remanded, 383 U.S. 169, for the purpose of this clause is to promote free expression within the House of Congress. Another purpose of the Clause is to prevent any judicial interference with the legislative process by restricting the power of the courts to interfere. *James v. Powell*, 274 N.Y.S. 2d 192, 26 A. 2d 295; *affirmed* 277 N.Y.S. 2d 135, 18 N.Y. 2d 931, 223 N.E. 2d 562. Thus, it has been held that a witness may not recover damages for injury to his reputation resulting from a Congressional hearing. *Yellin v. United States*, 374 U.S. 109 (1963). Nor will a claim of an unworthy purpose destroy the Congressional privilege to be free from civil process and provide a proper basis for judicial interference. *Tenney v. Brandhove*, 341 U.S. 367 (1951), for legislators are immune from interference with the discharge of their legislative duty. Also, it has been held that the privilege is an absolute immunity. *Barsky v. United States*, 167 F. 2d 241 (D.C. Cir., 1948); *certiorari denied*, 334 U.S. 843 (1948), and, therefore, the legislative purpose, motive, or reasonableness of conduct is irrelevant. *McGovern v. Marts*, 182 F. Supp. 343 (D.C. D.C. 1960). It has also been held that the privilege is not limited by any requirement that the conduct complained of be "pertinent" to official business of the legislators and, therefore, Congressmen have been held to be immune from liability for statements, no matter how false or defamatory, made in the course of their official duty. *Washington Post Company v. Keogh*, 365 F. 2d 965, 125 App. D.C. 32 (1966); *certiorari denied*, 385 U.S. 1011. And, it is of no concern



whether the action is a civil or criminal proceeding insofar as the privilege is concerned. *United States v. Johnson*, *supra*. Finally, and most importantly, the privilege extends to written reports presented by Committees to the House. See, e.g., *Powell v. McCormack*, 395 U.S. 486 (1969); *Kilbourn v. Thompson*, 103 U.S. 168 (1880); *Washington Post Company v. Keogh*, *supra*; and *Methodist Federation for Social Action v. Eastland*, 141 F. Supp. 729 (D.C. D.C. 1956), citing *Hearst v. Black*, 87 F. 2d 68, 66 App. D.C. 313 (1936).

In *Methodist Federation* this Court considered a similar case. Briefly, the facts of that case were as follows:

The Internal Security Sub-Committee for the Senate had published a 100-page pamphlet discussing the Communist Party of the United States and, in a Concurrent Resolution passed by the Senate and the House, it was ordered that an additional 75,000 copies of the document would be printed. In the pamphlet, plaintiff-organization was characterized as a Communist-front type organization which, plaintiff alleged, was false as well as defamatory. Plaintiff also alleged that the reprinting of the document would cause irreparable injury; that the Resolution abridged plaintiff's rights of free speech, assembly, press, and religion; that it deprived plaintiff of liberty and property without due process of law; and that it was a Bill of Attainder. By way of relief plaintiff sought a declaration that the Resolution was unconstitutional, a Temporary Restraining Order, and an order enjoining the defendants from printing and distributing the Senate document. The District Court agreed to grant the temporary relief and issued a Temporary Restraining Order against the public printer. At the same time the Court asked for an appointment of a three-judge District Court.

Such a court was convened and, in denying plaintiff's request for an injunction, Judge Edgerton, speaking for the Court, restated the pertinent parts of the Speech and Debate Clause of the Constitution and stated:

"Nothing in the Constitution authorizes anyone to prevent the President of the United States from publishing any statement. This is equally true whether the statement is correct or not, whether it is defamatory, and whether it is or is not made after a fair hearing. Similarly, nothing in the Constitution authorizes anyone to prevent the Supreme Court from publishing any statement. We think that it is equally clear that nothing authorizes anyone to prevent Congress from publishing any statement." *Id.* at 731.

The Court noted that no previous case had been demonstrated as an authority for such an injunction and, relying on *Hearst v. Black*, *supra*, the Court held that such an injunction would be improper. For that reason, the Court dismissed the complaint for failure to state a claim upon which relief could be granted.

In *Hearst*, our Court of Appeals held that it was without jurisdiction to restrain a Committee of the Congress from keeping messages or making use of them or disclosing their contents, notwithstanding allegations that the messages had been unconstitutionally obtained by a Federal agency and been transmitted to the Congress in violation of appellant's constitutional rights. In denying relief the Court stated:

"... the universal rule, so far as we know it, is that the legislative discretion in discharge of its constitutional functions, whether rightfully or wrongly exercised, is not a subject for judicial interference.

"The Constitution has lodged the legislative power exclusively in the Congress. If a court could say to the Congress that it could use or could not use information in its possession, the independence of the Legisla-

ture would be destroyed and the constitutional separation of the powers of government invaded. Nothing is better settled than that each of the three great departments of government shall be independent and not subject to be controlled directly or indirectly by either of the others. 'This separation and the consequent exclusive character of the powers conferred upon each of the three departments is basic and vital—not merely a matter of governmental mechanism.' " at 71-72.

The Court also stated:

"If courts cannot enjoin the enactment of unconstitutional laws—as to which proposition there can be no doubt—then by the same token they cannot enjoin legislative debate or discussion of Constitutional measures because of the incidental disclosure or publication of knowledge unconstitutionally acquired."

None of the cases cited by plaintiff requires this Court to disregard the plain intent and holding of *Hearst*, which has not been overruled. On the contrary, *Hearst* was cited by the Court of Appeals for this Circuit in its order of June 4, 1970, in the *United States Servicemen's Fund v. Eastland, et al.*, D.D.C. Civ. Action No. 1474-70 and D.C. Cir., No. 24,412, and, in our view, served as the rationale for the order in that case.

In the *Fund* case, bank records were subpoenaed from a third party, the Bank. And while we do not agree that the *Fund* plaintiffs have any standing to object to the release of the Bank's records, whatever may be the final holding of that case, it is not controlling here. On the contrary, our Court of Appeals has taken protective action under assumed jurisdiction only to allow it to decide whether it may accord judicial relief prior to the delivery of documents to the Congress under the implicit recognition that there would be no jurisdiction in the court to grant relief once the documents were a part of the files and records of the Congress. See *Order* filed June 4, 1970, by our Court of Appeals in the *Fund* case, which action, we believe, was taken under *dicta* of the Court in *Hearst v. Black*, *supra*, 87 F. 2d 68 at 71, where the court indicated that the Court might have jurisdiction if judicial relief were sought prior to the transmittal of telegrams, therein involved, to the Congress.

Here, to enjoin the Public Printer, the mere scribe of the Congress, from printing the Committee's Report in the manner required by the Congress would constitute a direct restraint on the Congress and on the conduct of its legislative business and would violate the Speech and Debate Clause of Article I, Section 6 of the United States Constitution. As the Supreme Court made clear in *Powell v. McCormack*, *supra*, 395 U.S. 486 at 502, Committee Reports are not the proper subject for judicial scrutiny or review, because the provisions of the Speech and Debate Clause extend as much to the issuance of Reports of the results of investigations as it does to the act of voting.

#### B. Separation of powers

To grant the relief sought would be an invasion of the prerogatives of the legislative branch and a serious interference with Congressional investigations in direct violation of the Constitutional Doctrine of Separation of Powers. *McGrain v. Daugherty*, 273 U.S. 135, 160-182 (1927); *Humphrey's Executor v. United States*, 295 U.S. 602, 629-30 (1935); *Coleman v. Miller*, 307 U.S. 433, 454-455 (1939); *Barrenblatt v. United States*, 360 U.S. 109, 132-133 (1959); *Hutcheson v. United States*, 369 U.S. 599, 622 (1962); *Yellin v. United States*, *supra*.

Courts should not exercise their jurisdiction to control the subject matter of Congressional investigations or the resulting reports or documents therefrom to be filed with or by Congress. *Mins v. McCarthy*, 209 F. 2d 307 (D.C. Cir., 1953); *Hearst v. Black*,

*supra*; *Pauling v. Eastland*, 288 F. 2d 126 (D.C. Cir., 1960); *Methodist Federation for Social Action v. Eastland*, *supra*; *Fischler v. McCarthy*, 117 F. Supp. 643 (S.D. N.Y., 1954), affirmed 218 F. 2d 164 (2d Cir., 1954); *Krebs v. Ashbrook*, 407 F. 2d 306 (D.C. Cir., 1968) (concurring opinion) cert. denied, 393 U.S. 1026 (1969).

In *Pauling v. Eastland*, *supra*, a Senate subcommittee has ordered Pauling to appear and produce certain records and, prior to appearing, Pauling sought a declaratory judgment that the directive of the Subcommittee was void and an injunction restraining the enforcement of the directive and possible prosecution for failure to comply with the subpoena issued under the authority of that directive. The Court of Appeals for this circuit affirmed the decision of this Court denying the requested relief.

In refusing to consider the validity of the Subcommittee's command, the Court of Appeals held that it could not "interfere with or impede the processes of the Congress by proscribing anticipatorily its inquiries," 288 F. 2d at 128, and that an arrest, indictment or conviction was a necessary precondition to the "incidence of judicial power," *Id.* at 129 stating:

"The courts have no power of interference unless and until some event, such as an arrest, indictment or conviction, brings an actual controversy into the sphere of judicial authority. The courts cannot interfere merely upon the petition of a person potentially liable to some event." *Id.*

The Court of Appeals also affirmed the denial of the requested declaratory judgment stating:

"... a declaratory judgment would be as effective an impingement upon and interference with legislative proceedings as a flat injunction would be. Thus I think that a declaratory judgment respecting the validity of contemplated Congressional action would violate the doctrine of separation of powers and would be an illegal impingement by the judicial branch upon the duties of the legislative branch." *Id.* at 130.

The rule of *Pauling v. Eastland* is applicable to the issues presented in this case, for there has been no event, such as an arrest, indictment or conviction, to present an actual controversy into the sphere of judicial authority. See also, *Krebs v. Ashbrook*, *supra*; *Watkins v. United States*, 354 U.S. 178 (1957) (conviction); *Barenblatt v. United States*, *supra* (conviction); *Shelton v. United States*, 327 F. 2d 601 (D.C. Cir., 1963) (conviction); and *Stamler v. Willis*, 415 F. 2d 1365 (7th Cir., 1969).

That the decision in the *Methodist Federation Case*, *supra*, was sound and proper then and now is obvious. Were relief to be granted in such cases, courts would face a multiplicity of requests for injunctions to halt the publication of proposed Bills, final Bills, and Joint Resolutions to which complainants would object. And, after Bills and Resolutions, would come speeches, debates, Committee reports, and, finally all congressional publications. The resulting temporary restraining orders alone would effectively halt or impede Congressional activity, a result which this Court would not want, and which the Constitution does not permit.

#### C. Congressional immunity

This Court has no jurisdiction to enjoin the activities of the Congress or its members, for they are immune from such action. *Dombrowski v. Eastland*, 387 U.S. 82, 84-85 (1967); *Powell v. McCormack*, *supra*.

#### D. Lack of jurisdiction

##### 1. Legislative Purpose

Although we believe the court lacks jurisdiction even to inquire as to the existence of a valid legislative purpose with respect to a Report proposed to be filed by a Committee with the whole House, in this case it is, in any event, clear that the Committee was

pursuing a valid legislative purpose. As more fully appears in the affidavit of the defendant Sanders on file herein as defendants' Exhibit A, on February 20, 1969, at a Committee meeting the Chairman proposed a study of revolutionary violence within the United States which study would encompass the "extent, character and objectives, the organizational forms, financing and other facts with respect to those organizations and individuals engaged in revolutionary violence, sedition and breach of peace and law." The Chairman's proposal was adopted by the Committee on that same day.

Pursuant to the authority conferred by House Rule XI and the Committee Resolution of February 20, 1969, the Chairman directed a staff study to be made with respect to the financing of revolutionary violence and activities through speaking engagements on college and university campuses. On the basis of the results of that staff study the Chairman proposed by a memorandum dated May 14, 1970, that an inquiry be made of selected colleges and universities requesting their voluntary disclosure as to the amount of honoraria paid to all guest speakers (other than academicians and lecturers) together with group identification or sponsorship of the speaker, the manner of payment, to whom paid, and the source of the funds. This proposal was adopted by resolution of the Committee on June 16, 1970, and certain colleges and universities were duly surveyed, following which the results of the investigation were presented to the Committee. By resolution on October 7, 1970, the Committee determined to report the results thereof to the House. This Report was filed with the House by the Chairman on October 14, 1970, and designated House of Representatives Report No. 91-1607, which was referred to the Committee of the Whole House on the State of the Union.

It is apparent, therefore, that House Report No. 91-1607 is the result of a study undertaken by the Committee pursuant to the responsibilities imposed upon the Committee to make inquiry into those organizations which, by their activities, would effect changes in our Government or the administration of our Government by other than constitutional processes. Since preliminary data available to the Committee indicated that guest speakers representing such organizations had made numerous appearances on many college and university campuses and had received honoraria which could be of significance in the funding of their activities, the Committee on Internal Security requested the voluntary cooperation of colleges and universities in the furnishing of information with respect to the payment of such honoraria as a part of its inquiry to ascertain the means by which such organizations are financed. This inquiry as to possible means of financing of certain organizations was obviously only a small part of the Committee's continuing investigation into the "extent, character and objectives, the organizational forms, financing and other facts, with respect to those organizations and individuals engaged in revolutionary violence, sedition and breach of peace and law." Inasmuch as the inquiry was germane to the investigative responsibility of the Committee, as mandated by the House in Rule XI, the results of the investigation were reported to the House as required by Rule XI. (See, e.g., the Committee Hearings concerning the Students for a Democratic Society, and other Hearings and Reports which we are lodging with the Clerk herewith.)

### 3. Motives

The Court, in its ruling in this case, appeared to take umbrage with the language in the Report which said:

"The Committee believes that the limited sampling made is sufficient to alert colleges and universities administrators . . . to the

extent of campus speaking and promoting the radical, revolutionary movement."

In so reacting, the Court suggests that it felt the purpose of the Report was, in some way or another, intended solely to be an attempt to influence campus administrators in making their decisions as to who should be allowed to appear and speak on campuses and that, therefore, such an attempt was not a valid, legislative purpose.

Even assuming *arguendo* that the Court's suspicions were correct and that a motive of the Committee was as the Court feared, the Court cannot restrain the publication of the Report. The Supreme Court in *Watkins v. United States*, 354 U.S. 178 (1957) considered a similar case. There, the contention of Petitioner was that the Subcommittee involved in that case was engaged in a program of exposure for the sake of exposure. He alleged that the sole purpose of the inquiry was to bring down upon himself and others the "violence of public reaction" because of past beliefs, expression, and association. In support of his position, petitioner pointed to a report to the House made by a Committee and to House Bills in which it was suggested that the Congress had the right to focus the spotlight of publicity upon activities such as the petitioner's, and it was the duty of the Congress to inform the American people of such conduct. In its decision, the Supreme Court held that its task was not to test the motives of the Committee members for "their motives alone would not vitiate an investigation which had been instituted by the House of Congress if that assembly's legislative purpose is being served." (Emphasis supplied). *Id.* at 200.

