

established by a call of the roll, the Chair will order that the roll be called on the motion to close debate. A ye-a-and-nay vote is automatic under the rule.

All Senators are, therefore, hereby reminded of rollcall votes scheduled for Wednesday and Thursday next.

ADJOURNMENT TO WEDNESDAY, FEBRUARY 17, 1971

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the terms of House Concurrent Resolution 135, as amended, that the Senate stand in adjournment until 12 o'clock meridian on Wednesday next, February 17, 1971.

The motion was agreed to; and (at 3 o'clock and 28 minutes p.m.) the Senate adjourned until Wednesday, February 17, 1971, at 12 meridian.

NOMINATION

Executive nomination received by the Senate February 11 (legislative day of January 26), 1971:

APPALACHIAN REGIONAL COMMISSION

Donald W. Whitehead, of Massachusetts, to be Federal Cochairman of the Appalachian Regional Commission, vice John B. Waters, Jr.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 11 (legislative day of January 26), 1971:

NATIONAL CREDIT UNION BOARD

Richard H. Grant, of New Hampshire, to be Chairman of the National Credit Union Board.

The following-named persons to be members of the National Credit Union Board for the terms indicated:

John J. Hutchinson, of Connecticut, for a term expiring December 31, 1971.

Lorena Causey Matthews, of Tennessee, for a term expiring December 31, 1972.

DuBois McGee, of California, for a term expiring December 31, 1973.

Joseph F. Hinchey, of Pennsylvania, for a term expiring December 31, 1974.

James W. Dodd, of Texas, for a term expiring December 31, 1975.

Marion F. Gregory, of Wisconsin, for a term expiring December 31, 1976.

SECURITIES INVESTOR PROTECTION CORPORATION

The following-named persons to be Directors of the Securities Investor Protection Corporation for the terms indicated, to which offices they were appointed during the last recess of the Senate:

Andrew J. Melton, Jr., of New York, for a term expiring December 31, 1972.

Glenn E. Anderson, of North Carolina, for a term expiring December 31, 1972.

George J. Stigler, of Illinois, for a term expiring December 31, 1972.

Donald T. Regan, of New York, for a term expiring December 31, 1973.

Byron D. Woodside, of Virginia, for a term expiring December 31, 1973.

EXTENSIONS OF REMARKS

SECRETARY HITTLE ON THE BATTLE OF NEW ORLEANS

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. HÉBERT. Mr. Speaker, I was pleased and honored that my good friend James D. Hittle, Assistant Secretary of the Navy, Manpower and Reserve Affairs, accepted an invitation to be guest speaker at the observance of the Battle of New Orleans on January 8.

His speech was enjoyed by the many New Orleanians in attendance, and I insert it in the RECORD at this point so all may have the benefit of his words:

ADDRESS BY THE HONORABLE JAMES D. HITTLE

It is for me a privilege to be with you on this occasion commemorating the Battle of New Orleans.

I hope that you will appreciate my feelings when I say that I view with some trepidation the privilege of being your speaker for this occasion. After all, each of you, because of your interest in the Battle of New Orleans, have, I strongly suspect, an intimate knowledge of that Battle to which this lovely city gave its name.

One of the most unenviable tasks is talking history to history buffs. However, because I like to think I am such a buff also, I trust that you will take a charitable view of my efforts.

It would be presumptuous, and quite redundant, were I to give you a stereotype rehash of the Battle of New Orleans. Its salient aspects are well set forth in history books from grade school on up. What I would like to do this evening is to discuss with you some of the Naval aspects of the Battle of New Orleans. Understandably, the general impression of the Battle of New Orleans is one of Andy Jackson and his sharpshooters standing behind bales of fine Louisiana cotton and mowing down successive waves of British Redcoats marching as if on parade.

With the exception of Andy and his sharpshooters delivering a deadly fire from behind the cotton ramparts, this is a very inadequate visualization of the Battle of New Orleans.

Actually, the Battle of the cotton bales was only a part—although a climactic one—

of what was really a vast strategic Naval campaign by the British. In terms of modern Naval doctrine, British campaign culminating in the Battle of New Orleans falls into a clearly discernible operational pattern: the assembly and embarkation of the landing force, the transoceanic approach, the en route replenishment of supplies, preliminary operations, gun-fire support, reconnaissance, the ship to shore movement and the assault inland.

Actions by the United States defending forces sort out into clear cut procedures of current Naval doctrine for defense of a base against attack from the sea.

That base, we well know, was the City of New Orleans. Whatever the British may be faulted for in the conduct of that Naval campaign, they must be given a high grade for their strategic evaluation of the importance of New Orleans. New Orleans, from her founding, was destined to become a strategically important as well as a lovely city.

Endowed with a favorable geography, New Orleans not only has stood at the confluence of great waters, but she has stood at the confluence of great history.

The British knew full well, as did the citizens of New Orleans, Andy Jackson, and Commodore Patterson, that this city was both the sentinel and the gateway to the river highways leading to the heartland of the American continent. Likewise New Orleans was both the strategic springboard and economic gateway to the Gulf, the Caribbean, Western Europe, and the world.

The maritime character of your city is its fundamental strategic and geographic feature. In fact, the partnership between New Orleans and the Navy was founded in 1801 with the establishment of a Naval base and Marine Barracks here. The Naval base remains today. In addition, New Orleans is the Headquarters of the Eighth Naval and Marine Corps Districts which include five states of Louisiana, Arkansas, Texas, Oklahoma, and New Mexico, and the many Naval and Marine Corps installations within their boundaries. The Naval Air Station at Alvin Callendar Field is one of our major Reserve air bases, housing elements of the Reserve air components of all the Services.

It was on January 8, 1815, 156 years ago today, that U.S. Forces, under General Andrew Jackson whipped a numerically superior British force, and effectively broke the back of the British Southern Campaign.

Andrew Jackson's career was as distinguished and colorful as that of New Orleans itself. He gained prominence in the Army by

his defeat of the Creek warriors at the famous battle of Horseshoe Bend in March 1814. Upon the resignation of General William Henry Harrison, this victory won him the commission of Major General to fill the vacancy created. He was given command of the Seventh Military District, with the task of defending Louisiana and the Gulf Coast.

In 1814, about the same time as the Battle of Horseshoe Bend in America, the Emperor of Russia and the Duke of Wellington entered the city of Paris, ending, temporarily, the war of the Allies against Napoleon. This victory enabled Britain to turn more attention to the war with the young upstart nation, her former colonies, across the Atlantic. And so, as Major General Andrew Jackson was assuming command of the Seventh Military District, major elements of the British Army of invasion commenced to gather at Bordeaux. With the news of the fall of Napoleon, there immediately followed rumors of a great British invasion of Louisiana.

The United States prepared its reception. Secretary of War John Armstrong issued new militia quotas from the territories of Kentucky, Tennessee, Georgia, and Louisiana to defend against the expected attack from the South.

Apprehensions in Washington and New Orleans couldn't have been more justified with respect to British offensive action against our young nation. With victory over France, and Napoleon exiled to Elba, England had naval and land forces available for the American campaign.

As the diaries of the British soldiers so well reflect, they didn't have much time to stack arms, take off their packs, and reminisce about their rough victory under Wellington on the Iberian Peninsula. Seasoned veterans who had fought under Wellington and Moore were ordered out of the rest camps in the Bordeaux and Bayonne areas. Embarking on ships commanded by Admiral Cochrane, they sailed as a mighty armada for the United States.

At this point, we should recognize that these British soldiers who were to sail up the Chesapeake, burn Washington, and later attack New Orleans were no recently recruited rabble. Rather, they were battle-seasoned, tough, well trained, disciplined and resourceful fighting men. They were flushed with victory over Napoleon, who had long ruled as military master of the Continent. It was these forces that the Americans under Jackson were to face on the approaches to New Orleans.

Bermuda, even then famous as a resort area, provided the site and atmosphere for an en-route rest for the invasion force.

Within the month the armada was ready to sail, and after an incendiary detour up the Chesapeake to Washington, headed to the Caribbean and the Gulf of Mexico. The target was New Orleans. After another stopover in Jamaica, the forces proceeded toward the Mississippi.

It all promised to be a pleasant, quick, and completely successful campaign.

I believe that history has neglected some aspects of this campaign. I refer primarily to the impact of seapower on what has been generally considered a land campaign.

Historians have correctly lauded General Andrew Jackson for his victory at the Battle of New Orleans. His contemporaries awarded him the Presidency. Yet, neither of these might have come to pass had it not been for Commodore Daniel Todd Patterson, U. S. Navy, his handful of light warships, and his full appreciation of the vital importance of the sea power on which the British operations depended.

This Naval officer, Patterson, is indeed worth our attention. It is hard to find out much about him in even the detailed history, but his role in the defense of New Orleans and all that the victory meant to the destiny of the United States was indeed considerable. A good case could be made that it was indispensable.

Commodore Patterson had not reached his 29th birthday when the British invaded Louisiana, yet he was already an "old sea dog" with 15 years of duty in the Navy behind him. More important, he had been "brought up right" in the tough, aggressive school of Navy leaders such as Barry and Truxtun, Preble and Porter—a school that, like the sea, demanded integrity, hard preparation, foresight, and valor.

At the age of 13 Patterson had gone to sea in the undeclared war with France. Next he sailed against the Barbary Pirates in the USS *Constellation*, toast of the Nation after Thomas Truxtun's stirring victories in her, and still afloat in Baltimore. On a later cruise in the ill-fated *Philadelphia*, he fell prisoner with the rest of the crew to the Barbary Pirates. Characteristically, Patterson did not simply pine away in prison, but under the tutelage of Bainbridge and Porter studied and improved himself in his profession.

After the Barbary wars, Patterson began service on the lower Mississippi and the Gulf of Mexico. In December 1813, he became Commander of the New Orleans Station. With the limited means at his disposal, he immediately and vigorously began to develop his tiny fleet of inadequately-armed gunboats and to prepare for the expected British attack.

After an initial survey of the Mobile-New Orleans area, Patterson addressed a letter to Secretary of the Navy William Jones, requesting additional personnel to assist in the inevitably necessary defense of New Orleans. New Orleans, Patterson said, could be approached by the British from the sea, and Patterson was convinced that the approaches to New Orleans by water were so numerous that "... many vessels and vigilant officers would be required to guard them effectively." This well may stand as one of the great understatements in the history of warfare.

The British understood the strategic importance of New Orleans from the maritime point of view. Patterson knew it also, and he knew that the British knew it.

In planning their defense, the United States commanders had to decide whether to concentrate defenses at New Orleans or at Mobile. Both were strategically important, but there was doubt that either could be successfully defended if forces were split.

But, in the summer of 1814, the War Department decided to evacuate the Fort at Mobile Point. Commodore Patterson, keeping

a weather eye to the sea and the impending British invasion, strongly opposed this move. He stated that if the fort were evacuated, the enemy could immediately and easily occupy it and command Mobile Bay, thus cutting off water communication between Mobile and New Orleans.

General Jackson, who was at Mobile at the time, considered that Mobile could therefore be more logically defended by sea forces, while New Orleans would be more defensible by land troops. In August, he ordered Patterson to "Without delay repair to Mobile with all gunboats and armed vessels under your command." Jackson apparently still believed that Mobile would be the point of the British attack from the sea.

Without benefit of today's more sophisticated approach to decision making, Patterson made one of the most remarkably accurate and foresighted estimates of the situation recorded in our military history. He foresaw the British intent to concentrate their attack on New Orleans. He envisioned an amphibious assault from Lake Borgne, rather than a difficult sea transit up the Mississippi, followed by an overland march from the western end of the lake to a point on the river below New Orleans, and a march on the city itself. Knowing that Lake Borgne was too shallow for the British ships-on-the-line, he knew that the landing forces would have to transit the lake in open barges to the landing area. He realized a tactical truth. His gunboats must not go to Mobile. They were vital to the defense of New Orleans.

Based upon this evaluation, Commodore Patterson spoke his mind to Jackson on September 2, 1814. He said that his small Naval force could be easily blockaded in Mobile Bay and effectively be cut off from New Orleans and the defense of the southern coast. He did more than give his opinion. He refused to carry out Andy Jackson's orders. He informed General Jackson that he was refusing his request because otherwise "the highly important city of New Orleans, the great depot of the Western country, would be left to the enemy who would in that event be able without difficulty to introduce in the country any number of troops they might wish without opposition and obtain possession of it were it known in New Orleans, that they were in the coast."

General Jackson, astute leader and wise man that he was, was impressed with the sound judgment and persuasive reasoning of Commodore Patterson. He heeded his advice. Jackson thus moved his forces to New Orleans, and with Patterson, commenced preparation for defense of the city.

Patterson based his plan for the Naval defense of New Orleans on the prediction that the British would land their landing forces at the Western extremity of Lake Borgne and proceed by land to the banks of the Mississippi at a point some 9 miles below the city.

In a letter to the Secretary of the Navy on November 18, 1814, Patterson predicted the British movements, and pointed out that he was manning the sloop *Louisiana* to aid in covering any attack that might be made by troops marching up along the river to New Orleans: "... nor can the enemy get beyond reach of her guns, having but a narrow slip of land to march on, on one side of the river and on the other side an impenetrable morass, through which an army cannot march nor transport artillery."

The British fleet reached the coast of Louisiana about the first of December. It was an awesome force. Under the command of Admiral Sir Alexander Cochrane, it consisted of 50 ships and a thousand guns, and had embarked a landing force of 8,000 men under the command of Major General Edward Pakenham—a vigorous, talented, brave officer, seasoned in command under Wellington.

As predicted by Patterson, the invasion

point was the Western shore of Lake Borgne, via open barges. To delay the impending operation, Patterson dispatched five small gunboats and two small tenders to face this armada. They were no match for the overwhelming strength of the British fleet. But Jackson needed time. He had just begun to assemble his army at New Orleans.

Patterson's orders to Lieutenant Thomas Jones, in command of this small force, were to "sink the enemy, or be sunk". So with seven small ships with a total of 25 guns, Jones faced the task of holding off and disrupting the ship to shore movement of an 8,000 man landing force from the armada of 50 ships and 1,000 guns. In the face of these odds, Jones attacked and harassed the enemy until all of his ships were destroyed or captured. But he delayed the British for nine priceless days, giving Jackson time to ready his defenses.

Let us take the word of Admiral Alexander Cochrane, the British Commander-in-Chief, as to the delaying effect of these American gunboats. Cochrane reported that since "our principal means of transport were open boats, it became impossible that any movement of troops could take place until this formidable flotilla was either captured or destroyed."

It took the British nine days to complete these preliminary operations. But it can be said that these nine days and seven gunboats saved New Orleans.

News of the initial British landing on the western shore of Lake Borgne reached New Orleans as final preparations to meet the attack were being made.

Having reasoned that the British Army would approach by sea through the lakes, there appeared to be three approaches to New Orleans most likely—Lake Pontchartrain to Bayou St. John, Lake Borgne to Gentilly, or Lake Borgne to the river and up the river bank through the sugar plantations.

Patterson deduced correctly that the British would choose the latter route, and he stationed the sloop *Louisiana* and the schooner *Carolina* in the river accordingly. However, these ships were not manned for action. Patterson had noted the large numbers of unemployed and able bodied seamen wandering the streets of New Orleans and had repeatedly requested of General Jackson permission and funds to offer bounties for volunteers to man these ships. There were no funds available. But Jackson solved it by the declaration of martial law. "Volunteers" were recruited with a press-gang.

But the British had landed their troops at Lake Borgne and proceeded to the bank of the river. They made camp on December 23rd and began forming for the assault on New Orleans.

British Generals Pakenham and Keane really had their problems. This was a different kind of war from Europe. Their intelligence was shaky and information on the size and disposition of the United States forces had been contradictory. They were also nervous with the presence and bearing of Admiral Cochrane, the Commander-in-Chief of the expedition.

Admiral Cochrane's part in the invasion had been carried out with efficiency and success. He felt he could hardly be blamed in London for any errors of the Generals.

Cochrane became scornful of the Generals' doubts and indecision on how to proceed. Of course, he indicated, he could have his artillery guns ferried from the fleet and would blast the enemy's boats from the river; if Pakenham needed more room, Cochrane could dig a canal from the Bayou to the river to bring boats to carry the Army across the river; there had been enough dilly dallying; one hearty thrust in the traditional British manner should scatter the enemy rabble to the winds.

"If you wish", Cochrane said acidly, "I will take the city with my sailors and ma-

rines, and the army can bring up the baggage."

So as Keane and Pakenham worried, Cochrane scoffed. They found comfort in the belief that even if the American force were large, it was only an accumulation of untrained men, a mob without discipline, order, or experience. The first strong British attack would explode that mob in all directions.

Even when Jackson sent a small force to reconnoiter and contact was made, there was little thought that trouble was ahead. "Americans have never been known to attack," one officer said, "we need hardly expect them to do it now."

So some British troops as they got ashore stacked arms and returned to their napping, eating, foraging and enjoyment of the products of the plantation wine cellars.

It was later reported that when a British prisoner had told Jackson that Admiral Cochrane had boasted that he would eat Christmas dinner in New Orleans, Jackson had replied, "Perhaps so, but I shall preside at the feast." When Cochrane heard of this reply, he retorted, "I shall not only eat Christmas dinner in New Orleans, but spend the Carnival there."

As things turned out, this certainly must go down as one of the most inaccurate prophecies in military history.

As the British reached the river bank on December 23rd, Patterson stood down to meet them on board the schooner Carolina. Anchoring his ship abreast the enemy's camp, he was heard clearly to shout as Carolina's guns opened fire "Now then, give it to them for the honor of America!" His guns drove a whole division on the left river bank to cover and kept them there while Jackson attacked with his Tennessee Riflemen. The Carolina's guns kept the enemy behind the levee under cover all day of December 24th. It was not until dark that they were able to sneak out from under her gun muzzles. But her elevated guns followed the enemy inland and held them from the river bank until the night of December 27th.

It was on the 24th of December that on the far side of the Atlantic, British and United States commissioners signed the Treaty of Ghent which officially ended the War of 1812. But in the vicinity of New Orleans events were still moving irresistibly to the climactic battle of that war that had officially ended.

It is worth at least a moment of speculation in realizing that it was the lack of the kind of communications that we have today, that made the Battle of New Orleans inevitable after the signing of the peace treaty. Without the communications by which a distant command post could have told the field commanders not to fight the battle, the Battle of New Orleans soon took place. The results of that Battle, of course, strengthened the meaning of the treaty from the standpoint of the U.S. and contributed to the security of U.S. independence.

Patterson brought down the sloop Louisiana to help flank the breast works thrown up by Jackson's troops. Carolina was destroyed on December 27th, when two heavy British batteries that had been fitted at night scored direct hits and exploded her magazines. But Carolina's seamen then became artillerymen on shore, joining Jackson's troops.

On the morning of 28 December, the British Army started out for New Orleans but stumbled, instead, on Jackson's Army after only three miles of advance. They were mowed down by the long ship guns of the Louisiana who drove the British artillery back upon their infantry, forcing its withdrawal out of range.

Patterson now landed guns from the Louisiana on the opposite bank of the river, flanking the enemy's batteries as well as their columns.

On January 8th, the final major episode

of the Battle of New Orleans was fought. It was fought at the exact spot predicted by Commodore Patterson two months previous. We must give due credit and admiration to this tough, seasoned British Army for reaching the final field of battle. After a difficult and harassing landing at Lake Borgne, a cold, wet, and exhausting transit on foot to the Mississippi, and weathering the devastating Naval gunfire during the approach toward New Orleans, the British now marched straight into the deadly fire of Jackson's frontier sharpshooters.

In a period of 30 minutes, over 2,000 British fell, dead or wounded. American losses were 6 dead and 7 wounded.

During the battle General Pakenham was shot and killed while riding to rally his breaking troops. Upon reporting this news to Jackson, an Aide remarked, "That British officer certainly acted the hero to the last." Jackson paused for a moment and replied, "When our intellect fails us, we have to become heroes."

Patterson's battery was back in action the following day, however, on January 9th, as the shattered British Column sought refuge beyond the range of his guns. The heaviest guns from the breastworks and Patterson's water-battery kept up a day and night bombardment on the British camp.

It was impossible for the enemy to regroup for another advance and useless for them to remain. Each day brought reinforcements to Jackson's Army. The British abandoned their positions on the night of January 18th and began an agonizing retreat to their fleet.

Jackson returned to New Orleans on January 21st to a hero's welcome. The Battle of New Orleans was over. The triumph was clear. Our nation was more secure.

Although Patterson commanded his gallant and efficient subordinates, the leading part played by him in that heroic drama of New Orleans has not been adequately acknowledged by history. Yet, Jackson, who qualifies as an expert witness, did realize the importance of the Navy's role.

In a letter to the Secretary of the Navy dated January 27, 1815, Patterson wrote that General Jackson freely acknowledged that the "unwearied exertions of the small naval force on this station, from the first appearance of the enemy, has contributed in a great degree to his expulsion."

So, what does the Battle of New Orleans mean? In the first place, no victory against the vigorous and growing British Empire in the 19th century was meaningless.

The meaning of the Battle of New Orleans was, and is, that it strengthened the position of the United States as an independent Nation. Never again, after the blood letting at New Orleans, would the British challenge U.S. independence. It is also very possible, in the light of subsequent events, to conclude with considerable reason that had Jackson and Patterson not won the Battle of New Orleans, the United States might well have had to face British arms in the northwest over the "54-40 or fight" boundary crisis.

When viewed through the long-glass of history, the Battle of New Orleans stands with Saratoga and Yorktown in the trilogy of triumphs that made our country free.

GARVIN P. TAYLOR

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. RODINO. Mr. Speaker, recently Montclair, N.J. lost an outstanding citizen and a man who served this community personally and through his profes-

sion. The following editorial from the Montclair Times aptly portrays his contributions:

GARVIN P. TAYLOR

Garvin P. Taylor, who died last week at the age 80, was above all a gentleman of firmest principle. As its publisher, Mr. Taylor determined that The Times should be a family newspaper suitable to be read by all, the young as well as the old. From that high precept he never deviated.

In its responsibility to its readers, The Times would note criminal activities and departures from ethical procedures, but lurid details, he insisted, would be omitted.

"We must live with our readers who are our neighbors," he often said. "Let us publish a paper which will bring them the facts they should know, but without favor and without dwelling on the sensational or the sordid."

As any newspaper reflects the personality and the character of its management, so The Times has mirrored Garvin Taylor's resolve to make it unequalled in the nation in the thorough presentation of community issues with the strictest impartiality.

To this resolve the staff which Garvin Taylor assembled over the years dedicated itself without reservation. There could be no greater tribute to his memory from fellow professionals. His spirit will carry on as this newspaper faces the challenge of the Seventies.

SOCIAL SECURITY BENEFIT INCREASE NEEDED NOW

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. SCHWENGEL. Mr. Speaker, today I insert in the RECORD, part IV of the article entitled "Private and Public Retirement Pensions: Findings From the 1968 Survey of the Aged" by Walter W. Kolodrubetz.

The article follows:

PRIVATE AND PUBLIC RETIREMENT PENSIONS:
FINDINGS FROM THE 1968 SURVEY OF THE
AGED—PART IV

RELATIONSHIP TO SOCIAL SECURITY BENEFITS

Persons with private pensions were likely to have higher OASDHI benefits than those without private pensions. This difference is not surprising since private pension coverage historically has been concentrated in industries and occupations covered by OASDHI since its beginning and characterized by average and above-average earnings. Furthermore, private pensions normally accrue to those persons who spend most of their worklife in one job and thus have few interruptions in employment that could affect the average monthly earnings used to compute OASDHI benefits.

Almost half the married couples with private pensions had OASDHI benefits between \$2,000 and \$2,500; for about 10 percent, benefits were less than \$1,250 (table 6). Their median benefit was \$2,040. For married couples receiving only OASDHI in retirement, benefits were lower and more widely dispersed. Less than half as large a proportion as that for private pensioner couples received benefits of \$2,000 or more, and five times as large a proportion received benefits less than \$1,250. Their median OASDHI benefit of \$1,483 was about \$550 less than that received by the private pensioners. Nonmarried persons receiving only OASDHI in retirement benefits also had substantially lower OASDHI benefits than the nonmarried who also received private pensions.

TABLE 7.—SOURCE OF RETIREMENT BENEFITS BY PRIMARY INSURANCE AMOUNT FOR OASDHI BENEFICIARIES 1: PERCENT OF AGED UNITS WITH MONEY INCOME FROM SPECIFIED RETIREMENT BENEFITS BY PRIMARY INSURANCE AMOUNT AS OF FEBRUARY 1968

Primary insurance amount ²	Married couples with OASDHI benefits and—		Total with OASDHI benefits and—		Nonmarried persons		Men with OASDHI benefits and—		Women with OASDHI benefits and—	
	Private group pension	Other public pension	Private group pension	Other public pension	Private group pension	Other public pension	Private group pension	Other public pension	Private group pension	Other public pension
Less than \$100.00.....	5	15	2	7	3	8	2	7		
\$55.00.....	3	25	1	11	1	12	1	10		
\$55.10 to \$79.90.....	4	15	3	5	5	7	2	4		
\$80.00 to \$99.90.....	7	9	3	5	3	6	3	5		
\$100.00 to \$119.90.....	11	4	9	4	9	5	9	4		
\$120.00 to \$139.90.....	20	5	13	5	21	5	10	5		
\$140.00 or more.....	41	5	25	8	43	8	15	8		

¹ Excludes beneficiaries who received their first benefit in February 1967 or later, the transitionally insured, and special "age-72" beneficiaries.

² Though the DECA Survey information relates to 1967, the PIA amounts shown reflect the in-

creases provided by the 1967 amendments to the Social Security Act. For couples with both members receiving benefits, PIA of the men; for widow beneficiaries, PIA of the deceased husband.

The distribution of OASDHI benefits for units receiving a government or railroad retirement pension in addition to OASDHI was considerably different from that for private pensioners. As noted earlier, many persons under State and local government systems have concurrent coverage under OASDHI, and presumably their OASDHI benefits would be at levels similar to those of private pensioners. Unfortunately, the Survey was not geared to distinguish between State and local government and other public pensions. The distribution therefore includes some State and local government retirees and civilian Federal Government and railroad retirees who did not have concurrent OASDHI coverage and earned OASDHI benefits from a different job. Persons who obtain OASDHI eligibility on jobs other than their career jobs typically qualify for low OASDHI benefits. As a result, OASDHI benefits for aged units receiving two public pensions were at a much lower level than those of aged units with private pensions.

For married couples with two public pensions, OASDHI benefits were also lower than they were for those receiving only OASDHI in retirement benefit income. Among nonmarried persons, however, OASDHI benefits for those with two public pensions were not much different, on the average, than those paid persons receiving only OASDHI benefits in retirement benefit income.

Private pensioners made up the bulk of the persons who received high benefits under the social security program in 1967. They were least represented in the group with low OASDHI benefits, because these retirees were unlikely prospects for private pension coverage during their working years. The close tie between receipt of private pensions and high OASDHI benefits is indicated in a different way in table 7. Forty-one percent of the married couples with PIA's of \$140 or more had private pensions, compared with only 5 percent for those with PIA's under \$100. Couples who also had other public pensions were concentrated at low PIA levels and accounted for 15 percent of the couples with a PIA less than \$100. Nonmarried men had an almost identical pattern with that for dual pensioners by PIA amounts. A sixth of the nonmarried women with PIA's of \$140 had private pensions, compared with 2 percent of those with PIA's under \$100.

the efforts which are currently afoot among honorable Members from all over the country to join in a meaningful register of protest to the Secretary of the Department of Health, Education, and Welfare with regard to the future of the Public Health Service Hospitals across the Nation. These fine institutions have performed yeoman service over the years and have a vital role to play in their communities today. To close them would be to shift the burden to the already crowded VA hospitals or result in further Federal subsidies to private hospitals—all at greater cost and resulting in a less efficient service for those served than under the existing arrangements.

Coming from Massachusetts as I do, I find it difficult to conceive of a future without the old Boston Marine Hospital, founded back in the early years of the Republic. After years of effort by the Boston Marine Society, an organization which itself dates back to 1742, Congress passed on February 24, 1798, "An act for relief of sick and disabled seamen." From this developed the U.S. Marine hospitals located in all large U.S. seaports.

The U.S. Marine Hospital in Brighton, Mass., is presently a going concern enjoying an excellent reputation and from all reports is well operated. The seagoing community which it serves, both the men and their families, and the Federal Government workers which receive treatment there, is a community which we should not brush aside in this day and age. A nation which ignores the heritage and wisdom of its forefathers is a foolish nation, indeed. I urge all Members to seriously consider joining me in cosponsoring the resolution introduced by the honorable gentleman from Maryland, CLARENCE LONG.

RECOGNIZING AND REJECTING ERRORS OF THE PAST

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. SCHMITZ. Mr. Speaker, one of the most curious aspects of American political dialog today is that it is the so-called liberals and progressives who are most insistent that what has been done by government cannot be undone, that once we are committed to a course of action we can never pull back from it.

"You cannot turn back the clock," they cry—though when it comes to the activities of government which they dislike, such as maintaining a strong national defense, they are only to fertile in ideas of how to phase that out.