In other words, the motives for the Congressional activity are of secondary concern if a legislative purpose is being served. An important distinction in the decision in that case became evident when the Court held that it is the responsibility of Congress, in the first instance, to insure that *compulsory process* is used only in furtherance of a legislative purpose. As was indicated earlier no compulsory process is involved in this case. The information was arrived at voluntarily and that alone distinguishes and lessens the requirements of the *Watkins* case in the instant case. Later, in *Barenblatt v. United States*, 360 U.S. 109 (1959) the Supreme Court again considered whether an investigation was related to a valid legislative purpose and held that "Congress may not constitutionally require an individual to disclose his political relationships or other private affairs except in relation to such purpose." (Emphasis supplied) *Id.* at 127, citing *Watkins v. United States*, *supra*, at 198. Once again, the Court's language clearly limited its rulings to investigations by Congress which involved *compulsory disclosure* by the individual. In this case, we have not such compulsory process; this House Committee herein involved simply recounted facts already made public and voluntarily given by third parties.

### E. First amendment rights

Plaintiffs contend that if the report is printed and made public it will infringe upon their First Amendment rights. They contend the Report is nothing more than a black list labeling plaintiffs as "radical revolutionaries" and as members of groups described, among other things, as "Communist," "radical revolutionaries" or "extremists." They also allege that the report will have a chilling effect on future campus activity by plaintiffs, as well as having other unnamed adverse consequences.

Plaintiffs are wrong on all counts. First, plaintiffs were not labeled as "radical revolutionaries." As the Committee on page 5 of this Report clearly points out, the Report did not endeavor to ascertain whether the individuals were speaking on behalf of the

organizations listed. Further, the Committee did not describe plaintiffs as radical revolutionaries or members of the groups described but, instead, the Committee simply recounted the fact that the individuals named in the report had, in the past, been publicly identified with the organizations by the news media. Unlike plaintiffs' contention, the Committee, in its Report, reached no conclusion regarding the political characterization of the plaintiffs but, rather, it simply recounted in substance facts set forth in other documents readily available to the public.

While plaintiffs allege a mere chilling effect on their First Amendment rights, the congressional prerogatives stand frozen. And yet, the Committee by its Report has in no way chilled their rights by halting plaintiffs from speaking on campuses. The Committee has no power over colleges or campuses to accomplish the desire implied by plaintiffs, nor does the Committee in its Report recommend any action be taken by the Congress to fulfill such a desire. Instead, the only First Amendment rights presently denied are those of the members of the Committee who seek to express the information contained in the Committee Report.

A major purpose of the First Amendment is to protect the *free discussion* of government affairs including all matters relating to political processes. *Mills v. Alabama*, 384 U.S. 214 (1966). The constitutional protections for free speech and press were fashioned to assure unfettered interchange of ideas. *New York Times v. Sullivan*, 376 U.S. 254 (1969). Here, a Committee of the House of Representatives desires to report to the House. Plaintiffs object to the alleged purpose for the Report, and this Court, in its findings of fact and conclusions of law, has in effect stated that the House Committee and its members have more limited First Amendment Rights, than do plaintiffs. On page 4 of its ruling, this Court set forth a new limiting factor on the First Amendment insofar as the House is concerned. It required the Congress to *prove* the legislative purpose for a document before it could be printed. This, then, is an affirmative burden on the Congress which it must meet before it can speak through a printed Report of one of its Committees.

To say, in effect, that Congress may not speak unless it proves a proper legislative purpose for the speech is to deny that Branch and its members the First Amendment Rights herein claimed by plaintiffs.

In the past it has been held that even falsity of the speech cannot provide a proper basis for enjoining the speech. *Bond v. Floyd*, 385 U.S. 116 (1966). Nor is proof of ill will, evil motive, or intention to injure a sufficient basis to justify interference with speech. *Rosenblatt v. Baer*, 383 U.S. 75 (1966). And, the First Amendment allows speech which includes vehemence, caustic, and unpleasantly sharp attacks. *Linn v. Plant Guard Workers*, 383 U.S. 53 (1966). Even when there is unpleasant exposure involved, the speech must be allowed for the risk of exposure is an essential incident of life in a society which places a primary value on freedom of speech and of press. *Time, Inc. v. Hill*, 385 U.S. 374. In this case, we have none of these factors. Instead, we have a Report, the truthfulness of which is unchallenged, of facts already exposed to the public. And yet, before the Committee can speak through a printed Report in the normal fashion even to the 435 Members of the House of Representatives much less the public, it must prove that its purposes are valid. Such a requirement would be clearly unconstitutional in our judgment.

### F. Injunctions

As the court in *Konigsberg v. Time, Inc.*, 288 F. Supp. 989 (D.C.D.C., 1968) stated "a court of equity will not, except in special circumstances, issue an injunction order re-



straining libel or slander or otherwise restricting free speech."

In that case, *Life* magazine published an article entitled "The Mob: The Congressmen and the Hoodlum." The Court denied plaintiffs request for an injunction and stated "to enjoin any publication no matter how libelous, would be repugnant to the First Amendment to the Constitution." And, in *Alberti v. Cruise*, 383 F. 2d 268 (4th Cir. 1967) the court refused to issue an injunction even in the face of tortious conduct, such as defamation or harassment. Even where property rights are involved, courts generally will not issue an injunctive order restricting the fragile right of free speech. *Birnbaum v. Wilcox-Gay Corp.*, 17 F.R.D. 133. Injunctive relief will be granted only where extraordinary and unusual conditions have been found to exist. *Rampton v. Fox*, 235 F. 2d 883 (10th Cir. 1956). The reason for such decisions is that there is no power, the exercise of which is more delicate, more dangerous in a doubtful case, and which requires greater caution, deliberation, and sound discretion, than the issuing of an injunction. *Time, Inc. v. T.I.M.E., Inc.*, 123 F. Supp. 446 (S.D. Calif. 1954). Courts have also held that an injunction will never issue to restrain an act which does not give rise to a cause of action. *United States v. Koch Bros. Bag Co.*, 109 F. Supp. 540 (W.D.Mo. 1953); *Beranek v. Wallace*, 25 F. Supp. 841 (N.D. Ind. 1939). Nor will injunctions lie to allay a litigant's fears; there must be evidence of real injury threatening. *Humble Oil and Refining Co. v. Harag*, 262 F. Supp. 39 (E.D. La 1966); *Worthington Pump and Machinery Corp. v. Douds*, 97 F. Supp. 656 (S.D. N.Y. 1951); and *Hersey Creamery Co. v. Hershey Chocolate Corporation*, 269 F. Supp. 45 (S.D. N.Y. 1951). And, an injunction cannot be granted where the injury is merely anticipatory. *Veatch v. Wagner*, 116 F. Supp. 904 (D.C. Alaska, 1953). More on point, nothing in the Constitution authorizes anyone to prevent the Congress from publishing any statement. *Methodist Federation for Social Action v. Eastland*, *supra*.

Preliminary relief should not be granted for plaintiffs have not made a strong, or for that matter, any showing that they are likely to prevail on the merits of a cause so that the court is convinced with reasonable certainty that they would succeed at a final hearing.

See, e.g., *Virginia Petroleum Job, Ass'n. v. Federal Power Commission*, 259 F. 2d 921, 925 (D.C. Cir. 1958); *Foundry Services, Inc. v. Beneflux Corp.*, 206 F. 2d 214 (2d Cir. 1953); *Walt Disney Productions, Inc. v. Souvaine Selective Pictures, Inc.* 98 F. Supp. 774 (S.D. N.Y. 1951); *Eighth Regional War Labor Board v. Humble Oil & Refining Co.*, 145 F. 2d 462 (5th Cir. 1944), cert. denied, 325 U.S. 883 (1945); *Electric Bond & Share Co. v. Securities and Exchange Commission*, 92 F. 2d 580 (2d Cir. 1937), affirmed, 303 U.S. 419 (1938); *Madison Square Garden v. Braddock*, 90 F. 2d 924 (3rd Cir. 1937); *Ex parte Young*, 209 U.S. 123 (1908); *Hall Signal Co. v. General Ry. Signal Co.*, 153 Fed. 907 (2d Cir. 1907).

Moreover, plaintiffs' motion for a preliminary injunction is now moot since the Temporary Restraining Order was issued only to prevent the disclosure of the names listed in the Report, the Report is now a public document, it having been filed by the Committee with the whole House on October 14, 1970, the names of the persons mentioned in the Report have been extensively reported in the public press, see, for example, the *New York Times* of October 15, 1970, page C23, and there is no practical remedy available to the plaintiffs, a result anticipated by the Court at the time of the issuance of the Temporary Restraining Order.

To the contrary, plaintiffs have shown no extraordinary and unusual circumstances; they have demonstrated no evidence of a

potential cause of action if the Committee publishes its Report; nor have they shown evidence of a real irreparable injury threatening. Instead, they have shown that any possible exposure has already occurred by reports in the news of their past conduct. For these reasons, plaintiffs have failed to present a claim upon which relief can be granted.

#### IV. CONCLUSION

For the foregoing reasons, the defendants respectfully submit that plaintiff's motion for a preliminary injunction should be denied, that defendants' Motion to Dismiss should be granted, and that the action should be dismissed with prejudice.

Attorneys for Defendants Ichord, Pepper, Edwards, Ashbrook, Roudeshush, Watson, Scherle, Sanders, Darling and Spence:

J. WALTER YEAGLEY,  
Assistant Attorney General.  
KEVIN T. MARONEY,  
Deputy Assistant Attorney General.  
BENJAMIN C. FLANNAGAN,  
Attorney, Department of Justice.  
GEORGE W. CALHOUN,  
Attorney, Department of Justice.

#### CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Defendants' Memorandum of Points and Authorities in Opposition to Plaintiffs' Motion for a Preliminary Injunction and in Support of Defendants' Motion to Dismiss was served on the plaintiffs by delivering a copy to the Office of their counsel Lawrence Speiser, Esquire, 1424 16th Street, N.W., Suite 501, Washington, D.C. 20006 on October 20, 1970.

Attorneys for Defendants Ichord, Pepper, Edwards, Ashbrook, Roudeshush, Watson, Scherle, Sanders, Darling and Spence:  
BENJAMIN C. FLANNAGAN,  
Attorney, Department of Justice.

[U.S. District Court for the District of Columbia, civil action No. 3028-70]

MOTION OF PLAINTIFFS FOR ORDER DIRECTING CERTAIN OF THE DEFENDANTS TO SHOW CAUSE WHY THEY SHOULD NOT BE HELD IN CONTEMPT

(Nat Hentoff, et al., Plaintiffs, v. Richard H. Ichord, et al., Defendants)

The plaintiffs hereby move that this Court enter an order directing the defendant Douglas C. Sanders to show cause why he, his agents, servants, employees and attorneys, and any persons acting in active concert or participation with him or them, should not be held in contempt for failure and refusal to comply with a temporary restraining order signed by this Court on October 14, 1970. In support of this motion, the plaintiffs aver as follows:

1. Following the institution of this action by the plaintiffs on October 13, 1970, a hearing was held before this Court at 2:00 P.M., on that date on plaintiffs' motion for a temporary restraining order. At the end of that hearing, this Court announced its ruling that a temporary restraining order would be issued running to all persons other than the named Congressmen, including "all of the staff and all of the people that would necessarily be involved in the publication" of the list in the proposed report described in that order of the names of college speakers. Defendant Sanders was personally present at that hearing and was represented by counsel, Assistant United States Attorney Joseph M. Hannon. Both Mr. Sanders and Mr. Hannon were present when the Court announced its ruling on plaintiffs' motion for a temporary restraining order.

2. At 10:10 A.M., on October 14, 1970, this Court signed the temporary restraining order attached as Exhibit A to plaintiffs' motion for a preliminary injunction filed on October 20, 1970. That order provides in part as follows:

"Now, therefore, it is ordered, that de-

fendants (except the named Members of Congress) and their agents, servants, employees and attorneys, and any persons acting in active concert or participation with them (except the named Members of Congress), be and they are hereby restrained until the determination of plaintiffs' motion for a preliminary injunction from directly or indirectly seeking to print, publish or distribute any list of names of individuals who have had speaking engagements at colleges or universities as part of a proposed Report on Honoraria Paid Guest Speakers for Engagements at Colleges and Universities."

3. A copy of that temporary restraining order was served by a United States Marshal upon Mr. Sanders and upon the Congressional defendants at approximately 2:30 P.M. on October 14, 1970.

4. Plaintiffs allege, on information and belief, that at approximately 4:00 P.M. on October 14, 1970, after Mr. Sanders had been served with a copy of that temporary restraining order, the Honorable Richard H. Ichord, member of the United States House of Representatives, Chairman of the House Committee on Internal Security and a defendant in this action appeared before representatives of the press and delivered an oral statement concerning proceedings in this case and responded orally to press inquiries concerning those proceedings. (See Attachments B and D.) At that time, at least one copy of the proposed Report on Honoraria Paid Guest Speakers for Engagements at Colleges and Universities which contained the list of names of individuals who have had speaking engagements at colleges and universities was distributed to a member of the press. (See Attachment B.)

5. Plaintiffs allege, on information and belief, that Defendant Sanders was present at that press conference and that he or his staff participated in the calling of the press conference and, at least indirectly, in distributing and seeking to distribute copies of that report containing such a list. Plaintiffs allege, on information and belief, that at least in one instance, upon receiving a request from a member of the press for such a report, Defendant Sanders gave a copy of the report to Congressman Ichord so that it could be handed to the requesting representative of the press. (See Attachment B.)

7. Plaintiffs allege, on information and belief, that other members of the staff of the Committee on Internal Security of the House of Representatives, acting as the agents, servants, employees and attorneys of Defendant Sanders and acting in active concert and participation with him, participated in making arrangements for the aforementioned press conference, and thereby directly or indirectly participated in the distribution of copies of that report to members of the press. (See Attachment B.)

8. By the aforesaid acts, Defendant Sanders and members of the staff of the aforesaid Committee were in willful and contemptuous violation of this Court's temporary restraining order.

Wherefore the plaintiffs hereby respectfully move that this Court issue an order to the Defendant Sanders and to the other members of the staff of the House Committee on Internal Security to show cause why he or they or any of them should not be held in contempt of the temporary restraining order of this Court dated October 14, 1970, because of the aforesaid acts, and the plaintiffs further move that this Court grant such further and additional relief to the plaintiffs as it may deem just and proper.

Respectfully submitted,

Attorneys for Plaintiffs:  
LAWRENCE SPEISER.  
HOPE EASTMAN.  
MITCHELL ROGOVIN.  
JOHN T. RIGBY.  
JEFFREY D. BAUMAN.  
ROBERT D. ROSENBAUM.

Of Counsel:

MELVIN WOLF,  
American Civil Liberties Union Founda-  
tion.

ARNOLD & PORTER.

[U.S. District Court for the District of  
Columbia, civil action No. 3028-70]

MEMORANDUM OF POINTS AND AUTHORITIES IN  
SUPPORT OF MOTION OF PLAINTIFFS FOR OR-  
DER DIRECTING DEFENDANTS TO SHOW CAUSE  
WHY THEY SHOULD NOT BE HELD IN CON-  
TEMPT

(Nat Hentoff, et al., Plaintiffs, v. Richard H.  
Ichord, et al., Defendants)

In the motion which this memorandum  
supports, the plaintiffs ask this Court to is-  
sue an order directing Defendant Sanders  
and the other members of the staff of the  
Committee on Internal Security of the House  
of Representatives to show cause why he or  
they or any of them should not be held in  
contempt of the temporary restraining order  
signed by this Court on October 14, 1970  
(annexed hereto as Attachment A).

That temporary restraining order prohib-  
ited Defendant Sanders and his agents, serv-  
ants, employees and attorneys and any per-  
sons acting in active concert or participation  
with him or them from directly or indirectly  
seeking to print, publish or distribute any  
list of names of individuals who had speak-  
ing engagements at colleges or universities,  
as part of a proposed Report on Honoraria  
Paid Guest Speakers for Engagements at Col-  
leges and Universities (the "Report").

This Court announced from the bench its  
ruling on the plaintiffs' motion for a tem-  
porary restraining order at approximately  
3:00 P.M. on October 13, 1970. At the time  
of that announcement, Defendant Sanders  
was personally present in the court and was  
represented by counsel, Assistant United  
States Attorney Joseph M. Hannon. (Trans-  
cript of hearing, October 13, 1970, Tr. 4, 5).  
In addition, Mr. Sanders and the Congres-  
sional defendants were served with a copy  
of that order by a United States Marshal at  
approximately 2:30 P.M. on October 14, 1970.  
Notwithstanding that order, however, plain-  
tiffs have alleged, on information and belief,  
that Defendant Sanders participated in the  
distribution of at least one copy of the Re-  
port containing the proscribed list during a  
press conference which began at approxi-  
mately 4:00 P.M., on October 14, 1970.\*  
Plaintiffs have further alleged, on informa-  
tion and belief, that other members of the  
staff of the House Committee on Internal  
Security participated with Mr. Sanders in ar-  
ranging the press conference, thereby di-  
rectly or indirectly participating in the list's  
distribution.

Plaintiffs have alleged, on information and  
belief, that at that press conference Mr.  
Sanders, although expressly subject to this  
Court's restraining order, participated indi-  
rectly in the distribution of the Report to  
members of the press by handing a copy of  
the Report to Chairman Ichord, who there-  
upon, handed that Report to a news reporter.  
Chairman Ichord has previously directed  
that reporter to see the Committee staff for  
a copy of the Report. Certainly Mr. Sanders,  
himself a lawyer, could not have understood  
from anything that he heard in court at the  
time that this Court announced its ruling  
on plaintiffs' motion for a temporary re-  
straining order or from anything in that  
order that he was free to participate, even  
indirectly, in the distribution of the Report.

\* See Attachment B, an affidavit concern-  
ing the fact of the press conference. An-  
nexed hereto as Attachment C is a press re-  
lease by Congressman Ichord on October 14,  
1970. Annexed hereto as Attachment D is an  
affidavit embodying the text of the press con-  
ference referred to above.

This Court's order served upon Mr. Sanders  
prior to the press conference, made that clear  
by restraining him from "directly or indi-  
rectly seeking to" distribute the Report.

Moreover, it would be unreasonable to as-  
sume that arrangements for the press con-  
ference were made without the active par-  
ticipation of members of the staff of the  
Committee. It is entirely possible that mem-  
bers of that staff also participated with Mr.  
Sanders in the distribution of the list. And  
since Mr. Sanders, as Chief Counsel of the  
Committee, has as his duties, "the super-  
vision of the staff employees and work of the  
Committee under the direction of the . . .  
chairman and committee," Affidavit of Don-  
ald G. Sanders attached as defendants' Ex-  
hibit A to defendants' Motion to Dismiss, it  
is probable that Mr. Sanders participated in  
the making of those arrangements.

There is no doubt that this Court has the  
authority to hold Defendant Sanders and  
any other members of the staff of the Com-  
mittee who played a role in the list's distri-  
bution in contempt of its temporary re-  
straining order pursuant to Section 18 U.S.C.  
§401. As the Supreme Court said in *Gompers*  
v. *Buck's Stove & Range Co.*, 221 U.S. 418, 450  
(1911):

"The power of courts to punish for con-  
tempts is a necessary and integral part of the  
independence of the judiciary, and is ab-  
solutely essential to the performance of the  
duties imposed on them by law. Without it  
they are mere boards of arbitration whose  
judgments and decrees would be only  
advisory.

"If a party can make himself a judge of the  
validity of orders which have been issued,  
and by his own act of disobedience set them  
aside, then are the courts impotent, and  
what the Constitution now fittingly calls the  
'judicial power of the United States' would  
be a mere mockery."

In *Nelson v. Steiner*, 279 F. 2d 944 (7th  
Cir. 1960) the Court of Appeals affirmed the  
District Court's holding in contempt of em-  
ployees of the Executive Branch of the Fed-  
eral Government, namely a District Director  
of the Internal Revenue Service and the  
Chief of the Claims Section, Tax Division,  
Department of Justice for failure to comply  
with an order of the District Court. The  
Court of Appeals said:

"That the action of defendants was taken  
pursuant to instructions of superior author-  
ity is no defense. The executive branch of  
government has no right to treat with im-  
punity the valid orders of the judicial  
branch. An order issued by a court with  
jurisdiction over the subject matter and  
person must be obeyed by the parties until  
reversed by orderly and proper proceedings.  
And the 'greater the power that defies law the  
less tolerant can this Court be of defiance',  
*United States v. United Mine Workers of*  
*America*, 330 U.S. 258, 293, 312, 67 S. Ct. 677,  
705, 91 L. Ed. 884."

In *Land v. Dollar*, 190 F. 2d 366 (D.C. Cir.  
1951), cert. granted, 341 U.S. 737 (1951),  
cert. dismissed on motion of petitioner, 344  
U.S. 806 (1952), the Court of Appeals issued  
an order to the Secretary of Commerce and  
certain other government officers to show  
cause why they should not be held in con-  
tempt of an order of the Court. The Court, in  
speaking of *Gompers v. Buck's Stove & Range*  
*Co.*, supra, said:

"There can be little doubt of the teach-  
ings of that case. An order issued by a court  
having jurisdiction of the persons and sub-  
ject matter must be obeyed, even though the  
defendants may sincerely believe that the  
order is ineffective and will finally be  
vacated, even though the Act upon which the  
order is based is void, even though the order  
is actually set aside on appeal, even though  
the basic action becomes moot. This must  
be the rule, said the Chief Justice, because  
of the necessities of orderly process under  
our constitutional system of government.

Those necessities override every feeling of  
loyalty to leaders, or doubt as to validity, or  
of outrage as to the determination, or of  
shock as to consequence."

Upon the return of that order to show  
cause, the Court held the Secretary of Com-  
merce, the Solicitor General, members of  
the Department of Justice and certain other  
persons in contempt of its order. *Sawyer v.*  
*Dollar*, 190 F. 2d 623 (1951), cert. granted,  
342 U.S. 875 (1951), *vacated as moot*, 344  
U.S. 806 (1952). The defendants had argued  
that they were immune from punishment  
for contempt as members of the Executive  
Branch of Government, but the Court held  
that even the Secretary of Commerce, al-  
though acting on express orders of the Pres-  
ident of the United States, was not immune  
from the contempt powers of the Court.

Plaintiffs have information and belief but  
do not have personal knowledge of the pre-  
cise nature of Mr. Saunders' participation in  
the distribution of the Report and of the  
actions in concern with him and at his di-  
rection by members of his staff and the staff  
of the Committee. But personal knowledge  
of such facts is not required in support of  
a motion for an order to show cause why  
defendants should not be held in contempt.  
*United States v. United Mine Workers Un-*  
*ion*, supra; *N.L.R.B. v. Arcade-Sunshine Co.*,  
122 F. 2d 964 (D.C. Cir. 1941); *N.L.R.B. v.*  
*Red River Lumber Co.*, 109 F. 2d 157 (9th  
Cir. 1940). In *N.L.R.B. v. Red River Lumber*  
*Co.*, the Court said:

"The respondent contends that because  
all the allegations in the petition are upon  
information and belief this court has no  
jurisdiction to punish for the alleged con-  
tempt. The authorities cited by respondent  
do not sustain this view, nor is it tenable."

The plaintiffs do not have the power of  
investigation into the facts concerning the  
distribution of the Report and are therefore  
not in a position to have personal knowledge  
in that regard. The plaintiffs pray that the  
Court require Defendants Sanders and the  
other members of the staff of the Commit-  
tee, who alone have such knowledge, to show  
whether he or they or any of them did in  
fact willfully and contemptuously violate  
the order of this Court.

Respectfully submitted.

Attorneys for Plaintiffs:

LAWRENCE SPEISER.  
HOPE EASTMAN.  
MITCHELL ROGOVIN.  
JOHN T. RIGBY.  
JEFFREY D. BAUMAN.  
ROBERT D. ROSENBAUM.

Of Counsel:

MELVIN WOLF,  
American Civil Liberties Union  
Foundation.

ARNOLD & PORTER.

[U.S. District Court for the District of  
Columbia, civil action No. 3028-70]

AFFIDAVIT OF HOPE EASTMAN

(Nat Hentoff, et al., Plaintiffs, v. Richard H.  
Ichord, et al., Defendants)

I, Hope Eastman, being duly sworn, depose  
and say that:

1. I am one of the attorneys for the plain-  
tiffs in the above-captioned suit.

2. On information and belief, the following  
events took place:

a. Congressman Richard H. Ichord held a  
press conference on the afternoon of October  
14, 1970, commencing at 4:00 p.m., at which  
he criticized the filing of this suit and this  
Court's decision to issue a temporary re-  
straining order.

b. During the questioning period, one of  
the reporters present asked Congressman  
Ichord where a reporter could obtain a copy  
of the report in question that afternoon.

c. Congressman Ichord referred the re-  
porter to his staff and indicated that he would  
direct his staff to give the reporter a copy  
of the report if there were one available.



d. Donald Sanders, Committee Chief Counsel, who was present at the press conference, gave a copy of the report to Congressman Ichord so that it could be handed to the reporter who had requested it.

e. Members of the staff of the Committee on Internal Security participated in making arrangements for the press conference.

HOPE EASTMAN.

Subscribed and sworn to before me this 22nd day of October 1970.

ANN O'DELL

Notary Public.

My Commission expires February 14, 1973.

#### AFFIDAVIT

DISTRICT OF COLUMBIA, SS:

I, John T. Rigby, being sworn, say:

1. I am a member of the law firm of Arnold & Porter, 1229 Nineteenth Street, N.W., Washington, D.C. 20036. It is my information and belief that on October 14, 1970, the Honorable Richard H. Ichord, Member of the United States House of Representatives and Chairman of the House Committee on Internal Security, appeared before representatives of the press, delivered an oral statement concerning the proceedings of *Hentoff v. Ichord*, D.D.C. Civil Action No. 3028-70, and responded orally to press inquiries concerning those proceedings.

2. It is my information and belief that the statements made at the aforesaid press conference by Congressman Ichord were as follows:

"Gentlemen,

"I've called this press conference because of several calls directed to my office and because of the fact there seems to be considerable confusion about the court decision that was today handed down by Judge Gesell of the Federal District Court. I would open by stating that earlier this year William Kunstler, counsel for the Chicago Seven, stated that 'we raise most of our money through speaking engagements'. In May of this year the House Committee on Internal Security authorized a limited, voluntary survey of educational institutions for the purpose of obtaining information as to the extent of honoraria being used as a source of financing revolutionary activities. Last Wednesday the Committee on Internal Security, with one dissenting vote, ordered that the results of the survey be reported to the House. In some way unknown to me a copy of the unpublished report came into the possession of American Civil Liberties Union and this suit to which I was referred was filed in the District Court of the District of Columbia for the purpose of enjoining me, as Chairman of the House Committee on Internal Security, from filing a report in the House of Representatives. I point out that the order did not personally enjoin me. I filed the report at 12 o'clock noon. However, the order finally entered up by Judge Gesell enjoined the government printer, one James L. Harrison, from printing the report. I'd also point out that apparently this was a mistake, because James L. Harrison is not now government printer.

"This is the first time to my knowledge that this has happened in the history of the American Republic. As an attorney, I would say that Judge Gesell's order is very strange and very perplexing. I think that Judge Gesell has permitted personal philosophical and ideological commitments to overrule his better legal judgment. If such a decision were permitted to stand you would have the outrageous and ridiculous legal principle written into law that the First Amendment rights of radical revolutionary speakers advocating violent overthrow of the government in this country are absolute while the right—while a Congressional Committee has neither freedom of the speech or freedom of the press. This is an attempt by Judge Gesell in my opinion to do some-

thing indirectly which he could not do directly under the Speech and Debate Clause of the Constitution of the United States.

"With that statement out of the way, I'd be very happy to answer any question that you might have.

"Yes."

Q. "Mr. Ichord. Are you, or anybody on your Committee, or anybody else for that matter, going to insert this in the Congressional Record?"

A. "I have not inserted the matter in the Congressional Record. Of course, I could insert the matter in the Congressional Record at any time. There is no order against my doing so or any member of the Congress doing so. I have not done so because I did not want this matter to become moot. This is such a ridiculous—" (Q. "To become what?" A. "Become moot.")—"This is such a ridiculous, perplexing decision, in my opinion, that I want this matter litigated to the fullest extent. And I would point out that you members of the press should be quite concerned about this, because, if you can enjoin, infringe, prohibit freedom of press on the part of a Congressional Committee, then definitely you can on the part of the private press."

Q. "Do you know whether any members of your Committee who are presumably the—to have access to it."

A. "I do not know whether they have done so, but I would point out to you that it is already a privileged document. This is why this is such a strange, perplexing matter to me. I don't know what Judge Gesell has in mind. This is a privileged document twice. It is privileged by reason of the fact that ACLU filed it in the United States District Court. It is privileged by the fact that it is now a House document. It is in the possession of the House document. I could have at any time several thousand copies of the report printed. As a matter of fact, they have been distributed very freely. I have not filed it in the Congressional Record. I will do so if I see fit to do so, because there is no injunction against me whatsoever."

Q. "So, practically you will have to do it today because the Congress is closing."

A. "Well, of course, the Congress will be coming back in November the 16th, I believe."

Q. "You say there have been several thousand copies printed and dis—"

A. "No, I did not state that there have been several thousand copies. There have been several copies distributed. One was in the hands of the American Civil Liberties Union and filed in the Court. This is a matter—it's already a matter of public knowledge. But I did not file it in the Congressional Record myself today because I want to make sure that this matter is litigated. As I stated, I do not fully understand the thrust of this decision. I don't want to make the issues involved moot. And for that reason I have not filed. I will do so if I see fit to do so at a later date.

"Yes."

Q. "Mr. Ichord, Judge Gesell has set down the matter for a full hearing on October 23rd. Will you appear in court to defend the case?"