If the Left can demand that we reorder priorities to downgrade national defense, and get out of Vietnam, and obtain a hearing and widespread support for fundamental changes in our policy such as that, then it ought to be possible at least to obtain a fair hearing and reasonable consideration for fundamental changes in other areas of our policy which many Americans feel just as strongly to have been mistakes.

I have introduced legislation in two such areas. My H.R. 2632 would terminate American participation and membership in the United Nations. This resolution is identical to that introduced in past Congresses by my predecessor, the late Congressman James B. Utt of honored memory. During his service in Congress, the time for it was not yet ripe. Woolly hopes and childish illusions still obscured too much of the truth about the United Nations.

But now there is a growing appreciation of the fact that, far from being a panacea for international problems, the United Nations is at best an expensive and useless white elephant, and at worst an initial blueprint for world dictatorship. Can anyone point to any significant conflict anywhere in the world during the past 15 years which the United Nations has helped to resolve, or even to moderate? In the Middle East it has been a spectacular failure, while in Southeast Asia it has carefully looked the other way during the whole decade of war.

On the other hand, in several cases the United Nations actively intervened to stir up trouble. It was an aggressor in the Congo and has allowed itself to be used as a pawn to further the political ambitions of other African nations regarding Rhodesia. Furthermore, as in the genocide treaty now before the Senate, the United Nations is constantly seeking to interfere in the internal affairs of Western nations—but never in those of the Communist bloc.

Last December 21, on the House floor, during a debate on yet another appropriation of our tax money for the United Nations, Congressman H. R. Gross of Iowa pointed out that the proposed expansion of the U.N. building in New York

THE FUTURE OF THE PUBLIC HEALTH SERVICE HOSPITALS

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. BURKE of Massachusetts. Mr. Speaker, I commend to your attention and the attention of the whole House,

would cost \$63.13 per square foot, "perhaps the most luxurious pace on this planet." He concluded with this blistering indictment:

This legislation, Mr. Speaker, adds insult to injury. The already hump-backed American taxpayers are being asked to put up \$66 million of the estimated \$80 million cost of this project in a year when this Government has already knuckled under to a \$14.7 million dues increase to the U.N. and its related agencies, and at a time when the multitude of deadbeat members of this organization owe more than \$200 million in the form of unpaid dues and assessments. And that is to say nothing of the millions the U.N. owes us on the loans and credits we have extended.

If the United Nations wants a fancy addition to the Tower of Babel it now occupies, let U Thant collect the back dues that would more than pay for it. Until that is done, let us not heap yet another burden upon the working men and women of this country who have already given far more than their fair share.

Although this appropriation was approved, last year, for the first time, the United States cut its funds to one of the subsidiary organizations of the United Nations—the International Labor Organization, which was rightly denounced as an anti-American propaganda forum. The United Nations tide is turning. It is time to recognize and reject this error of the past.

And the same should be done regarding the vote in Congress last year, in flat defiance of the Constitution, compelling the States to allow 18-year-olds to vote, though the people of most States had refused to do this. Many Members of Congress voted for this bill under the mistaken assumption that even our present Supreme Court could not be so derelict in its duty as to uphold it. That assumption has been proved false. But we need not live with this error forever. My H.R. 2633 would correct it by repealing the amendment to the Voting Rights Act which lowered the voting age to 18.

THE HUMANITY OF THE UNBORN CHILD

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. HOGAN. Mr. Speaker, on January 29, 1971, I asked that my testimony before the Maryland State Legislatures opposing a proposed bill which would allow abortion on demand be inserted in the Record for the information of all Members.

My brother, Dr. William J. Hogan, an obstetrician and gynecologist from Bethesda, Md., also presented some very moving testimony before the legislature describing the humanity of a fetus from the moment of conception. Prior to his testimony before the Maryland Legislature and since that time, he has spoken before various groups almost every night of the week to inform Maryland residents about the dangers of this "abortion on demand" bill.

Mr. Speaker, I include my brother's

speech discussing the humanity and development of the unborn child at this point in the Record. I am certain that many Members will be interested in the facts about abortion contained therein which are rarely enunciated by the proponents of this kind of legislation.

The speech and article follow:

SPEECH BY DR. WILLIAM J. HOGAN

I have been asked to speak to you tonight on the subject of abortion. In my view, the abortion issue is one of the most agonizing and devastating problems of our times, and its effects will be with us for a long time to come.

A liberalization of attitudes and of many state laws has led to the widespread practice of abortion upon demand in the United States and throughout the world. This has very conveniently been accomplished by arbitrarily assigning the status of nonhumanity to the developing unborn child. This increasing loss of respect for human life has serious implications for the future of society.

Our Judeo-Christian tradition has been the strength and foundation of our way of life. It has taught us that God is the Author of all life and that man does not have the right to directly take the life of another innocent human being. These traditional concepts are now in danger of being lost.

A very powerful and, unfortunately, increasingly popular movement in this country and throughout the world seeks to place in the hands of man, power of dominion over the right to life of other men when it is convenient to do so.

Now the abortion question in 1970 is not the same issue that it was several years ago. Then the call was for laws that allowed abortion to be performed for the so-called "medical indications". These were as follows:

1. The preservation of the life and health of the mother (including psychiatric indications).
2. To prevent birth defects.
3. For rape and incest.

The fact is that these indications for abortion are today, in 1970, quite rare in reality and so the thrust is for abortion on demand. By abortion on demand is meant simply the destruction of the infant purely for the convenience of the mother, her family, or society or for no reason at all. Yet, until very recently, virtually everyone believed the infant's right to existence transcended any right of a woman, a family or society to its right to social conveniences.

According to the National Opinion Research Center, 85% of the population of the United States are opposed to abortion on demand. Unfortunately, the remaining 15% have gained widespread support from the news media and in many state legislatures while the 85% have been largely apathetic.

Now what basis do I have for stating that the traditional "medical indications" for abortion are becoming even more rare.

To quote some statistics in New York City, from 1943 to 1962 the therapeutic abortion rate dropped from 5.1 per 1,000 live births to 1.8 per 1,000 live births. Rarely is a medical disease an indication for abortion today.

As for birth defects, German measles, the most common reason to seek an abortion to prevent even a modest possibility of a congenital defect, will soon be a disease of the past. The epidemic of 1964 was the catalyst for the scientific community to develop not only the laboratory tests to accurately diagnose the presence of German measles but also the vaccine to prevent an individual from ever developing the disease. German measles should no longer be an indication for abortion.

In the recent past, Rh sensitization developed in 10% of Rh negative women bearing Rh positive children. Many of these children were born with severe anemia, jaundice

and heart failure and were at high risk for brain damage. With the introduction of a new drug called Rhogam in the spring of 1968, this terrible medical problem has been virtually 100% eliminated for the future.

Considering psychiatric indications, the Minnesota Mortality Study, reported in the *American Journal of Obstetrics and Gynecology* in January 1968, points out that the suicide rate is four times as great in the general female population as it is in the pregnant female population. None of the fourteen suicides in pregnancy over a 16-year period in the State of Minnesota were associated with conditions that would constitute an unwanted pregnancy.

In the event of rape or incest, if a woman is of a determined mind to have an abortion performed and seeks medical attention within 7-8 days, some physicians will perform a medical curettage removing the lining of the womb. If she is pregnant it is impossible to discern because the pregnancy test will be negative and there will be no evidence of pregnancy in the tissue removed at this early time. This woman needs no liberalization of laws because there can be no law governing a pregnancy that cannot be shown to exist.

The administration of large doses of a hormone in this same time interval might delay or prevent ovulation or create an unfavorable environment for implantation of an early conceptus.

But then how common is pregnancy resulting from rape or incest? In Czechoslovakia the number of pregnancies terminated for the reason of rape constituted 0.0002% of 86,258 abortions performed in 1966.

What I have tried to show, then, is that the traditional medical reasons for doing an abortion are in fact becoming more rare all the time.

Having lost virtually all medical indications for abortion to the progress of medicine, the proponents for abortion on demand now become more dramatic and emotional and rhetorically shout: "The laws on abortion are unenforceable and therefore should be abolished" . . . or the "laws are not equally applied because the rich have access to abortion and the poor do not; therefore, there should be no law" . . . or further, "how many more women must die before the laws are changed?"

Now it is true that for many years a white man who murdered a black man in the southern states of this country was never convicted of his crime. Clearly the law was not enforced nor equally applied. Would anyone argue that for these reasons the laws against murder should have been abolished?

As for maternal mortality, in some countries where liberalization of abortion laws have taken place the death rate in women whose pregnancy was aborted, exceeds that of women who undergo delivery at term. In Sweden, a country which leads the world with the lowest prenatal mortality rate, has a 25% higher death rate for abortion than for natural pregnancy.

In March 1969, it was reported in the *American Journal of Obstetrics and Gynecology* that in the first year of the liberalized abortion law in the state of Colorado there was an 8% excessive hemorrhage rate associated with the abortion procedure, and a significant number of infections and uterine perforations were reported. The authors believe that an increased rate of loss of reproductive capacity will come to light in these women as time passes.

With these facts in hand anyone would ask why the criminal abortionist practices better medicine than the legal abortionist of today in his well equipped sterile operating room. The answer is that there are far more abortions being performed today than ever before and today's brave, bold abortionist ventures forth to terminate a pregnancy at much later stages of gestation than the

criminal abortionist would have ever considered.

It is also a fact that in those countries where abortion laws have been passed, illegal criminal abortions have only increased in number.

Recently the legislatures of 17 states have liberalized their laws on abortion and in five of these the law allows for abortion on demand. In six other states and the District of Columbia the courts have ruled against existing abortion laws either because the law was said to be vague or because they were said to be in violation of a woman's right to destroy an unwanted or inconvenient pregnancy if she chooses.

The fact is, with or without laws, abortion on demand in reality is widely practiced. The woman simply states she wants to commit suicide or a German measles rash is fabricated by her doctor who then petitions the rubber stamp hospital committee and the matter is settled very quickly.

There is a profit involved to be sure. As Sir John Peel, President of the Royal College of Obstetricians and Gynecologists, has said, "a very large number of abortions are being done by a small handful of doctors for very large fees". This is as true in Montgomery County as it is in England.

A colleague of mine is very much concerned about the plight of the woman with an unwanted pregnancy. His compassion, however, is only ignited when the woman places \$750.00 in cash in his hand, in advance. Only then is an abortion indicated in her case.

How do the proponents for abortion on demand justify their sanction for the wholesale destruction of human life for social convenience? They begin by assigning the status of non-humanity to the developing unborn child. They say that this individual child who can move and suck and grasp and—to the chagrin of the clumsy abortionist and the horror of the operating room nursing personnel—cry aloud when accidentally born, is no different than a set of tonsils or an appendix. Men of science abandoned this concept 400 years ago.

There is no disputing the fact that the fetus is a distinct human being with an individual, distinct genetic makeup different from every other creature from the beginning of time.

Every tonsil from the beginning of the world is essentially the same. Amusingly, one would be in very difficult circumstances if one declared his tonsils or his appendix as an income tax deduction.

Now it must be stated that many of the abortion proponents are honest dedicated people who share with others the common ground of concern for the problems of man. However, they are making the devastating mistake of ignoring or suppressing the painfully obvious fact that the infant within the womb is a member of our humanity and is entitled to the right to life as are all human beings.

Many of our young people who have genuinely idealistic concerns about overpopulation, poverty, the unwed mother, and all the problems facing society, have tragically been converted to the abortionist's way of thinking. Many others have lost the connotation of the word abortion or can no longer identify with the unborn child as a fellow human being or are simply tired of confrontation on social issues.

Let us explore further this humanity of the unborn infant. The obstetrician, the fetal physiologist, the embryologist, and the geneticist all tell us that this infant within the womb shares the same essential characteristics that all men possess. It differs from you and me only in that it has not reached many of its potentialities even as a one-week old infant has not reached its full potential. A three-year-old child cannot read and a prepubescent boy and girl has not reached

its reproductive potential. Nonetheless, they are no less human all of us would agree.

If this infant shares our humanity, we destroy our humanity; we destroy the rationale of our concern for others in our society when we say we have the right to annihilate this human being in order to solve some other pressing problem that is less than the demand for the mother's life.

Is it rationale to assume that we can solve the problems of the underprivileged by institutionalizing abortion as the contraception of the poor? The destruction of human infants will not solve the agonizing problems of poverty, hunger, lack of education, poor housing, lack of job opportunities, the plight of the unwed mother, inadequate family planning programs or all the conditions that go to make up a situation where a child is unwanted.

Before we say to the unwanted unborn child that our solution for his problem of being unwanted is to destroy him, let us ask ourselves whether or not we might be destroying another Martin Luther King, a man from poor beginnings; or a Babe Ruth, an unwanted child from Baltimore; or a Helen Keller or Toulouse Lautrec, both handicapped persons. Even Moses, you will recall, was an unwanted child.

What if we could ask that unwanted unborn child what his choice would be, whether he would choose to be born unwanted or be impaled to death by a surgical curette. There is no doubt in my mind that he would choose life.

To further develop this question of who is this child within the womb and what is human life, I thought, as an obstetrician I might offer you some insights into how a human person develops.

As you know, conception, or the union of the male sperm with the female egg normally takes place in the Fallopian tube. One half of the genetic component is contributed by the female and one half by the male, so that we have set in motion the development of a unique distinct individual whose genetic composition is different from either of its parents and is different from any human being in the entire history of the world.

After a journey of about seven days the embryo arrives in the cavity of the womb and is implanted therein and requires only nutrition and time to develop into one of us.

By two weeks gestation the cardiovascular and nervous systems are developing.

At three weeks there is a heart beat with circulating blood.

All the internal organs that a complete human being possesses are present and developing by six weeks gestation.

By seven weeks the nervous system of the fetus is functional to the point that it flexes its neck when its mouth is tickled.

By eight weeks it has readable brain tracings, the skeleton has begun to form and the eyes, fingers, and toes are evident. After this point of eight weeks no new major structure will be added and further growth will consist of maturation and development. It is about this time that the woman is consulting her physician in order to confirm a diagnosis of pregnancy.

At 9-10 weeks the fetus swallows, squints, and moves.

By 10-12 weeks a heart beat can be detected in the doctor's office by means of ultrasonic techniques. The fetus now resembles you and me in every respect. Now the fetus will begin to suck his thumb.

At 20 weeks of pregnancy the fetus weighs 500 gms. or approximately one pound. Survival beyond this point is now a reality. Indeed an infant weighing less than one pound survived beautifully at Georgetown University Hospital within this past year. An infant of 397 gms. survived in Canada.

Yet, only a few years ago, the age of viability was thought to be 28 weeks gesta-

tion. Now about 10% of infants between 20 and 28 weeks can be expected to live.

It is now perfectly evident that any age of gestation set for survivability can no longer be considered immutable because of the great progress that medicine has made in the field of neonatology. Indeed, as Doctor Diamond has said, the 20-week survivability standard is about as sacred as the four-minute mile in the track world.

Further, with the rapid advances in medicine we will likely see the 12-week fetus, separated from its mother's womb, survive normally. It may even be possible in the future for an embryo to live in a laboratory environment from shortly after conception.

Now beyond 20 weeks the developing human being is termed a premature infant and all states require a birth certificate for such a child. He may at this time be claimed as a legal dependent for tax purposes as long as he is not delivered stillbirth.

Human development, then, is a single continuous process from implantation to the achievement of adult personhood. A ten-week fetus is not essentially different from a 20-week infant or a 30-week infant.

Though it may be safer to terminate a pregnancy earlier in gestation than later, it is totally illogical to choose any point in the continuous biological development of the child, such as the feeling of movement perceived by the mother, a heart beat heard by the doctor, or even the delivery of the infant as the beginning of Human life.

The deliberate termination of a pregnancy at whatever stage of development before viability is the same process; namely, the destruction of human life. It matters not whether it is four weeks or eight weeks or twenty weeks, or whether you can hear a heart beat with a stethoscope or whether the mother feels movement. It is the same process, the destruction of human life.

I would now like to show you some slides that illustrate the human development that I have been talking about.

(Stop and project 35 mm. slides.)

What will be the consequences of this ever-increasing loss of respect for human life? Of course, one does not know the answer to this question but if one examines unfolding events, the signs are quite ominous.

The right to inheritance, the right to own property, and the right to due process of law for the unborn child have in the past been protected by the courts. These are hollow rights indeed if one does not have the right to life.

A euthanasia (or so called "mercy killing") bill was introduced for the fourth consecutive year in the House of Lords in 1969 and was defeated by a margin of only 61-40. A similar bill has already been introduced in the Florida legislature this year. According to this bill, not only would one be permitted to decide for his own execution, but—and I quote from section 3—"in the event any person is unable to make such a decision because of mental or physical incapacity, a spouse or person or persons of first degree kinship shall be allowed to make such a decision. . . ."

You say it couldn't happen here! We have said all along that abortion on demand could not happen here and it very definitely has.

John Cardinal Heenan, the Catholic Primate of Britain, observed this week, as reported in *The Washington Post*, that the greatest shock given to mankind in modern time was not the atomic bomb on Hiroshima but the Nazi extermination of six million Jews. Further he noted that "the realization that national leaders in the 20th Century could plan the systematic destruction of a whole race put an end to the myth of human progress." Surely there were those in Germany who said, "it couldn't happen here."

What will be the effects on society when future physicians and health personnel have completely jettisoned the Hippocratic Oath in order that they might serve as exterminators as well as healers?

Shocking and alarming is the September 1970 report of the President's Task Force on the Mentally Retarded which recommends that the government provide active leadership for increased availability of abortions, voluntary sterilization, and birth control measures. Simply stated, the government can solve the problem of mental retardation by providing the means to destroy the mentally retarded or potentially retarded.

Might not the alleged atrocities at My Lai and the upsurge in impersonal vicious crimes in our country be an indication of how we as a people are coming to value human life?

One can even be concerned about our economic progress when, as was reported in *Medical World News* in June 1970, Dr. Yukimasa Watanabe, President of the Tokyo Association of Maternal Welfare, said that "the combination of contraception and abortion has skewed the Japanese population so far toward the older age groups that commercial interests are now openly predicting a severe labor shortage by the end of the 1970's."

In my view, on the basis of reason, logic, science, medicine, law, governmental policy, economics, and especially from the standpoint of man's humanity to man, direct, intentional abortion makes no sense at all.

In closing, I want to read to you a portion of Pearl S. Bucks' foreword to *"The Terrible Choice: The Abortion Dilemma"* which is a book based on the proceedings of the International Conference on Abortion sponsored by the Harvard Divinity School and the Joseph P. Kennedy, Jr., Foundation. She writes, "as a mother of a child retarded from phenylketonuria, I can ask myself at this reflective moment, if I had rather she had never been born. No, let me ask the question fully. Could it have been possible for me to have had foreknowledge of her thwarted life, would I have wanted abortion? Now with full knowledge of anguish and despair the answer is no, I would not. Even in full knowledge I would have chosen life. I fear the power of choice over life or death at human hands. I see no human being whom I could ever trust with such power—not myself, not any other. Human, wisdom, human integrity are not great enough. Since the fetus is a creature already alive and in the process of development, to kill it is to choose death over life. At what point shall we allow this choice? For me the answer is—at no point, once life has begun. At no point, I repeat, either as life begins or as life ends, for we who are human beings cannot, for our own safety, be allowed to choose death, life being all we know. Beyond life lie only faith and surmise, but not knowledge. Where there is no knowledge except for life, decision for death is not safe for the human race. . . ."

[From the *America* magazine, July 19, 1969]

HUMANIZING THE ABORTION DEBATE

(By James J. Diamond)

A reading of the transcripts of abortion hearings reveals that whenever humanistic concepts are developed, they are more likely to be well developed by proponents of abortion rather than by its opponents. The admittedly difficult and demanding situations that arise from man's genitality readily elicit "gut reactions." Reactions of the same intensity are difficult to arouse through philosophical abstraction.

In pleading the case for liberalization, one need do scarcely more than present a 14-year-old child pregnant by her drunken father, a mother of three teen-aged children in the suburbs raped by an insane criminal, or a pitiable defective in a mental institution pregnant by an illiterate orderly. If the mo-

ther is white and the man is black, a few more votes will swing. Legislators are human and become sensitized.

This article acknowledges the human concerns inherent in the question of liberalization. It does not admit that all the gut or basically human considerations lie with the proposals for liberalization. There are many extremely human considerations, too, in the arguments against it. Some of these involve the experiences of people in other countries, who are beginning to learn by bitter retrospection. The time has come, I believe, to apprise our sensitive legislators of all the implications of abortion. There are monstrous realities lying in the wake of abortion.

The author, a cancer surgeon, is more than aware of the medical aspects of the abortion debate. He recognizes the problems for what they are—and, he hopes, with compassion and understanding. After what he feels has been an ample period of reading, thought and discussion with people in all walks of life, he would insist that in any honest debate the following ground rules should be observed by all the participants:

1. It must be understood that the debate is not at all a Catholic-nonCatholic affair. When the case is presented to a legislative committee, this fact must be kept in mind. To ignore it would be to insult the intelligence and good will of the committee members. In fact the Catholic Church has many allies.

2. No one should keep silent in this debate out of deference for the spirit of ecumenism. Such an excuse would be intellectually dishonest. It is no disservice to ecumenism if a scholar speaks out with conviction.

3. The abortion issue simply must not be handled before State legislative bodies as a *quid pro quo*. Obtaining textbooks or aid to parochial schools by means of silence on the abortion issue would amount to a betrayal.

We can begin our discussion by agreeing that, as human beings, we all have a well-developed tendency to assign varying degrees of humanness to other human beings. Take for example, the men and women of the Appalachia area. Americans in general simply ignored them. For a long time we made no effort to deliver them from their poverty, filth, disease, ignorance, starvation or despair. Yet today, when a cave-in occurs, we stare fixedly at our television sets as rescue efforts are made to drill a lifeline in to some trapped miners. Rescue teams slave to the point of physical collapse, the company expends a small fortune and families pray to a state of numbness, all in the unrealistic hope that somewhere in that shaft there exists a human life. Americans have thus judged the same persons twice. For years the Appalachia people were considered negligible; now they are salvage-worthy.

The basic, human, unrehearsed reaction of mankind is demonstrated here in the cave-in tragedy, just as it is when a submarine goes down, a plane is lost at sea or a building catches fire. Our instinctive reaction is to work on the assumption that somewhere in that mine, beneath that sea or beyond those flames is a human life to be saved. We don't demand proof that life is there; we act simply on the possibility.

In the case of abortion, however, our response operates in a manner diametrically opposite. Here the action is based on an assumption, a hunch, a hope or even a prayer that a human life does not exist in that uterus.

How can we make this disparity acceptable to ourselves? We do it by applying different values to humanity's several forms. The miners are full-grown men; the babies are but a few weeks old. We do not quibble about what kind of existence we would be returning the miners to—its quality, its desirability, its fulsome. We are able to

raise these questions about the baby, however, since we have enough doubt about our attitude toward abortion to need all the psychological self-help we can get. This will become clearer if we reflect on the way we assign selective values to our fellow men, even when we admit their indisputable humanity.

The death of Martin Luther King in 1968 paralyzed all of us, even though we had been more or less indifferent to the deaths of Biafrans during the previous year (at least until it became the "in" thing to be Biafra-conscious). Even now, the idea of brown people dying in Vietnam, leaving little brown children as orphans, hardly seems as tragic as white Yanks dying there. And the rape of a B-girl from the Block in Baltimore simply does not arouse us as the rape of an aristocratic socialite does. Or again, compare the penalties we administer to the murderer of an adult and the disciplines we impose on the irresponsible father who fatally beats his own child, or on the unmarried mother who abandons her child within hours of parturition.

Through an irrational, inbred inconstancy we are able to assign a scaled degree of humanness to victims. As a criterion, we accept the yardstick of proximity to ourselves—proximity in geography, nationality, creed, color, social status, way of life, respectability, age or whatever else is convenient. And so too, by an act of subconscious ledger-dollars, we have relegated the intra-uterine baby to the same limbo that we have relegated other humans to. To make abortion palatable, we assign non-humanity to the unborn baby.

Is it really too much to ask that each of us—for or against abortion, learned or unlearned, bigoted or impartial, personally involved or no, revanchist or no—defer judgment as to whether intra-uterine babies possess human life? Let us at least wait till we have rid ourselves of an honestly acknowledged tendency to deny, in our minds, complete humanity to real live people just because they do not live next door, go to our church, wear our color of skin, belong to the same country club, speak the same language, avoid the same sins and keep the same company as we, their judges, do. For only when each man's death diminishes all of us shall we be competent to make a humanly integral assessment of the humanity possessed by those tiny "tumors" that manage to kick and cry and swallow and stretch out their hands and purse their lips.

The extent to which human emotions are involved in the case against abortion is underlined by the "Glasgow incident." A porter in a Glasgow hospital recently embarrassed the British liberal abortionists. It appears that a hysterectomy was performed on a 24-weeks-pregnant woman, and the porter was assigned the task of delivering the specimen to the incinerator. While en route the baby started to move and cry. Strange behavior for a "tumor." Being unsophisticated, the porter experienced a human emotion; so he took the baby to the premature nursery, where it lived for a day and a half.

The youngest survivor in medical literature is of about 20 weeks' gestation. Survivors with a birth weight between one and two pounds are documented. Practically no knowledgeable person considers the age of survivability as immutable; too many variables are involved. In this day of DNA synthesis, test-tube incubation, intra-uterine transfusions, talk in high circles of chromosomal manipulation and *in vitro* generation, the 20-week survivability standard is about as sacred as the four-minute mile.

Once a mother has finally seen a 20-week or a 12-week *wanted* baby grow old enough to enjoy a birthday party, will anyone anywhere be able to convince her that her next baby at 12 weeks is a tumor or an excrescence? The irony is that when (not if) sci-

ence develops a heart-lung nutrient machine to hook into the umbilical vessels, or some such setup, our medical people will find positive indications for removing certain pregnancies from the uterus and allowing them to finish growth in the controlled environment. The old indications for abortion, such as heart disease, Hodgkin's disease, breast cancer and the like, will be espoused as indications for extra-uterine support.

But what of the Glasgow incident? This raises a host of questions with real gut value. Just who is the real abortion agent? Is it the surgeon who performs the hysterotomy? The pediatrician who denies the baby access to the premature nursery? The porter who delivers the extracta to the incinerator? The oil truck driver who fuels the incinerator? Again, do we need more refinement in our disposal procedures—one set of procedures for babies that insist on crying, and another set of procedures for disposing of trivia like arms and legs, or heads that have stopped crying? Or is it as simple as making sure that similar incidents don't get into the newspapers?

Shall we take positive or negative steps to make sure that the crying stops before incineration? If positive, what shall they be? If the steps are to be negative or omisive, shall we omit procedures and measures that are now standard (not extraordinary) in a premature nursery, where wanted babies are supported, even babies of similar gestation age? Project a little into the future, when measures now considered extraordinary will have become standard and even minimal, and failure to take these measures for a wanted baby may invite lawsuits or loss of license. Or are we to rewrite the ordinary/extraordinary stipulations of our euthanasia policy? And how long till we rethink the ban on euthanasia?

I do not apologize for the consummate crudity of some of the above questions. They are questions that have caused two British newspapers to reverse their stand on abortion, now that they have seen that the questions are no longer speculative or academic. We had better pose these gut questions to ourselves and our legislatures now, and not let the gut kilowatt power of the proponents of abortion go unchallenged.

I have not mentioned the Rubella vaccine earlier because it is already on the scene. It is not a total answer to the problem of viral infections in pregnancy. But it is one answer to a multifaceted problem.

I posit a theoretical situation in order to ask a real question. Let us suppose that in 1950 one State legislature had legalized abortion solely for mothers who incurred Rubella in pregnancy? Does anyone anywhere really believe that once the fence was down we would not have rapidly expanded to the present British practice? Does anyone, anywhere, really believe that once the Rubella vaccine proved effective, any legislature would repeal the liberalized laws, even though the original premise had been anachronized?

The loss of the didactic power of a law on society can be tremendous. The enforceability of a law is another thing. In some counties in our Southern States there have been no white convictions for the murder of a Negro; the murder laws are unenforceable. Would you therefore repeal the laws?

Jill Knight, M.P., recently reported that one London surgeon has attacked the esthetic problem nicely. At hysterotomy, he removes the baby with the amniotic sac intact so that the nurses will not hear the cry or see the movements of the hands and feet. One wonders if he is protecting the nurses or himself. The outstretched hand of a tiny baby must be a sight that only a truly dedicated son of Aesculapius can consign to the disposal system.

One California surgeon has exhibited impeccable logic. Since many normal children

will be born to mothers with a background that might produce defective children, this man has now come out for infanticide. Just a few days ago, the Philadelphia *Inquirer* described the anger of mothers of defective children at Pennhurst State Hospital; they were incensed not by their defective children, but at the defective care given to the children, as they termed it. Is there anywhere one shred of evidence to suggest that defective adults consider themselves less deserving of continued life than intact adults?

Several aspects about the "quickenings" or specific number of weeks demanded by some ethicists have doctors perplexed. They know that women have irregular periods, and faulty memories, and faulty honesty. Sometimes it is only a grossly inaccurate guess that expert obstetricians can make in pronouncing the date of delivery. X-ray evidence comes later; abdomens can be obese; local intra-abdominal conditions can vary; movements of the child are deceptive and inconsistent. If any of our ethicists can distinguish between a 19-week pregnancy and a 22-week pregnancy, they should report their technique to the nearest medical center. Inaccuracy at this point can lead to some of the grotesqueries recited above. No matter where they draw their speculative line, they will in the next year or in the next few decades have to concoct a new criterion. Our aggressive scientists may crowd them all the way back to the blastocyst stage, perhaps to the point of fertilization of the oocyte.

Further, if termination of a pregnancy is validly indicated in the first week of pregnancy in order to prevent birth of the child (whether the indication derives from the mother or the child), then at what week does termination cease to be indicated and why does it cease to be indicated at just this point? If a child pregnant by incest does not present herself until she is six months pregnant (fear, embarrassment, ignorance?); if a married woman does not become depressed; if a sociological indication does not become apparent or sufficiently pressing; if a rape victim does not decide to terminate the pregnancy until the sixth or seventh month—what factor is the justifying one? The two months additional wait?

Has not the real harm to the mother already been done? How will termination really help the mother now? There is little that termination will spare her from if we consider actual parturition at term and surgical termination at six months and compare them. Both are traumatic ordeals, rife with psychiatric overlay, episodes burned into their lives. Is avoidance of a new unwanted child the problem, a child prone to be unloved, unwelcomed by society, a ward of the state, an expense to the taxpayer? Why not just kill it at birth? The ethicist does not yet buy infanticide. He does not want to deny humanity to a baby of over 20 weeks gestation or past quickening. He must make his stand at some speculative point.

When one actually gets down to real cases, proper analysis of the abortion question suddenly takes a different slant. It becomes quite necessary to dissect the situation and the arguments, sometimes word by word. We are all capable of recoiling at the idea of incest or rape; thalidomide monsters are not pretty; the prospect faced by the pregnant 15-year-old is not pleasant. The existence of these tragic developments must not be allowed to paralyze our peripheral vision.

A pathologist always examines a specimen both grossly and under the microscope. The one view aids him to comprehend the symptoms, the other aids him to gain insight into the cellular pattern and perhaps provide clues of fundamental research. The same holds true in large degree for abortion. The minute dissection of each thalidomide and Rubella tragedy led to measures that have brought us to the brink of success in the prevention of birth deformities.

The time has come for us to examine those cases where factors other than deformity constitute the indication for abortion—e.g., rape, incest, socio-economic, socio-psychologic and psychiatric conditions. Are not these indications for abortion also indications for better education, better sex education, better mental health measures, better child welfare laws, better poverty prevention measures? In fact, are they not living witness to the truth that we all need to do our basic homework better?

Does incest call out just for abortion, or does it make us want to work for prevention? Cannot we see to it that all demented men receive psychiatric care, that our Tobacco Roads are brought into the 20th century, that every pubertal girl will know exactly what her drunken daddy or experimental brother is up to?

Rape is a crime. Also a crime is the fact that many doctors, nurses, parents, counselors, victims and potential victims simply have no idea what to do when rape does occur.

There are a number of measures available to anyone who would consider abortion a valid option. What any given person does about her own pregnancy she does only as an individual; the moral considerations exist between her and her God. If her moral guideposts permit abortion, then they also permit prompt douching, a prompt curettage and prompt hormone therapy; perhaps soon she will even have as long as 28 days for deliberation.

If the victim simply does not believe there is any valid option other than acceptance of what has happened and all that it entails, she doesn't need any new laws. If this type of thinking constitutes a demand that rape information should be available more widely than it is at present, so be it. I have recently seen a sex education book used locally in the schools; it so fairly presents the necessary information that our children may soon know more rational and intelligent approaches to rape and incest than the clergy, most of the medical profession and the majority of parents.

Perhaps we should attack the rape-incest problem the way we tackled the Rubella problem; prevention of the pregnancy infection (infection by the virus being a complication of the pregnancy) is analogous to prevention of a complication of rape-incest, that is to say the pregnancy. Moralists dissenting with the individual decision can take umbrage under the individual conscience provision; pressure will be removed from theologians and legislators toying with the idea of crawling out onto speculative limbs. Most of all, if we do our job well at educating the public and all potential victims, we can nearly eliminate the number of pregnancies arising from rape and incest.

The abortion controversy has been good medicine for America. It has cast a glaring light on several unsavory facts of life: that mentally aberrant adults capable of incest are still left beyond our mental health programs; that ignorant pubertal females are still untouched by our sex education advances; that aboriginal Tobacco Roads still elude our civilizing efforts; that viral diseases still elude our researchers; that toxic drugs still slip through our screening processes; that our social and economic conscience is working far below capacity. No matter where we focus, we can discern that almost all cries for liberal abortion arise from situations that we have the ability to eradicate or decimate.

To some of the Catholics whom I have interviewed, a word or two seems indicated here. Two extreme positions are to be avoided. A posture of opposition to the liberalization of abortion laws must not spring from a blind, militant last-ditch effort to salvage what is still faintly recognizable of a faith long held in comfort. Opposition should be

logical, honest, human and fully integrated with the faith and reason of today. On the other hand, reversal of position on abortion must be free of anxiety about one's personal ability to keep the faith as the storm clouds of euthanasia, infanticide, coercive abortion or even coercive sterilization, genetic engineering, chromosomal manipulation, cloning and *in vitro* gestation gather.

The writer performs surgery on infants every day. Good medical practice demands that when dealing with infants conservation is mandatory. This extends to testicles that are 14 years anticipatory, ovaries of the same future capacitance, breasts that will not escape from pre-ordinal status until puberty, beard areas that will not develop maturation until 18 years hence. Let nobody try to explain that conservation begins with birth, when the baby body only changes its dining habits, its airway—and its charm.

In solving the abortion question it may well become necessary to exclude some sources of scholarly wisdom. Fr. Robert F. Drinan has made a valid though still arguable point, a point protective of the future, in saying that perhaps the law should withdraw from the case. Moralists, too, might do well to stay out of the pilgrim field of embryology.

Surely, some sort of Hegelian solution can emerge from this. I envisage one that is comprehensive, one that bows in all directions: it will contain enough law to protect the future and the unborn child; enough aggressive sociology to prevent incest, rape and hardship pregnancies; enough aggressive scientific research to prevent deformities; enough medical and sex education to annihilate ignorance about pregnancy; enough common sense to develop the theology of love and the ethics of situationism with insight into both the fallibility and capability of mere humans; enough discipline to develop character; enough liberty to permit growth.

There is really, I suppose, only one voice that must remain in the discussion, the voice of humanity. That voice makes everything I say, everything that the various spokesmen say, seem suddenly meaningless. It is to be heard in the happy shouting of the children at the corner playing skip-rope with their mongoloid brother, who later runs up to kiss them and hold their hands. It is to be heard in the words of a recent patient of mine. She had a number tattooed on her arm when I examined her. The origin of the tattoo was obvious and familiar—Buchenwald. I asked her if she would like to have it removed by plastic surgery, but she declined. She said she would wear it to the grave, for it was her diploma from the school of life. Her words were something close to these: "Doctor, I don't know where you learned what life is, but I know where I learned it. I don't even step on cockroaches now."

[JAMES J. DIAMOND, M. D., practices oncologic surgery at St. Joseph's Hospital, Reading, Pa.]

FULL DISCLOSURE LAWS NEEDED FOR FEDERAL CANDIDATES, OFFICERS, AND LOBBYISTS

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. BENNETT. Mr. Speaker, laws governing Federal lobbying and campaign financing presently on the books are so antique in their approach that they should be changed as promptly as possible.

Candidates can now escape the Fed-

eral Corrupt Practices Act of 1925 simply by the use of committees, which are not required by law to report. Lobbyists can easily escape effective regulation under the Lobbying Act of 1946 because of its extreme vagueness.

The Congress should change these 46-year-old and 25-year-old laws immediately. I have introduced the following bills to bring reform to three critical areas of political life: H.R. 1213, Federal Campaign Disclosure Act; H.R. 1215, House Financial Disclosure Act; and H.R. 1216, Federal Lobbying Disclosure Act.

When we speak of campaign and lobbying expenses, we are talking about large sums of money. It has been estimated that some \$300 million was spent in campaign expenses in 1968. Similarly, 269 lobbyists and lobbying organizations reported spending \$5.1 million in 1969 although it is public knowledge that many lobbyists and organizations do not register; and many of those who do register are unsure about which expenditures they should report and probably do not report all they should.

The full-disclosure concept, it has been said, comes as close as anything to being the all-purpose cleanser of American politics. I believe it.

Today, the American people want to know about political financing and they have that right. Lobbying and campaigning for the highest offices in our land are intertwined and in some cases inescapable.

FEDERAL LOBBYING DISCLOSURE ACT

I believe that the public disclosure of lobbying activities, along with certain and substantial penalties for the failure to disclose such activities, will go a long way toward restoring public trust in the legislative process.

In the 91st Congress, the House Committee on Standards of Official Conduct conducted extensive hearings into both campaign financing and lobbying, having been properly given this responsibility by the House of Representatives.

I have introduced a lobbying reform bill, the Federal Lobbying Disclosure Act, along the lines suggested by the House committee last year. This law would be administered by the Comptroller General of the United States, who is head of the General Accounting Office, an agency of the Congress.

Persons who are paid to lobby and the persons who pay them to make a direct presentation to a Member of Congress, to a committee, or to a staff member would be required to register. Persons who solicit others to communicate with Congress and promise them anything of value for so doing would be required to register, as would persons who spend more than \$500 for the purpose of influencing legislation. Detailed records of fees received and expenditures made to influence legislation would have to be filed with the Comptroller General.

Certain kinds of activities necessary for the information of the public and of the Congress are exempted. Newspapers, books, regularly published periodicals, and radio and television stations are exempted, except for "house organs" which are controlled by persons required to register. Persons summoned or re-

quested to appear before a public session of a committee of Congress are exempted. Persons whose expenditures of their own funds for the purpose of influencing legislation are less than \$500 per year are exempted, as are official acts of public officials—elected or appointed—and activities which are subject to any Federal statute requiring reports covering contributions and expenditures in connection with campaigns for Federal elective office.

Stiff criminal penalties are included in the bill for violators of the act. This bill would take the place of the Federal Regulation of Lobbying Act, described to the committee "as a thoroughly deficient law."

FEDERAL CAMPAIGN DISCLOSURE ACT

I have also introduced legislation in the House of Representatives to correct inequities in and evasions of the Corrupt Practices Act which currently governs elections for Federal office. My bill follows the model Florida election law, known to Floridians as the "who gave it—who got it" law. This bill requires all candidates to have at least one campaign depository through which all campaign funds must flow and be accounted for, and it requires all candidates to have a campaign treasurer who is jointly responsible with the candidate for reporting fully all contributions and expenditures.

Other pertinent features of the bill include:

Limits on individual contributions to primary and pre-convention campaigns as well as contributions to general election campaigns—\$1,000 per person for House candidates, \$2,500 for Senate candidates, and \$5,000 for President and Vice President for the primaries—or convention—and again for the general election.

Limits on total spending—5 cents per person based on the most recent decennial census for House and Senate candidates and one-half cent per person for Presidential candidates. The ceiling would apply in the primaries and again in the general election and includes all expenses for a candidate's campaign, even his own personal contributions and expenditures for the election. A limit of \$10,000 is placed on the amount of personal funds a candidate may contribute to his own campaign.

A prohibition against deficit financing of campaigns, a prohibition against the receipt of any contributions 5 days prior to the election, and a requirement of reports of contributions and expenses 5 days prior to the election and on December 15 following the elections.

The Clerk of the House and the Secretary of the Senate are required to counsel candidates on the provisions of the law and to report violations to the Attorney General. In the case of violations of the law by the successful candidate, the Clerk and the Secretary are required to report the violations to the presiding officers of the House and Senate for appropriate action, even refusal to seat a violator. The Clerk and the Secretary are required to make all reports of contributions and expenditures available for public inspection.

HOUSE FINANCIAL DISCLOSURE ACT

I have also introduced the "House Financial Disclosure Act" which provides for public disclosure, by Members of the House of Representatives and by candidates for such office, of the major features of their finances. The purpose is to minimize conflict of interest situations. This bill requires disclosure of all sources of substantial income and gifts and the amounts. The bill also requires disclosure of the persons to whom a Member or candidate is in debt and the amounts. Minimum levels below which reports are not required are established to eliminate unnecessary burdens on a candidate or Member.

Money is the moral issue we are talking about. Knowledge of the expenditure and use of dollars to influence legislation and decisions and to elect individuals to Federal office must be made open and available to the public and the news media. As President Eisenhower wrote in 1967:

If better laws, vigorously enforced with pitiless publicity are needed—and they surely are—we must still remember the wise old axiom that government can be no better than the men who govern. As citizens with the priceless right of franchise, we must insist upon the highest code of honor in public life.

I believe that the proposed Federal Lobbying Disclosure Act, the proposed Federal Campaign Disclosure Act, and the proposed House Financial Disclosure Act will, taken as a whole, go a long way toward reestablishing public trust.

Copies of the bills follow:

H.R. 1213

A bill to establish the Federal Campaign Disclosure Act to limit and control spending by Federal candidates.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Campaign Disclosure Act".

SEC. 2. As used in this Act—

(a) The term "election" means (1) a primary or runoff primary election, or a convention, or a caucus of a political party, held to nominate a candidate, and (2) a general or special election;

(b) The term "candidate" means an individual whose name is presented at an election for election as President or Vice President of the United States or a Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States, whether or not such individual is elected;

(c) The term "political committee" includes any committee, association, or organization which accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the election of candidates or presidential and vice-presidential electors;

(d) The term "contribution" includes a gift, subscription, loan, advance, or deposit, of money, or anything of value, made to influence the result of an election or elections, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution;

(e) The term "expenditure" includes a payment, distribution, loan, advance, deposit, or gift, of money, or anything of value, made to influence the result of an election or elections, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure;

(f) The term "person" includes an individual, partnership, committee, association, corporation, and any other organization or group of persons;

(g) The term "Clerk" means the Clerk of the House of Representatives of the United States;

(h) The term "Secretary" means the Secretary of the Senate of the United States;

(i) The term "State" includes a territory or possession of the United States;

(j) The term "testimonial affair" means an affair held in honor of a candidate, or an individual who holds the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States, or an individual who holds the office of President or Vice President of the United States, designed to raise funds on his behalf for any purpose not charitable, religious, or educational;

(k) The term "President" means the President of the United States and includes his running mate for Vice President.

SEC. 3. (a) Each candidate for President of the United States, or for Senator or Representative in, or Resident Commissioner to, the Congress of the United States, upon or before, and as a condition precedent to, qualifying as such candidate shall appoint one campaign treasurer of one political committee and shall file the name and address of such treasurer with the Clerk, on forms to be prescribed by him. Each candidate for President shall designate at least one but no more than fifty campaign depositories, and only one depository may be located in any one State. Each candidate for Senator may designate not more than one campaign depository in each congressional district in which he is conducting a campaign. Each candidate for Representative or Resident Commissioner shall designate one campaign depository. Each candidate shall file the name and address of his campaign depository or depositories with the Clerk, on forms to be prescribed by him, at the same time that he files the name and address of his treasurer with the Clerk. The candidate may designate himself or any other elector to act as such campaign treasurer and may designate as his campaign depository any federally chartered bank authorized by law to transact business in the United States.

(b) Any campaign treasurer for any candidate may appoint as many deputy treasurers as deemed necessary; provided such campaign treasurer herein provided for shall be responsible for the accounts of all such deputy campaign treasurers; And provided further, That the names and addresses of each deputy campaign treasurer shall be filed with the Clerk.

(c) Any candidate may remove a campaign treasurer or deputy campaign treasurer so appointed.

(d) In case of the death, resignation, or removal of a campaign treasurer, the candidate shall forthwith appoint a successor and certify the appointment in the manner provided in the case of an original appointment.

SEC. 4. (a) No contribution or expenditure of money or other thing of value, nor obligation therefor, including contributions, expenditures, or obligations of the candidate himself or of his family, shall be made, received, or incurred, directly or indirectly, in furtherance of the candidacy of any candidate for political office except through the duly appointed campaign treasurer or deputy campaign treasurers of the candidate.

(b) Any contribution received by the campaign treasurer or deputy campaign treasurer less than five days before an election shall be returned by him to the person contributing it and shall not be used or expended in behalf of the candidate or in furtherance of his candidacy.

SEC. 5. (a) All funds received in furtherance of the candidacy of any candidate shall, within twenty-four hours after receipt thereof (Sundays and holidays excepted), be deposited by the campaign treasurer or deputy campaign treasurers in a campaign depository of such candidate in an account de-

signed "Campaign Fund of _____ (name of candidate.)"

(b) A detailed statement showing the names, residence, and mailing addresses of the persons contributing or providing the funds so deposited, together with a statement of the amount received from, or provided by, each person shall accompany all deposits so made by the campaign treasurer or deputy campaign treasurers. Such statement shall be in triplicate upon a form prescribed by the Clerk, one copy to be retained by the campaign depository for its records, one copy to be filed by the depository, and one copy to be retained by the campaign treasurer for his records, which statements shall be certified as correct by the campaign treasurer.

SEC. 6. (a) No candidate, campaign treasurer, or deputy campaign treasurer shall authorize the incurring of any expense on behalf of the candidate or in furtherance or aid of his candidacy unless there are moneys on deposit in a campaign depository to the credit of the account known as the campaign fund of the candidate sufficient to pay the amount of the expenses so authorized, together with all other expenses previously authorized.

(b) No candidate, campaign treasurer or deputy campaign treasurer, acting on behalf of such candidate, shall expend or incur any obligation or expenditure of funds on behalf of his election in excess of the following:

(1) If a candidate for Senator or Representative at large, an amount equal to the amount obtained by multiplying 5 cents by the total number of individuals residing in his State according to the most recent decennial census, in a primary or runoff primary election or a caucus, or a caucus of a political party, and again in a general or special election;

(2) If a candidate for Representative (otherwise than at large) or Resident Commissioner, an amount equal to the amount obtained by multiplying 5 cents by the total number of individuals residing in his district according to the most recent decennial census, in a primary or runoff primary election, or convention, or a caucus of a political party, and again in a general or special election; and

(3) If a candidate for election as President, an amount equal to the amount obtained by multiplying $\frac{1}{2}$ cent by the total number of individuals residing in the United States according to the most recent decennial census in a primary or runoff primary election, or convention, or a caucus of a political party, and again in a general or special election.

(c) In the event that contributions are made to a candidate in excess of the amounts permitted to be expended, the excess shall be escheated to the United States and shall be remitted to the United States Treasury Department within sixty days after the general or special election.

SEC. 7. No expenses shall be incurred by any candidate for election to political office, or by any person in his behalf, or in furtherance or aid of his candidacy, unless prior to the incurring of the expense a written order shall be made in and upon the form prescribed by the Clerk, and signed by the campaign treasurer of the candidate authorizing the expenditure. No money shall be withdrawn or paid by any campaign depository from any campaign fund account except upon the presentation of such order, accompanied by the certificate of the person claiming the payment. Such certificate shall state the amount claimed is justly due and owing to the claimant, that the order truly states all of the purposes for which the indebtedness was incurred, and that no person other than the claimant is interested, directly or indirectly, in the payment of the claim.

SEC. 8. (a) No person (other than the candidate) shall contribute more than \$1,000 to or on behalf of a candidate for the office of

Representative or Delegate or Resident Commissioner to the House of Representatives.

(b) No person (other than the candidate) shall contribute more than \$2,500 to or on behalf of a candidate for the office of Senator.

(c) No person (other than the candidate) shall contribute more than \$5,000 to or on behalf of a candidate for the office of President.

(d) The amounts stipulated in subsections (a), (b), (c) and (f) apply collectively for a primary or runoff primary election, or a convention, or a caucus of a political party, held to nominate a candidate, and again for a general or special election.

(e) Notwithstanding subsections (a), (b), and (c), a national, State, or local political committee of a party shall contribute no more than \$2,500 to or on behalf of a candidate for the office of Representative or Delegate or Resident Commissioner to the House of Representatives, and no more than \$5,000 to or on behalf of a candidate for the office of Senator, and no more than \$25,000 to or on behalf of a candidate for the office of President. Contributions shall be made by any such political committee only for a general or special election.

(f) No individual who is a candidate may contribute more than \$10,000 for or on behalf of his own campaign.

(g) For purposes of this section, any contribution or expenditure made by an individual's spouse or any of his dependent children is deemed to be made by such individual.

SEC. 9. No testimonial affair may be held unless a notice of intent to hold such an affair is filed with the Clerk prior to the date of the affair, setting forth the name and address of the person in charge, the purpose, and the person or group who will receive the benefit of funds in excess of the costs of the affair.

Within thirty days after the date of a testimonial affair, the person in charge of such affair shall file with the Clerk a report containing the names and addresses of each of the contributors and the amount contributed by each, the expenses incurred, and the disposition of funds raised.

Any contribution to a testimonial affair shall be subject to the limitations on campaign contributions set forth in this Act.

SEC. 10. (a) Each person who has appointed a campaign treasurer and designated a campaign depository shall report to his campaign treasurer all expenditures made by such person, and each campaign treasurer shall make a full and complete report of all moneys or other things of value contributed to him and to all deputy campaign treasurers of such person. The report by each campaign treasurer shall be made on the first Monday of each calendar quarter from the time the campaign treasurer is appointed until the person becomes an official candidate. Each campaign treasurer shall file a report with the Clerk containing, complete on the day next preceding the date of filing—

(1) the name and address of each person who has made a contribution to or for such committee in one or more items of the aggregate amount or value, within the calendar year, together with the amount and date of such contribution;

(2) the total sum of all contributions made to or for such committee during the calendar year;

(3) the name and address of each person to whom an expenditure in one or more items of the aggregate amount or value, within the calendar year, has been made by or on behalf of such committee, and the amount, date, and purpose of such expenditure;

(4) the total sum of expenditures made by or on behalf of such committee during the calendar year;

(5) a statement of every promise or pledge

made by the candidate or by any person for him with his consent, prior to the closing of the polls on the day of the election, relative to the appointment or recommendation for appointment of any person to any public or private position or employment for the purpose of procuring support in his candidacy, and the name, address, and occupation of every person to whom any such promise or pledge has been made, together with the description of any such position. If no such promise or pledge has been made, that fact shall be specifically stated; and

(6) a copy of all campaign finance reports filed with the proper State official by the candidate or the campaign treasurer.

(b) When a person becomes an official candidate, his campaign treasurer shall file reports with the Clerk containing the same information as reports filed pursuant to paragraph (a) of this section until the date of the election, on the first and third Monday of each month preceding the election, and five days before the election. A final report shall be filed on the 15th day of December immediately following the general or special election.

(c) The statements required to be filed by subparagraphs (a) and (b) shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous statement only the amount need be carried forward.

(d) All reports required by this section shall be filed with the Clerk not later than noon of the day designated, and all such reports shall be open to public inspection. Any report which is deemed to be incomplete by the Clerk shall be returned to the campaign treasurer unfiled with an explanation as to the reason why it is incomplete.

(e) The campaign treasurer shall certify as to the correctness of each report, and the candidate shall also bear the responsibility for the accuracy and veracity of each report. Each report shall be signed by the candidate and the campaign treasurer.

SEC. 11. Within thirty days after each election in which a candidate participates, the designated campaign depository or depositories of each such candidate shall file either the original or a true copy of all the deposit slips filed with the said depository by the campaign treasurer or deputy campaign treasurer and the original or a true copy of all authorizations of the campaign treasurer or deputy campaign treasurers upon which funds were withdrawn from said depository with the Clerk.

SEC. 12. A statement required by this Act to be filed by a candidate, treasurer, or depository of a political committee with the Clerk—

(a) shall be signed by both the candidate and the treasurer;

(b) shall be deemed properly filed upon arrival at the office of the Clerk at Washington, District of Columbia, and shall be sent to the Clerk by registered, special delivery mail;

(c) shall be preserved by the Clerk for a period of six years from the date of filing, shall constitute a part of the public records of his office, and shall be open to public inspection; and

(d) shall in all cases be filed only with the Secretary if such candidate is a candidate for Senator.

SEC. 13. Appropriate forms (in the case of all candidates, treasurers, and depositories) necessary to effectuate the purposes of this Act, including the campaign treasurer's reports, the statements by the campaign depository, the deposit slip, the order authorizing expenditures, the certificate of the person to whom payment is made, and the order for payment, shall be prescribed by the Clerk.

SEC. 14. The Clerk shall (or the Secretary in the case of candidates for Senator) provide information and advice, in order to help any person ascertain what he must do in

order to comply with the provisions of this Act, upon the request of such person.

SEC. 15. (a) Any person who violates any of the foregoing provisions of this Act shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(b) Any person who willfully violates any of the foregoing provisions of this Act shall be fined not more than \$10,000 and imprisoned not more than two years.

(c) Prosecution for the violation of any of the provisions of this Act may not be commenced after four years have elapsed from the date of the violation.

(d) The district courts of the United States shall have jurisdiction over violations of this Act. Actions against alleged violators shall be brought by, and in, the name of the United States in the district court of the United States for any district in which such person is found or resides or transacts business.

SEC. 16. (a) If the Clerk ascertains that an individual who is seeking the office of Representative or Resident Commissioner, and has been elected to such office has violated any provision of this Act, he shall so inform the presiding officer of the House of Representatives, who may request that such body refuse to seat the violator.

(b) If the Secretary ascertains that an individual who is seeking the office of Senator, and has been elected to such office has violated any provision of this Act, he shall so inform the presiding officer of the Senate, who may request that such body refuse to seat the violator.

(c) If the Clerk ascertains that an individual who is seeking the office of President, and has been elected to such office, has violated any provision of this Act, he shall so inform the presiding officer of the House of Representatives.

SEC. 17. This Act shall not limit or affect the right of any person to make expenditures for proper legal expenses in contesting the results of an election.

SEC. 18. This Act shall not be construed to annul the laws of any State relating to the nomination or election of candidates, unless directly inconsistent with the provisions of this Act, or to exempt any candidate from complying with such State laws.

SEC. 19. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 20. The Federal Corrupt Practices Act, 1925, is repealed; and all other Acts or parts of Acts which are inconsistent herewith are repealed to the extent of such inconsistency.

SEC. 21. This Act shall take effect on the January 1 next following the calendar year in which it is enacted.

H.R. 1215

A bill to provide for public disclosure by Members of the House of Representatives and by candidates for such office and to give the House Committee on Standards of Official Conduct appropriate jurisdiction

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "House Financial Disclosure Act".

SEC. 2. (a) Each person serving as a Member of the House at the beginning of a calendar year shall file with the Clerk of the House of Representatives and the Committee on Standards of Official Conduct of the House of Representatives on or before April 30 of that year a written report containing the information required by this Act covering the preceding calendar year.

(b) Each candidate for the House of Representatives who is not a Member of the House shall file with the Clerk of the House at least fifteen days before the date on which

is held the first election in which he is a candidate a written report containing the information required by this Act covering the preceding calendar year. Where an individual becomes a candidate after the beginning of such fifteen-day period, he shall file such a report within twenty-four hours after becoming a candidate.

(c) The report required to be filed under subsections (a) and (b) of this section shall be verified by the oath or affirmation of the person filing such report.

(d) All reports required under subsection (a) of this section shall be maintained by the Clerk of the House for the duration of the Member's consecutive terms in office as public records available for inspection at reasonable times by the public. All reports required under subsection (b) of this section shall be maintained for a period of one year by the Clerk of the House of Representatives as public records which shall be available for inspection at reasonable times by the public.

SEC. 3. (a) The report of the Member or candidate as required in this Act shall include a complete account of the Member's or candidate's gross income and that of his spouse and dependent children. For the purposes of this Act, gross income shall be defined as set forth in section 61 of the Internal Revenue Code of 1954, as amended (26 U.S.C. 61). The report of income shall specifically include, though not to the exclusion of other items listed in section 61, the following information:

(1) the names and addresses of all persons and organizations from whom was received by the Member or candidate, or on his behalf with his knowledge and consent, any honorarium or compensation for services, including fees, commissions, salaries, and similar items, and the amount of such honorarium or compensation for services, or if not money, the substance of the honorarium or compensation and the appraised value thereof;

(2) gross income derived from business enterprises including the amounts thereof, the nature of his interest in the business, and the names and addresses of each such business;

(3) an itemization of all gains derived from dealings in property, including the names and addresses of other parties involved and a brief description of the transaction which took place;

(4) the sources from which were derived income from interest and the amounts thereof;

(5) the sources from which rents were derived and the amounts thereof;

(6) the sources from which royalties were derived and the amounts thereof;

(7) the sources from which dividends were derived and the amounts thereof;

(8) the names and addresses of all persons and organizations from whom he received assistance in the discharge of indebtedness and the aggregate amount or appraised value thereof;

(9) itemization of income or benefits derived from distribution of the Member's or candidate's share in any partnership or professional group, and the names and addresses of all persons and organizations from whose payments such distributions are made: *Provided, however,* That no such names and addresses need be furnished when the distribution to the Member or candidate from any such person or organization in said year is less than \$1,000;

(10) itemization of income derived from an estate or trust in which the Member or candidate has an interest and the nature of that interest.