A. "Well, of course, that will be for the House to decide. I could not speak to that at this time. As a matter of fact I have not, I have not been served with any paper in the case whatsoever. It is true, and this is another strange aspect of the case, it is true that I was named as a party defendant. But no paper has been served upon me and no order has been directed toward me. I do not know whether at this time I am even technically a party or not. It is my understanding, however, that my name still, as well as the other members of the Committee, still appears on the caption of the case.

"Yes."

Q. "Are you going to investigate how this report got into the hands of the ACLU?"

A. "I do not know how the report got into the hands of the ACLU. I would point out that the report was distributed to all of the members of the Committee. The Committee did vote to report the matter to the House for printing. I don't think that anyone, whoever handed the report to ACLU, violated any of the rules of the House or of the Committee, but certainly I think there were some violations of the rules of courtesy.

"Any other questions? Be very happy to answer them. Yes."

Q. "Will the report be distributed to college campuses now?"

A. "The report will be distributed wherever we wish it to be distributed. It is a privileged document. I have not decided how many documents, how many reports I will have printed but, as many copies as we have available are fully available to the press, and I would state that it is fully privileged."

Q. "If you were a newspaper reporter and wanted a copy of this report this afternoon, where would you go to get it?"

A. "If you'll ask my staff, and they have a copy available, I shall direct them to give you a copy of it."

"Yes."

Q. "Congressman. This is the third occasion in which the D.C. District Court has enjoined a Congressional investigation. Does this raise any questions in your mind as to the role of the courts versus the role of the Congress in terms of set patterns now emerging?"

A. "Well, I have spoken to several members of the House, including the leadership of the House. They are very concerned about the ultimate thrust of this decision if it were permitted to stand. Because if this can be done against the House Committee on Internal Security it can be done against any Committee of the House. Yes, I think Judge Gesell, as I stated before, has not fully thought this matter through. Such a decision—if it were permitted to stand—could only, in my opinion, lead to the ultimate tyranny of the judiciary over the legislative body."

Q. "Mr. Chairman."

A. "Yes."

Q. "Do you intend to appeal the decision yourself?"

A. "I am looking into the various aspects of the case at the present time. As I stated previously, no paper has been served upon me, no order has been directed against me. There is some question in my mind at this time as to whether I'm even in a position to appeal the case. I think when everyone sits back, has an opportunity to sit back and look at this decision, it might be that the entire House of Representatives could well join in. These are the matters that I am studying at the present time from the legal standpoint."

Q. "Congressman, the court has taken no other formal action other than the action of the temporary injunction against government printer?"

A. "That's quite true."

Q. "Other than set the hearing on October 23rd?"

A. "Yes. This was a temporary restraining order against the public printer, and it has come to my attention by a third party, that it has been stated, and even acknowledged by Judge Gesell, that there would be no prohibition against a Member of Congress placing it in the Congressional Record. But I have not chosen to do for the reason that I previously stated.

"Thank you very much, gentlemen."

JOHN T. RIGBY.

Subscribed and sworn to before me this 22nd day of October, 1970.

ANN O'DELL,

Notary Public, District of Columbia.

My commission expires February 14, 1973.

## CERTIFICATE OF SERVICE

I hereby certify that I have this day served the accompanying Motion of Plaintiffs for Order Directing Certain of the Defendants to Show Cause Why They Should not be held in Contempt and Supporting Memorandum of Points and Authorities upon the attorneys for defendants by causing copies to be delivered by hand to the Assistant United States Attorney, Joseph Hannon, and Kevin T. Maroney, Deputy Assistant Attorney General, United States Department of Justice.

LAWRENCE SPEISER,  
Attorney for Plaintiffs.

OCTOBER 23, 1970.

[U.S. District Court for the District of Columbia, civil action No. 3028-70]

## ORDER

(Nat Hentoff, et al., Plaintiffs, v. Richard H. Ichord, et al., Defendants)

This cause came on for hearing on the 23rd day of October, 1970 upon plaintiffs' motion for a preliminary injunction and defendants' opposition thereto and during the argument on the motion, the parties to the action through their counsel having agreed that the Court could consider this matter on defendants' motion to dismiss, plaintiffs' complaint for permanent injunction and the record and counsel for defendants having deferred to the Court's request that the temporary restraining order entered in this cause be extended to the close of the Court's business on the 28th day of October, 1970 in order to afford the Court the opportunity to make findings of fact, conclusions of law and to enter the final judgment in the action, it is by the Court this 23rd day of October, 1970

Ordered that the temporary restraining order entered herein by the Court on the 14th day of October, 1970 be and the same hereby is extended to the close of the Court's business on the 28th day of October, 1970 and it is

Further ordered that the Clerk of Court be and he is hereby directed to record in this Court's docket an entry reflecting the agreement of the parties to this action made through their counsel that this cause has been submitted to the Court for final disposition on defendants' motion to dismiss, plaintiffs' complaint for permanent injunction and the record.

GERHARD GESELL,  
U.S. District Judge.

## CERTIFICATE OF SERVICE

I hereby certify that service of the foregoing proposed Order has been made upon plaintiffs by hand delivering a copy thereof to their attorney, Lawrence Speiser, Esq., this 23rd day of October, 1970.

JOSEPH M. HANNON,  
Assistant U.S. Attorney.

[In the U.S. District Court for the District of Columbia, Civil Action No. 3028-70]

## MEMORANDUM OPINION

Nat Hentoff, et al., Plaintiffs, v. Richard H. Ichord, et al., Defendants)

This is a class action for declaratory judgment and injunctive relief. Plaintiffs seek to enjoin the official publication and distribution of a Report of the Committee on Internal Security of the House of Representatives. The matter is before the Court on affidavits and briefs after full argument. The parties have stipulated that the record before

\* No appearance has been entered in this action in behalf of Congressman Louis Stokes and Richardson Preyer. They are not represented in this action by counsel.

the Court is complete and that the case is in posture for final disposition.

Defendants in this action are the members of the House Committee on Internal Security, its Chief Counsel, the Public Printer and the Superintendent of Documents. The Report in question is entitled "Limited Survey of Honoraria Given Guest Speakers for Engagements at Colleges and Universities," consisting of 25 pages. A copy of the Report as filed with the House of Representatives following the commencement of this action is in evidence. The Public Printer is presently subject to a Temporary Restraining Order issued by this Court, restraining any printing or distribution of the Report which the Chairman of the Committee has released to the press.

A foreword to the Report prepared by the Committee's Chairman states its origin:

"Early this year, I became concerned—as did many of my colleagues—with frequent news accounts of inflammatory speeches which were being made to large audiences on college and university campuses by the radical rhetoricians of the New Left promoting violence and encouraging the destruction of our system of government. At times, reference was made in these reports to the fact that the speakers who preached such a message of hate for America and its institutions often received substantial appearance fees.

"A question which persistently confronts our committee is the one of how and where revolutionary movements in the United States obtain the financing for their activities."

The Report presents the results of a survey conducted by the Committee's staff without use of any formal process. The Committee staff by correspondence obtained information from a number of institutions of higher learning, listing speakers who had appeared on their campuses and in some cases the honoraria paid them.

A list of 1168 names thus obtained, as supplemented by newspaper data, was then checked against Committee sources in an effort to determine whether or not any of the speakers had been associated with one or more of 12 organizations.<sup>1</sup> In this fashion the Committee isolated the names of 65 individuals. The Report, after describing the procedures summarized above, listed the names of each of the individuals so chosen, their alleged associations or affiliations, and the honoraria paid them individually where that had been ascertained. The Report raised the inference, without any positive evidence or any effort to obtain such evidence, that the sums paid for the speeches might have been made available in whole or in part, to the organizations. The Report concludes as follows:

"The committee believes that further, more costly, probing of this matter would only add greater detail to the findings—not greater enlightenment. This report, therefore, concludes the committee's inquiry into the question of honoraria paid campus speakers."

No legislation is mentioned or recommended.

When the complaint was filed, the Report was due to be released at noon on the following day. Plaintiffs sought to prevent filing, printing or any republication by a temporary restraining order. On October 13, 1970, the Court enjoined printing and distribution but refused to interfere with the filing of the Report with the House of Representatives or to enjoin any member of the Committee from discussing or disseminating the Report on or off the floor of the House.

Plaintiffs contend that the publication through the Public Printer and wide dissemination of the Report is still contemplated.

This is not in dispute. The Printer has been directed initially to print 6,000 copies. Plaintiffs urge that this contemplated publication and distribution will infringe the rights of the 65 listed individuals under the First Amendment, and that it is being undertaken by the Committee without any proper legislative purpose. Plaintiffs ask that the Court enjoin the members of Congress, their agents and representatives and the Public Printer from any publication and distribution of this Report, limiting its disclosure to insertion in the *Congressional Record* and such discussion as follows in the normal process of any debate on the floor of the House.

By motion to dismiss, the Department of Justice, which appears on behalf of all defendants,<sup>2</sup> raises a series of objections which place in focus the difficult constitutional issues presented by this action. Defendants assert that the publication and distribution of the Report is protected both by the Speech or Debate Clause of the Constitution and by the doctrine of separation of powers. Furthermore, defendants claim that the Report was prepared for a proper legislative purpose, but that in any event the Court is wholly without power to prohibit the printing and distribution of any report on any subject prepared by any committee of Congress for any purpose where the information contained in the report has been gathered by the committee without use of process or other legal compulsion. Thus the issues as framed relate to whether the Court has any authority to entertain the complaint in any of its aspects and, if so, the extent of relief which is appropriate under the Constitution.

Before turning to a review of the authorities, it is important to emphasize that this litigation unquestionably presents an immediate issue of free speech and assembly. The Report is exclusively concerned with speakers on college campuses who appeared there by invitation or otherwise and discussed issues of current importance in our society. It is not suggested in the Report that the speeches in any instance presented any clear or immediate danger, but simply that the speakers are "Pled Pipers of pernicious propaganda." They are listed in the so-called "blacklist" merely because they spoke and are believed to have been at some time associated with an organization distasteful to the Committee.

The Committee listed speakers in the report apparently with the hope and expectation that college officials, alumni and parents would bring social and economic pressures upon the institutions that had permitted these speeches in order to ostracize the speakers and stultify further campus discussion. The Report states:

"If, in a sampling of 3 1/2 % of the institutions of higher education, funds in this volume [\$108,967.85] are derived by such persons, the people of the United States have a right to conclude that the campus-speaking circuit is certainly the source of significant financing for the promoters of disorderly and revolutionary activity among students. Speaking appearances are not only revenue-producing, but afford a forum where the radicalization process may be continually expanded. . . . The committee believes that the limited sampling made is sufficient to alert college and university administrators, alumni, students, and parents to the extent of campus speaking in promoting the radical revolutionary movement. . . ."

Thus, whether or not the Report was prepared pursuant to a proper legislative purpose, a matter which will be considered below, there can be no question as to its impact upon the right of free speech and assembly. This is an area that our form of government, our Constitution and decisions of the Su-

Footnotes at end of article.



preme Court emphasize is entitled to the closest scrutiny and the broadest possible protection. See, e.g., *Bates v. City of Little Rock*, 361 U.S. 516 (1960); *West Virginia Board of Education v. Barnette*, 319 U.S. 624 (1943); *Abrams v. United States*, 250 U.S. 616 (1919) (Holmes, J. and Brandeis, J., dissenting). Recent history is full of instances where disregard for these basic freedoms has done damage to individuals and corroded our institutions. See, e.g., *Barenblatt v. United States*, 360 U.S. 109, 147-59 (1959) (Black, J. dissenting); Appendices 4 and 5 to Jurisdictional Statement filed in the Supreme Court in the case of *Stamler v. Willis* (filed herein as Plaintiffs' Exhibit 1). Plaintiffs clearly demonstrate that they are faced with irreparable injury if publication of the "blacklist" under the auspices of the Congress is allowed, and accordingly defendants must demonstrate a constitutionally protected justification for publication.

First it is suggested that the publication of this Report is protected by the Speech or Debate Clause of the Constitution. Article I, Section 6, Clause 1, of the Constitution reads in pertinent part:

"The Senators and Representatives . . . for any Speech or Debate in either House . . . shall not be questioned in any other Place."

In considering the application of this Clause to the issues here presented, it should be noted that no injunction is sought to prevent any members of the Committee or other members of the House or Senate from discussing the Report, its contents or its import on the floor of Congress. Nor is any injunction sought which will prohibit placing the Report in the *Congressional Record* for the information of all members of Congress. Plaintiffs concede and the Court so holds that under the Speech or Debate Clause there is no power in the Court to enter prohibitions of this type. The question presented is a narrower one, namely, whether the Speech or Debate Clause has been or should be interpreted to have a broader application than these privileges which it clearly grants.

The scope of the protection afforded by the Speech or Debate Clause has been considered by the Supreme Court on five occasions: *Kilbourn v. Thompson*, 103 U.S. 168 (1881); *Tenney v. Brandhove*, 341 U.S. 367 (1951); *United States v. Johnson*, 383 U.S. 169 (1966); *Dombrowski v. Eastland*, 387 U.S. 82 (1967); and *Powell v. McCormack*, 395 U.S. 486 (1969). These cases establish that the courts lack jurisdiction to entertain an action seeking any remedy against a member of Congress for any statement made or action taken in the sphere of legitimate legislative activity. As stated in *Powell*:

"The purpose of the protection afforded legislators is not to forestall judicial review of legislative action but to insure that legislators are not distracted from or hindered in the performance of their legislative tasks by being called into court to defend their actions. . . . Freedom of legislative activity and the purposes of the Speech or Debate Clause are fully protected if legislators are relieved of the burden of defending themselves." 395 U.S. at 505.

The Supreme Court in *Powell* left open the question whether an action could be maintained against Congressmen to compel the seating of a member of the House, the restoration of seniority privileges, and the award of back pay. 395 U.S. at 506, f. 26. Plaintiffs contend that the discussion in *Powell*, together with such decisions as *McGovern v. Martz*, 182 F. Supp. 343 (D.D.C. (1960)), and *Long v. Ansell*, 63 U.S. App. D.C. 68, 69 F. 2d 386 (1934), indicates that this Court may restrain Congressmen from publishing, filing, or distributing, except by insertion in the *Congressional Record*, a report that impinges upon First Amendment rights.

The Court is of a contrary view. Members of Congress have the same right to speak as anyone else. Their legislative activities are

not limited to speech or debate on the floor of Congress. Information in this Report involves matters of public concern, and the Court will take no action which limits the use that individual Congressmen choose to make of the Report or its contents on or off the floor of Congress. No injunction is appropriate against any Congressman named defendant. This leaves for disposition the question of what relief, if any, should be granted as to the Public Printer, the Superintendent of Documents<sup>2</sup> and employees or representatives of the Committee.

It is claimed that the protection afforded individual Congressmen by the Speech or Debate Clause is equally applicable to the Public Printer, and any members of the Committee staff when acting at the express direction of the Committee or of Congress. Reliance is placed primarily on *Methodist Federation for Social Action v. Eastland*, 141 F. Supp. 729 (D.D.C. 1956), where both the Public Printer and the Superintendent of Documents were among the defendants in an action seeking to enjoin publication and distribution by a Senate Subcommittee on Internal Security of a document which named the plaintiff as a communist-front organization. A three-judge court dismissed the complaint against all defendants, apparently relying, among other things, on the Speech or Debate Clause. While the plaintiff's claim was founded on an alleged libel in the report and not, as here, on an abridgment of First Amendment freedoms, the language of the court was broad:

"Nothing in the Constitution authorizes anyone to prevent the President of the United States from publishing any statement. This is equally true whether the statement is correct or not, whether it is defamatory or not, and whether it is or is not made after a fair hearing. Similarly, nothing in the Constitution authorizes anyone to prevent the Supreme Court from publishing any statement. We think it equally clear that nothing authorizes anyone to prevent Congress from publishing any statement." 141 F. Supp. at 731.

In its application to members of Congress, this language is consistent with this Court's decision that no injunction should issue against the members of the Committee. Insofar as the court in *Methodist Federation* read the Speech or Debate Clause or the separation of powers doctrine to afford complete protection to anyone other than Congressmen, however, the decision has been in effect overruled by *Powell*, where the Supreme Court stated: "That House employees are acting pursuant to express orders of the House does not bar judicial review of the constitutionality of the underlying legislative decision." 395 U.S. at 504. See also, *Dombrowski v. Eastland*, 387 U.S. 82, 85 (1967); *Stamler v. Willis*, 415 F.2d 1365, 1368 (7th Cir. 1969).

This case is, of course, somewhat distinguishable from *Powell* on the grounds that the report of a Committee of Congress is involved rather than congressional action affecting qualification for office. Defendants argue that the printing of a committee report by the Public Printer is a ministerial function necessary to allow Congressmen to bring their views before the Congress and the public, and hence a function insulated from judicial power. Nothing in the Constitution or the cases suggests, however, that a committee report is a necessary adjunct to speech or debate in Congress. Article I, Section 5, of the Constitution provides that "Each House shall keep a Journal of its Proceedings, and from time to time publish the same . . ." a mandate fulfilled by the printing of the *Congressional Record*. As previously indicated, publication of the Re-

port in the *Congressional Record* cannot be enjoined. Additional printing of a committee report for wide public distribution and sale, however, stands on a wholly different footing. While it is printed and distributed to members of Congress pursuant to statute, 44 U.S.C. §§ 701 et seq., nothing in the Constitution compels its publication, and its further printing and public distribution is not necessary to give effect to the freedom of Congressmen to speak and debate on or off the floor. The Speech or Debate Clause does not necessarily bar an action to enjoin the Public Printer from printing a committee report for public distribution.

Defendants also argue that this Court lacks jurisdiction because the issue presented involves a "political question," and hence is not justiciable. This question of justiciability cannot, of course, be determined by simple rules or principles. While courts have in a long series of cases found the separation of powers doctrine no bar to judicial review of congressional investigations,<sup>4</sup> defendants suggest that the issue in all these cases was the validity of formal congressional process. Accordingly, the Deputy Assistant Attorney General contended at oral argument that these decisions support the proposition that a Committee of Congress can print in a report anything it pleases, without interference from the judiciary, so long as the information is not gathered by compulsory process. This argument ignores the fact that the use of information, fully as much as the process by which it is gathered, may infringe constitutionally protected freedoms. Cf. *Menard v. Mitchell*, No. 22,530 (D.C. Cir. June 19, 1970). The decision to print and widely distribute the Committee Report involved here is no more a "political question" than the decision by the House of Representatives to exclude one of its members reviewed in *Powell*.

Apart from the total privilege afforded by the Speech or Debate Clause, the authority of a congressional committee to publish and distribute a report at public expense is not unlimited but is subject to judicial review in the light of the circumstances presented. In *Watkins v. United States*, 354 U.S. 178 (1957), the Supreme Court considered at length the relationship between congressional investigations and the Bill of Rights. Noting that congressional concern with alleged threats of subversion had brought about a new phase of legislative inquiry involving broad-scale intrusions into the lives of private citizens, it declared that First Amendment rights "may be invoked against infringement of the protected freedoms by law or by lawmaking." Unwilling to assume, as defendants do here, that "every congressional investigation is justified by a public need that overbalances any private rights affected," the Court emphasized that where exposure and invasion of private rights are the result of a legislative inquiry, the inquiry must be justified by a genuine, specific legislative need.

"No inquiry is an end in itself; it must be related to, and in furtherance of, a legitimate task of the Congress. Investigations conducted solely for the personal aggrandizement of the investigators or to 'punish' those investigated are indefensible." 354 U.S. at 187.

Thus the issues here presented necessitate consideration of the legislative purpose underlying the Report, if any be shown. Judicial inquiry into the matter of legislative purpose must be undertaken with caution and great deference to the regularity of actions by a coordinate branch of government. No precise guidelines have been laid down by prior decisions concerned with this troublesome question. Congress to be sure has wide powers to investigate and report in aid of legislation, but where its activities encroach upon constitutionally protected liberties, a subordinating interest of the

Footnotes at end of article.

State must be affirmatively shown. See *Barenblatt v. United States*, 360 U.S. 109, 127 (1959).

Each situation must be analyzed on its own special facts. Here the Report not only fails to indicate any legitimate legislative purpose, but on its face contradicts any assertion of such a purpose. While counsel suggests that the Report could have been intended to stimulate legislation concerning the financing of "subversive" organizations, the Committee made no attempt to ascertain whether any honoraria were being channeled to such organizations, and acknowledged that no further inquiry into the matters covered by the Report was contemplated. No proposed or contemplated legislation is mentioned. Nor could the listing of names of speakers possibly be relevant to an inquiry concerning finances, and yet the list comprises the heart of this Report. The appeal is to college administrators, alumni and parents, not to members of Congress. The conclusion is inescapable that the Report neither serves nor was intended to serve any purpose but the one explicitly indicated in the Report: to inhibit further speech on college campuses by those listed individuals and others whose political persuasion is not in accord with that of members of the Committee.

If a report has no relationship to any existing or future proper legislative purpose and is issued solely for sake of exposure or intimidation, then it exceeds the legislative function of Congress; and where publication will inhibit free speech and assembly, publication and distribution in official form at government expense may be enjoined. This is such a report.

The Court recognizes that an injunction against public printing and distribution of the Report, except through the *Congressional Record*, will not prevent distribution and discussion of the so-called "blacklist." There are limits to judicial power just as there are limits to congressional committee action under our tripartite form of government.

The Court is impelled to exercise its discretion in favor of an injunction, limited though it may be, for several reasons. These are times of stress when our most cherished institutions are threatened by extremists of many different persuasions. It is in these circumstances that the right of free speech and assembly must be jealously safeguarded by all branches of government to the end that the interchange of ideas and discussion, not violence, shall fashion the future of this democracy. There are undoubtedly individuals who would destroy our institutions and form of government. If any of them are listed in this Report, our Constitution nevertheless preserves their right to speak even though their acts may be restrained. It is alien to any legitimate congressional function, as well as contrary to our most established traditions, for any Committee of the Congress to disseminate lists designed to suppress speech. Members of the Committee may speak their minds, and their words will carry added weight because of the great prestige of their high office. They cannot, however, by the mere process of filing a report devoid of legislative purpose, transform these views into official action by the Congress and have them published and widely distributed at public expense.

The Court notes the increasing tendency of the legislative branch to investigate for exposure's sake, and expresses the hope that members of Congress will by rule and attitude limit Congressional inquiry to those matters amenable to constitutional legislative action. The Congress, the Judiciary, and the Executive branch properly seek remedies against violent conduct, but the marketplace

of ideas cannot be closed and all branches of Government must in the last analysis depend on the common sense of citizens. This is the essence of democracy and it is in times of stress that the fundamental requirement of free speech and non-violent assembly must be assiduously preserved wherever possible.

The action is dismissed as to all Congressmen named defendants and the Committee's Chief Counsel. The Public Printer and the Superintendent of Documents are permanently enjoined from printing and distributing the Report. The motion latterly made by plaintiffs to show cause why certain defendants should not be held in contempt of the Temporary Restraining Order is denied.

The foregoing constitutes the Court's Findings of Fact and Conclusions of Law. The Court's Order is filed herewith.

GERHARD A. GESELL,  
U.S. District Judge.

OCTOBER 28, 1970.

#### FOOTNOTES

<sup>1</sup> The 12 organizations listed in an appendix to the Report are: Nation of Islam; Communist Party; National Committee to Abolish HUAC; National Mobilization Committee to End the War in Vietnam; Socialist Workers Party; [Persons] Cited for Contempt in Connection with the "Chicago Seven" Conspiracy Trial; Black Panther Party; Students for a Democratic Society; Student Non-Violent Coordinating Committee; New Mobilization Committee to End the War in Vietnam; Spring Mobilization Committee to End the War in Vietnam; and Youth International Party (Yippies).

<sup>2</sup> Congressmen Preyer and Stokes are not represented by counsel in this action.

<sup>3</sup> The Superintendent of Documents is a subordinate of the Public Printer. While the Public Printer is appointed by the President, 44 U.S.C. § 301, he is a legislative employee. *Duncan v. Blattenberger*, 141 F. Supp. 513, 515 (D.D.C. 1956).

<sup>4</sup> See, e.g., *Watkins v. United States*, 354 U.S. 178 (1957); *Barenblatt v. United States*, 360 U.S. 109 (1959); *United States v. Rumely*, 345 U.S. 41 (1953); *Stamler v. Willis*, 415 F.2d 1365 (7th Cir. 1969). In *Davis v. Ichord*, No. 23,426 (D.C. Cir. Aug. 20, 1970), the Court of Appeals rejected the separation-of-powers argument in an action seeking to enjoin the maintenance and use by this same Committee of an alleged "political blacklist." Dismissal of that case was upheld only on the basis that the threatened injury alleged by plaintiffs had by the time the case was decided become so improbable that the controversy was no longer "live."

[In the U.S. District Court for the District of Columbia, civil action No. 3028-70]

#### ORDER

Nat Hentoff, et al., Plaintiffs, v. Richard H. Ichord, et al., Defendants)

Plaintiff's application for declaratory judgment and permanent injunctive relief having, with consent of the parties, come before the Court on affidavits, and the Court, after briefs and full argument, having filed herewith its Memorandum Opinion containing Findings of Fact and Conclusions of Law, it is

Ordered that the Public Printer and the Superintendent of Documents be and each is hereby permanently enjoined from printing and/or distributing, or directly or indirectly causing to be printed or distributed any copy of a Report of the House Committee on Internal Security captioned "Limited Survey of Honoraria Given Guest Speakers for Engagements at Colleges and Universities" or any portion, restatement or facsimile thereof, provided however that in the event said Report or any part thereof shall be introduced into or be mentioned during

the course of proceedings of the House or of the Senate this injunction shall not apply to subsequent normal publication or distribution of the *Congressional Record* in full text, without special reprinting or excerpting of any portion or portions relating to said Report; and it is

Further ordered that the complaint be and it is hereby dismissed as to all parties except the Public Printer and the Superintendent of Documents, and the Temporary Restraining Order previously entered in this case is and shall be dissolved upon the service of this Order on the Public Printer; and it is further

Adjudged and declared that said Report of the House Committee for Internal Security is without any proper legislative purpose and infringes on the rights of individuals named therein as protected by the First Amendment to the Constitution of the United States, and that any publication of said Report at public expense, except as herein provided, is illegal.

GERHARD A. GESELL,  
U.S. District Judge.

OCTOBER 28, 1970.

[U.S. Court of Appeals for the District of Columbia Circuit, No. 24761]

Richard H. Ichord, et al., Defendants-Appellants v. Nat Hentoff, et al., Plaintiffs-Appellees)

MOTION FOR SUMMARY REVERSAL OF THE DISTRICT COURT'S ORDER ENJOINING THE PUBLIC PRINTER AND THE SUPERINTENDENT OF DOCUMENTS FROM PRINTING OR DISTRIBUTING A HOUSE DOCUMENT OR, IN THE ALTERNATIVE, FOR EXPEDITED PROCESSING OF THIS APPEAL

Defendants-Appellants move for summary reversal of, or in the alternative, expedited consideration of their appeal from, the order\* of the District Court (per Judge Gesell) entered on October 28, 1970, enjoining the Public Printer and the Superintendent of Documents from printing and/or distributing any copy of a Report of the House of Representatives captioned "Limited Survey of Honoraria Given Guest Speakers for Engagements at Colleges and Universities", which order of the Court also declared said Report to be without a proper legislative purpose.

The notice of Appeal was filed on October 30, 1970.

The grounds for this Motion are fully set forth in the supporting Memorandum attached hereto.

Respectfully submitted.

Attorneys for Defendants-Appellants:

JOHN F. DOHERTY,  
Acting Assistant Attorney General.  
KEVIN T. MARONEY,  
Deputy Assistant Attorney General.  
BENJAMIN C. FLANNAGAN,  
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GEORGE W. CALHOUN,  
Attorney, Department of Justice.  
CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion For Summary Reversal of The District Court's Order Enjoining the Public Printer And The Superintendent of Documents From Printing Or Distributing A House Document Or, In The Alternative, For Expedited Processing Of This Appeal was served on the plaintiffs-appellees by delivering a copy thereof to the office of their counsel, Lawrence Speiser, Esquire, c/o American Civil Liberties Union, 1424—16th Street, N.W., Room 501, Washington, D.C. 20036 on November 2, 1970.

Attorney for Defendants-Appellants:  
BENJAMIN C. FLANNAGAN,  
Attorney, Department of Justice.

\*A copy of Judge Gesell's Opinion and Order is attached hereto.



[U.S. Court of Appeals for the District of Columbia Circuit, No. 24761]

MEMORANDUM IN SUPPORT OF DEFENDANTS-APPELLANTS' MOTION FOR SUMMARY REVERSAL OF THE DISTRICT COURT'S ORDER ENJOINING THE PUBLIC PRINTER AND THE SUPERINTENDENT OF DOCUMENTS FROM PRINTING OR DISTRIBUTING A HOUSE DOCUMENT, OR IN THE ALTERNATIVE, FOR EXPEDITED PROCESSING OF THIS APPEAL

(Richard H. Ichord, et al., Defendants-Appellants, v. Nat Hentoff, et al., Plaintiffs-Appellees)

This memorandum is filed in support of defendants-appellants' Motion for Summary Reversal of the Judgment of the District Court (per Judge Gesell) entered October 28, 1970, enjoining the Public Printer and Superintendent of Documents from printing and/or distributing an Official House of Representatives Document entitled "Limited Survey of Honorary Given Guest Speakers at Colleges and Universities" or, in the alternative, for expedited processing of this appeal. Notice of appeal was filed on October 30, 1970.

Defendants-appellants believe that the complaint, the motions (with affidavits, Bills and Resolutions attached thereto and memoranda of points and authorities in support thereof) filed with the Court below, and the subsequent oral argument, are a sufficient presentation of the issues. However, additional typewritten briefs may be desirable.

The critical issue presented by this case involves the power of the Judiciary to enjoin the printing and distribution of an official House Document—a Report of the House Committee on Internal Security which has been duly filed with and received by the whole House. It is our position that the District Court erred in finding it had jurisdiction, for the Speech and Debate Clause of the Constitution and the doctrine of Sepa-

ration of Powers prohibits judicial interference in this case, and the question involved is of such substantial public importance, that this Court should consider and decide the case before Congress returns on November 16, 1970 from its present recess.