(b) The report shall list all gifts to the Member or candidate which in aggregate value exceed \$100 in the year from a particular source. Included in the report shall be the name and address of the donor, the amount or value of his gifts, and a description thereof. The report shall also contain

the name and address of a donor to the Member or candidate, his spouse and his dependent children when the amounts or values of such gifts given in the course of a calendar year from a particular source exceed \$500, and shall describe each such gift and the value thereof.

(c) The report shall list assets held by the Member or candidate, by his spouse or dependent children, or by any of them jointly. The list shall include the value of each asset and a brief description thereof, but household furnishings and personal effects need not be reported.

(d) The report shall include the names and addresses of each person and organization to whom the Member or candidate, his wife or dependent children, or any of them jointly owe an aggregate amount in excess of \$5,000, and include a statement of the total aggregate indebtedness of the Member or candidate and such family members.

(e) The report shall include a statement of any funds established by the Member or candidate, or on his behalf, to assist him in defraying expenses which may be incurred by reason of his being a Member or candidate. The report shall set forth the names and addresses of all persons contributing to the fund, the amount of each contribution, the amount of each expenditure from such funds, and the purpose of each such expenditure.

SEC. 4. (a) Section 2 of House Resolution 418, Ninetieth Congress, is amended by inserting "(a)" after "Sec. 2.", and by adding at the end thereof the following:

"(b) The committee shall have jurisdiction to review the report filed with it by a Member, under the House Financial Disclosure Act, and shall recommend to the House appropriate disciplinary action against any Member who it determines has failed to file any such report or knowingly and willfully filed a false report. Such violations shall be reported to the Attorney General. The committee shall develop and prescribe the forms to be used in making such reports."

(b) Subsection (a) of this section is enacted as an exercise of the rulemaking power of the House of Representatives, with full recognition of the right of such House to make changes therein at any time, in the same manner and to the same extent as in the case of any other rule of such House.

SEC. 5. Any Member or candidate who willfully fails to file a report required by this Act, or who knowingly and willfully files a false report under this Act, shall be fined not more than \$1,000 or imprisoned for a period of time not to exceed one year or both.

SEC. 6. For purposes of this Act—

(1) The term "Member" means a Member of the House of Representatives, the Resident Commissioner from Puerto Rico, and a Delegate to the House of Representatives.

(2) The term "candidate" means an individual who has taken the action necessary under the law of a State to qualify him to be a candidate either in a primary election held to nominate a candidate for election to the House of Representatives, or in a general or special election held to fill the office of Member of the House of Representatives.

(3) The term "election" means a general or special election held to select a Member and a primary election held to nominate candidates for the office of Member.

(4) The term "gift" shall refer to something of value voluntarily transferred from one party to another without compensation or monetary consideration.

(5) The term "fund" shall refer to a sum of money or other material resources available for the use of a Member or candidate or anyone acting on his behalf.

(6) The term "asset" shall refer to an item of value owned or in which exists a beneficial interest.

H.R. 1216

A bill to provide for disclosures designed to elicit a balance of expression to the Congress with respect to legislative measures, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Lobbying Disclosure Act".

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds—

(1) that the preservation of responsible democratic government requires that the fullest opportunity be afforded to the people of the United States to petition their Government for a redress of grievances and to express freely to individual Members of Congress and to committees of the Congress their opinion on legislation and on current issues;

(2) that, to achieve legislative results reflecting the true will of the majority, facts and opinions expressed to Congress by the advocates of one result must be balanced against the facts and opinions of those who may have opposing interests, and all such facts and opinions must be available to the Congress and all other Federal authority participating in the legislative process; and

(3) that the identity and activities of persons or groups who engage in efforts to persuade Congress to arrive at specific legislative results, either by direct communication to Congress or by solicitation of others to engage in such efforts, should be publicly and timely disclosed if there is to be a balance of expression upon which decisions by the Congress may be based.

(b) It is, therefore, the purpose of this Act to provide for the disclosure to the Congress, to the President, and to the public, of the activities, and the origin, amounts, and utilization of funds and other resources, of and by persons who seek to influence the legislative process.

DEFINITIONS

SEC. 3. When used in this Act, unless the context otherwise indicates, the term—

(a) "Person" includes an individual, partnership, committee, association, corporation, trust, and any other organization or group of persons.

(b) "Legislation" means bills, resolutions, amendments, and nominations in Congress or, as a matter of public knowledge, proposed to be presented or introduced in Congress.

(c) "Congress" means the Congress of the United States, or either House thereof.

(d) "Income" includes a gift, subscription, donation, or a transfer of funds, services, or anything of value (which includes but is not limited to statistics, data compilations, and studies); or a promise, contract, or agreement, whether or not legally enforceable, to make a contribution.

(e) "Expenditure" includes a purchase, payment, distribution, loan, advance, deposit, or a transfer of funds, services, or anything of value (which includes but is not limited to statistics, data compilations, and studies); or a promise, contract, or agreement, whether or not legally enforceable, to make an expenditure; and include expenditures by a person to further the activities of any person required to file a statement, when such expenditures are made with consent and knowledge of any such person, who is required to file a statement under this Act, if not separately reported by him.

(f) "Direct communication" includes all means of direct address to Congress, any Member, committee, joint committee, subcommittee, officer, or employee thereof; or the solicitation of an agency, department, or instrumentality of any branch of the Federal Government to make direct address to Congress, any Member, committee, joint committee, subcommittee, officer, or employee thereof.

(g) "Solicitation" means the asking, requesting, or urging of a person to himself engage in direct communication; or the asking, requesting, or urging that another person ask, request, or urge another to engage in direct communication.

(h) "Legislative agent" includes any person who, for any consideration, is employed or retained or engages himself to influence legislation, in person or through any other person, by means of direct communication.

(i) "Influence legislation" means any effort by any person to effect or prevent the introduction, passage, defeat, or amendment of legislation by Congress, any Member, committee, joint committee, or subcommittee thereof, through direct communication.

(j) "Statement" includes a notice of representation or a report required by this Act.

(k) "Member" includes a Senator, a Representative in Congress, a delegate to Congress, and the Resident Commissioner from Puerto Rico.

(l) "Consideration" means any payment of money or anything of value.

PERSONS SUBJECT TO THIS ACT

Sec. 4. This Act shall apply to—

(1) any person who is a legislative agent; (2) any person who employs or retains one or more legislative agents;

(3) any officer or employee of a person, if such officer or employee attempts to influence legislation for or on behalf of such person;

(4) any person who effects the solicitation, orally or in writing of other persons or groups of persons to influence legislation, if such solicitation is made to any person who is paid, or is promised the payment of, any consideration for his efforts to influence legislation by the person who has effected the solicitation;

(5) any person whose expenditures for the purpose of influencing legislation directly or by means of the solicitation of other persons exceed \$500 in the calendar year during which the communication or communications are made.

EXEMPTIONS

Sec. 5. This Act shall not apply to the following activities:

(1) the publication or dissemination, in the ordinary course of business, of news items, advertising, editorials, or other comments by a newspaper, book publisher, regularly published periodical, radio or television station (including an owner, editor, or employee thereof) except that this exemption shall not extend to house organs and other similar publications that are not distributed to the general public, notwithstanding qualification as a "newspaper" under the postal statutes, if—

(A) at least 50 per centum of any such house organ or similar publication is owned or controlled by a person otherwise required to file any statement under this Act, or

(B) the content of such organ or publication is controlled in whole or in part by such a person;

(2) acts of a public official (elected or appointed) in his official capacity;

(3) practices or activities subject to any Federal statute requiring reports covering contributions and expenditures in connection with campaigns for Federal elective office;

(4) any appearance by any person before any public session of a committee of the Congress if—

(A) such person is summoned or specifically requested to appear by the committee and such request is incorporated into the records of the committee, or

(B) such person, appearing on his own initiative, certifies to the committee that his appearance to the best of his knowledge is not the consequence of an action by any person required to file any statement under this Act, or

(C) such person, appearing on his own initiative, but his appearance is the consequence of an act by another person who to the best knowledge of the person appearing is required to file any statement under this Act, and the person appearing before the committee certifies to the committee the name of such other person, and such name is incorporated into the records of the committee.

OBLIGATIONS TO FILE

Sec. 6. (a) Every employee, officer, or person performing the functions of an officer, of any person required by this Act to file any statement or notice of termination shall be under obligation to cause such person to file such statement or notice of termination within the time prescribed by this Act.

(b) The obligation of any person to file any statement or notice of termination required by this Act shall continue from day to day, and discontinuance of the activity out of which the obligation arises shall not relieve any such person from the obligation to file any statement or notice of termination required by this Act.

(c) The filing of any statement or notice of termination required by this Act shall not be considered with respect to tests of substantiality of political activity under any other provision of law.

FILING OF NOTICE OF REPRESENTATION

Sec. 7. (a) Every person who, on or after the effective date of this Act, is employed or retained or engages himself as a legislative agent shall, prior to any direct communication to influence legislation or under extenuating circumstances with good cause shown within three days after the first such communication file a signed notice of representation with the Comptroller General. Such signed notice of representation shall be in such form and detail as the Comptroller General may prescribe, and must include an identification of such person, the person by whom he is employed or retained (if any), and any such person's specific area of legislative interest, and the person in whose interest he is working and the terms of such representation. If his status changes with respect to any of the information which the Comptroller General requires under this section, he shall immediately inform the Comptroller General in writing of any such changes.

(b) Any person required to register pursuant to this Act in connection with any activities for which he is to receive a contingent fee shall, before doing anything for which such fee is to be paid, file with the Comptroller General, in such detail as he may require, a description of the event upon the occurrence of which the fee is contingent, and, depending on the arrangement, a statement of the amount of the fee either in terms of a dollar amount or in terms of percentage of recovery. A copy of any such contingent fee contract may be filed with the Comptroller General by any registrant, and shall be so filed at the request of the Comptroller General.

RECORDKEEPING

Sec. 8. Any person who is subject to this Act shall—

(1) keep a detailed record of income received to influence legislation, which shall include the name and address of, and amount received from, any person from whom at last \$25 has been received for such purpose during the calendar half-year; and in the case of any voluntary membership association or other person who regularly receives sums per time period (such as dues or subscriptions), the fraction of such sums as relates to the ratio of total sums expended by such association or other person to influence legislation to the total expenditures of such association or other person, shall be applied to receipts from members of such association or

other person in determining amount received under this section;

(2) keep a detailed record of any expenditure to influence legislation, including a receipted bill or canceled check, if such expenditure is at least \$25, except that the Comptroller General may require estimates of unrecorded expenditures for the purpose of influencing legislation, in such form and detail as he may prescribe, by persons who have not solicited, collected, or received any income required to be reported under section 8(1) of this Act; and

(3) preserve the records required to be kept by this section for a period of two years from the date that any information obtained from such records is filed with the Comptroller General pursuant to section 9.

FILING OF REPORTS

Sec. 9. Any person who falls within the class of persons enumerated in section 4 and not exempted under section 5 shall file a signed report with the Comptroller General. Such report shall be in such detail as the Comptroller General may prescribe, and must include an identification of such person, the person by whom he is employed or retained (if any), the person in whose interest he is working and the terms of such representation, and the information contained in the records required to be maintained under paragraphs (1) and (2) of section 8. Such report shall be filed with the Comptroller General between the 1st and 15th days of July, which will cover the preceding six-month period from the first day of January to the 30th day of June, and it shall be filed between the 1st and 15th days of January, which will cover the preceding six-month period from the first day of July to the 31st day of December. The Comptroller General may, in his discretion, permit joint reports by persons subject to this Act.

NOTICE OF TERMINATION

Sec. 10. Every legislative agent shall submit to the Comptroller General a notice of termination within thirty days after he ceases to be a legislative agent, on such form as the Comptroller General shall prescribe; and any person who has employed, retained, or engaged any legislative agent may submit a notice of termination to the Comptroller General, on such form as the Comptroller General shall prescribe, within thirty days after such legislative agent has ceased to represent him.

ADMINISTRATION OF THIS ACT

Sec. 11. Administration of this Act is hereby vested in the Comptroller General of the United States. He is authorized to promulgate such rules and regulations as are consistent with and necessary to carry out the provisions of this Act. Such rules and regulations shall be published in the Federal Register and interested persons shall be given an opportunity to submit comments thereon for a period of thirty days commencing with the date of such publication. He shall forward such comments with the text of the proposed rules and regulations within sixty days after the termination of the thirty-day period to the Committee on Standards of Official Conduct of the United States House of Representatives and to the Select Committee on Standards and Conduct of the United States Senate. Unless either of the above Committees, by a majority vote of its full membership, disapproves of such rules or regulations within thirty legislative days of receipt, the rules or regulations shall take effect.

FILING OF STATEMENT

Sec. 12. The Comptroller General shall in a manner compatible with any United States Government-wide standard classification index in existence or in the process of development at the effective date of this Act—

(1) develop and prescribe methods and forms for statements and notices of termina-

tion required to be filed by this Act and require the use of such forms by persons subject to the Act;

(2) compile and summarize, in a manner reflective of the full disclosure intent of this Act, information contained in statements and notices of termination filed pursuant to this Act and report the same to Congress after each reporting period;

(3) make available for public inspection all statements and notices of termination filed pursuant to this Act and all summaries compiled under paragraph (2);

(4) have any notices of representation and notices of termination received by him published in the Congressional Record within three days of such receipt; and

(5) ascertain whether any persons, other than legislative agents, have failed to file statements or notices of termination as required by this Act, or have filed incomplete or inaccurate statements or notices of termination, and give notice to such persons to file such statements as will conform with the requirements of this Act.

RETENTION OF COPIES IN LIEU OF ORIGINAL COPIES

SEC. 13. The Comptroller General is hereby authorized to retain, in lieu of statements filed hereunder, reproductions thereof made by microphotographic process. The retention of such microphotographic reproductions constitutes compliance with the statutory requirements for retention, and such reproduction shall have the same force and effect as the originals thereof would have and shall be treated as originals for the purpose of their admissibility in evidence. Duly certified or authenticated reproductions of such photographs or microphotographs shall be admitted in evidence equally with the original photographs or microphotographs.

SANCTIONS

SEC. 14. (a) Upon the failure to comply with any provisions of this act by any person subject thereto, other than a legislative agent, the Attorney General may, upon the request of the Comptroller General, institute a civil action for a mandatory injunction, requiring such person to perform and duty imposed by this Act.

(b) Any legislative agent required to file a notice of representation or report under this Act, who fails to file such a notice or report, shall be guilty of a misdemeanor, and shall, upon conviction, be punished by a fine of not more than \$10,000 or imprisonment for not more than twelve months, or both.

(c) Whoever knowingly and willfully falsifies all or any part of any statement filed under this Act shall be guilty of a felony, and shall be punished by a fine of not more than \$10,000, or imprisonment for not more than five years, or both.

(d) Whoever shall transmit, utter or publish to Congress any communication relating to any matter within the jurisdiction of Congress, or be a party to the preparation thereof, knowing such communication or any signature thereto is false, forged, counterfeit, or fictitious, shall be guilty of a felony and shall be punished by a fine of not more than \$10,000 or imprisonment for not more than five years, or both.

SEVERABILITY

SEC. 15. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

REPEAL DATE

SEC. 16. The Federal Regulation of Lobbying Act (60 Stat. 839-842, 2 U.S.C. 261 et seq.) is repealed.

EFFECTIVE DATE

SEC. 17. The provisions of this Act shall take effect thirty days after its date of enactment.

FASCELL INTRODUCES LEGISLATION TO CONTROL OCEAN DUMPING

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. FASCELL. Mr. Speaker, last year we witnessed the alarming problem of indiscriminate ocean dumping rear its ugly head.

Oil dumping and disposal of chemical and biological weapons and radioactive wastes in our oceans finally came to the attention of the American people, and we were justifiably frightened by the implications.

At that time I said that we must have a national and international reappraisal of public policy if we are to prevent the destruction of the waters of the world. And I introduced legislation designed to effect that reappraisal.

I am pleased that one of my recommendations has already become a reality. In October of 1970, the Council on Environmental Quality issued its report to the President on ocean dumping.

In its findings and recommendations the report states:

1. The Council on Environmental Quality concludes there is a critical need for a national policy on ocean dumping.
2. Ocean dumped wastes are heavily concentrated and contain materials that have a number of adverse effects.
3. The volume of waste materials dumped in the ocean is growing rapidly.
4. Current regulatory activities and authorities are not adequate to handle the problem.
5. Unilateral action by the United States can deal with only a part of the problem. Effective international action will be necessary to prevent damage to the marine environment from ocean dumping.

These findings closely parallel my own legislative recommendations concerning policy and regulation in the area of ocean dumping.

Therefore, I am today reintroducing three proposals which will address themselves to the problems outlined in the report of the Council on Environmental Quality.

Beginning on the international level, I am sponsoring a concurrent resolution calling for an international agreement, under the auspices of the 1972 United Nations Conference on the Human Environment, to be held in Stockholm, to prohibit dumping in the waters of the world and provide the necessary framework for review and enforcement.

Second, in the field of national policy, I am proposing a bill empowering the Environmental Protection Agency with the final authority within the executive branch for approval of any plan to discharge military or waste material in international waters.

Finally, to provide regulation and review of the disposal of military material, I am introducing a resolution requiring that before any new munition or chemical can be introduced into the U.S. arsenal by the Department of Defense—or any other Federal agency—there must first be formulated and simultaneously approved by the Administrator of the Environmental Protection Agency, a spe-

cific date by which it must be disposed and the means of disposal.

In addition, an immediate review would be required of the Department of Defense of all munitions and chemicals on hand whose retention or ultimate disposal might present a hazard to mankind or the environment. Such a review would be for the purpose of determining the date and means of disposal, subject to certification by the Administrator of the Environmental Protection Agency.

The brutal realization that we had no policy or means of control of ocean dumping came last summer when this country found itself in the untenable position of having tons of a lethal chemical in a highly volatile munition with the ocean as the least objectionable place to get rid of it.

We must never let this happen again. It is ridiculous to determine the question of disposal only after an emergency already exists. There must be an established procedure and means of disposal predetermined.

This is what the proposed legislation is designed to provide.

Mr. Speaker, I am pleased that so many of our colleagues are joining me in supporting this legislative package which is so important to the protection of our beleaguered environment.

I commend the attention of our colleagues to a list of the cosponsors:

LIST OF COSPONSORS TO THREE FASCELL BILLS

Mr. Addabbo of New York.
Mr. Badillo of New York.
Mr. Barrett of Pennsylvania.
Mr. Boland of Massachusetts.
Mr. Brasco of New York.
Mr. Brooks of Texas.
Mr. Clark of Pennsylvania.
Mr. Derwinski of Illinois.
Mr. Donohue of Massachusetts.
Mr. Dulski of New York.
Mr. Duncan of Tennessee.
Mr. Edwards of California.
Mr. Ellberg of Pennsylvania.
Mr. Findley of Illinois.
Mr. Wm. Ford of Michigan.
Mr. Fuqua of Florida.
Mr. Gallagher of New Jersey.
Mr. Gibbons of Florida.
Mr. Haley of Florida.
Mr. Halpern of New York.
Mrs. Hansen of Washington.
Mr. Harrington of Massachusetts.
Mr. Hechler of West Virginia.
Mr. Mazzoli of Kentucky.
Mr. McClory of Illinois.
Mr. McFall of California.
Mr. Mikva of Illinois.
Mr. Moorhead of Pennsylvania.
Mr. Morse of Massachusetts.
Mr. Murphy of Illinois.
Mr. Nedzi of Michigan.
Mr. O'Hara of Michigan.
Mr. Pepper of Florida.
Mr. Pirnie of New York.
Mr. Rees of California.
Mr. Reid of New York.
Mr. Rodino of New Jersey.
Mr. Roncalio of Wyoming.
Mr. Rosenthal of New York.
Mr. Roybal of California.
Mr. Sikes of Florida.
Mr. Thompson of New Jersey.
Mr. Waldie of California.
Mr. Yates of Illinois.
Mr. Yatron of Pennsylvania.

In addition, the following Members are sponsoring one or two of the bills:

Mr. Bennett of Florida.
Mr. Lennon of North Carolina.
Mr. Matsunaga of Hawaii.
Mr. Mann of South Carolina.

Mr. Mailliard of California.
Mr. Rhodes of Arizona.

SECRETARY ROGERS ON THE RULE OF LAW AND THE SETTLEMENT OF INTERNATIONAL DISPUTES

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. PUCINSKI. Mr. Speaker, my attention has been called to an address by Secretary of State Rogers before the American Society of International Law at New York City on the whole question of rule of law and settlement of international disputes.

I have pending before the House a resolution urging the United States to lead the world in bringing about an international agreement regarding the broad use of habeas corpus proceedings on behalf of political prisoners.

I was most pleased to learn that Secretary Rogers is an advocate of wider use of international law for settling disputes instead of resorting to armed conflict.

The address by Secretary Rogers follows:

THE RULE OF LAW AND THE SETTLEMENT OF INTERNATIONAL DISPUTES

Modern international law developed in an age when war was still the sport of kings. Today nations have the power to annihilate each other. This bleak fact underscores our vital need to search for alternatives to force or the threat of force as a means of settling disputes between nations.

A major objective of the Nixon administration is to further the development of a stable and progressive world community based on an accepted system of international law.

Outside the legal community—and within it, too, for that matter—there are those who are skeptical about the reality and value of international law. They ask if it is really law since there is no effective provision for enforcement. They question whether nations, notoriously unwilling to bow to processes of adjudication, will ever accept a broad international legal system. They refer to the failure of states to use the International Court of Justice and point out that it does not now have a single pending case on its docket.

Candor requires us to acknowledge that for the immediate future no international legal order, however restructured, is likely to solve many of the major disputes involving issues of war and peace.

And we must agree, with sadness, with allegation concerning the International Court of Justice.

There has been a certain euphoria in our approach to international law. Our rhetoric often has been out of touch with reality. In our zest to take giant steps we have failed to take the confidence-building smaller steps which are necessary to move from routine and less significant international cases to more important and major ones.

However, we need not exaggerate our lost opportunities. There has been considerable progress in some areas. I do not have to emphasize to this audience the important role that international law plays in our international relations. Territorial boundaries are largely respected, diplomacy functions effectively, and in such activities as shipping, international air travel, foreign trade and investment, et cetera, international law plays a vital role.

It is clear, however, that there is much to

be done to advance the cause of international law. With that goal in mind, I would like to make these three recommendations:

First, we should try to breathe new life into the neglected—in fact, moribund—International Court of Justice.

Second, we should encourage greater use of multilateral lawmaking treaties.

Third, nations should live up to their obligations under international agreements.

THE INTERNATIONAL COURT OF JUSTICE

Why is the Court important?

International law requires more than treaties and agreements to fulfill its promise. A judicial system is needed to support it.

Regrettably, as I have indicated, the International Court of Justice has become increasingly inactive in recent years. Why is this so?

The basic problem is the reluctance of states to refer international disputes to the Court. States have not been willing to accept the idea of going to the Court on a regular basis, expecting to win some cases and lose others. If the legal adviser of the foreign ministry is not confident of victory, he recommends against litigation.

Refusal to submit a case to the Court unless it is virtually a sure win has a short-term advantage from a national vantage point. But what nations so far have failed to grasp or to accept is the long-range gain, from an international vantage point, of establishing a system of settling international disputes by legal methods.

In 1946 the United States accepted jurisdiction of the International Court only in cases which excluded matters of domestic jurisdiction "as determined by the United States of America." This gave the United States the right in each case to determine whether the Court had jurisdiction or not.

It is not generally known, however, that since 1946 we have committed ourselves, without reservation, to the jurisdiction of the Court with respect to disputes arising under some 20 multilateral treaties. These include, among others, the constitutions of a number of international organizations as well as the Japanese peace treaty. Similarly, we have committed ourselves to the Court's jurisdiction over more than 20 bilateral agreements, principally commercial treaties.

But this is far too few when you realize that we have become a party to 106 multilateral and 125 bilateral treaties since 1946.

This administration is committed to strengthening the role of international adjudication in the settlement of international disputes. We are taking specific steps to carry out this policy.

In the future the Department of State will examine every treaty we negotiate with a view to accepting, wherever appropriate, the jurisdiction of the International Court of Justice with respect to disputes arising under the treaty. In a treaty in which we or the other government cannot accept the Court's jurisdiction, we will urge the inclusion of other appropriate dispute-settlement provisions.

In addition, I have directed that wherever disputes arise with other countries, we give active and favorable consideration to the possibility of submitting them to the International Court of Justice. Recently we asked the Canadian Government to join us in submitting to the court the differences arising from Canada's intention to establish pollution and exclusive fisheries zones more than 12 miles from her coast. We are presently exploring the possibility of submitting several other disputes to the Court.

In this connection we can recall the early experience of our own Federal courts, which attracted legal business through increasing popular confidence in their handling of what at first were principally routine matters. We can also learn from the experience of other countries which have found the Court useful in resolving small disputes. For example,

France and the United Kingdom submitted a case relating to two small islands. And Belgium and the Netherlands litigated before the Court the issue of sovereignty over a few small enclaves. In these and other cases involving relatively minor issues the Court has been able to develop important legal principles.

Advisory opinions are also important in building confidence. It is a disappointing fact that in the last 8 years no international organization has submitted a request to the Court for an advisory opinion, although clearly there has been no dearth of problems.

If changes in the statute of the Court are given serious consideration, I would like to suggest two ways in which its advisory jurisdiction might be expanded:

First, additional international organizations could be authorized to request advisory opinions. It would be particularly useful to give regional organizations access to the Court.

Second, serious consideration should be given to authorizing disputing states to ask the Court for an advisory opinion when they prefer that approach to a binding decision.

It is, of course, also important for states to accept and respect the pronouncements of the Court. In one important case when the Court made a courageous ruling—that United Nations members were obliged under article 17 of the charter to pay for U.N. peacekeeping activities assessed by the General Assembly—its implementation was blocked by certain states for political reasons.

However, we should recognize that the Court is at least partly to blame for its state of neglect. There is no doubt that its reputation was damaged by its decision in the South-West Africa case—that the complainants had no standing to present their claims—after more than 5 years of proceedings. A similar decision early this year in the Barcelona Traction case, after more than 7 years, has further eroded confidence in the Court.

I hope that the Court will take steps to prevent such delays in the future by deciding preliminary questions promptly without joining them to the merits of a dispute. The Court also should be willing to impose reasonable time limits on parties and their counsel.

I have requested my Legal Adviser, Mr. John Stevenson, to begin consultations with other governments to consider recommendations for possible improvements in the Court's procedures. The following suggestions may be worthy of consideration:

Greater use might be made of the chambers of the Court in an effort to relieve apprehensions about submitting disputes to the 15-judge tribunal sitting *en banc*.

The chambers could meet outside The Hague in order to make the Court move visible in other regions of the world.

Regional chambers could be established to make the Court more attractive to Latin American, Asian, and African states in disputes with other states in the same region.

Summary proceedings might be used more often, and the length of pleadings and oral argument might be appropriately limited.

MULTILATERAL LAWMAKING TREATIES

Turning now to my second point, I believe that we should make greater use of multilateral lawmaking treaties.

The need to develop new international law by the treaty or international agreement route has become more urgent because of advances in technology. To cite one example, the rapid growth of commercial aviation has confronted us with a dangerous international problem we never had before: airplane hijacking.

The United States has taken several steps to deal with this problem. We recently ratified the Tokyo convention on offenses com-

mitted aboard aircraft. We are actively participating in the International Civil Aviation Organization's efforts to draft a convention which would require the state where a hijacked aircraft lands either to punish the hijacker or to extradite him to a state where he can be punished.

Another major area urgently requiring multilateral treaties is the oceans, which cover 70 percent of the globe.

We are supporting measures at the United Nations for the preparation and conclusion of two supplementary law of the sea conventions. One would set the breadth of the territorial sea at 12 miles, with guaranteed rights of free transit through and over international straits and carefully defined preferential fishing rights for coastal states in the high seas adjacent to their territorial seas. The other would define the outer limit of the coastal states' sovereign rights to exploit the natural resources of the seabed and would establish an international regime governing exploitation of seabed resources beyond that limit.

In addition, yesterday we signed at the United Nations Headquarters here in New York the Convention on the Law of Treaties adopted at Vienna a year ago. This treaty provides the basic "contract law" for treaty-making, interpretation, and termination. It is a treaty of major importance.

In suggesting the need for increased efforts to conclude multilateral treaties developing and clarifying international law, I do not want to deprecate customary international law. We all recognize in the day-to-day conduct of our foreign relations the importance of observing the rules of custom which nations have accepted as appropriate rules for international conduct. They represent the accommodation and balancing of interests which states have found it in their reciprocal interests to make. Thus they are a very useful means of avoiding international conflict.

However, like our common law, the rules of customary international law are frequently somewhat vague. In certain areas, particularly where international standards for the protection of aliens' property rights are involved, they are under attack in the developing countries. These countries argue that they did not participate in the development of these customary rules and therefore should not be bound by them. While we may not accept this line of argument, we must take into account the threat it presents to the stability of the international legal system.

Multilateral lawmaking treaties have advantages over customary international law. They make the legal rules more precise. They bring the newly independent countries into the development and clarification of international law. And they should increase the willingness of states to submit disputes to international judicial tribunals.

RESPECT FOR INTERNATIONAL AGREEMENTS

The third point which needs to be stressed is that nations must live up to their obligations under international agreements. International law, like any other set of rules, can function effectively only in a climate of respect and observance.

It is important for states to respect the international agreements they enter into on economic and technical matters. But it is of much greater importance for them to honor their commitments under those agreements involving international peace and security.

In Laos and Cambodia—the focus of recent international concern—the cessation of all hostilities and respect for territorial integrity and neutrality are matters of international agreement.

North Viet-Nam committed itself in Laos in 1954 to a "complete cessation of all hostilities," withdrawal, and a prohibition on introducing "any reinforcements of troops or military personnel." In 1962 it undertook similar and even more substantial obligations.

They included obligations not to "commit or participate in any way in any act" which might impair "directly or indirectly" the sovereignty or neutrality of Laos and not to use the territory of Laos for "interference in the internal affairs of other countries."

In Cambodia, North Viet-Nam committed itself in 1954 to a "complete cessation of all hostilities" to be enforced by its commanders "for all troops and personnel of the land, naval, and air forces" under its control. It also committed itself to the withdrawal from Cambodia of "combatant formations of all types which have entered the territory of Cambodia."

With those international agreements as a backdrop, what are the facts?

In Laos over 65,000 regular North Vietnamese troops have invaded and now occupy large portions of Laotian territory. About 40,000 are in the southern part of the country, along the Ho Chi Minh Trail. More than 25,000 North Vietnamese troops are in northern Laos. On February 12 this force launched the current offensive which has led to the increased anxieties. Prime Minister Souvanna Phouma has strongly objected and condemned this invasion of his country by the North Vietnamese—to no avail.

In Cambodia, as in Laos, North Viet-Nam has long been occupying territory in direct violation of its repeated treaty commitments to respect the country's neutrality. More than 40,000 North Vietnamese and Viet Cong troops have invaded and now occupy Cambodia. In Cambodia, as in Laos, Hanoi is using armed force against a state where it has no legitimate rights and against a people with whom it has no ethnic affinity. Both Prince Sihanouk and his successor, Prime Minister Lon Nol, agree that this is the case.

A more explicit and unprovoked violation of the fundamental provisions of the Charter of the United Nations and of additional specific international obligations to respect the territory of others could hardly be imagined.

Seven nations endorsed the Geneva accords of 1954 upholding the independence and neutrality of Cambodia and Laos. Fourteen nations undertook further obligations in 1962 to hold consultations in the event of a violation, or threat of violation, of the neutrality of Laos. The violations of those accords by North Vietnam in Laos and Cambodia are explicit, uncontested, open, and without any shred of international sanction. Is it not time for nations which are signatories to international agreements actively to support them? Should not the international community itself more actively look for ways to shoulder its responsibilities?

Article 4 of the 1962 agreement on Laos is explicit in requiring the signatories to "consult" on measures to ensure observance of the agreement in event of a violation or even the threat of a violation. The Soviet Union, whose Foreign Minister is a cochairman of the Geneva conference, has a particular responsibility "to exercise supervision over observance" of the agreement. Yet, except for a proposal by the Soviet United Nations Representative, Mr. Malik, about reconvening the Geneva conference machinery—a proposal from which the Soviet Union has been steadily backpedaling since—the Soviet attitude has been negative toward exercise of its treaty responsibilities.

The flouting of international agreements which were freely entered into by Hanoi is not just a problem for the parties to the agreements. It is a problem for the world community. If states fail to honor their obligations solemnly agreed to, then the role of law in the settlement of international disputes becomes minimal and nations have no recourse but to resort to force to protect their sovereignty and territorial integrity.

In addition to the obligations of signatories to the 1954 accords, there are responsibilities of a more practical sort which

concern particularly the states of the area. In this regard it is encouraging to note that the Foreign Ministers of such nations as Indonesia, Thailand, and Japan are initiating consultations to determine what action they can take in the international community to protect and restore the independence and neutrality of Cambodia.

In conclusion, the suggestions I have made today—to revive the International Court of Justice, to encourage more multilateral law-making treaties, and to insist on observance of international agreements—reflect my conviction that it is both necessary and possible to increase the role of international law in the settlement of disputes.

We must take steps which will build international confidence in international law. Mankind eventually must become wise enough to settle disputes in peace and justice under law. That is your goal—that is the goal of your Government.

CAMPUS 1970: WHERE DO WOMEN STAND?

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mrs. MINK. Mr. Speaker, discrimination against women in higher education is one of the most damaging forms of prejudice in our Nation, for it deprives a high proportion of our people of the opportunity for equal employment and equal participation in national leadership.

It is unfortunate but true that this form of prejudice is widespread among educators, the very group that should be leading the way for full equality of opportunity. One of the finest studies I have seen on this important subject is "Campus 1970: Where Do Women Stand?" a research report of a survey on women in academe by Dr. Ruth M. Oltman, Ph. D. Dr. Oltman is staff associate, higher education, of the American Association of University Women. Her report was published in December 1970.

In this project, Dr. Oltman compiled massive evidence from a survey of 750 colleges and universities showing that women do not have equal status with men in academe. At every level—student body, administration, faculty, and trustees—women are under-represented or placed in positions with little power in decisionmaking. This is particularly true in the large public institutions.

The study illustrates in a rather dramatic fashion the sex inequities on American campuses and suggests many areas in which the AAUW and its corporate member institutions might be involved in increasing utilization of women at all levels of academe. For the benefit of my colleagues, I have extracted sections of the report including the introduction, results of study, and summary and recommendations. I believe these should provide meaningful information on actions we should take now to redress this discriminatory situation.

The material follows:

CHAPTER I.—INTRODUCTION

A. Purpose

In January 1970 a questionnaire was sent to presidents of the 750 colleges and universities which hold corporate (institutional) membership in the American As-

sociation of University Women. Its purpose was to evaluate the activities of women and the extent of their participation at all levels of involvement—as students, administrators, faculty, and trustees. An extensive questionnaire explored the participation of women in decision-making; personnel policies affecting hiring, promotion, maternity leave, nepotism; special programs designed for mature women students; utilization of women's abilities in major offices and committees, as department heads, principal administrators, and trustees; and general attitudes of administration regarding women.

B. Background and related studies

The study grew out of a recognition by the AAUW Committee on Standards in Higher Education that the potential of women is not being appreciated, encouraged, or fully developed at any level of higher education:—student body, administration, faculty, or Board of Trustees. It was recognized that very little data is available to document the role of women in higher education and that if any improvement in this role is to be achieved much more information must be obtained. It was hoped that objective documentation of some of the inequities would contribute to greater awareness of the limitations in opportunities for women in higher education. The need for objective information is evidenced by the extensive data-collecting presently being undertaken by women's caucuses of many professional groups and the amount of research being done by professional women, by faculty and women students and by state commissions on the status of women.

A major recommendation of the President's Task Force on Women's Rights and Responsibilities, was that "All agencies of the Federal Government that collect economic or social data about persons should collect, tabulate, and publish results by sex as well as race." (13) The need for this is evidenced by the fact that few government and educational publications include data analysis by sex in educational statistics. The most complete statistics on women's role are published by the Women's Bureau, U. S. Department of Labor. These document the trends in the educational achievement (17) and employment status (16) of women, and projected trends for the future.

The National Science Foundation's Report on the 1968 Register of Scientific and Technical Personnel (12) gives data on the fields of employment and highest degrees earned by women scientists, who comprise nine percent of all scientists. The National Research Council (11) has published an analysis of doctoral recipients by sex in 26 academic disciplines. The Office of Education, in its annual Higher Education General Information Survey (HEGIS) study of institutions of higher education, has not provided analyses by sex, except for student enrollment (and for faculty rank in 1966). The National Education Association (NEA) completed a study on faculty ranks for 1959-66 and salaries for 1965-66 (10) which showed extensive differentials and evidence of the deterioration in the role of women as faculty members. NEA has not replicated this kind of research since, due to the difficulty in obtaining accurate data from the schools. The American Association of University Professors (AAUP) also has not published a comparative analysis of ranks and salaries for men and women faculty. Statistics in higher education, therefore, do not give a clear picture of the status of women as students, faculty or administrators. Equally important is the relative lack of up-to-date information about administrative practices which affect women in higher education, such as policies on maternity leave, nepotism, tenure, part-time appointments, and day care. Two studies of policies on nepotism have been done in the past ten years (3) (14). Information on women in non-profes-

sional jobs in higher education such as secretaries, house directors, and service personnel is also non-existent.

Further, there has been little analysis of the role of the woman student, although during the past year a number of student groups such as the Intercollegiate Association of Women Students (IAWS) and women's liberation groups on various campuses are forming their own commissions on the status of women students and examining their subordinate roles critically (7).

Psychological expectations of women also contribute much to the total picture. For example, the dilemma of women's conflict over achievement as non-feminine is well documented in Dr. Martina Horner's clinical study in *Psychology Today* (6). The cultural image and stereotypes of the female sex-role perpetuated by society undoubtedly form major impediments in early socialization of girls and in their ability to make full use of individual potential. They not only affect women's perceptions of themselves but also limit their perceptions of each other's resources and abilities, as Philip Goldberg's research has clearly demonstrated (4).

Little is known about the effect of pressures at the college level which limit the full intellectual development of women students or reinforce the results of previous negative socialization. Equally important is the quality of counseling provided at the college level which prepares women for their vocational, social and personal roles in society. Dr. Helen Astin's report (2) documents some of the factors which influenced the careers of women who earned Ph.D.'s in 1957. Early encouragement and definition of role were especially important. The career commitment of women doctorates is evidenced by the fact that 91 percent are working in their field of preparation, 81 percent full-time.

The present study was undertaken, therefore, to contribute additional data by surveying the role of women in institutions having corporate relationship to AAUW and an interest in and concern for women's education. It was anticipated also that the results would delineate areas for further study and action. The role of women in higher education and the extent of their participation was investigated by an assessing of some dimensions of the picture. It is not complete nor are the issues of causality probed. Results furnish a statement of what exists. Higher education reflects the society of which it is a part, including the values, attitudes and roles assigned to women, and the socialization process which prepares women to accept these roles.

C. Questions to be answered

The concerns regarding the role of women in higher education were reflected in the following questions raised in preparing the questionnaire:

1. Women students:

a. What are their leadership roles on campus?

b. To what extent do they participate in development of student policy? On student-staff committees?

c. What campus programs are provided to meet their special needs in determining their roles as women?

d. What role does the Association of Women Students (AWS) play and how is it supported?

e. How many women go on for graduate study and receive financial aid, as compared with men?

f. What are the policies regarding pregnancy and birth control counseling?

g. What are the policies and programs for the mature woman student?

2. Women administrators:

a. What kinds of administrative positions are women most likely to hold?

b. Are women sought for all types of administrative positions?

c. To what extent are women administrators included in policy-making decisions?

3. Women faculty:

a. What department chairmanships are women most likely to hold?

b. How do they participate on committees determining institutional or faculty policies?

c. What institutional policies concern maternity leave?

d. How do nepotism policies affect the hiring, promotions, tenure of women?

4. Women trustees:

a. How does the number of women trustees compare to the total number of men trustees?

CHAPTER IV.—RESULTS OF THE STUDY

A. Method of reporting

Results are reported by types of schools to avoid distortion of data by differences among the categories such as private, public, and coeducational schools, women's colleges, and schools with enrollment over 10,000 or under 1,000. Women's colleges were extracted from the sample of private schools and small colleges so that appropriate comparisons could be made with public schools and institutions with over 10,000 enrollment. In order to make valid comparisons among groups of different sizes, all data were changed to percentages.

The four-page questionnaire required extensive compilation of data on the role of women on the college campus. In many instances this information was not obtainable from one office or was not collected by the school. As a result, no response was given for some questions. Although instructions asked the respondent to distinguish between information that was "unavailable" (UA) or "did not apply" (DNA), the answers were often left blank. For this reason, percentages given for the data were computed on the number of actual responses to the question.

Information was not tabulated on seniors going on to graduate school, number of graduate fellowships and value, as this data was not given in consistent form, was not available, or the item was left blank.

B. Role of the woman student

Women students comprised approximately 41 percent of the total student population in four-year institutions of higher education in the United States in the fall of 1969 (15). Almost 2,400,000 women were enrolled in degree-credit programs during the 1969-70 school year, more than double the number enrolled ten years earlier. What has been the quality of their education? How are they being prepared for leadership? What campus programs are provided to meet their special needs? The questionnaire explored four areas in an effort to shed some light on the role of the woman student on the campuses surveyed.

1. Positions of Leadership on Campus:

Analysis of campus offices (see Table 6) most likely to be held by women on campus show that women students are most frequently found in positions which are primarily non-elective or appointive, such as editor of the yearbook or literary magazine, or chairman of the activities committee or freshman orientation—all positions requiring special skills, such as writing, and detail work. Greater opportunities for leadership are open to women on small campuses (under 1,000) or at private institutions (and women's colleges not included in this tabulation) than at very large, public or coeducational institutions.

Men are most likely to hold the elective, political offices such as president of the student body, class president, chairman of the Campus Judicial Board or Union Board of Governors—all positions with much power and influence. Again, these trends are accentuated on the large campuses and at public or coeducational schools. There is a tendency toward co-chairmanships (men and women) for positions such as chairman of freshman orientation or activities committee, some editorships, or judicial boards.

TABLE 6.—STUDENTS IN CAMPUS LEADERSHIP POSITIONS (1967-70)¹

Position	Coed schools (376)			Public schools (189)			Private schools ² (207)			Schools over 10,000 (63)			Schools under 1,000 ² (53)		
	Men 3-years (percent)	Women 2 to 3 years (percent)	Total responses	Men 3 years (percent)	Women 2 to 3 years (percent)	Total responses	Men 3 years (percent)	Women 2 to 3 years (percent)	Total responses	Men 3 years (percent)	Women 2 to 3 years (percent)	Total responses	Men 3 years (percent)	Women 2 to 3 years (percent)	Total responses
President, student body.....	84	5	37	86	4	188	77	12	204	92	2	63	67	18	51
Class president.....	76	6	294	75	8	138	69	13	179	80	5	41	60	22	45
Chairman, union board of governors.....	65	12	209	64	13	125	63	15	92	62	11	47	69	16	19
Captain, debate.....	65	8	170	60	13	96	68	10	85	79	3	38	77	8	13
Chairman, campus judicial board.....	68	12	252	77	13	124	55	17	147	74	6	46	55	18	33
Editor, yearbook.....	17	49	362	19	46	183	15	54	201	25	48	1	12	52	50
Chairman, activities committee.....	47	27	259	47	30	128	43	31	150	42	22	36	33	38	42
Chairman, freshman orientation.....	40	24	259	44	26	124	35	29	156	44	28	43	40	32	35
Editor, literary magazine.....	39	30	263	43	23	127	33	41	153	49	16	49	17	63	32
Editor, campus paper.....	39	25	373	40	24	186	36	31	209	53	18	62	23	46	50

¹ To provide a clear picture of women's participation, instances are tabulated in which women held these offices at least $\frac{1}{4}$ of the time during 1967-70. Instances of incumbency for one year only are not shown.

² Exclusive of women's colleges.

2. Programs for Women:

The study committee was particularly interested in knowing the kinds of events or special media which are planned on campus to meet the educational needs of the woman student in developing her potential, in determining her role, and in planning her future. Three areas were explored in the questionnaire:

a. *General.* Only 72 percent of the total study group responded to the question, "During the past year we have had — programs (lectures, seminars, workshops, movies, etc.) related to the role or special educational needs of women." Forty-six percent of those responding, however, indicated they had no

such programs, another 21 percent only one or two. Differences among the subgroups were marked—e.g. 72 percent of the coeducational schools had had none or no more than two such programs during the year, as compared to 42 percent of the women's colleges. Institutions over 10,000 and public schools, with more diverse resources and population, provided more programs than small colleges and private schools (see Table 7).

As so many institutions failed to respond to this item, it is possible that the actual percentage of schools having no programs is much higher than 46 percent. However, there are three schools (all small colleges under 1,000) with an accredited course on

women. Nearly 10 percent (and over 15 percent of the women's colleges) state that they have had more than 10 identifiable programs, a "series" or "many" such programs, furnishing some hopeful evidence that the needs are being recognized.

b. *Association of Women Students (AWS).* Over 58 percent of the schools report that they have an Association of Women Students or a similar women's organization on campus. The percentage is lower on all women's campuses where the overall student government serves this purpose, and higher on larger public campuses, where there is diversity of governmental functions (see Table 7). Approximately 60 percent of the AWS groups have independent budgets.

TABLE 7.—PROGRAMS FOR WOMEN STUDENTS

Question	Total group (454)		Coed schools (376)		Women's colleges (59)		Schools over 10,000 (63)		Schools under 1,000 ¹ (53)		Public schools (189)		Private schools ¹ (207)	
	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses
(a) Number of programs on women's interests in 1969-70.....		328		276		38		44		46		136		160
None.....	45		51		18		39		63		46		51	
1 to 2.....	21		21		24		16		24		18		22	
3 to 6.....	15		12		32		11		4		16		10	
7 to 10.....	4		4		5		9		0		6		2	
11 to 20.....	3		2		5		4		0		3		3	
Over 20.....	2		2		5		5		2		1		3	
Series.....	2		2		0		2		0		1		3	
Accredited course.....	1		0		3		0		4		0		1	
Many.....	3		2		5		7		2		3		3	
Some.....	4		4		3		7		0		6		3	
(b) AWS: Have an association of women students on campus.....		428		369		42		61		53		183		207
Yes.....	58		61		38		67		55		65		57	
No.....	42		39		62		33		45		35		43	
(c) Representation on student staff committees.....		412		369	(?)	(?)		63		52		184		205
As proportionately as men.....	44		45				33		52		44		46	
Proportionately less than men.....	43		48				67		29		50		43	
Proportionately more than men.....	13		7				0		19		6		11	

¹ Exclusive of women's colleges.

² DNA.

c. *Representation on student-staff committees.* Four hundred twelve of the 454 schools answered the question on representation of women students on student-staff committees, 43 percent indicating that women are represented "in smaller numbers, proportionately, than men." This percentage increases to 48 percent at coeducational schools, 50 percent at public schools, and 67 percent at schools over 10,000 (see Table 7). Schools under 1,000 show the largest participation of women.

3. Policies on Pregnancy, Resident, and Birth Control Counseling:

Policies in this area vary greatly (see Table 8). Most schools (98 percent) indicated

that they do "permit pregnant women students to attend classes" and do "make necessary adjustments for them to complete their courses." Eighty-eight percent indicate that "married women, not living with their husbands, may live in the residence halls," but only 62 percent state that pregnant women may do so. Birth control information or counseling is provided by the Health Service in 43 percent of the schools surveyed; the others "make referrals to physicians outside the institution." It may be that many schools avoid the situation and do not attempt to handle the problem in either way.

Data indicate that large public institutions, with medical resources and a heteroge-

neous population of students are likely to be liberal in policy and to provide special services to the married or pregnant woman student. Small and private schools are almost as liberal in policy but do not generally furnish counseling in their health services, perhaps because of limitation of facilities and staff. The sample of women's colleges appears to be the most conservative on all aspects of policy and birth control counseling, although it had been anticipated that they would lead the way in services of this kind to their students because of their special role in women's education.

TABLE 8.—POLICIES ON PREGNANCY, RESIDENCE, AND BIRTH CONTROL COUNSELING

Question	Total group (454)		Coed schools (376)		Women's colleges (59)		Schools over 10,000 (63)		Schools under 1,000 ¹ (53)		Public schools (189)		Private schools ¹ (207)	
	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses
Permit pregnant women students to attend classes, will make academic adjustments needed.....		440		365		56		62		53		184		204
Yes.....	98		99		93		100		100		98		98	
No.....	2		1		7		0		0		2		2	
Permit pregnant women students to live in residence halls.....		394		324		43		54		48		161		184
Yes.....	62		64		47		78		58		75		55	
No.....	38		36		53		22		42		25		45	
Married women may live in residence halls.....		428		352		58		58		53		176		198
Yes.....	88		91		74		97		87		95		87	
No.....	12		9		26		3		13		5		13	
Birth control information available in Health Service.....		415		346		53		62		49		178		189
Yes.....	43		47		30		68		24		52		38	
No.....	57		53		70		32		76		48		62	
Birth control information not provided, but referrals made to outside doctors.....		299		242		41		28		42		113		147
Yes.....	59		62		44		54		52		61		60	
No.....	41		38		56		46		48		39		40	

¹ Exclusive of women's colleges.**4. Mature Women Students:**

Only a small proportion of the schools surveyed were able to give statistics on the approximate number of mature women students enrolled. Ninety-five percent, however, indicated (see Table 9) that opportunities for completing a degree are available, 86 percent that some kind of counseling is provided, although the nature of this was not defined in the answers. In addition, 70 percent stated that scholarship aid is given when needed. Only 49 percent, however, make some adjustments in class hours or curricula to meet the needs of such students and less than half (43 percent) have a pro-

gram (such as continuing education) especially designed for the returning mature woman student. Of the 454 schools, only 22 or five percent provide some kind of day care services for students with small children.

It should be noted that women's colleges are the most likely to provide counseling and day care services and to make adjustments for mature women. Large schools with over 10,000 enrollment have more facilities for special programs but do not provide extensive individual services. On the other hand, small schools with less than 1,000 students do not have diversified special facilities but appear to make up for this in more indi-

vidualized treatment—counseling, needed adjustments, and scholarships. Private schools show a similar trend.

C. Women administrators

In answering the question "It is our policy to include women in a. top-level administrative positions" and b. "policy-making decisions," 87 to 92 percent of the total sample indicated affirmative responses. The most positive responses came from the sample of women's colleges, the large universities with enrollments over 10,000 stating more reservations.

TABLE 9.—PROGRAMS FOR MATURE WOMEN STUDENTS

Question	Total group (454)		Coed schools (376)		Women's colleges (59)		Schools over 10,000 (63)		Schools under 1,000 ¹ (53)		Public schools (189)		Private schools ¹ (207)	
	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses
Provide opportunities for mature women to complete degrees.....		448		370		59		61		53		188		206
Yes.....	95		95		98		95		98		96		95	
No.....	5		5		2		5		2		4		5	
Provide counseling for mature women.....		441		364		58		59		52		186		201
Yes.....	86		84		95		85		90		86		84	
No.....	14		16		5		15		10		14		16	
Provide scholarship help for mature women.....		434		359		56		60		53		182		200
Yes.....	70		72		62		60		78		72		71	
No.....	30		28		38		40		22		28		29	
Make adjustments in curriculum for mature women.....		432		360		53		59		53		183		201
Yes.....	49		46		6		49		53		50		45	
No.....	51		54		40		51		47		50		55	
Have special program for mature women.....		440		364		57		61		53		185		203
Yes.....	44		43		53		64		32		52		34	
No.....	56		57		47		36		68		48		66	
Provide day care services.....		444		366		59		61		53		185		204
Yes.....	5		4		9		5		2		5		3	
No.....	95		96		91		95		98		95		97	

¹ Exclusive of women's colleges.

In spite of such affirmative policy, however, this actual participation of women in administrative policy-making in higher education is conspicuously lacking, as Table 10A demonstrates. The position of women in administration is similar to that of women students—they are working at jobs requiring skills and attention to detail but without much relationship to policy-making or influence. Generally they are in positions at middle management level or which involve sex stereotypes, such as Dean of Nursing.

The study points up the comparatively greater opportunities for women in the ad-

ministration of women's colleges and in schools with under 1,000 enrollment, especially in certain categories. In addition to the position of Dean of Women, women are most likely to hold positions such as head librarian, director of placement, director of financial aid or college counselor. They are least likely to be found in the positions of president, vice president, director of development, business manager, academic dean, dean of students, director of counseling, and college physician.

It should be noted that women are less

likely to be head librarians in schools with enrollment over 10,000 and in public institutions than in private schools or schools with enrollment under 1,000. The same holds true for the positions of placement director, director of counseling, dean of students, assistant academic dean and director of financial aid. Categories such as president, director of development, college physician and business manager show little differential among institutions, despite size or type, except at the women's colleges, where women do hold many positions of responsibility.

TABLE 10A.—WOMEN IN COLLEGE ADMINISTRATION¹ (1967-70)

	Total group (454)			Coed schools (376)			Women's colleges only (59)			Schools over 10,000 (63)			Schools under 1,000 (53)			Public schools (189)			Private schools ² (207)		
	Men 3 yrs. (per- cent)	Women 2-3 yrs. (per- cent)	Total re- sponses	Men 3 yrs. (per- cent)	Women 2-3 yrs. (per- cent)	Total re- sponses	Men 3 yrs. (per- cent)	Women 2-3 yrs. (per- cent)	Total re- sponses	Men 3 yrs. (per- cent)	Women 2-3 yrs. (per- cent)	Total re- sponses	Men 3 yrs. (per- cent)	Women 2-3 yrs. (per- cent)	Total re- sponses	Men 3 yrs. (per- cent)	Women 2-3 yrs. (per- cent)	Total re- sponses	Men 3 yrs. (per- cent)	Women 2-3 yrs. (per- cent)	Total re- sponses
President.....	88	11	441	95	5	366	50	47	56	100	-----	58	87	13	53	97	3	184	92	8	200
Vice president.....	93	4	290	97	2	246	69	17	29	100	-----	55	85	8	26	98	-----	123	94	4	138
Director of develop- ment.....	95	4	381	97	2	314	86	6	50	98	-----	52	98	3	47	96	1	140	97	3	189
Business manager.....	90	9	437	93	5	362	66	32	56	98	2	58	92	4	53	97	1	180	90	9	200
College physician.....	82	8	397	82	7	325	82	13	55	68	10	60	95	5	42	80	9	162	83	7	179
Director financial aid.....	70	23	440	79	15	364	21	67	57	85	12	61	61	32	51	84	9	183	71	23	201
Director placement.....	64	28	429	72	21	355	22	73	55	80	10	59	59	33	49	80	14	179	62	30	196
Director counseling.....	76	19	319	82	13	273	30	67	30	92	5	61	61	32	28	88	9	150	73	20	138
Dean of students.....	71	23	419	82	12	343	12	83	57	86	5	57	70	26	50	85	9	174	76	18	189
Head librarian.....	57	35	445	63	29	368	23	61	57	85	8	61	36	62	53	69	22	184	56	37	204
Academic dean.....	69	18	432	76	10	359	31	62	55	50	17	60	77	15	52	74	8	178	76	14	198
Associate or assistant academic dean.....	68	17	261	74	12	223	32	44	25	63	12	60	67	20	15	73	11	121	72	16	116
College counselor.....	36	25	318	38	17	265	27	51	41	18	16	49	58	26	31	35	19	140	39	22	139

¹ To provide a clear picture of women's participation, instances are tabulated in which women held these offices at least ¼ of the time during 1967-70. Instances of incumbency for 1 year only are not shown.

² Exclusive of women's colleges.

Further evidence of the lack of utilization of women power in college administration is seen in the answers to an open-ended question which asked for a list of all positions in the administrative staff for which qualified women are generally sought. Only 19 percent of the schools indicated that they specifically seek "qualified persons, regardless of sex, except for Dean of Men and Dean of Women"

and another nine percent answered generally "any position." The 454 schools in the survey listed only 427 such positions, an average of less than one position per school. Table 10B shows the distribution of responses in ten categories including all positions listed at least two percent or more. Again, there appear to be broader opportunities in women's colleges, fewer in large universities.

D. Faculty women

Nationally, women comprise about 22 percent of faculty at all ranks in higher education in the United States (4). Percentage of women decreases, however, as rank increases, with less than nine percent holding the rank of full professor (10). They are particularly absent at some of the "prestige" institutions and often are employed in non-tenured teaching positions.

TABLE 10B.—ADMINISTRATIVE POSITIONS FOR WHICH QUALIFIED WOMEN ARE SOUGHT¹

Question	Total group (454)		Coed schools (376)		Women's colleges (59)		Schools over 10,000 (63)		Schools under 1,000 (53)		Public schools (189)		Private schools ¹ (207)	
	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses
Qualified persons regardless of sex, except deans of men and women.....	19	427	19	347	17	53	17	64	13	38	22	184	16	186
Women's counselor.....	10	-----	10	-----	6	-----	8	-----	8	-----	10	-----	11	-----
Associate dean of students.....	10	-----	11	-----	6	-----	5	-----	21	-----	11	-----	11	-----
Any position at all.....	9	-----	8	-----	17	-----	2	-----	13	-----	7	-----	9	-----
Dean of nursing.....	8	-----	9	-----	2	-----	16	-----	-----	-----	12	-----	5	-----
Dean of students.....	5	-----	2	-----	23	-----	5	-----	8	-----	2	-----	3	-----
Dean of home economics.....	5	-----	6	-----	-----	-----	14	-----	3	-----	9	-----	2	-----
Registrar.....	4	-----	5	-----	-----	-----	-----	-----	8	-----	1	-----	8	-----
Director of admissions.....	3	-----	2	-----	8	-----	3	-----	-----	-----	3	-----	2	-----
Librarian.....	3	-----	3	-----	4	-----	-----	-----	5	-----	3	-----	3	-----
Director of placement.....	2	-----	3	-----	2	-----	2	-----	-----	-----	3	-----	2	-----
Assistant to dean.....	2	-----	2	-----	2	-----	5	-----	3	-----	2	-----	2	-----

¹ Percentages represent proportion of total positions listed.