So long as the order of the District Court remains effective, the House of Representatives is prevented from printing and distributing an official House Document for circulation to its members, and to its constituency, in the normal fashion of the established legislative processes.

#### SPEECH AND DEBATE CLAUSE

In its Memorandum Opinion, setting forth its Findings of Fact and Conclusions of Law, the District Court held that the Speech and Debate Clause of the Constitution did not extend immunity from judicial interference to House Reports printed by the Public Printer pursuant to an order of the House of Representatives and, in so finding, appellants contend the Court below clearly exceeds its jurisdiction. In *Kilbourn v. Thompson*, 103 U.S. 168 (1880), the Supreme Court held:

"... it would be a narrow view of the Constitutional provision [Speech and Debate Clause] to limit it to words spoken in debate. The reason of the rule is as forcible in its application to written reports presented in that body by its Committees, to Resolutions offered, which, though in writing, must be reproduced in speech, and to the act of voting, whether it is done vocally or by passing between the tellers. In short, to things generally done in the House by one of its members in relation to the business before it." at 204. (Emphasis supplied).

Later in *Methodist Federation for Social Action v. Eastland*, 141 F. Supp. 729 (D. D.C. 1956), a three-judge district court refused to enjoin the publication of a Senate Report and held:

"Nothing in the Constitution authorizes anyone to prevent the President of the United States from publishing any statement. This is equally true whether the statement is correct or not, whether it is defamatory or not, and whether or not it is made after fair hearing. Similarly, nothing in the Constitution authorizes anyone to prevent the Supreme Court from publishing any statement. We think it equally clear that nothing authorizes anyone to prevent Congress from publishing any statement." at 731 (Emphasis supplied).

"We have no more authority to prevent Congress or any Committee or public officer acting in the express direction of Congress, from publishing a document than to prevent them from publishing the Congressional Record." at 732.

In *Barr v. Matteo*, 360 U.S. 564 the Court recognizes that the Constitution conferred an absolute privilege to members of both Houses of Congress in respect to any speech, debate, oath, report or action done in the session. 360 U.S. at 569. More importantly, the Supreme Court in *Powell v. McCormack*, 395 U.S. 486 (1969) recently considered again this issue and held:

"... it would be a 'narrow view' to confine the protection of the speech and debate clause to words spoken in debate. Committee Reports, Resolutions, and the act of voting are equally covered as are 'things generally done in a session of the House by one of its members in relation to the business before it' at 502. (Emphasis supplied).

For these reasons it is clear that a report of the House falls within the Speech and Debate Clause of the Constitution and as such it is immune from any judicial inquiry into the contents thereof.

For these reasons, it is clear that the Re-

port involved is protected by the Speech and Debate Clause from judicial interference and, thus, the court below lacked jurisdiction to enjoin its printing, publication or distribution.

#### SEPARATION OF POWERS

In *Hearst v. Black*, 66 App. D.C. 313, 87 F. 2d 68 (1936), this Court held:

"... the universal rule so far as we know it, is that the legislative discretion in discharge of its constitutional functions, whether rightfully or wrongfully exercised, is not a subject for judicial interference.

"The Constitution has lodged the legislative power in the Congress. If a Court can say to the Congress that it could use or could not use information in its possession, the independence of the legislature would be destroyed and the constitutional separation of the powers of government invaded. Nothing is better settled than that each of the three great departments of government shall be independent and not subject to the control directly or indirectly by either of the others. This separation and the consequent exclusive character of the powers conferred upon each of the three departments is basic and vital—not merely a matter of governmental mechanism." at 71-72 (Emphasis added).

In the instant case the House Committee has conducted an investigation. An important distinction should be noted with respect to that investigation. All of the information gathered was taken from public source material (i.e., newspapers, and magazines, etc.) or from voluntary responses to a letter of inquiry sent out by the Committee. At no time was the Committee's power of compulsory process employed. That is of importance in this case for as the Supreme Court in *Watkins v. United States*, 354 U.S. 178 (1957), held:

"[T]he legislature is free to determine the kind of data which should be collected. It is only those investigations that are conducted by the use of compulsory process that give rise to the need to protect the rights of the individuals against illegal encroachment." at 215 (Emphasis supplied).

Thus it is clear that judicial interference with Congressional investigations is proper only in certain limited circumstances when the power of compulsory process is employed by the Congress, as, for example, in a contempt of Congress case, and it follows that if a court cannot interfere with an investigation it cannot interfere with the publishing of a report of that investigation. This Court in *Pauling v. Eastland*, 109 U.S. App. D.C. 342, 288 F. 2d 126 (D.C. Cir. 1960), held that it was powerless to act in the absence of an "incidence of judicial power". In this regard the Court stated:

"The Courts have no power of interference unless and until some event such as an arrest, indictment or conviction, brings an actual controversy into the sphere of judicial authority. The courts cannot interfere merely upon the petition of a person potentially liable to some event." at 129.

Continuing, this Court stated:

"A declaratory judgment would be as effective an impingement upon an interference with legislative proceedings as a flat injunction would be. Thus I think that a declaratory judgment respecting the validity of contemplated Congressional action would violate the doctrine of separation of powers and would be an illegal impingement by the judicial branch upon the duties of the legislative branch." at 130.

See also *McGrain v. Daugherty*, 273 U.S. 135, 160-182 (1927); *Humphrey's Executor v. United States*, 295 U.S. 602, 629-630 (1935); *Coleman v. Miller*, 307 U.S. 433, 454-455 (1939); *Barenblatt v. United States*, 360 U.S. 109, 132-133 (1959); *Hutcheon v. United*

<sup>1</sup> Although defendants-appellants limit their discussion of the basis for the motion for summary reversal to lack of jurisdiction, they do not, in so doing, wish to convey the impression that the question of jurisdiction is the only point in the court's decision with which they disagree. On the contrary, they would object to the court's findings that the Report is a "blacklist"; that the purpose of the Report was to "ostracize the speakers (named therein) and stultify further campus discussion"; that the Report need mention or recommend legislation before it can be printed; that the Report needs to demonstrate a proper legislative purpose before it can be printed; that there was no proper legislative purpose behind the Report; that the court can inquire into the legislative purposes for internal legislative activity such as printing House Documents; that plaintiffs have demonstrated any irreparable injury flowing from the publication of the Report; that congressional immunity from judicial interference does not extend to the persons enjoined by the court's order; that the Report infringes on plaintiffs' First Amendment rights; that (impliedly) the House of Representatives, through one of its printed House Documents, has no similar First Amendment right of Freedom of Speech; that the Legislative Branch is increasingly investigating for the sake of exposure only; and, that the court is not enjoining the House of Representatives from acting, to name just a few. However, defendants-appellants are of the opinion that these issues go to the merits which, they contend, cannot be reached in the absence of jurisdiction. For this reason, defendants-appellants would restrict the Motion for Summary Reversal and memorandum in support thereof to that threshold question.

*States*, 369 U.S. 599, 622 (1962); and *Yellin v. United States*, 374 U.S. 109 (1963).

Although the District Court scrupulously avoided enjoining the members of the House or their staff employees, the injunction issued is no less a direct interference with the use by the House of its normal processes in having a Committee Report—now officially a House Document—printed pursuant to the provisions of Title 44 of the United States Code, and thereby making it available in the normal manner for distribution to other members of Congress and to the public as well.

It is small solace to the House to say that a Committee can file whatever Reports it wishes, and its members can say whatever they wish, but that a court (absent a controversy involving compulsory process as in *Watkins and Bareblatt*, *supra*) has jurisdiction to review such Reports to ascertain whether they are accompanied by a valid legislative purpose, and then to enjoin printing by the Public Printer if the court disagrees with the Committee.

The courts totally lack jurisdiction to sit as a "Council of Revision", *National Student Association v. Hershey*, — U.S. App D.C. —, 412 F.2d 1103, 1114 (1969), of the internal legislative processes of Congress. Nor is the court empowered to act as a censor of what a Committee of Congress chooses to report to the whole House and its constituency. Furthermore, the courts may not act either as the supervisor, or as the conscience of the Congress. If a Committee of Congress exceeds appropriate bounds of propriety, that is a matter for the Congress to deal with and, ultimately for the electorate to pass on, not the judiciary.

In behalf of its plea for an expedited hearing on this matter, defendants-appellants would point out to the Court that the legislative process of the House of Representatives has been impeded since October 14, 1970. Each day the House of Representatives and the Congressman are denied the use of this Report represents an irreparable injury to the legislative function.

If this Court should decide against defendants-appellants' motion for summary reversal, defendants-appellants' move in the alternative for an expedited appeal of this matter and respectfully propose that this Court set November 4, 1970, for submission of appellants' brief and November 6, 1970 for appellees' brief and set the oral argument before November 12, 1970 since Congress, now in recess, will reconvene on November 16, 1970.

Respectfully submitted.

Attorneys for Defendants-Appellants:

JOHN F. DOHERTY,

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#### CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing memorandum in support of defendants-appellants' Motion for Summary Reversal of the District Court's Order Enjoining the Public Printer and the Superintendent of Documents from Printing or Distributing a House Document or, in the Alternative for Expedited Processing of this Appeal was served on the plaintiffs-appellees by delivering a copy thereof to the office of their counsel, Lawrence Speiser, Esquire % American Civil Liberties Union, 1424 16th Street, N.W., Room 501, Washington, D.C. 20036, on November 2, 1970.

BENJAMIN C. FLANNAGAN,

Attorney, Department of Justice.

Attorney for Defendants-Appellants.

[U.S. Court of Appeals for the District of Columbia Circuit, September term, 1970, civil action 3028-70]

[No. 24,761]

#### ORDER

(Nat Hentoff, et al. v. Richard H. Ichord, et al. Rowland A. Darling, Superintendent of Documents, A. N. Spence, Public Printer, United States Government Printing Office, Appellants)

Before: Wright, McGowan and Tamm, Circuit Judges in Chambers.

On consideration of appellants' motion for summary reversal of the District Court's Order enjoining the Public Printer and the Superintendent of Documents from printing or distributing a House document or, in the alternative, for expedited processing of this appeal, of the opposition filed with respect thereto and of the record on appeal herein, it is

Ordered by the Court that appellants' motion for summary reversal or, in the alternative, for expedited processing of this appeal is denied.

Per Curiam.

Circuit Judge Wright did not participate in the foregoing order.

### THE COMPREHENSIVE MANPOWER ACT AND PROJECT GREEN THUMB

#### HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. FRASER. Mr. Speaker, I strongly support H.R. 19519, the Comprehensive Manpower Act. Among the many reasons why I support this measure is this important consideration: It will permit a continuation of the projects Green Thumb and Green Light under section 102. Under these programs senior citizens in 17 States are enabled to supplement their often wholly inadequate social security benefits. For some of them, this project has become the means of survival. Passage of this bill is absolutely essential for these citizens' well-being.

Ronald Ross in a recent article appearing in the Minneapolis Tribune discusses the Green Thumb project and the needs of these men. He also points out the extremely valuable contributions that the individuals participating in the project make to their community, their country, and to themselves. The article follows:

#### BACK HOME

(By Ronald Ross)

BEMIDJI, MINN.—The leaves were changing along the road to Bemidji, patches of gold and scarlet among the dark greens.

Five years in Asia, spent for the most part in the muggy heat of Indochina, and one forgets the blessings of the changing seasons.

Other forgotten things: the mournful sound of trains in the night, the pungent smell of skunk by the highway.

Bemidji: a strip of motels by the lake, the fresh red brick of the State College with its freshmen in green and white beanies and new 13-story high rise dormitory among the pines and birch, and, best of all, the old promise of the North Woods.

Life is spent very much outdoors, winter

and summer, but even here the plague of pollution is creeping forward.

Carson Berglund, 25, a state forester with the Minnesota Conservation Department, told of a small state lake and picnic grounds at the edge of town that at the peak of last summer was flooded by as many as 1,400 people in a single day.

"It got so bad we were considering closing it. The toilets aren't built for that number of people, and the motor boats have pretty near fouled the lake with oil slick," he said.

He said he still was fighting a battle with a nearby community whose residents insisted on dumping their garbage at the edge of a state forest.

Among the more-pleasant jobs Berglund said he works on is the Green Thumb program, an employment project sponsored by the National Farmers Union under a grant from the U.S. Department of Labor.

Green Thumb and its counterpart, Green Light for women, is a program designed specifically for the older, retired, low-income American; it offers jobs in projects beautifying state highways, improving and developing state parks.

Some 3,500 older Americans, teetering on the edge of survival, participate on the program in 17 states; 288 of them in Minnesota, 70 in South Dakota and 50 in North Dakota.

They work three days a week and are paid \$1.60 an hour, which keeps their annual income at a level that does not disqualify them for Social Security benefits.

There are now some 20 million Americans aged 65 and over, and the Green Thumb program in Bemidji was the first chance since my return from Vietnam to catch the flavor of what life for many of them has become.

Henry Verheigen is 65 and for many years he was a dairy farmer until illness forced him to give it up. For a while he and his wife lived on his relief check and in 1966 he moved into Bemidji and got a job in the Federal Building here.

That lasted six months, and then he found work in the geography department at Bemidji State College, doing odd jobs, drawing maps among them.

That job, too, ran out in time.

"There were no jobs for a man like me," he said.

In June 1969 he found work again swabbing at a hamburger stand, working after the place closed at 1 a.m., for \$100 a month.

In March of this year, he joined the Green Thumb project; now he and his wife, who "works a little, cleaning office for a construction company, an hour a day," find they can get by on his \$48.40 a month from Social Security, \$140 a month from Green Thumb, and his wife's meager wages.

What Green Thumb has meant for Verheigen, most of all, is quite simple: "being occupied."

"I can do almost anything they tell me," he said, with obvious pride. "Painting, making signs, trimming trees, shoveling dirt. I just like to work."

Charles Harrell is 60. For 18 years he was a brick cutter in Indianapolis, Ind., and moved to Bemidji 11 years ago to work in the resorts that are the town's major industry.

He and his wife, who has heart trouble, have full custody of two of his grandchildren. They own their own home and now can manage to live off his \$86 welfare benefits and \$140 from Green Thumb.

He told me a story that I must assume is typical: looking for work, determined to work as long as he could, he returned to Indianapolis last year and got a job in the same plant where he had worked once before.

"I could only work there a few months," he said. "We were paying \$150 a month rent and I had to make \$75 a week to make it."



"But there was no overtime, so I had to give it up and find something else."

He applied at another plant in the area.

"They just took one look at me," he said. "Just asked my name and age. Didn't even hand me an application."

"They said I was too old and I was an insurance risk."

"So, I figured, 'If this is all in life, we'll just go back to Bemidji and starve.'"

"I've never asked for charity. As long as I can work I want to."

Basil (Stub) Himes is 64. He lost his eyesight in 1938 and has worked at many odd jobs since that time. He was one of the first to be brought into the Green Thumb program in the Bemidji area.

He can't do the same work the other men do in the forest, but he's kept busy around the Northland Apartments where he and his wife live. Northland is a Bemidji Housing and Redevelopment Authority development for the low-income elderly.

"Without Green Thumb," he said, "I'd still be scratching."

"To me, it's just like starting to live all over again."

"I got some of the things we couldn't get before. I got the color television for my wife which might seem funny to you, my not being able to see."

"The going's a lot better now. Usually people like us like an old used car, just sitting biding time."

Out at Bemidji State Park, where the Green Thumb crew worked indoors last winter, I talked to Wally Bartel, 24, the park ranger.

"They're real good workers," he said. "They take pride in what they do, and they do a good job at most anything."

"Without them, I'd say we'd be real hard put to keep the park up to standards."

## HARRIMAN ON SOUTHEAST ASIA

### HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. BINGHAM. Mr. Speaker, One of the world's greatest experts on dealing with the Communist world, W. Averell Harriman, has written for Look magazine November 17 issue, an impressive summary of his views on the war in Indochina. He concludes: "if policies giving Thieu a veto are continued, there is no end to the war. The idea that Vietnamization is going to force the North Vietnamese to negotiate on our terms is nonsense. The hope that if the American people stand behind the Vietnamization of the war, Hanoi will give in just doesn't make any sense."

Governor Harriman urges that "all our troops should be withdrawn from Vietnam—on a prompt, announced schedule," pointing out that this would "compel the Thieu government to undertake serious negotiations for a responsible settlement."

I commend Governor Harriman's well-reasoned and forceful article to my colleagues in the Congress and to all readers of the CONGRESSIONAL RECORD:

When negotiations with the North Vietnamese began in Paris on May 10, 1968, President Johnson asked Cyrus Vance and myself to handle them. Cy had been Deputy

Secretary of Defense. He had also undertaken troubleshooting assignments for the President in Cyprus, Korea and at home during the summer riots of 1967. Cy was more than a deputy, he was my partner throughout the long and frustrating months. And no one could have had a better one.

After nearly six months' discussion, President Johnson was able to stop the bombing at the end of October, 1968. Throughout this period, President Thieu of South Vietnam had never indicated that he was not willing to join the talks in Paris. We had considerable difficulty in getting the other side to agree to negotiate with his representative. They seemed to have a special bitterness toward Thieu, as they had been fighting him for years, way back to the period when they considered him a mercenary of the French.

For our part, we refused to accept the NLF as independent participants. We maintained they were creatures of Hanoi. We finally settled on a compromise that satisfied both sides, including Thieu, we believed. There were, of course, two sides to the negotiations, but each side would have the right to include anyone it wanted. The North Vietnamese informed us the NLF would participate on their side, and we informed them the Saigon government would participate on ours.

Then, to the President's surprise (we were aghast in Paris), at the last moment, Thieu refused. Clark Clifford, the Secretary of Defense, in his November 12 press conference, described in detail this unjustified action.

There seems to be little doubt that through one channel or another, Thieu was counseled to wait until after the American presidential election. He was evidently told Nixon would be much harder-line than Humphrey, and he was warned that if negotiations began, Humphrey might be elected.

I don't in any way suggest that Richard Nixon knew anything about this. But some believe that if we had started actual negotiations during the week before Election Day, it might well have made a small, but vital, difference in the election. If Hubert Humphrey had been elected President, we would have been well out of Vietnam by now. I can say this with assurance because I am satisfied he would have appointed either George Ball or Clark Clifford his Secretary of State, and I know where they stood.

Between the election and inauguration, we worked hard to get negotiations going. I am not very good at making a case for the enemy, but the North Vietnamese did disengage in the two Northern provinces of I Corps. The fighting there nearly stopped. They took 90 percent of their troops out, and sent half of them above the 20th Parallel, some 200 miles to the north. It seemed clear to us that this was an invitation to reduce the level of fighting and perhaps work toward a cease-fire.

I felt the B-52's were an important negotiating weapon. Although the North Vietnamese never admitted the damage done, they did describe to us in Paris the terrific effect on morale of hell breaking loose from the sky without warning. I felt that in return for the stopping of B-52 raids, they might well agree to stop their terrorist activities at least in the cities, and their ambushing along the principal highways. From the North Vietnamese actions as well as what they said, I believe that had substantive negotiations begun in early November, as had been agreed to, progress in reducing the level of combat could have been made, permitting some troops to start home that year—1968.

Instead, even after President Thieu agreed to permit his representatives to join the talks in Paris, there was that undignified row about the table. The North Vietnamese were willing to accept a round table, which we in Paris had recommended. Historically, that has always been the way to avoid questions

of protocol. Thieu refused, however, for the simple reason that he did not want to have any substantive discussions before President Nixon came in. In fact, he tried to break up the discussions entirely until, as I understand it, President-elect Nixon sent word to him that he wanted the talks to continue.

Some people say the Russians won't help us out of Vietnam. I can say they did help us—in October, 1968. That is a fact. And they helped in January too. They didn't stop the war. They have only limited influence with Hanoi, but when we are moving toward an agreement, they can be of considerable help and can remove roadblocks.

But the Soviets won't try to force North Vietnam to accept our dictates. They look upon North Vietnam as what they call a "sister" Communist state. They feel they have an obligation, as the great leader of the Communist camp, to support them.

When I left Paris in January, 1969, we had arranged that the two sides, with two on each side, would sit down privately and talk together. There is no doubt in my mind that President Thieu scuttled those negotiations and he did it consciously. He announced on January 29 that he was not going to sit down in private, and one of his spokesmen said, "What we have got to tell the Communists, we have already told them in Paris, and it is not necessary to have private meetings with them." This was, of course, nonsense, because they knew that we got nowhere in those public discussions, and that whatever progress was made had to be made privately. So there were no private talks held among the four.

Our formal meetings were held at the Hotel Majestic, an official building of the French Government. Although the press was not admitted, these meetings were thoroughly publicized. Our private talks were conducted in secret by special arrangement. We held many of them over the months in secluded places. Although it became known to the press that there were private talks, no one knew when or where we met. Nor was there a leak from either side of a word we discussed.

My partner, Cy Vance, stayed on in Paris for a month, and during that period, Ambassador Lodge had no private talks on substantive matters. I understand he didn't attempt to have such private talks for two months. By that time, Thieu had "graciously" stated that he would sit down privately with the other side, but the chain was broken. Thieu had stated at the same time that under no circumstances would he agree to a coalition government, and under no circumstances would he agree to permit a Communist party in South Vietnam. These were prior conditions that the other side would not take. So that action by Thieu blocked progress in Paris.

Why should we give Thieu the right to dictate American policy? I can't conceive why anybody should give a veto to a foreign potentate, no matter who he is.

We should want to stop this fighting in Vietnam. To me, the Vietnamization of the war is an immoral thing. We have no right to perpetuate the fighting. Every effort should be made to end the human tragedy that is going on in South Vietnam.

Our political objectives in Vietnam cannot be achieved by military means. We can expand the war to include Cambodia, Laos, North Vietnam and then China, and even the Soviet Union, but this war cannot be won. That is not the fault of the United States. It's the nature of the problem that exists there.

Unfortunately, this Administration has not concentrated its attention on negotiations but rather on military action.

On April 20, 1970, the President held out hope that a "just peace" was in sight, yet

ten days later the war was expanded. There seems to be an idea that military blows can force the other side to negotiate on our terms. All our past experience in Vietnam shows that this is a delusion.

The Administration's program of Vietnamization of the war is not in my opinion a program for peace but is a program for the perpetuation of the war. At best, we can only hope for a reduction of less than half of our forces in South Vietnam two and a half years after this Administration took office. But after that, there is no assurance whether or when the balance of our forces will be withdrawn. The South Vietnamese troops are able to take on more of the load of our combat troops, but there is no indication that they can operate successfully without American air, artillery and logistic support.

Furthermore, the Vietnamization of the war is dependent on an unpopular and repressive military government. With all of the military influence, President Thieu and Vice President Ky got less than 35 percent of the votes cast in 1967; over 60 percent of the votes were cast for civilian candidates who had some kind of peace plank in their platform. This election confirmed that the people of South Vietnam want peace and not a continuation of the war.

The senatorial elections this August gave further evidence of the desire of the people to end the war. The anti-war Buddhist slate, headed by Vu Van Mau, which reportedly emphasized peace through compromise, was among the three slates elected. It got more votes than even the leading pro-government slate backed by the government and the military. It is significant also that the other slates were beaten. The third winning group was anti-government on domestic issues.

I said on several occasions in Paris, with the approval of Washington, that the United States was against imposition of a government on the people of South Vietnam, either by Hanoi or Washington. I must say I stated that in the hope that it would have an influence in the United States as well as in North Vietnam. But now we find we are trying to impose this military regime on the people of South Vietnam. It is common knowledge that Thieu is putting a number of opposition leaders in jail—even a member of the Lower House, Tran Ngoc Chau, in violation of his constitutional immunity.

It's hard to envision a satisfactory solution unless Thieu does what we have tried to get him to do since 1967: broaden his government. He should rally the non-Communist forces, form an alliance representative of the majority of the people of South Vietnam. Big Minh, who was undoubtedly the most popular of the generals, is in this mood. I have talked to Senator Don, who was also a general, but is now a leader of the opposition in the Senate. The Buddhists, the Cao Dai, Hoa Hao, the labor unions and other non-Communist groups must be brought in. (Thieu himself is a Catholic.) They are anxious to have an end to the war. They want to stay in their country. They know that a military victory can't be won, and they are ready to make a political settlement. But they need to organize together so as to be able to win the political contest that will come after the end of hostilities. That is what we ought to be concentrating on doing.

All our troops should be withdrawn from Vietnam—on a prompt, announced schedule as proposed by former Secretary of Defense Clark Clifford. This will compel the Thieu government to undertake seriously negotiations for a responsible settlement. Thieu must bring into his government the political elements desiring peace and send to Paris a team willing and able to negotiate with the

NLF for a compromise solution. If this is done, I believe the other side will join in serious negotiations.

The assurance from us that we intend to remove our troops completely from South Vietnam is necessary to get the North Vietnamese to negotiate a reasonable compromise. Obviously, if Hanoi were recalcitrant, the President, I would hope, in consultation with the Senate, could hold up the withdrawal schedule.

Our withdrawal should be responsible, and I believe that it can be—without delaying the return of our troops. We helped set this country on fire, and we must help put it out. I have been convinced that the other side will agree to one vital point at least—that there will be no reprisals by either side, with supervision by an international body. Also we must make arrangements for the immediate return of our men who are prisoners of war. Other issues must be subject to negotiation among the Vietnamese themselves.

In the many private discussions I had with the North Vietnamese in Paris, there is one thing that I learned. They are fiercely nationalistic. They particularly want to be independent of China. With this in mind, they established friendly relations with the French after the war with France ended. Now, if our war can be ended, they want similar relations with the United States. Like Tito, they recognize the need for an alternative to being compelled to rely on their powerful Communist neighbor.

I therefore believe that it is important for us to come to an understanding with Hanoi. We must recognize that the North Vietnamese did not keep the Laos Agreement in 1962 for a single day, and some understanding must be reached that is to their interest to keep for a period of years. If we are to have peace in Southeast Asia, some understanding must be arrived at along the lines of President Johnson's Johns Hopkins speech of April, 1965, for reconstruction and regional development, with the participation of the North Vietnamese.

Events have made this more difficult. The Red Chinese have consistently taken a negative position on a peaceful solution in the area. China's influence, I believe, was at its lowest point in 1968. Developments following the overthrow of Sihanouk and our intervention in Cambodia have lifted Chinese influence to a new high.

The Administration's Cambodian policy has exposed its present aim in Vietnam as well as in Cambodia. It is to attempt to support pro-Western military governments regardless of local opposition. This is quite impossible of permanent achievement without the continued presence of large United States forces in Vietnam and a perpetuation of the fighting. Aside from North Vietnam, these countries are so close to the Chinese border that this policy is provocative and will be interpreted by Red China as a threat to its security. If we looked at the area dispassionately, we could not avoid the conclusion that neutral, nonaligned governments are the best we can expect, and are in the long run compatible with our interests.

We have been told that "our will and character" are being tested by our actions in Indochina. That is not correct. What is being tested is our judgment and the wisdom of our purpose.

Here at home, I believe student unrest and the generation gap were widened by disillusion over Vietnam. In the view of many students, if the older generation could be so unwise and unmoral about this war, they must be basically responsible for other wrongs in our society.

I am not suggesting that stopping the war tomorrow would end campus unrest, but it would be the first important step in that direction. Unhappily, President Nixon has

scorned student opinion on Vietnam, and this has led to increased campus tensions.

It is easy to be destructive. I reject the rock throwers and the burners. They not only destroy, but their excesses play into the hands of the most reactionary. However, I have profound respect for students who are taking constructive action.

The reality of the situation is that we have wasted many months. The tragedy of lost American lives, the tragedy of the division of our country, the tragedy of the diversion of resources that we ought to be applying to the many urgent needs in this country should be brought to an end.

But if policies giving Thieu a veto are continued, there is no end to the war. The idea that Vietnamization is going to force the North Vietnamese to negotiate on our terms is nonsense. The hope that if the American people stand behind the Vietnamization of the war, Hanoi will give in just doesn't make any sense.

Some people talk about an "honorable" settlement. Are we trying to save our face and our military honor? No! We have responsibility and I am for a responsible withdrawal. There must and there can be agreement on no reprisals and on immediate return of our prisoners. We have to stop the killing. We have an obligation to do so. The kind of America I believe in would do that.

#### INVITATION TO DISASTER

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. DERWINSKI. Mr. Speaker, a necessarily consistent concern must be maintained over the growing threat to the United States and the free world inherent in Soviet military expansion. This point is well made in an editorial, Saturday, November 7, in the Polish American of Chicago, Ill., which I insert into the RECORD:

#### INVITATION TO DISASTER

Many people are old enough to recall the stunning shock of military invasion. They remember when Hitler unleashed his armies against Europe and the unbelievable "Day of Infamy" when the bombs rained on Pearl Harbor. To them, the present trend toward expanding vague, politically motivated, social welfare programs—at the expense of U.S. military security—is an open invitation to disaster. So is the phenomenon of a minority of young people undercutting at every turn the military stature and capability of our country. While these things are going on in our land, what of the outside world?

A student of communist strategy, Senator Henry M. Jackson of Washington State warns, "The Soviet Union is now, for the first time in Russian history, a global military power. Looking ahead, the somber prospect is a Soviet Union increasingly bolder in its policies and more disposed to throw its military weight around to support its great power interested and to extend Soviet influence into new areas of the world."

The declining regard in which the rest of the world holds the U.S. and the growing boldness of the Soviet Union are clear danger signals of the fate that awaits the weak and unwary. We are not so far removed as we may think from conditions similar to the days when Indians lurked behind every bush waiting for a chance to scalp the careless settler.



# SIKORSKY HELICOPTERS FLY ON MISSIONS OF MERCY IN PERU

## HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. GIAIMO. Mr. Speaker, last May 31, a tragedy perhaps unparalleled in the history of the Western Hemisphere struck the peaceful nation of Peru. In two brief minutes of horror, 50,000 men, women, and children were killed, 100,000 injured, and at least 800,000 left homeless by a devastating earthquake.