² Exclusive of women's colleges.

1. Department Heads:

It should be noted that 90 percent of the schools surveyed answered "yes" to the question "Our promotional policies are the same for men and women faculty." Data show, however, that women infrequently hold department chairmanships. Thirty-four of the

schools in this study indicate no women as heads of academic departments, and the average number of women in such positions in all schools was 2.6 per school. When they are department chairmen, they are found primarily in the fields of home economics, physical education, English, languages, nurs-

ing and education. The opportunities in the women's colleges, however, are greater than in other schools, particularly in areas of the sciences, math, history and government and art. Table 11A gives all department categories mentioned two percent or more of the total listings.

TABLE 11A.—DEPARTMENTAL CHAIRMANSHIPS HELD BY FACULTY WOMEN¹

Department	Total group (454)		Coed schools (376)		Women's colleges (59)		Schools over 10,000 (63)		Schools under 1,000 (53)		Public schools (189)		Private schools ² (207)	
	Percent	Number re-sponses	Percent	Number re-sponses	Percent	Number re-sponses	Percent	Number re-sponses	Percent	Number re-sponses	Percent	Number re-sponses	Percent	Number re-sponses
None.....	3	1 217	4	913	-----	248	1	199	5	131	3	438	4	509
Home economics.....	13	-----	15	-----	6	-----	21	-----	8	-----	21	-----	10	-----
Physical education.....	9	-----	10	-----	7	-----	14	-----	6	-----	15	-----	7	-----
English, journalism, speech or theater arts.....	8	-----	8	-----	9	-----	4	-----	11	-----	8	-----	8	-----
Languages.....	8	-----	9	-----	10	-----	4	-----	12	-----	6	-----	11	-----
Nursing.....	8	-----	9	-----	4	-----	11	-----	5	-----	10	-----	7	-----
Education.....	6	-----	6	-----	6	-----	3	-----	7	-----	2	-----	7	-----
Business administration and economics.....	6	-----	6	-----	3	-----	4	-----	5	-----	7	-----	6	-----
Mathematics.....	4	-----	4	-----	6	-----	0	-----	8	-----	3	-----	5	-----
Fine arts, history of art.....	5	-----	4	-----	6	-----	1	-----	6	-----	4	-----	5	-----

Footnotes at end of table.

Department	Total group (454)	Coed schools (376)	Women's colleges (59)	Schools over 10,000 (63)	Schools under 1,000 ² (53)	Public schools (189)	Private schools ¹ (207)
	Percent	Percent	Percent	Percent	Percent	Percent	Percent
Biology and earth science.....	4	3	9	8	3	3	3
History, government, political science.....	4	4	6	4	2	3	4
Physical science.....	4	2	7	1	4	1	4
Sociology and anthropology.....	4	3	4	2	3	2	3
Psychology.....	3	3	4	9	5	3	3
Music.....	2	3	2	1	2	2	2

¹ Percentages represent proportion of total number of chairmanships listed.

² Exclusive of women's colleges.

³ On 2.6 per school.

⁴ On 2.4 per school.

⁵ On 4 per school.

⁶ On 3.1 per school.

⁷ On 2.5 per school.

⁸ On 2.25 per school.

2. Representation:

Women at 35 percent of the schools surveyed are said to be represented on almost all faculty committees and boards and in other schools women appear to participate in diversified activities of the faculty such as the University Senate, Faculty Council, Administrative Council, committees on academic standing, student life and curriculum. They are less likely to be represented on

committees for guidance, scholarships, judicial problems, long range planning, institutional research, admissions, educational or advisory policy, or to be advisers to campus organizations.

3. Policies on Maternity Leave for Faculty Women:

Seventy-nine percent of the schools have an official policy on maternity leave. Fifty-eight percent indicate that the time for

such leave is "adjusted as needed." Only six percent stated that two months or less is granted; the other 36 percent grant 3-18 months for maternity leave. Most of the institutions continue fringe benefits during this period and will rehire in the same position and salary without loss of seniority. The questions, however, did not explore the application of these policies to women faculty without tenure. (See Table 11B.)

TABLE 11B.—POLICIES ON MATERNITY LEAVE FOR FACULTY WOMEN

Question	Total group (454)	Coed schools (376)	Women's colleges (59)	Schools over 10,000 (63)	Schools under 1,000 ¹ (53)	Public schools (189)	Private schools ¹ (207)
	Percent	Percent	Percent	Percent	Percent	Percent	Percent
Have policy.....	430	356	54	58	52	178	198
Yes.....	79	81	67	81	77	82	78
No.....	10	9	20	12	12	9	10
No specific policy.....	11	10	13	7	11	9	12
Period of time.....	308	262	31	45	34	137	139
Adjusted as needed.....	58	58	61	60	59	57	59
2 months or less.....	6	5	10	4	12	4	5
3 to 6 months.....	19	20	13	20	26	20	20
2 semesters.....	3	3	3	0	0	2	4
12 to 18 months.....	14	10	13	0	3	16	12
Rehire in same position.....	310	265	30	41	34	141	138
Yes.....	93	93	93	93	94	94	92
No.....	7	7	7	7	6	6	6
Rehire in same level.....	294	251	27	39	34	136	130
Yes.....	97	97	96	95	100	97	97
No.....	3	3	4	5	0	3	3
Rehire at same salary.....	289	246	27	38	32	134	127
Yes.....	97	97	96	95	97	97	97
No.....	3	3	4	5	3	3	3
Rehire without loss of seniority.....	295	253	27	39	35	136	131
Yes.....	96	97	89	95	97	98	95
No.....	4	3	11	5	3	2	5
Continue fringe benefits.....	349	295	37	46	39	160	150
Yes.....	88	87	92	83	82	86	89
No.....	12	13	8	17	18	14	11

¹ Exclusive of women's colleges.

E. Policies on nepotism

Almost 35 percent of the schools reporting indicate that they have specific policies against nepotism in hiring of faculty. Nepo-

tism policies are most evident on campuses of large schools, least evident at private and women's colleges and small campuses (see Table 12). In general, they affect husband-

wife, parent-child and siblings relationships in the same proportion, although fewer schools answered questions on the latter two than on the first.

TABLE 12.—POLICIES ON NEPOTISM

Question	Total group (454)	Coed schools (376)	Women's colleges (59)	Schools over 10,000 (63)	Schools under 1,000 ¹ (53)	Public schools (189)	Private schools ¹ (207)
	Percent	Percent	Percent	Percent	Percent	Percent	Percent
Have policy against.....	414	349	47	63	48	175	192
Yes.....	35	36	28	56	15	45	27
No.....	65	64	72	44	85	55	73
Husband-wife, same department 1968-69.....	330	279	37	44	39	143	149
Yes.....	58	59	46	77	38	62	56
No.....	42	41	54	23	62	38	44
Husband-wife, same department 1969-70.....	322	270	39	41	38	139	143
Yes.....	59	60	51	73	45	64	57
No.....	41	40	49	27	55	36	43
Husband-wife, different department 1968-69.....	359	305	39	50	48	153	166
Yes.....	88	90	69	94	79	95	85
No.....	12	10	31	6	21	5	15
Husband-wife, different department 1969-70.....	340	289	38	47	43	143	159
Yes.....	85	89	71	92	72	93	82
No.....	15	11	29	8	28	7	18

Footnote at end of table.

TABLE 12.—POLICIES ON NEPOTISM—Continued

Question	Total group (454)		Coed schools (376)		Women's colleges (59)		Schools over 10,000 (63)		Schools under 1,000 (53)		Public schools (189)		Private schools ¹ (207)	
	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses
Parent-child		298		256		30		51		35		97		130
Yes	55		58		30		75		26		69		47	
No	45		42		70		25		74		31		53	
Siblings		294		252		30		47		36		136		127
Yes	53		56		23		75		25		68		45	
No	47		44		77		25		75		32		55	
Department exceptions		271		228		30		43		30		123		118
Yes	39		42		20		49		13		44		38	
No	61		58		80		51		87		56		62	

¹ Exclusive of women's colleges.

ANTI-NEPOTISM REGULATIONS AT CORPORATE MEMBER INSTITUTIONS

(In percent)

	No limitation		Specific rules or flexible rules	
	1960	1970	1960	1970
Public schools	32.1	54.8	67.7	45.2
Private schools	71.0	72.7	28.8	27.3
Total	55.4	65.2	44.5	34.8

There was a definite indication that, where policies are in force, they are more prevalent for hiring a husband and wife in the same department than in different departments. There is evidence, also, of some flexibility in application, 38 percent stating that there are some departmental exceptions.

In comparing the findings of this survey with those done in the AAUW study by Dolan and Davis in 1960, (3) there appears to have been some liberalizing of nepotism regulations in the public institutions in the past 10 years, but little change in the private sector, as the figures below indicate.

TABLE 13.—WOMEN TRUSTEES

Number	Total group (454)		Coed schools (376)		Women's colleges (59)		Schools over 10,000 (63)		Schools under 1,000 (53)		Public schools (189)		Private schools ¹ (207)	
	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses
None	21	438	24	365	4	53	32	60	21	53	26	184	22	201
1	25		29		2		42		11		41		17	
2	18		19		8		16		15		19		19	
3	10	(?)	11	(?)	7	(?)	6	(?)	13	(?)	7	(?)	13	(?)
4-5	10	2	9	2	13	7	2	1	24	3	4	1	15	2
6-9	10		6		38		0		10		2		10	
10 or more	6		2		28		2		6		1		4	

¹ Exclusive of women's colleges. ² Mode.

Twenty-five percent of the total sample have a token woman on the board, with the percentage of those having only one woman again shown as much higher at large public schools. Sixty-six percent of the women's colleges and 16 percent of the schools with under 1,000 students have six or more women trustees, but only two percent of schools with 10,000 or more students and three percent of the public institutions. The overall governance of an institution is obviously reflected in its policies. Does the lack of women in the top governing board have a relationship to the some of the differentials among institutions which have been previously noted? This is an area meriting further research.

CHAPTER V.—SUMMARY AND RECOMMENDATIONS

Results of the survey add to the increasing accumulation of data that women do not have equal status with men in academe. At every level—student body, administration, faculty, and trustees—women are under-represented or placed in positions with little power in decision-making. This is particularly true in the large public institutions. When they are represented, it is more often in the smaller or women's colleges where there is a shortage of men and when they have special skills in specific areas which have sex stereotypes.

Opinion or policy does not always equate with fact—e.g. 90 percent of the schools state that their promotional policies are the same for men and women faculty, yet in 34 schools (all coeducational) there are no women department heads and the mean number of women department heads in all schools is

less than three per institution. Ninety percent stated that they do include women in top-level administrative positions. Yet women administrators are seldom employed in positions involving critical decision making and are not actively recruited at higher levels. In this period of increased student involvement in campus governance, 43 percent indicated that women students are represented in proportionately smaller numbers than men on student-staff committees. Forty-six percent indicated that during the past year they had had no programs related to the special educational needs of women on campus.

The study was, of necessity, a very general one, attempting to define the extent of women's involvement on campus and to create an awareness of discrimination where it may exist. In view of the variation in total responses from question to question, it is possible that the picture is not as favorable to women as the percentages may indicate, at first glance, as the number of "no responses" may contain a large proportion of negative answers.

Results point to a number of unanswered questions, indicating need for further study in depth, such as, for example, on nepotism and maternity policies for faculty women.

The study illustrates in a rather dramatic fashion the sex inequities on American campuses and suggests many areas in which AAUW and its corporate member institutions might be involved in increasing utilization of women at all levels in academe. The major areas indicated for action now are:

(1) development of more opportunities for women students in genuine leadership posi-

tions and participation in campus governance.

(2) development of better counseling and more programs specifically designed to meet the unique educational needs of women students, including the mature students.

(3) recruitment and employment of more women in administrative positions on campus and greater participation in high-level policy making.

(4) appointment or election of more trustees, particularly in coeducational schools and the large public institutions.

(5) improvement in recruitment of women for faculty and in promotional policies for faculty women, and examination of institutional policies which may contribute to covert or overt discrimination.

(6) elimination of regulations against nepotism in hiring and adoption of clear policies of employment on the basis of merit and training.

(7) establishment of clear maternity policies for all faculty women.

Other areas not covered by the study but which should be examined are:

(1) the recruitment of women for graduate schools, necessitating a close look at how women are motivated and counseled in their undergraduate years.

(2) the incentives offered to women in the way of stipends for graduate study.

(3) quotas or limitations placed on admission of women to graduate schools.

(4) the employment of college women after graduation—breadth of opportunity, training, salaries.

The needs are clearly established. Courageous leadership is imperative in assisting

women in higher education to realize their potential and to make their maximum contribution to the academic community.

POWER TO THE PEOPLE: WHO ARE THE PEOPLE?

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. RARICK. Mr. Speaker, in his state of the Union message, President Nixon described his "New American Revolution" as a peaceful revolution in which the power of Government was to be turned back to the people.

The question arises—Back to what people?

One would rationally conclude from the following remarks that the President was referring to people at the local level:

The idea that a bureaucratic elite in Washington knows best what is best for people everywhere and that you cannot trust local government is really a contention that you cannot trust people to govern themselves. This nation is completely foreign to the American experience. Local government is the government closest to the people and it is most responsive to the individual person; it is people's government in a far more intimate way than the government in Washington can ever be.

The utterance of one Federal bureaucrat already compromises the above statement of the Chief Executive. Russell E. Train, the Nixon administration chief environmentalist, is reported to have said only yesterday at a meeting with a group of newsmen that the general aim of the Nixon administration is to return authority to the Government unit closest to the people. Train made it clear that "basic thrust" power in the area of environment control must reside with the Federal Government; that is, with him—an unelected Federal official.

He is also quoted as saying that he is not ready to accept Federal authority over zoning, but he is ready to take it out of the hands of local governments and put it with State governments.

By what authority does the administration undertake to shift "people power" control of zoning from local and county governments to the States, and eventually to the Federal Government?

Power over zoning has historically resided with the people at the State and local levels. The 10th amendment guarantees:

Powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Mr. Train, as a high level representative of the Nixon administration, apparently justifies his position under the President's new revolution in that he is "the people."

A newsclipping follows my remarks:

[From the Washington Star, Feb. 9, 1971]

UNITED STATES SEEKS STATE REINS ON ZONING

(By Paul Hope)

Russell E. Train, the Nixon's administration's chief environmentalist, said today the administration is trying to shift control of zoning from local and county governments to the states in an effort to control pollution.

But he said that two major levers that would be helpful toward this—authority to withhold funds for highway and airport development—were taken out of President Nixon's proposed environmental control program before it went to Capitol Hill.

The attempt to shift control over zoning was stressed by Train today as a major point of the President's message on the environment which was sent to Congress yesterday.

"HOT POLITICAL ITEM"

Train, at a breakfast meeting with a group of newsmen, acknowledged that this could become a "hot political item."

In general, the aim of the Nixon administration is to return authority to the government unit closest to the people, but Train said that in the area of environment control the "basic thrust" must remain with the federal government.

Train said he is not ready to accept federal authority over zoning, but he is ready to take it out of the hands of local governments and put it with state governments. The "land use" section of the President's environmental message is aimed at this, he said.

FEDERAL PENALTIES

The program would encourage development of statewide land use (or zoning) plans and would provide penalties if this is not done.

Without a land use plan, a state could experience difficulty or delays in getting federal projects approved, he said. He also mentioned that federal planning money could be withheld.

But he said that the two big cudgels of highway and airport spending were taken out of an early draft of proposed legislation. These apparently would have authorized the withholding of federal highway and airport funds—both massive programs—for failure to comply with federal environmental standards.

Other sources said the provision was stricken Sunday, the day before the message went to the Hill.

Train said these were moved into the revenue sharing area of Nixon's 1971 legislative program. The theory behind the revenue sharing idea is to have fewer strings attached to federal funds going to the states. Attaching authority to withhold the funds under environmental legislation would attach more strings, not fewer, so the environmentalists lost that weapon.

RESISTANCE EXPECTED

In trying to move zoning control to the states, Train said resistance from local authorities could be expected. But he said federal officials desire "as much discussion as possible—a complete airing" of it.

Train pointed out two other places in the "political" arena where the administration's environmental program could run into troubles:

First, special interest lobbies will be battling provisions that affect their industries, such as restrictions on locations of and emissions from power plants.

The renewed request for a tax on leaded gasoline was mentioned as another.

Second, there undoubtedly will be a tendency for politicians to see political advantage in jumping into the environmental area with programs more costly than those recommended by the administration.

HOW TO SUCCEED IN BUSINESS WITHOUT BEING TRIED

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. BOB WILSON. Mr. Speaker, with the rash of attacks on big business, I

recently read an interesting speech by Lee Loevinger, partner, Hogan & Hartson, Washington, D.C., and former assistant attorney general for antitrust, before the Association for Corporate Growth, Inc., Wednesday, January 13, 1971, at the Hotel Pierre, New York City, entitled "How To Succeed in Business Without Being Tried," part IV:

(Continued from part III) Henry Ford has established a Detroit Ghetto Recreation Center, and Ford Motor Company has opened employment centers in the Detroit Ghetto recruiting and training Blacks and the poor who have not previously been able to get such employment. Michigan Bell Telephone, Chrysler, and Parke-Davis have each adopted ghetto high schools which they are assisting with equipment and services. ITT devoted two pages of its last Annual Report to a brief description of contributions in the social-environmental field, mentioning a large increase in employment of minority groups, activities in pollution control, narcotics education, and other fields, and pledging to bear its share of social responsibility in the future. Not all businesses have adopted this philosophy yet, but the number of large businesses that are following a similar course, and the scope and variety of their activities, are too great to be described or summarized briefly. My view is that the conflict between private business interests and the general public interest is usually the result of a short-term appraisal and that as the basis of judgment is lengthened in time these interests tend to converge.

Beyond this, business has a less dramatic but equally important social role that is often overlooked. This is to act as a counterpoise or check to the unlimited power of government. There are few forces in society capable of offering any effective check to unlimited expansion of governmental power. Historically business has been the strongest and most effective of these. Organized labor has recently grown to a stature of comparable power. However, the fact that the freedom and welfare of the individual requires limitation of government power, as much as action by the government, is seldom mentioned by activists who seek government support for a particular cause, or even by many who pass as social leaders or philosophers. With respect to monopoly, it is significant that historically monopoly has been the result of government action, and that the earliest cases and law against monopoly were directed not against business but against government power.

Economic and industrial developments of the Nineteenth Century made it possible for business combinations to acquire monopolistic power without government grants, and this, in turn, resulted in the Sherman Act of 1890, which is still the basic American antitrust law. The philosophy and purpose of the Sherman Act, as the Supreme Court has held is not to inhibit business growth and expansion but to prevent abuses by private economic power of the kind which had formerly arisen out of government grants of monopoly power.

We have now lived so long with the notion that business is limited in power and that we will not tolerate monopoly that we have almost forgotten the original source of economic abuse was in government power. But in the contemporary world the democratic and free society is still the exception. The majority of the world's peoples today live in societies that are authoritarian and tyrannical by American standards. Yet it is not the power of business that has made these societies as they are, it is the power of government. The maintenance of democracy and liberty in the United States depends upon our ability to sustain a delicate balance among the elements and forces within society. As the size and the power of government grows we must have other institutions

similarly growing in size and power to insure that the balance within society is maintained.

In ultimate impact the potentiality theory is inconsistent with basic antitrust philosophy. The premises of antitrust law and theory are that society is better served and democracy made more secure by the maintenance of numerous decision making centers. Under the undefined and undefinable scope of potentiality theory the determinations as to where and how much business can expand will inevitably be shifted from the numerous markets, executive suites and board rooms to the tight little group comprising the government antitrust enforcement bureaucracy. The power of the public, consumers, management and stockholders over economic development will be decreased and the power of government will be increased. The ultimate effect will be that of establishing government regulation to control the expansion, through internal growth or acquisition, of every business, large and small. The concentration of such power in government is as dangerous, and as contrary to the historical and fundamental spirit of antitrust, as the concentration of economic power in private hands. Thus the potentiality theory cannot be viewed simply as an attack on the size of a few large corporations, but must be seen as a disturbance of that basic balance of social forces upon which not only the economic growth but also the democratic and libertarian institutions of this country depend.

Further, the policy of the potentiality theory is a direct and immediate threat to the civil rights and political liberties of every individual. The basic thrust of potentiality theory is to equate the mere possibility of social harm or abuse with proof that such consequences are likely to occur. If potentiality equals proof, then accusation equals conviction; every citizen is a presumed criminal, and every prosecutor has the power of a tyrant. Under potentiality theory, dissent equals revolution, protest equals violence, profits equal success, and success equals monopolization. Under potentiality theory, business success is illegal and so is political opposition and social dissent. The potentiality theory is, thus, potentially the most subversive legal principle proposed to American courts in recent years.

Of course, the able and well intentioned lawyers of the Department of Justice neither intend nor expect potentiality theory to be used oppressively. But the theory carries its own refutation. The potentiality for abuse of government power is as great as that for abuse of economic power. Self-interest is not confined to business or to desire for profit. It is as often a drive for power or status as for money. It motivates government officials, politicians and bureaucrats as much as it motivates businessmen; and the urge to extend the scope of a law or the power of an agency is as great as the urge to make more profit.

There is today no field in which any unregulated business enterprise even approaches a monopoly of power. In its own field the government has, and always has had, a monopoly of power. The potential for the abuse of power is inherently infinitely greater in the unwise exercise of government power than in the imprudent use of private economic power. To put it bluntly, the Department of Justice attack upon business under the potentiality theory carries a much more immediate threat of infringing individual liberty by government tyranny than any threat of business monopoly against which this attack could be directed.

Let it be clear that this argument carries no implication that either the premises or the principles of established antitrust law are wrong or should be limited in their enforcement. Established antitrust principles prohibit monopolization and mergers which have the actual or probable effect of substan-

tially lessening competition. If any actual abuses occur or threaten, if any actual reciprocity develops, if any large corporation takes advantage of its size to secure business on the basis of reciprocal patronage or economic power rather than competitive merit, such things can readily be stopped under the antitrust laws, and there are numerous recent court decrees to prove it.

The greatest present threat to the public interest lies in establishment of the notion that government can act on the basis of theories of potential abuses. If this potentiality theory is valid in antitrust, it is equally valid in other fields. If potentiality theory permits the government to prohibit any situation in which a theoretical possibility of abuse might exist, our basic constitutional principles are in clear jeopardy. Under potentiality theory everyone who has ever an improper thought is a potential criminal, subject to injunction or penalty. Certainly the risks to democratic society are far greater from such legal theory than from any possibility of an improper or uneconomic merger.

Despite our democratic tradition, we live in a world where the tyranny of total government control is all around us, and even within our society there are individuals and groups who would destroy democratic institutions to establish authoritarian regimes. The potentiality theory has been used by totalitarian governments and would be ready philosophical justification for unlimited extension of government power in this country.

The good society must ultimately be one where the culture pattern is such that there is no inherent conflict between private interests and the public interest or common welfare. The strength and virtue of the free enterprise concept is that it provides means whereby pursuit of private interest may also serve the common good and public interest. The greatest damage that we suffer from the present physical and philosophical turmoil may be triumph of the notion that the public interest is something altogether different from and contrary to any private interest. We shall fail to maintain our democratic tradition and social institutions to the degree that society accepts and acts upon this premise.

Thus the ultimate question that the present period of turmoil and trial poses for us is not simply how we may achieve success in particular business enterprises, or even in our economy as a whole. The challenge we must face and meet is how to achieve success in maintaining democratic social institutions and a society in which individuals may, singly and together, earn the economic security and rewards which men in all ages have sought. The only power that is greater than the government in our society is the good sense of the people. Our only hope for maintaining democracy and personal freedom, or for achieving a good society, is that the good sense of the people will reject both the strident counsel of those who would destroy our governmental structure and the unwise doctrines of those who would extend government power beyond reasonable limits to dominate all our economic and social lives.

WILL PARVIN TESTIMONY REMAIN SECRET?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. SCHERLE. Mr. Speaker Human Events is a national weekly Washington report which serves a valuable role in disseminating the news behind the news

concerning our National, State, and local governments. This outstanding newspaper delves in depth into many of the major issues which directly affect every citizen. Each article is approached with objectivity with an aim for the accurate presentation of the facts. An example of this excellent reporting is an article by Pulitzer Prize winning Clark Mollenhoff entitled "Will Parvin Testimony on Douglas Remain Secret?," which appeared in a recent edition:

WILL PARVIN TESTIMONY ON DOUGLAS REMAIN SECRET?

(By Clark Mollenhoff)

Albert B. Parvin has insisted that secrecy cloak 97 pages of the testimony he gave before the Securities and Exchange Commission (SEC) on his dealings with Supreme Court Justice William O. Douglas.

The 97 pages of testimony deal with the operations of the Parvin Foundation which he established in 1961, and that paid Douglas \$12,000 a year as president until his resignation a year ago. SEC lawyers have permitted the testimony to remain secret rather than become involved in delays that they say would only stall the fraud action brought in connection with the manipulation of Parvin Dohrmann stock.

But the secrecy Parvin has imposed only deepens the mystery around the whole Parvin-Douglas relationship, for there is already enough information on the public record of the SEC to demonstrate that Al Parvin was not "just another businessman."

The defenders of Justice Douglas have contended that Parvin was "just a businessman" or "an interior decorator," and have discounted the general allegations in Congress that Al Parvin was indeed a front for a group of Mafia figures in Las Vegas gambling casinos.

Over a period of the last nine years, Justice Douglas has been paid more than \$100,000 from the Parvin Foundation. The foundation was started in 1960 after Parvin sold the Flamingo Hotel and Casino to Morris Lansburg for \$10 million.

A "finders fee" of \$200,000 was paid to Meyer Lansky, a Florida gambling figure who has been identified in many hearings as the Mafia's money man. The agreement for Lansky to receive the \$200,000 "finders fee" in the sale was signed by Albert Parvin and Lansky on May 23, 1960.

The agreement called for Lansky to collect \$25,000 a year from the Flamingo over a period of eight years, and the \$2 million received by Parvin above his original investment went into the Parvin Foundation.

The sale of the Flamingo didn't mean Parvin was getting out of Las Vegas gambling activities. His Parvin Dohrmann firm bought the Fremont Hotel and Casino in 1965, and has broadened its base in Las Vegas gambling since then with the purchase of the Stardust and the Aladdin. He has done some negotiating on the possibility of buying the Riviera.

In testimony, Parvin has admitted he wasn't a corporate officer who kept at arm's length from the gambling operations. He related that two of his employees, Edward Levinson and Edward Torres, gave him nightly reports on operations at the casinos and hotel.

Levinson was a business partner with Robert G. (Bobby) Baker in the Serv-U Vending Co. and in other enterprises involving Fred B. Black Jr., a Washington representative for North American Aviation.

Parvin has stated under oath he personally told Levinson he could no longer work at the Fremont after being indicted on federal income tax charges involving "skimming" of money from the top of the gambling winnings.

A story in *Life* magazine had identified

Levinson as one who delivered cash to Meyer Lansky in Florida for transmission to Swiss bank accounts. This action reportedly made Levinson vulnerable in the eyes of the Nevada Gaming Commission, which regulates gambling in that state.

Parvin admitted under oath that Torres was also under indictment on the same Internal Revenue charge involving the "skimming" at the night club. However, Parvin said he did not take action to separate Torres from the Fremont operations.

Parvin said Torres was such an efficient manager at the Fremont that Parvin reluctantly agreed to modify an employment contract to let Torres buy a piece of the Riviera. Parvin said he made the deal with Torres because negotiations for the purchase of the Aladdin were then on and Parvin was eager to have Torres available to manage that business also.

Torres, who was also a partner with Bobby Baker in Serv-U Vending, testified that he never had met Bobby Baker. Torres bought his interest in the vending company through Ed Levinson and knew nothing of the details or the other principals.

Levinson took the 5th Amendment before the Senate Rules Committee on his dealings with Bobby Baker on Serv-U and other contracts.

Torres and Levinson have contended that their casino interests have been purchased with straight bank loans, but there has never been any depth inquiry into how these loans were arranged. Nor has there been any more than superficial inquiry into the source of the funds that Parvin used to purchase the Flamingo in the period after it was opened by Bugsy Siegel. Siegel died in a hail of bullets in his Hollywood home, and his successor also was shot to death a short time after bowing out of the Flamingo in the mid-1950s.

Certainly the record shows at this stage that Albert Parvin was in an interesting business and had known many interesting Las Vegas types in the 25 years since he went west from Chicago to sell his interior decorating services in Las Vegas.

His link with Justice Douglas started in 1960 after he read Douglas' book, *America Challenged*. Parvin said the book inspired him to start the Albert Parvin Foundation as a vehicle to promote the thinking and writing of Justice Douglas. Within a few months the arrangement had the two on an "Al" and "Bill" relationship.

More of the life and relationship of "Bill" Douglas and "Al" Parvin is certain to be pulled into the open in the months ahead as the House of Representatives heats up the second round of its attempt to impeach Douglas.

The main thrust this year by the Douglas critics will be to get access to the secret SEC testimony by Parvin or get Parvin himself to testify in an open hearing.

They complain that, in clearing Douglas of any wrongdoing during the last session, the committee headed by Sen. Emanuel Celler (D-N.Y.) didn't call either Douglas or Parvin to testify. The critics want to change that this time.

WATSON CHAPEL FIGHTS FOR PEOPLE POWER

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. RARICK. Mr. Speaker, in his state of the Union address to the 92d Congress, President Nixon said:

People came to America because they wanted to determine their own future rather than to live in a country where others determined their future for them.

What this change means is that once again in America we are placing our trust in people.

I have faith in people. I trust the judgment of people. Let us give the people of America a chance, a bigger voice in deciding for themselves those questions that so greatly affect their lives.

The good people of Watson Chapel School District of Arkansas, who have been ordered by Federal Judge Harris to completely reorganize the district's schools in accordance with a court order, want to run their schools according to the wishes of the local people. This is apparently what they feel the "New American Revolution" is supposed to be all about. They want, as our President stated:

A bigger voice in deciding for themselves those questions that so greatly affect their lives.

Mr. Harris F. Mitchell, president of Watson Chapel School Board, has reported in testimony partially suppressed by the Federal judge, that over 90 percent of all the people in the district, both black and white, are not going to accept the HEW plan as they do not want their children to be herded like a bunch of cattle.

The issue in Watson Chapel is not an issue between integration and segregation since their schools racially mixed several years ago.

The great majority of the people want that everyone, not a few, have the same rights—Freedom of Choice.

It is impossible to understand how Judge Harris rationally arrived at his decision since the busing of pupils for the sole purpose of achieving racial balance is contrary to law. People at the local level are being governed more and more by men—Federal judges and bureaucrats—instead of by law.

Our basic law, the U.S. Constitution, was drafted when the sovereign States formed this great Nation by uniting together. They made a contract, the U.S. Constitution, with the Federal Government. In this contract, the States delegated certain powers to the Federal Government. The control of local schools was never one of those powers.

The Nation is watching the valiant Americans of Watson Chapel, who are making a last-ditch stand for individual liberty under the Constitution. They are truly fighting for "people power" for us all.

What will it take to make our Federal judges and our President realize that the Constitution as written was intended to perpetuate "people power"?

I include a letter by Mr. and Mrs. J. C. Farrell, an information sheet of a press conference of January 7, 1971, intended testimony of Harris F. Mitchell to the Federal Court, Pine Bluff, Ark., of February 5, 1971, several newspaper clippings, and an article entitled "Chaos and Confusion Threaten Neighborhood Schools," following my remarks.

The three articles follow:

JANUARY 7, 1961.

EDITOR: We are the parents of four children and two grandchildren, and as such we feel this letter must be written.

We have a terrible situation here at Watson Chapel. We have always had very good race relations in this area and also very good neighborhood schools. We have lived here for twenty-five years and have always been proud of the fact.

But now a man from HEW comes here for four hours and tries to destroy one of the finest school districts in the country. Also, a federal judge, Cren Harris, who will not listen to the legal defense attorney for the district, sits in judgment, not fairly or unbiased, but in the determination that he is right so everyone else must be wrong.

When I became a citizen of this great country twenty-five years ago, I had to study and learn the laws and rules by which I was expected to live.

I learned that freedom of speech was ours, which in this case has been denied. I learned that the laws were made by and for the people, with the Congress to enact them and the Supreme Court to uphold them.

Was all this a lie, as the people of this community are being overridden by an arrogant man who is letting personal feelings override his fair and impartial judgment.

My youngest son is in Vietnam fighting for his President and country. How can I have the heart to write and tell him they are not worth fighting for.

He knows that I, his mother, went through seven years of war and hell so we would not have to live under a dictatorship.

His father fought for three years on foreign soil to keep this country free. Are we now to be denied these very rights we fought so very hard for.

If you have any influence at all and I am confident you do have, please ask the President to intercede and have these federal HEW troublemakers leave us alone.

If you could find time to visit our community, you would see that we are law-abiding, but very, very disgusted citizens.

And we are speaking as parents of all children who want a good education with all the havoc and chaos that is caused by HEW. In such an atmosphere learning is impossible.

Yours very truly,

Mr. & Mrs. J. C. FARRELL.

INFORMATION SHEET

This press conference was called by citizens Olen Bearden, Robert Morris, Sterling West, Hugh Cash and Roy Baggett who circulated the petitions at Watson Chapel which set in motion the constitutional processes culminating in a date set for the election on the 15th of December 1970 to decide whether to split the school districts Watson Chapel predominately white from predominately Negro Coleman.

The purpose is to denounce the Federal interference with a state election and that if anyone is to be tried by the Federal Government these men are the ones to be tried.

And further to assure the people of Watson Chapel and the state of Arkansas that if the Federal Government is successful in stopping this election they will circulate petitions again and again until they are able to exercise their constitutional rights of holding an election by initiative and referendum provided for in the state and national constitutions.

They further contend that the Watson Chapel School Board and Mr. Spradlin, superintendent, had nothing whatsoever officially to do with the calling of the election and that the election was proper in every respect. It was passed on by the Attorney General, the Jefferson County School Supervisor, the Jefferson County School Board and the Election Commission.

And that this news conference is called in

front of the State Capitol to call attention to the people of Arkansas that they are losing one more and perhaps the final freedom of State Rights—the right to call and have an election in order for the people to voice an opinion in the democratic way.

The question is how much longer are the taxpayers going to stand by and let a small minority conspire to destroy our society by burdening the taxpayers with tremendous sums to force race mixing in our social, educational and penal institutions—especially, when both races can see that it is failing and widening the gap between the races.

We feel that the reason this election was challenged by the NAACP only four days before it was to be held was because its representatives found out after inquiring that the vast majority of both races were going to vote for separation. Then the NAACP with the assistance of foundation money was able to persuade four Negro plaintiffs to challenge the election, and a federal judge hearing only the complaints of four Negroes out of 5,420 registered voters stopped the election process—the foundation of democracy.

Then on Monday of this week the NAACP lawyers Mr. George Howard and Mr. James Myerson of New York took depositions in a back door manner to try the case under relaxed evidence rules in an effort to secure all evidence without being presented before an aroused public in an open court room.

The citizens present today petitioned to join the dispute on the 14th of December 1970 by way of an Ex Parte petition contending that they alone obtained the necessary signatures to initiate the election, the necessary signatures required more than ten percent of the qualified voters and they could have gotten more than 50 percent if necessary within two days and they challenge the NAACP to get just one hundred signatures.

But they demand to be confronted on Monday, Jan. 11th, by four live Negro plaintiffs in the public court room at that time. Last Summer the School Board was tried by "Ghosts" in that the plaintiffs were never named only certified that they existed by the Attorney General of the US, which is contrary to the basic concept of our law as expressed in the 6th Amendment of the US Constitution.

The questions on Monday by the NAACP attorneys during the taking of depositions were more concerned with whether the School Board was going to comply with the Court Order to completely integrate or so-called "unitized" on the 18th of January other than the matter of the election.

The School board is frankly worried because they have looked around and can see failure of integrated or unitization in practically all schools which has been so affected. It was reported that there were five bomb threats in the Pine Bluff schools yesterday alone. And the school board takes the position that they were elected by the people and not appointed by the Federal Government to run the schools and not to ruin them, and further more particularly since the Supreme Court has not said that there will be forced busing to obtain racial balance nor has it told the people of the United States what is meant by a unitary school, they are in a dilemma.

The Order of Judge Harris on the 17th of Nov. 1970 has been appealed to the 8th Circuit Court of Appeals. The publishing of the appeal is being delayed because the school board cannot get a copy of the record, due to the fact that the reporter who took the proceedings has been near death with cancer. She turned it over to another lady who had complications with pregnancy and has been unable to finish it. She needs two more weeks. And just today Col. Warnock called the 8th Circuit Court of Appeals for

20 days delay to be added to the forty days usually allotted for submitting an appeal.

Also, announced apparently for the first time a request by citizens of a school district to its elected representatives and Senators to obtain funds from the legislature under the Constitutional Amendment number 44, the interposition amendment to help them and other schools fight the federal destruction of their schools. Copies of the letter is being distributed to members of the press.

J. NORMAN WARNOCK.

INTENDED TESTIMONY OF HARRIS F. MITCHELL, PRESIDENT OF WATSON CHAPEL SCHOOL BOARD, TO THE FEDERAL COURT

At this point, speaking for the Watson Chapel School Board and the Superintendent, I say that we do not now have, nor have we ever had, any intention of wilfully violating a court order, whether it be Federal or State. But this HEW Plan, which is trying to be forced upon us by the Justice Dept., will never work in our district.

We, the School Board and the Superintendent, have placed our designs upon the trestle board and worked diligently many nights until the wee hours of the morn trying to justify the implementation of this HEW Plan and each time we have come up with the same answer. It is educationally unsound and financially prohibitive. We know better than the Federal Agencies what our financial conditions are and we also know by observation of other school districts in the county and state, where forced integration has been implemented, there is nothing but chaos and confusion.

We believe that the HEW man who wrote the plan, who said he was a Program Officer, knows absolutely nothing about education, but has done this for social and political reasons only. If this government plan is forced upon us, then it is our opinion that the whole school district will be torn asunder.

We have tried to explain this plan to patrons of the district in groups of from 10 people to 2000 and they will not accept it. They want the HEW representatives to come to the district and explain it to them and convince them that it would be an improvement to education. We have tried sincerely to get this done, but as of now, we have never gotten an answer from them. At this point, we are in a state of confusion, we are in a dilemma and we are at a loss as to what to do. But we know that God in Heaven is always on the side of the right, and our cause being a just one, we know that we will be triumphant in the end.

This whole confrontation is not an issue between integration and segregation because we have already integrated several years ago, but we believe this to be a plan for socialization as I have stated before. We have been harassed by the HEW, the Justice Dept. and the biased Editor of the Pine Bluff Commercial. We were elected by the tax payers of the district to operate the schools to the best of our knowledge and ability. This we have done and until forced to do otherwise, we shall continue to do so. As I have stated to this court before, over 90% of all the people in the district, both black and white, are not going to accept this HEW Plan. They do not want their children to be herded like a bunch of cattle.

Regardless of what happens to the Watson Chapel School Board and Superintendent here today, we know that we have not broken any laws because the Supreme Court of the United States has never ruled on what a unitary school system is or whether forced busing is required to achieve racial balance. As long as we have one ounce of breath left in our bodies we shall continue to fight for what our forefathers gave to this great country and what has caused it to survive thus far and that is "Democracy."

We believe that instead of the Watson

Chapel School Board and the Superintendent being on trial here today, this thing should be reversed and that we should be trying the HEW and Justice Dept. for trying to destroy our schools.

If this government plan, which we believe to be illegal, is going to be forced upon the Watson Chapel School District, then we think that the School Board and the Superintendent should be relieved of their duties and let the government run the schools, because we have no intention of doing their dirty work.

WARNOCK, CHAPEL GROUP VOICE PROTESTS AT CAPITOL

(By John Gannaway)

LITTLE ROCK.—John Norman Warnock, attorney for the Watson Chapel School Board, led about 60 patrons of the school district to the state Capitol yesterday to see Governor Bumpers and ask the state's help in fighting a federal court order to reorganize the district's schools.

Bumpers was not in his office when they arrived. However, Warnock held a press conference in the governor's conference room and voiced his and his supporters' objections to implementing plans drawn up by the federal Health, Education and Welfare Department for the reorganization of the district's schools.

He said that the whole matter hinged on the question of "whether this school board is going to obey the law of the land, promulgated by Congress, or the dictates of a dictatorial court, federal court . . ."

Warnock said that the Watson Chapel School Board "is the first school board which has gone the last mile, has walked up to the last legal door and said here we are—we are not going to run an HEW school."

He continued:

"And if you want to say that we are in contempt, take our bodies, put us in prison, fine us, but these people here today, according to petitions . . . say that they want to take the money from the school and if they fine them \$500 a day, then we'll appropriate from the school funds until we dry up the school, for it is better to have no school than to have an HEW school."

Warnock, along with Harris Mitchell, school board president, Carlton Rhodes, vice president of the board, and Jim Horne and Sterling West, both members of the Watson Chapel Taxpayers Association, came armed with about 800 "certificates" from the school patrons that they said they intended to present to Bumpers.

The certificates represented some 800 families in Watson Chapel and stated, in effect, that those parents would not permit their children to be bused to another school in the district for the purpose of obtaining racial balance, they said.

Friday, Warnock will go into federal District Court in Pine Bluff before Judge Oren Harris to argue against a complaint filed against the school board by the United States asking why sanctions should not be imposed on the board for failing to comply with a federal court order to reorganize the district's schools by January 18.

Warnock said he was in the process of lining up 200 witnesses to testify Friday in behalf of the school board. He added that Clyde Watts of Oklahoma City—"he represents the only family which has been fined by federal court for refusing to bus their child across town for racial balance"—was scheduled to assist him in court Friday.

Warnock also indicated earlier that Dr. Mitchell Young of Texarkana, national president of Freedom, Inc., would be present for the hearing.

Gene Kelly, executive secretary to Bumpers, accepted the petitions for Bumpers, who was out of his office filming a television show with a national network.

Bumpers arrived at the Capitol shortly

after the press conference was over, and a few of the school patrons spoke to him before he went into his office for a 3 p.m. appointment.

Later in the day, Bumpers said that he was not going to "involve myself in a case that is pending in federal court right now."

Warnock said before the conference began that the reason the group wanted to speak to Bumpers was because they wanted protection from the federal government.

WARNOCK, CHAPEL DELEGATION VISIT CAPITOL TO PROTEST SCHOOL ORDER

Speaking of the Watson Chapel schools, Warnock said:

"We are a state school operated by the state and we expect to get state protection from federal interference to destroy our school."

Asked what the governor could do, Warnock said that under the 44th Amendment to the state Constitution—the interposition amendment—the governor had the police power to protect the citizens of the state. There is some question as to the legality of this amendment, he said.

He said the school wanted to be protected from encroachment and he added that "someone had started trouble with the Coleman School today." He was apparently referring to the walkout yesterday morning at Coleman High School in which some 150 to 200 high school students left the school building at about 9:30 a.m., held a rally and then left the school grounds.

Warnock said that an investigation would be made to find out "who ordered the children in the top three grades to walk out of the school."

Asked if he would go to jail, Warnock replied that he would.

"In fact," he said, "I would go to jail and let the school board out if it means that we can continue the school. I can sit in jail—they've promised to bring me Coca-Cola and sandwiches every day." He said there was a federal detention cell in Pine Bluff.

During the press conference, Warnock said that he and the group wanted to assure the governor that "we are peaceful and law-abiding in Watson Chapel and do not want any trouble."

"But," he added, "if there are those outside the state or outside the county or outside the district who want to come in and cause trouble, we want to have protection. And we want to have protection against, as far as legality is permissible, against the federal encroachment upon the operation of a state school—and that is why we are here."

"We do not care for the federal money, it is tainted every time it comes to a school and they can have it back as far as we are concerned," he added.

He said the school board members were going to do what they believed the majority of the patrons in the district wanted them to do "regardless of what the federal government is trying to impose upon them."

He added that they felt their first responsibility was to those who elected them rather than to "the social planners or the racemixers who are conspiring in Washington and other places to destroy the school system of America."

Watson Chapel is operating its schools under the law of the land as made by Congress, "and only Congress makes the laws," he said.

"The 1964 Civil Rights Act . . . states that there will be no discrimination, but there will not be any forced busing or forced integration to obtain racial balance in schools," he said.

Warnock said they contended that the problems in the schools today were not due to a gap between the government and the people—"that gap is between the Congress and the courts, the federal courts and their interpretation of the law."

He continued:

"Now there is this gap of two laws—the law of Congress, the 1964 Civil Rights Act, and the law of the federal courts which are interpreting to their pleasure the 14th Amendment."

"Just less than three years ago, they said you could not assign a child to a school according to race—that's what the 14th Amendment said. Two years ago, and less, the court did a complete about-face and now they say you must assign children to schools according to race to obtain racial balance, even if it means crossing, busing them 30 miles. This then is another law and the two laws are standing side by side."

He said the Supreme Court had never said and was delaying coming out with a decision on what constituted a unitary school or whether or not the Constitution required busing.

Warnock said that on Friday in the hearing before Harris, "we will make many motions." Among them will be a hardship motion, he said.

He said they were also going to question the qualifications of the HEW program planner, A. T. Miller of Dallas, who assisted in drawing up the plans for the reorganization of the Watson Chapel schools. The only reason for an HEW official to testify in court is because he is considered an expert, Warnock said.

He continued:

"Mr. Miller came from Dallas last July with a short pencil and a long title, with a clipboard and within four hours he dissected Watson Chapel School, which took four generations to build."

"Now, this same Mr. Miller was the one that worked on Wabbaseka, worked on England and worked on Pine Bluff."

"And to your knowledge, is Pine Bluff working under his plan now? Tell me?" Warnock asked. The Watson Chapel people answered, "No."

"Do you want Watson Chapel to be the same as Pine Bluff?" he asked and was greeted with another chorus of "No."

Warnock said he could not get any information on what other schools Miller had integrated from Washington or Dallas. He said he was sure the reason was "because they are ashamed to let the people know what he's done to other schools."

Warnock concluded:

"So, we stand here today to tell the people of the nation, the people of Arkansas, that we are citizens of this United States, that we pay taxes, that we pay, like other schools throughout the nation, more than 96 per cent of the operation of that school and whatever money they want to give they can keep—but we are going to run our school and we ask for the prayers of the people of Arkansas, the people of the nation, that we can, at this turning point, bring some senses back to the federal courts, which are dictating the downfall of the educational system of our country."

Before the conference, Warnock passed out copies of what he said was the intended testimony of Mitchell, the school board president, Friday in federal court.

According to the statement, Mitchell will testify that the HEW plans "will never work in our district."

It continues: "If this government plan is forced upon us, then it is our opinion that the whole school district will be torn asunder."

WATSON CHAPEL PRESERVING BOTH EDUCATION AND RIGHTS

EDITOR

In reply to Cora Pote's letter to the editor—I would like to commend the school board and Col. Warnock for the great work they are doing to preserve education for all Watson Chapel district.

The majority of people, both black and

white, want schools in their neighborhood where they can conveniently take their children and support school activities.

Neighborhood schools are one of our few freedoms left. If Cora Pote would like to take her children outside of the neighborhood school, and over to Coleman, she had this freedom to do so as we all chose where we wanted our children to attend school.

At one time, the majority was known to rule. It seems as though the minority are trying to rule now. Four people stopped an election that over a thousand had called for.

Our rights are being taken away from us by a minority of people.

It's time Americans stood up and acted like red blooded Americans. Our forefathers came to this country and fought for the freedoms that we are letting slip through our fingers, one by one.

JANET RUSSELL.

WATSON CHAPEL DISTRICT NOT AGAINST SCHOOL INTEGRATION

EDITOR

In reading the Editor to the commercial in Sunday paper, someone seems to think that people of the Watson Chapel School District are against integration. I wish to say this is not true.

All parents, students, and the overwhelming majority of the people wish and want, that everyone, not a few, have the same rights. Freedom of Choice.

We approve of our School Board hiring Mr. John Norman Warnock, for we believe in men who put all children interest first, not a few judges who make decision, caring nothing for progress, or advancement of school be they black or white.

Let it be said, there is not a patron in the Watson Chapel School District that is against all children having a good education. But they are against seeing students who have a school in fair distance of home turned into an inferior student because of being hauled off early in the morning and returned home late at night. Will he be able to get all his assignments at school? Some may, but not all students are smart enough. What is gained by hauling children from one end of town to the other? Nothing at all.

All children must have the opportunity to attend school and never would we say that our colored teachers can not handle their schools.

Nor will it make a better student, be he black or white, just to set next to a student who is not of his race.

Let's put the Health of Our Children and Their Education above these so called laws.

MARY WATSON.

COMPLY OR BE JAILED, JUDGE TELLS BOARD (By Janey Joyce)

After a three-hour hearing this morning Federal Judge Oren E. Harris gave the Watson Chapel School Board until next Thursday to completely reorganize the district's schools in accordance with his November 17 court order.

If the board has not put the order completely into effect by noon Thursday, Harris said, the school board members and the school superintendent will each be fined \$350 a day for each day that they fail to obey the order.

In addition, Harris said, the board members and the school superintendent will be imprisoned during the rest of the school year or until they comply with the order.

Harris gave this timetable:

—By Monday morning, parents should be advised of new school assignments.

—By Tuesday, faculty assignments should be made.

—By Wednesday, assignments should be completed.

—By Thursday morning, transfers of both pupils and teachers should take place.

The school district is to file a report of these transfers by noon Thursday with the court.

Harris also told John Norman Warnock of Camden, the school board's attorney, to "make no further public statements or cooperate in arranging mass meetings."

Both the federal Justice Department and attorneys for the Watson Chapel School Board rested their cases before noon.

Warnock rested his case without calling, any of the 200 witnesses he said were ready to testify.

W. H. (Sonny) Dillahunt, United States attorney for the Eastern District of Arkansas, called as witnesses the members of the school board and the principals of the two high schools and of three of the four elementary schools in the district.

When the hearing began at 10 o'clock this morning, Warnock and Clyde Watts of Oklahoma City, the school board's attorneys, made six motions asking for a "stay of execution." The motions were based on the point that the United States Supreme Court had made no decision on the issue of busing students to bring about racial balance in schools and on the point that the Watson Chapel court order is still on appeal to the Eighth United States Circuit Court of Appeals at St. Louis.

Harris denied each of the six motions.

The court order, issued by Harris last November 17, required the district to reorganize its schools on a unitary basis by January 18.

The school principals who testified were Talmadge E. Johnson of Watson Chapel High School; H. L. Watkins of Coleman High School; Don Knight of L. L. Owen Elementary School; Marvin King of Edgewood Elementary School; and David Watson of Coleman Elementary School.

Dillahunt asked each what had been done to change the racial composition of their schools and each answered that nothing had been done.

He then called Dale Spradlin, superintendent of the school district, and asked him what had been done to implement the court order. Spradlin said he could not act until he was ordered to do so by the school board. He added that he was ready to act as soon as the school board's instructions were given.

Harris asked Spradlin what he personally had done to carry out the order of the court as opposed to orders of the school board. Spradlin repeated that he was ready to carry out the order upon the instructions of the school board.

The next witness called by Dillahunt was Harris F. Mitchell, president of the school board. When asked what he had done to implement the court-ordered plan, Mitchell answered that his hands were tied because the district did not have the funds to implement the order.

Dillahunt then asked Mitchell if he would implement the court order, and Mitchell answered: "Not unless forced."

The other four school board members, Carlton Rhodes, J. M. Shults, Donnie Gene Crossett and C. E. Garman—testified that they had done nothing personally or as a board to implement the desegregation plan.

Dillahunt then rested his case.

Warnock told the judge that he had 200 witnesses, all residents of the school district, who were in court ready to testify, to show support for the school board and to tell why they did not think the plan should be implemented.

Harris told Warnock that the purpose of the hearing was not to consider the merits of the plan or the merits of desegregation, but to hear why the school board members should not have sanctions imposed against them for failing to implement the court order.

CHAPEL PATRONS URGED TO TAKE "NEIGHBORHOOD SCHOOL" STAND

(By Curtis Montgomery)

If the Watson Chapel School Board is forced to implement the integration plan of the Department of Health, Education and Welfare, the citizens of Watson Chapel should take their children to their neighborhood schools, and demand that they be educated there, Sterling West, a member of the Watson Chapel Taxpayers' Association, told some 4,500 persons who gathered at a public meeting Sunday afternoon at Whispering Pines farm off Sulphur Springs Road.

The meeting was called by a committee of the taxpayers' association to discuss the order handed down Friday by U.S. District Judge Oren Harris of El Dorado.

Judge Harris gave the Watson Chapel School Board until Thursday to complete reorganization of the district's school in accordance with his Nov. 17 decision.

He said if the order was not put into effect by noon Thursday, members of the board and the superintendent will be fined \$350 a day for each day the order is disobeyed and in addition they will be imprisoned until they comply with the order.

"Asking them (the school board of Watson Chapel) to go to jail," West said, "is more than they should be asked to do. I know they would be perfectly willing to go, but it is now time for the people to step forward."

West said the federal government was "tearing down" the public school system. He said it was time to "stand up" to the federal government.

"We're out here for quality education," West said. "We know our schools better than they do. The schools still belong to us."

West's statements received enthusiastic applause from the crowd.

No school board members were present at the outdoor gathering which lasted over an hour despite freezing temperatures and cloudy skies. Attorney John Norman Warnock of Camden also was absent in accordance with a court order forbidding him to "make further public statements or cooperate in arranging mass meetings." Jim Horne, who served on the committee for the Taxpayers Association, said of Warnock, "He is short of height, but tall in stature."

Serving on the Taxpayers Committee with Horne and West were Olen Bearden, acting chairman, Robert Morris, Hugh Cash and Roy Baggett.

"We have been integrated for seven years here," West said in an interview following the meeting. "We have never fought integration. We have always had a good relationship with the blacks of the community."

Dr. Mitchell Young was scheduled to speak yesterday, but was unable to leave Texarkana because of the weather. Dr. Young is the national president of Freedom, Inc. and a member of United Concerned Citizens of America.

"The people," West further emphasized, "do not want any violence of any kind. They intend to win this fight and through the channels of law."

Dale Spradlin, superintendent of the school district said in court Friday that he was ready to carry out the order upon the instructions of the school board. The Watson Chapel head testified in court he could not act until he was ordered to do so by the school board.

Judge Harris gave a timetable for the reorganization of the Watson Chapel schools: (1) By Monday morning parents should be advised of new school assignments. (2) By Tuesday faculty assignments should be made. (3) By Wednesday assignments should be completed. (4) By Thursday transfers of pupils and teachers should take place.

Harris said that if the desegregation plan is not implemented, he would put the desegregation order into effect himself and place the Watson Chapel Schools under the direction of the county Board of Education and the state Education Department.

WATSON CHAPEL TO "BOW," OBEY ORDER, BOARD SAYS

(By Kay Patterson)

John Norman Warnock of Camden, attorney for the Watson Chapel School Board, announced Sunday night that the Board had agreed, with "great reluctance," to comply with federal Judge Oren E. Harris' order that the School District be completely desegregated by noon Thursday.

Warnock released a statement at 9:40 p.m. Sunday which he said had been prepared by the Board at an earlier meeting. The statement said:

"The Watson Chapel School Board has, with great reluctance and against its better judgment, but with upmost necessity when faced with extreme and arbitrary penalties, decided to bow to the court order and have instructed the superintendent to carry out the Judge Harris-HEW (Department of Health, Education and Welfare plan.)"

The statement continued:

"We want it clearly understood," Harris Mitchell, president of the Board, said, "that this plan ordered by the court is not our plan and is not now or has it ever been voluntarily accepted by the School Board. We have asked our attorneys to appeal and to keep active on all other matters on appeal, including the application for a stay of execution to the Supreme Court of the United States."

When a reporter called Mitchell's home a few minutes later, Warnock answered the telephone. Mitchell said the statement was that of the School Board.

Judge Harris told the five School Board members and the school superintendent Friday that they would face heavy fines and imprisonment unless the District implemented the school plan by noon Thursday.

Judge Harris told the six men that they were in contempt of court for "deliberately" refusing to implement his desegregation order of November 17, 1970 and January 18.

Board members Mitchell, Donnie Crossett, Carlton Rhodes, C. E. Garman Sr., Jim Shults and Superintendent Dale Spradlin were told that if they did not comply with the judge's order that they would be fined \$350 a day and be imprisoned for the remainder of the school term.

Judge Harris also told Warnock not to make any public statements about the case.

For the last six months white patrons have said they would not send their children to school under the HEW plan and the school board has refused to submit a compromise plan since last July.

Mitchell said he wasn't sure about the day that the board would implement Judge Harris' order. "I haven't even got a copy of it (the order)," he said. He said a copy of the order probably would be served today to the School Board by federal marshals.

Mitchell said that although he had attended Friday's hearing, "I can't remember every word the judge said. I've got to wait till I get the order from the judge, see what I mean?"

Although the School Board agreed to comply with the court order, Mitchell said he was "not going to urge the parents to do anything. What the parents do, I have nothing to do with that," he said.

Earlier Sunday, an estimated 1,000 persons agreed during a windy, meeting in a field near Pine Bluff that, if the HEW plan was put into effect Thursday, the parents would take their children to the schools they had been attending and demand that they be

taught there. If this wasn't done, then the parents agreed to take their children home.

At that meeting, Sterling West, who presented the plan amid cries of "Yes, yes" from the crowd, was quoted as saying that "Under the HEW plan, the children would be as well off at home being tutored by their mothers * * *."

At about 10:15 p.m. Sunday, West, reached at Mitchell's home, said he felt that the "School Board made the only decision possible that they could make in compliance with the court order."

"I personally have mixed feelings about it at this time and I don't know what to say."