The world's response to this catastrophe was overwhelming. The United States, the Soviet Union, and many other countries both large and small rushed aid to the crippled nation. Tons of medical equipment, food, clothing, and other supplies were brought by air and sea to the coast of Peru and then were carried to the interior where the damage was most severe. Doctors and nurses were flown in; the injured and homeless were flown out.

The men of U.S. Marine Medium Helicopter Squadron 365 took part in these missions of mercy. Their story was published recently in Sikorsky News, the newsletter of Sikorsky Aircraft Division of United Aircraft Corp. in Stratford, Conn. Despite its technical terminology, that is, in fact, a heartwarming story of sacrifice and determination. It underscores the fact that nations can cooperate and people can work together in a time of tragedy. For this reason, I felt that I should bring it to the attention of our colleagues:

### MARINE CH-53Ds SAVE PERUVIANS

JACKSONVILLE, N.C.—The Marine Corps Air Station at nearby New River, a sprawling 2,600-acre flatland, is home base for 52 Sikorsky-built CH-53A and CH-53D helicopters.

Col. Glenn R. Hunter, newly named commanding officer of Marine Aircraft Group 26, can look from his office window and check the squadrons that use the big twin-engine transports.

Marine Heavy Helicopter Squadron 362 and HMM-461 are operating squadrons preparing for duty overseas; they use only CH-53 Sea Stallions. Marine Medium Helicopter Squadron 365, a squadron whose history began in 1963 with UH-34Ds (also built by Sikorsky), recently became something new in Marine aviation—a tactical composite helicopter squadron. It has four CH-53Ds, 10 CH-46Ds, and two UH-1Es.

### "NEW ENVELOPE"

Hunter, a 28-year Marine veteran whose rotary-wing experience began with HO3S-1s (Sikorsky S-51s) in the early 1950s, termed the composite idea "a new envelope for helicopter operations." There was competition, at first, between those attached to different models. There is now a common bond.

That bond was cemented by a disaster, one of the most devastating earthquakes in Peru's history. Last May 31, a two-minute rumbling whose epicenter was in the Pacific Ocean off Peru's northwest coast buried towns and isolated villages. The dead were estimated at 50,000, the injured, 100,000, the homeless, 800,000. The destruction spread from 40 miles north of Chimbote, an industrial city of 60,000 on the northern coast, to 40 miles north of Lima, Peru's capital in the south.

More than 8,000 square miles were affected. The damage extended inland 75 miles.

### HELICOPTER HISTORY

HMM-365 made helicopter history. It was the first tactical composite squadron assigned to a relief mission of this scope. It was the first to send its helicopters from sea level to altitudes of 15,000 feet—and more.

In the middle of May, Lt. Col. Robert H. Nelson, HMM-365's commanding officer, loaded men and aircraft aboard the U.S.S. Guam, a helicopter landing platform (LPH-9), and headed south for a routine landing exercise. The mixed helicopters on the carrier bore the identification YM (Yankee Mike) on their tail sections. Helicopter personnel included 43 officers and 201 enlisted men. Ten of the officers were CH-53D pilots and co-pilots. Their job during the Caribbean maneuvers was to support a battalion of Marines from Camp Lejeune, just east of New River.

As Peru struggled to recover from the May 31 damage, help was pledged by other countries. The Guam picked up supplies at Balboa in the Canal Zone and steamed south. The carrier anchored in the harbor at Chimbote, where more than half the buildings had been leveled. A landing area was established on a soccer field near the harbor. The first supplies were flown ashore. From June 12 to June 22, the men and aircraft of HMM-365 were pressed to rush emergency help to both the coast and the interior.

Medical teams were dropped into the valley of the Santa River, called "the Switzerland of South America," a fertile green oasis between two mountain ranges, the Cordillera Negra, bleak and black, on the west, and the Cordillera Blanca, with snow-capped mountains rising more than 22,000 feet on the east.

### CH-53Ds PLAY LARGE PART

CH-53Ds and CH-46Ds flew through passes and deposited medical teams and supplies on the Inca-inspired terraces that marked villages on the slopes that led into the valley. UH-1Es made observation flights. In 10 days, HMM-365 flew 811 sorties, 471 hours in the air, and carried 1,276 passengers, 185 medical patients, and 429,000 pounds of cargo. The four CH-53Ds, able to fly higher and with larger loads, accounted for more than a third of the air time, 166 hours.

When it was over, the Guam made its way back through the Panama Canal to conclude the Caribbean landing exercises. The men of HMM-365 returned to New River July 15 after 63 days at sea. They spoke quietly but proudly of their experiences.

Capt. Vance Baker, 26, and Lt. James D. Pelkey, 27, had been assigned to HMM-365, as were the eight other CH-53D pilots and co-pilots, from HMM-362 and HMM-461.

### CONDITIONS DESCRIBED

"Peru was strange and often terrible," Baker said. "You never saw such a variety of terrain. The 40-mile-wide strip along the coast was flat and sandy, almost Sahara-like. Then came the first mountains, rocky and dark, without vegetation. The valley was green and lush, often hidden in fog, overlooked by the second range on the east. Scud and cloud layers covered the area from sea level to 2,000 or 3,000 feet (induced by the cold, offshore waters of the Humboldt Current). We had to climb on instruments, then switch to visual on top. The altitude at 12,000 or 15,000 feet affected depth perception. We hit all kinds of turbulence in the mountains, turbulence that affected approaches and landings."

"One thing we noticed about high altitude flying," Pelkey said, "was a reduction in fuel consumption. Our fuel would last, maybe, three and a half hours, in the thin air, as compared to two and a half at sea level. The highest altitude I think we hit was 17,400 feet. We had oxygen along and used it."

### COMPOSITE TEAMS

The helicopters delivered composite teams—a nurse, doctor, interpreter, Navy corpsman, and Marine radioman—to the villages during the first relief flights. Priorities were established and cleared through Peruvian government control. Then, supplies were flown in to the sites that needed them most. The injured were flown out.

"Most of the medical evacuation patients were people who had broken bones and were suffering from gangrene," Pelkey said.

One of the patients was a seven-year-old girl, Aliva Trejo, resident of a village called Mato, the home for 800 Indians approximately 8,000 feet above sea level. Nearly half the village had been destroyed. Aliva was dug from the rubble by her father, Romulo, three days after the first slides. For the next two weeks she lay immobile, both legs broken, her pelvis fractured, her head severely lacerated. A CH-53D flew her to the hospital aboard the Guam, where she was placed in a body cast, then transferred to the hospital in Chimbote.

"We saw tremors and landslides in the mountains weeks after the first quake," Baker said. "In the afternoon, with the sun in the west, we'd head into the valley—and into dust that rose to 10,000 feet. It was like an inferno."

### EAPS USED

The helicopters usually flew in pairs. EAPS (engine air particle separators) were used on the CH-53Ds to guard against the ingestion of dust and sand. Despite the conditions, HMM-365 continued its record of more than 50,000 accident-free flying hours. Landing zones were tricky. Smoke bombs were dropped to establish wind movements. Baker's toughest landing zone was Huallanca, a village at 5,000 feet, mountains rising 10,000 feet above it.

"Power lines boxed in the village," Baker said. "It was a key area for dispersing supplies, like medicine, food, tents, and blankets, but the power lines and the turbulence made it difficult." Pelkey remembered a landing zone at 11,500 feet, located on a slope in such a way that the CH-53Ds had trouble turning after the approach to effect a landing.

"One pilot was waved off three times," he said. Another landing field at Paramonga, on the coast, was covered with molasses to keep down the dust.

### MRS. NIXON VISITS

Yungay, a town of 3,500, was located just below a reservoir in the Santa River valley.

"Snow caps from the mountains broke off," Baker said, "and water overflowed the land. The city was buried by a wall of mud. The tops of royal palm trees, 40 feet high, were just visible after the quake. There was a figure of Christ in benediction high above the town—almost buried in the same sea of mud. We landed across the river. It was terrible."

Early in July, Mrs. Richard M. Nixon, wife of the president, visited the stricken areas. At Anta, she boarded Marine Corps One, a Sikorsky VH-3A helicopter, to survey the damage. She saw the remains of Yungay and said afterwards: "The mud is beginning to recede now. Eventually, they will find the bodies. It is so sad."

"We flew past our book limits time after time," Pelkey said. "The people were important. They were grateful. They gave us everything they could give: hats, ponchos, things like that. In one village, the local band turned out. Baker was impressed by the smoothness of the operation. 'It was a combination of elements working together,' he said. 'It approached combat in that sense.' Maintenance men labored around the clock on the Guam to keep the helicopters in the air."

Sgt. Melvin Jones, a Kentuckian whose first experience with CH-53As dates back to 1966, said briefly: "The CH-53Ds really made it in Peru. They flew above the gross weight. They did everything."

#### PRAISE FOR CH-53DS

On June 20, HMM-365 delivered more than 30 tons of food and supplies to the interior. Drums of gas and oil were flown to Macate where a bulldozer, needed to clear the roads, had been idle because of lack of fuel. A port call was made at Lima (where Lt. Col. Nelson was awarded the Peruvian Cross of Naval Merit) before departure. HM2 Joe W. Cowling, a Navy corpsman, said: "Working with gangrene patients . . . and saving the life of a small baby or adult and the smiles of a mother because you saved her baby or husband added depth and scope to your job."

Adm. Ephraim P. Holmes, speaking for the Navy's Atlantic Fleet, said: "Despite the unfamiliar nature of the areas, despite adverse weather conditions that sometimes hampered operations, the Guam, her men, and helicopters got there and made the difference between life and death for hundreds of Peruvian survivors."

Baker and Pelkey, the former a native of California, the latter brought up in Milwaukee, both veterans of Vietnam, both Marines since 1966, were lavish—like Jones—

in their praise of the CH-53Ds. "They performed beautifully," Baker said. A report on Col. Hunter's desk detailed the mission: "Most operations received radar-controlled climbout to VFR (visual) on top," it read in part. "Thorough instrument training was necessary."

HMM-365 returned to routine in August with riverine training in South Carolina. The squadron returned Sept. 3 to New River. Soon after, it left again for maneuvers in the Mediterranean. The men, however, won't forget Peru; the Peruvians won't forget the "pajaro" (birds) of HMM-365.

#### CHANGES AT BASE

Future pilots and co-pilots of HMH-362, HMH-461, and HMM-365 now can get the training needed for DaNang or Chimbote in a new 13,000-square-foot building at New River. The building houses Marine Aircraft Training Group 40, which includes HMHT-401, a squadron equipped with CH-53Ds. Lt. Col. Joseph G. Walker, who heads HMHT-401, said the first group of four students had graduated in August after classroom instruction and 65 hours of air time—approximately 10 weeks in all. The eight CH-53Ds used by the squadron had flown nearly 300 hours in August. Walker said. He said eight CH-53D students could be handled at one time.

"Aircraft availability is important," he said. "Our maintenance men are veterans of Vietnam, most of them, and they see that the birds fly." Enlisted Marines, who have finished basic training, also can be channeled into further schooling through MATG-40.

New River has changed since it was first commissioned as Peterfield Point in 1944. At that time, there were several hundred yards of concrete and a few Quonset huts. When World War II ended, the field was closed; it was reopened in 1951. MAG-26 moved to New River from Cherry Point, N.C. (now headquarters for the 2nd Marine Aircraft Wing, which includes MAG-26), in 1954. The group received its first CH-53As in 1967.

A multi-million dollar construction program, now underway, promises to make New River one of the largest helicopter bases in the world. A brochure printed for a June 24 change of command ceremonies that saw Col. Hunter named head of MAG-26 and Col. Joseph A. Nelson (former commander of MAG-26) named head of the air station ended on this note:

"Marine Corps Air Station, New River, has been characterized by growth since the deployment of helicopters to this area in 1954, and with the introduction of new helicopter weapons systems at present and in the future, it will continue to expand . . ."

## HOUSE OF REPRESENTATIVES—Wednesday, November 18, 1970

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

*Thou art my rock and my fortress: therefore for Thy name's sake lead me and guide me.—Psalm 31: 3.*

O God, our Father, in this quiet moment of prayer we lift our hearts unto Thee, who art from everlasting to everlasting. In this capital of freedom do Thou guide with the spirit of understanding and good will these Members of Congress. By their words and deeds may they seek to bring healing to our Nation and peace to our world.

In these days when men are divided, nations differ, and the world is in danger, grant unto us the wisdom, the power, and the love to burn the barriers to brotherhood as we endeavor to do justly, to love mercy, and to walk humbly with Thee.

In the spirit of the Lord of Life we pray. Amen.

#### 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 with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 14252. An act to authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning the use of drugs and for other related educational purposes.

The message also announced that the Senate had passed the following resolution:

CXVI—2382—Part 28

#### S. RES. 483

*Resolved*, That the Senate has heard with profound sorrow the announcement of the death of Honorable William L. Dawson, late a Representative from the State of Illinois.

*Resolved*, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

*Resolved*, That, as a further mark of respect to the memory of the deceased, the Senate do now adjourn.

#### PROPOSAL TO CHANGE RULE ON TRADE BILL

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

Mr. GIBBONS. Mr. Speaker, as you well know, and all Members of the House I believe well know, today is a very important day in the history of the House of Representatives. We are going to consider the most far-reaching trade measure or antitrade measure that has been considered in this Congress in the last 30 or 40 years.

Mr. Speaker, I have made my views known on this bill, and when the rule is considered today I intend to oppose the rule and to oppose the previous question, and if the previous question is voted down I shall then ask to be recognized to submit an amendment.

The amendment will be a partially open rule which will allow motions to strike.

I envision that the bill will be read title by title and that as we come to the end of a title, Members may then strike any provision within that title—either the whole title or any part thereof.

I hope all Members will recognize this as an opening of the closed-rule process that has been rather traditional in the

consideration of bills from the Committee on Ways and Means on trade. But, I would point out that as recently as 1953 a rule such as this was adopted by the House when the trade bill that year was being considered.

#### TRIBUTE TO THE HONORABLE JOHN W. MCCORMACK

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

Mr. ROSTENKOWSKI. Mr. Speaker, this morning in the Democratic caucus an extremely meritorious resolution was unanimously adopted commending the Honorable JOHN W. MCCORMACK, of the State of Massachusetts, for his participation in last November's campaign.

This resolution was offered by our distinguished majority leader, the gentleman from Oklahoma (Mr. ALBERT), and I wholeheartedly subscribe to the resolution which is as follows:

RESOLUTION BY REPRESENTATIVE CARL ALBERT, DEMOCRATIC CAUCUS, NOVEMBER 18, 1970

Whereas the Honorable John W. McCormack, the distinguished and beloved Speaker of the House of Representatives, has served in the Democratic leadership of the House longer than any person in history; and

Whereas the Speaker of the House has exercised exemplary leadership to the Congress, to his party, and to the citizens of this nation throughout his tenure in office; and

Whereas that leadership was an indispensable ingredient in achieving solid Democratic victories for the 92nd Congress and state governorships and legislatures; and

Whereas the Speaker, while fulfilling admirably all the duties of his official position, served equally as an eloquent spokesman for the party and on the issues during the 1970 election campaign; and