Asked about the decision of the parents reached earlier, West said "I think they'll do just what they said they'd do today." He stressed that the decision of the parents was not to avoid integration. "We've integrated already," he said. "We're just fighting for our neighborhood schools."

CHAOS AND CONFUSION THREATEN NEIGHBORHOOD SCHOOLS (By Eugene Butler)

Probably never has there been a more popular institution in the United States than the neighborhood school. Yet this fine institution, revered and cherished by so many, is in dire peril. In many areas, the U.S. Department of Health, Education, and Welfare and the federal courts are rapidly and surely making its existence impossible.

All over the South, children are being forced against the will of their parents, to move from one school to another for the sole purpose of achieving what Washington bureaucrats regard as the best racial balance.

Children uprooted from familiar friends and surroundings and transplanted into an alien atmosphere are sorely troubled. Many have had to drop courses because bus schedules could not get them to the new school in time; they have been resentful because they were pulled out of their athletic teams and extracurricular activities. Many schools have been hit by wholesale boycotts by one race or another, by walkouts, and fights.

Morale among teachers has also declined disastrously. As long as teachers must be assigned on a basis of race, the selection of the best equipped teacher for a specific job is often impossible. There has been a flood of resignations.

The situation is perhaps most critical in Mississippi where an educational crisis of giant proportions is shaping up.

Hundreds of students—both white and black—are threatening to quit school. Parents are talking about withdrawing financial support, and private schools are springing up everywhere.

In September 1969, Mississippi's public schools had 576,000 pupils. Last spring the number was down to 550,000, and all the missing 26,000 were white. Today, the situation is even more serious.

A former governor of the state, Judge James P. Coleman of the U.S. Appellate Court, says: "There are going to be a lot of schools totally destroyed because we order on paper what can't be accomplished in real life. There will be places where there won't be any schools worth talking about."

There is a great deal of confusion about school integration. In fact, nothing is clear about it except that it has gotten our schools into a colossal mess. The Government itself is divided on the question. Congress has voted at least twice against forced mixing. As far back as 1964, it said in a civil rights bill: "Nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance by requiring the transportation of pupils or students from one school to another or from one school district to another."

Then last March, President Nixon spoke out in favor of neighborhood schools and against bussing and racial mixture *per se*.

People were told at first that integration meant no more than allowing those Negroes who wanted to attend white schools to do so. This was accepted—no doubt reluctantly—by Southern people by the adoption of freedom-of-choice plans. By this means, parents (both white and black) were allowed to send their children to schools of their choice.

But freedom of choice did not produce enough mixing to suit either HEW or the Supreme Court. In May 1968, the Supreme Court in its Green decision pulled the props from under "freedom of choice." And finally, in October of last year, the Court called a halt to "all deliberate speed" and told Southern school districts to establish a unitary school system now.

In its original Brown vs. Board of Education desegregation case, the U.S. Supreme Court based its decision on that portion of the 14th amendment which states that no state shall "... deny to any person within its jurisdiction the equal protection of the laws."

On these skimpy grounds, the Court ordered that no child shall be placed in a specific school because of its race. Today, as a result of court decisions and HEW orders based on the same words in the same amendment, children are being directed to a specific school solely and entirely because of their race. The Court has made a 180° turn and is now doing exactly what it claimed was unconstitutional 16 years ago.

But for the South, there is now a glimmer of light in the persistent dark shadow that has been cast by Supreme Court school decisions. For years the Warren Court almost always voted unanimously in any decision having to do with school integration. But now, Chief Justice Burger—and also Justices Stewart, White, and Harlan—is beginning to have sober second thoughts as to where Court decisions are taking the schools of the Nation. Last spring, Chief Justice Burger admitted that "the time has come to clear up what seems to be a confusion, genuine or simulated, concerning the Court's prior mandates."

Wherever formal integration has been attempted with an arbitrarily large percentage of Negro students in a mixed school, the whites have moved out. In a few years the school becomes segregated again. This happened in Atlanta where 25 schools, once all white, were deliberately mixed in 1961. By 1967 these schools had passed the tip point at which whites move out. Today these schools are substantially all black. And there is not a major city in the South where large-scale forced mixing hasn't produced this result.

It may also be true that the Supreme Court is finally having a slight twinge of conscience as to the harsh, unfair, and discriminating way in which its school decisions are being enforced against the South while the North goes scot-free. Apparently HEW and the courts believe there are two different kinds of school segregation: one, the "legal" kind, due to the accident of residence, which is practiced in the North; the other, *de jure* segregation, alleged to be due to Southern laws and prejudice.

As a result of this discriminatory treatment, Southern schools are now much less segregated than are schools in some other areas. Arkansas schools have a higher percentage of desegregation than do those in California. And the schools of Milwaukee are quite as black as those of Miami. Southern people resent the unfair and discriminatory way in which integration is being enforced against this section. They also are beginning to wonder about the wide gap between what

President Nixon says about school integration and what the people under him are doing about it.

For instance, he has said: "Transportation of pupils beyond normal geographic school zones for the purpose of achieving racial will not be required." Yet HEW, while claiming bussing is not mandatory, continues to refuse to accept district school plans that do not require it.

Both HEW and the courts seem fanatically wedded to the proposition that the only good school is a mixed school. More and more, they seem willing to go to any length to reach their objective regardless of how much it lowers the quality of education—or how much it strains a reasonable interpretation of the Constitution.

People are losing faith in integration as a cure for our most serious educational ills. Whites and Negroes are getting vitally concerned over the quality of education. They are beginning to recognize that much more good can be accomplished by improving schools that both Negroes and whites attend than by trying to change their racial composition. They are convinced that the major function of a school is to educate.

Finally, we believe that most people are now willing to accept "freedom of choice" as the only sensible approach to integration. If Congress and the courts would agree on a freedom-of-choice law, we could forget about bussing, pairing of schools, the senseless closing of schools, arbitrary racial mixing, and all the other stupid HEW guidelines. And it would end the chaos and confusion that threaten to destroy the neighborhood public school.

THE AUTHENTIC "NEW POLITICS"

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. ASHBROOK. Mr. Speaker, supporters, activists, and luminaries of politically conservative persuasions from all areas of the Nation descended on Washington on February 4 for the second annual conservative awards dinner sponsored by the American Conservative Union and Young Americans for Freedom in conjunction with the nationally read publications, Human Events and National Review. For their outstanding efforts in implementing conservative principles Senator CLIFFORD HANSEN of Wyoming and Congressman ROBERT "BOB" MICHEL of Illinois received the annual awards.

The featured speaker, Senator JAMES L. BUCKLEY of New York, provided a psychological "lift" to conservative aspirations by noting that over 40,000 individuals mailed in contributions for his campaign while his manpower requirements were supplemented by the "most effective corps of student volunteers to work for any candidate anywhere in the country during the 1970 campaign."

Senator BUCKLEY's success story in the State of New York should provide us with much political food for thought, and for this reason I insert at this point in the RECORD the text of his speech delivered at the second annual conservative awards dinner here in Washington on February 4:

SPEECH OF SENATOR JAMES L. BUCKLEY

I deeply appreciate the opportunity to join you in honoring Senator Hansen and Congressman Michel. Each has served the nation with distinction—both in positive terms and, at times, through a holding action which has withstood and delayed the pell mell rush to collectivism which has plagued America in the last decade. They have helped buy time—time within which increasing numbers of Americans have begun to assess, in the cold light of reality, the heady rhetoric of the new and fair deals, the new frontier and the great society.

We are now in the throes of a massive national hangover created by the excesses of the past. I am persuaded that Americans in significant numbers are now in the mood to take the pledge; if only we can help them fight off the temptation to try a bit of the hair of the dog.

This is what I want to talk to you about tonight—this new mood in the land. And there is a new mood, or I would not be addressing you tonight, would not have the privilege of calling Senator Hansen and Congressman Michel "colleague."

During the last few years we have heard a great deal about a new politics, even about a new culture—and about the marvelous things that were in store for us as a result. In retrospect, all that now seems actually to have been new about the new politics is merely stylistic. The new politics of the late 1960's knew how to make use of the media, and it mobilized its volunteers. But as it appeared, briefly, in the McCarthy movement, and as it appeared on the political scene more generally, as *the* movement, it did not in fact ever repudiate the themes of the older liberalism. With respect to goals, it merely turned up the volume, as at a rock concert.

Where the other orthodox liberals wanted federal power to achieve their egalitarian goals, the new politics, so-called, wanted to impose equality today, instantly. The older liberals deeply distrusted the capitalist system. The new politics of the late 1960's hammered away at capitalism incessantly, attacking it as "materialism" or the "military industrial complex." The older liberalism disliked what it called the "nation state"—an ungainly phrase meant to stand in invidious contrast to the dawning "world state." The putative world state, it was understood, would establish permanent peace and prosperity. The new politics leaped over all this intervening and highly theoretical business and called for peace now.

The great complaint of the new politics, so called, as it emerged in 1968 and 1969 actually underlined its essential lack of newness. Characteristically, it pointed to the gap between liberal promises and liberal performance. But the allegedly "new" spokesmen never seemed to doubt that the promises and the principles behind them were just fine. They merely charged that the promises had not been fulfilled—and further, that they had not been fulfilled because those who had made them were hypocrites. Nothing could be clearer than that the so-called new politics was really the old liberal politics, all the same assumptions, all the same goals—though charging that the older liberals had not been militant enough. Nothing much was new about the new politics. It was merely more excited, and infinitely less civil. And it offered the American public no basis for a new hope.

Against this background, you can appreciate my astonishment, when, in the elation of election night, I found myself proclaiming—on live television, in color, coast-to-coast—that I owed my election to a "new politics" and that I was its voice. And it seems now that I am stuck with the phrase despite its copyright by the new left, and

despite my normally fastidious respect for property rights.

But now that Richard Nixon is talking about more power to the people, I feel better about my preemption of the new politics. For it appears, if I may paraphrase Barry Goldwater, that plagiarism in pursuit of politics is no vice.

But I do feel compelled to explain what it was that I anointed myself the voice of—if only to dispel the notion that I took that occasion to make my first overture to the left.

Anyone closely associated with the New York political scene last fall understood what I was talking about. Because I was elected by a coalition which cut across the traditional political spectrum. It was a coalition which included an astonishing 42 percent of New York's blue collar vote. Over 900,000 Democrats crossed over to the Conservative Party line to give me more than 40 per cent of my total vote. And at least as of November 3rd of last year, it was a coalition which represented a majority sentiment in New York State. I say this on the authority of Charles Goodell, who has confirmed that well over half of his vote came from traditional Republican loyalists who in a run-off would have voted for me.

But there was much more to my campaign than the fact of a coalition which a few liberal commentators (a small minority of them, I should add) have tried to explain away as a conglomerate of haters—the sinister forces marshaled by "the night riders of the hard right," to use the rhetoric of one New York Times editorial.

Quite the contrary. It wasn't fear which caused tens of thousands of men and women to become involved for the first time in their lives in a political effort, and one at that which all the pros knew was doomed to failure. It wasn't hate which caused more than 40 thousand individuals to mail in contributions. It wasn't a hardening of political arteries which mobilized the largest, most effective corps of student volunteers to work for any candidate anywhere in the country during the 1970 campaign.

Rather, it was love of country, an abiding faith in country, an overriding concern for the welfare of America which brought together the coalition which elected me. Think back to the tremors which swept this nation a year ago, which shocked Americans into a realization of the extent to which American institutions and values had been eroded. They had witnessed a paralysis of authority as wave after wave of filth and violence reached their climax last May in the mindless orgy of destruction which burned a hundred campuses. And everywhere Americans turned, they saw other signs of a deep-seated national trouble: The seemingly uncontrollable rise in crime rates and welfare rolls; the noisy disruption of trials; the explosion of pornography; the flight from reality manifested both by the Woodstock phenomenon and the peace-at-any-price movement.

Small wonder that Americans in and out of New York felt an unprecedented concern last year over the institutional health of their country. This was the mood in New York throughout the campaign, a mood which I believe caused New Yorkers to vote for what they considered to be the national interest rather than for their private interests.

I know that it is difficult to read national trends into last year's elections. In state after state it is clear that local issues or acute economic dislocations had a decisive influence on the outcome.

But this was not the case in New York. There were no overriding local or economic issues. The campaign provided the voters with sharply defined alternatives, and the voters opted for the conservative alternative. Because they had concluded that on the

really critical issues, the conservative view was the correct view. I submit, therefore, that what happened in New York last fall has a deep significance for us here tonight and for the country.

I believe we stand at a turning point. There is a fluidity in the political scene, a regrouping going on as Americans search for more realistic, more effective approaches to Government. And if New York is any indication, Americans are showing a new predisposition to listen to the conservative analysis and a new willingness to become directly involved in the political process. This is a willingness borne of a sense of urgency, and founded on a continuing faith in the essential soundness of the American system. This is the authentic "new politics" which I had in mind when I proclaimed myself the voice of that politics. It is a politics structured on reality, and a new understanding as to what reality is.

We have a significant opportunity to reshape the politics of this country precisely because the people are searching for new answers, honest answers—answers which substitute common sense for theory, and toughness for soft-headedness. And it is because of this new mood and understanding that we who have labored in the vineyards of conservatism have cause for hope.

There have been a number of factors which have opened up this opportunity. Perhaps the most important of these has been the palpable failure of the panaceas spun out by the liberal utopians. The liberal theologians have promised us that every one of our problems could and would be solved if only enough authority were concentrated in Washington and enough billions spent by the superior brains who have chosen to settle on the banks of the Potomac. Their programs have been adopted, the sprawling bureaucracies have been created, and those billions upon billions of dollars have been spent. But nothing has been solved. The problems have merely grown more acute while Government has increasingly intruded itself into every corner of the lives of its citizens.

Another, most important factor is the enduring common sense of the American people—a common sense which has restored sanity to our public affairs in the past and which can save us again if we will deal honestly with the public. The American people understand that we live in a predatory world and that we must look to our own defenses, if we are to remain secure and independent. They understand that in a world of nuclear missiles we can no longer retreat to a policy of isolationism. They understand the need for firmness in law enforcement if we are to cope with crime; and because they know human nature, they know that a free society cannot co-exist with chaos. They can sense what is false in political cant, and increasingly they resent being patronized or deceived. They are ready, in short, for a politics which will make a serious and sustained effort to bring political assumptions, political expectations and political language into the closest possible intimacy with reality.

This is the task which faces the conservative community today. Much has been accomplished already—especially by the distinguished organizations which have sponsored this dinner tonight. These sponsors have formulated and sustained an intelligent and persuasive critique of the prevailing orthodoxies and they have channeled conservative energies into increasingly effective action.

Most importantly, they have brought to young Americans a new awareness of the validity and utility of conservative insights. As a result, thousands of our brightest, young men and women have found intellectually satisfying and realistic alternatives to the tired proposals of the old left and the strident demands of the new. And because these

young people have had to test their thinking in the inhospitable climate of the academic world, they have achieved a knowledge and a grasp of fundamentals which is giving them a growing influence among their peers.

But if we are to take the fullest advantage of the opportunities now being opened to us, we must do much more. We must take the initiative in formulating and then selling workable alternatives in a number of areas where conservatives have too often been silent. A new politics of reality requires that we be able to demonstrate for example, that we know how to cope with pollution without turning back the technological clock; that we can give minority groups effective access to economic opportunities without governmental paternalism; that the health needs of the poor can be adequately provided for without clamping a single program of government insurance on the entire population.

We who pride ourselves on our sense of reality, and on the fact that the principles which guide us are based on the realities of human nature, we must never lose sight of the fact that we must work within the here and now. Because among the realities within which we must operate are the political realities. This is particularly true of those of us who are members of the Congress. Time and again we will be called upon to make pragmatic judgments as to which of the less than ideal alternatives is achievable, which will advance us toward our goals, however circuitously. There will also be times when a proposal which is intellectually sound will be so out of phase with what is politically possible that an attempt to advance it would be worse than futile.

But events move rapidly in the political world; and whereas there is little we can do to change the realities of human nature, we can work to shape the climate which defines what is politically realistic. This requires persuasiveness and an infinite degree of patience; and above all it requires that we suppress the all-or-nothing impulse which has frustrated so many conservative enterprises in the past.

As we move into the 1970's, I propose that we face forward with a new spirit and a new resolve; that we summon the will and the courage to see things as they really are. And if we do, we will find the American people with us. Because we continue to be a special breed, prepared to accept the world for what it is while still pursuing our special vision of what it ought to be.

The new testament has taught us that the man who loves the world to excess will lose it. But there surely is a corollary. He who fails to see the world will most certainly lose it too.

WAR CRIMINALS AND REPARATIONS

HON. JOHN G. SCHMITZ
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 10, 1971

Mr. SCHMITZ. Mr. Speaker, at this point in the RECORD I would like to insert a very interesting analysis of the portion of an interview with Anne Bennett, wife of Dr. John C. Bennett, which appeared in the Catholic Voice and the National Catholic Reporter. Mrs. Bennett is one of those who have been journeying to North Vietnam in connection with the U.S. servicemen being held hostage by the North Vietnamese Communists. This analysis was prepared by a long time acquaintance, Mr. Gilbert Durand of California.

I would particularly like to draw my colleagues' attention to Mr. Durand's projection of the Communist plan for our men.

Once the American withdrawal becomes *fait accompli*, Hanoi will begin asking for war reparations. When the U.S. balks at the idea, it will learn that until war indemnity is paid there will be no return of the war "criminals." In short, the U.S. will be blackmailed into paying billions of dollars to the Communists to obtain the release of our prisoners-of-war. At that point the U.S. will realize, too late, that it has no persuasive bargaining power because its bargaining power (American Army) has been withdrawn from Vietnam.

Does this seem farfetched? At this very moment there are people in our own Nation trying to prove that American soldiers have committed war crimes of vast and serious nature. What is the purpose of this little show other than adding weight to the North Vietnamese accusations that the men they hold, also American servicemen, are war criminals? There can be no purpose whatsoever in these slurs and slanders of American servicemen other than to add weight to the line which has been steadfastly adhered to by the North Vietnamese Politburo that our men which they hold are not prisoners of war but rather war criminals.

Besides the possibility of reparations there is another use to which the enemy can put our men. Once American forces leave the area without using the degree of force against the enemy necessary to bring about the release of our men they hold, the next objective of the Communists is to overthrow the anti-Communist government of the Republic of Vietnam. The demand may well be that the United States curtail its assistance to our South Vietnamese allies in order to have our men returned.

With our bargaining power, our Armed Forces, withdrawn from the area, we will then be faced with the choice of either sending fighting men back, which is hardly likely, or acceding to the demands of the Dang Lao Dong Communist Party to stop the flow of materials which are needed to maintain a non-Communist South Vietnam.

Perhaps the Communists would prefer this approach to the reparations approach. Or perhaps they feel that first we will help them overthrow the Government of the Republic of Vietnam and then pay them for the privilege through reparations to retrieve our men. Who can say?

The only thing we can say is that the choice is up to them. As long as we allow the enemy to determine of their own volition what they will do with our servicemen, they have all the options.

The enemy has shown that he will not be significantly moved by pleas, petitions, and appeals to morality and conscience. It is time that we appealed to the Government of North Vietnam's desire to survive as the rulers of North Vietnam. It is time that we moved to destroy the enemy's powers to wage aggressive war and forcibly repatriate all our men. Prisoners are traditionally returned after a war is over. Let us end the war to the advantage of the United States, to the

advantage of all the peoples of southeast Asia, to the advantage of captive American servicemen, to the advantage of everyone except the enemy.

It is time for an allied victory.

The analysis follows:

THE CATHOLIC VOICE NAILED ON POW STORY
JANUARY 27, 1971.

(By Gilbert Durand)

(NOTE.—Last Christmas Anne Bennett, wife of Dr. John C. Bennett, visited North Vietnam. On her return she was interviewed by Lynne Fitch. Parts of the interview were carried in The Catholic Voice, official organ of the Diocese of Oakland, Calif., of 1/7/71, and other parts in the National Catholic Reporter of 1/15/71. Both reportings are combined to constitute one "Fitch/Bennett Interview." A reasoned critique of this interview follows.)

As front paged by The Catholic Voice (1/7/71), the Lynne Fitch interview with Hanoi visiting pacifist Anne Bennett is mischievous, D-minus journalism that makes the Oakland diocesan paper incredible. The obvious hard questions were not asked, the Bennett statement was not compared to known facts, and certain "dead give-away" quotations were deleted.

Why, for example, was this Bennett statement: The Pentagon and the Nixon administration are *using the anguish* of the families of *detained pilots* to continue and to *escalate* the war in Vietnam" omitted from the Voice article?

Why were Voice readers not told of this character assassination contained in the Bennett report? She unjustly accuses President Nixon, Secretary Laird, and the Chiefs of Staff ("the Pentagon and the Nixon administration") of "*using the anguish of families*". No evidence is given because none exists. This baseless charge is both unbelievable and contemptible.

The "escalate the war" remark is an obvious falsehood, as witnessed by the U.S. withdrawal of over 200,000 troops from the Vietnam theatre.

Bennett's "detained pilots" ploy is a bamboozlement. Both Vietnamese, as well as the United States, are signatories to the 1949 Geneva Prisoner-of-War Convention. Communist Vietnam, however, refuses to accord prisoner-of-war status to captured U.S. airmen. Instead they are classified as "*criminals*". Thus our pilots are defrauded of their civil and human rights. The term "detained pilots" is a circumlocution which has the effect of confusing Americans and not offending Hanoi. How then does Mrs. Bennett regard the prisoners—as POWs or as criminals? The families of our POWs would like to know. The Voice readers would like to know.

The Fitch/Bennett report speaks only of "pilots", "detained pilots" and "prisoners". It never mentions "prisoners-of-war". But the headlines of The Voice and the National Catholic Reporter use the word POWs. Why? Do not the editors know the difference? The damned important difference! The word POW is not mere graffiti. It is an important legal term that guarantees civil rights and immunities.

Another Bennett comment deleted by The Voice is, "We saw for ourselves in Hanoi that the (North) Vietnamese have a human policy toward the detained pilots."

This is hard to reconcile with her own admission of seeing only 5 prisoners out of a possible total of 1534. It is also hard to square with the statement that "she did not know how typical the detention camp was". Although she says "we saw for ourselves" she admits that "no one knows how many detention camps there are or where they are". Her suspicions were not aroused upon being shown only a two-room, five-prisoner POW camp in the city of Hanoi. Why didn't she ask to see the other camps, the other prisoners? Why was she satisfied with a Potemkin Village?

Mrs. Bennett doesn't see the prisoners—but she *knows* the Communists are humane. She doesn't see the camps—but she *knows* the Communists are humane. Maybe a little red bird told her. Maybe the wish was father to the conclusion. In any event Mrs. Bennett, by her own account, is unqualified to pass judgment on North Vietnam's treatment of war prisoners.

Recently C.B.S. News carried film footage of our POWs in North Vietnam. Interestingly enough, the filming took place at the same time as Mrs. Bennett's Hanoi visit—the Christmas season. Our men were portrayed as well fed, well housed, and spent their time singing hymns, playing volleyball and receiving gift parcels from home. In fact, everything was so neat, so pat, that even Walter Cronkite felt compelled to caution the TV viewers as follows:

"The pictures were filmed by a Japanese film agency which has close ties to Hanoi. We stress, as we have stressed before, that the men in these films are a select group, produced for the cameras by the North Vietnamese under highly controlled conditions. The location is a showcase camp which some Westerners have nicknamed the Hanoi Hilton."

If C.B.S. could detect the Hanoi propaganda, why not The Voice? Mrs. Bennett is an elderly grandmother who "looks as though she should have spent the Christmas season making gingerbread cookies for her grandchildren." Thus her naivete may be overlooked. But what about The Catholic Voice? Its failure to warn its readers may be best described as a journalistic atrocity.

If our airmen are humanely treated, why is the International Committee of the Red Cross not permitted access to the Communist prison camps? Why is it necessary for Hanoi to hide the truth? By contrast, in South Vietnam the POW camps are under constant I.C.R.C. surveillance and the I.C.R.C. may confer privately with consigned personnel. Why do the Communists prefer Mrs. Bennett to the International Committee of the Red Cross?

A year ago Mr. H. Ross Perot flew, at his own expense, a planeload of POW relief supplies to Indochina. The Hanoi government cynically and *inhumanely* refused entry to this mission of mercy. Why was Mrs. Bennett and a single pair of gift spectacles more acceptable to the Communists than Mr. Perot and his planeload of POW relief?

A January 15, 1971 press report states: "Paris (AP)—The United States pressed the prisoner-of-war issue at the Paris peace talks Thursday by presenting a new list of American military personnel believed missing in Indochina. The Communists refused to look at it." The American delegation termed the Communist attitude "shocking and cynical." More properly it should be described as barbaric. How can Mrs. Bennett or anyone justify this Hanoi conduct as humane?

Mrs. Bennett says that the sole purpose of her Committee of Liaison with Families of American Servicemen Detained in Vietnam "is to facilitate the flow and communication between the *detained pilots* and their families." As representative of the Committee she carried POW mail to and from Hanoi.

Why is pacifist Bennett persona grata to Hanoi? Why doesn't Hanoi permit the International Red Cross to carry a free flow of mail between the POWs and their families? Why does Hanoi insist upon only a *selected and limited* flow of mail through "peacenik" letter carriers? Is Hanoi trafficking in human emotions? Is Hanoi contemplating a cruel and heartless blackmail scheme?

If Mrs. Bennett claims that the sole purpose of the Committee is "to facilitate the flow of the mail", why does she voluntarily insist upon saying, "The way to bring them (the prisoners) home to their families is to end the war"? Why does she have her picture

taken in front of a sign reading "TO FREE THE POWS, END THE WAR"? If her Committee is so sincere about its sole purpose, she should not use her Committee mission and status to push another objective. Does the liaison Committee plan to use the Communist furnished POW lists and mail to orientate and organize the POW families in favor of "Get Out of Vietnam" policy? If an American mother joins the "peace" movement, will her mail be facilitated to her POW son? Who really is using the anguish of the families? President Nixon or Mrs. Bennett? The Pentagon or the Communists?

Mr. Ron Young, who accompanied Mrs. Bennett to Vietnam, is now going about the U.S.A. urging Americans *not* to complain to Hanoi about its mistreatment of our POWs. He says North Vietnam officials say it will slow the receipt of mail from prisoners' relatives. The Communists, unlike our government, reject the right of protest. In effect Hanoi is blackmailing grass roots America with "follow the Communist line if you want the mail to go through". Why doesn't The Voice fully identify Mrs. Bennett's confrere, Ron Young?

North Vietnam refuses to engage in a prisoner-of-war exchange even though the South Vietnam government has offered to exchange 100 Communists for each American prisoner-of-war. Why this Communist inhumane treatment of its very own? What say you, Mrs. Bennett? C.B.S. News on 1/25/71 showed the return of 40 Communist POWs to North Vietnam. Actually it turned out to be only 38 because when they arrived at the demilitarized zone, two of the POWs refused to go north. If the Communists are so humane, why don't they return our disabled POWs as we return theirs? How about that, Mrs. Bennett?

North Vietnam is now setting the stage for the most barbaric drama ever viewed by modern man. Consider the following:

The Hanoi government is a signer of the 1949 Geneva Convention. This agreement states that at the end of hostilities all prisoners-of-war are to be released and repatriated *without delay*. Now if the U.S. were to withdraw all its troops there would be, ipso facto, an end to the war between the U.S. and North Vietnam. This war termination should, according to the Geneva Convention, cause the *immediate* return of all our American POWs.

Not so! The Geneva Convention excepts from immediate liberation, those prisoners held for trial or serving sentences. Communist Vietnam consistently claims it has no American POWs—only American *criminals*. It has already promised to try them for their alleged crimes. Therefore, Mrs. Bennett errs when she says that the way to bring the prisoners home is to end the war. Ending the war will do no such thing.

Confirmation for this contemplated barbarism may be found in an obscure paragraph of an obscure AP dispatch on page 7 of the January 15, 1971 issue of the Los Angeles Times. The Communist Paris Talks Delegation is quoted as demanding that:

"The United States must agree to withdraw all of its forces from South Vietnam by next June 30. Then discussions 'can begin immediately on the freeing of American military men held captive.'"

Notice that again the Communists do not use the word prisoner-of-war. Notice that the Communists do not say, "we will *immediately* free the POWs". They say "*discussions can begin* on the freeing . . ." Discussions with Communists have a tendency to go on and on. The discussions in Korea have gone on for almost twenty years, and will probably go on for twenty more. Good will is essential to discussion. The Communist philosophy substitutes malice for good will.

Once the American withdrawal becomes *fait accompli*, Hanoi will begin asking for

war reparations. When the U.S. balks at the idea, it will learn that until war indemnity is paid, there will be no return of the war "criminals". In short, the U.S. will be blackmailed into paying billions of dollars to the Communists to obtain the release of our prisoners-of-war. At that point the U.S. will realize, too late, that it has no persuasive bargaining power because its bargaining power (American Army) has been withdrawn from Vietnam.

Preposterous? No it is not, because we already have precedents for this Communist modus operandi: (a) The ransom of the freedom fighters from Communist Cuba; (b) The kidnapping of innocent public officials and holding them for ransom to be paid for by the freeing of convicted terrorists; and (c) The enslavement, as war reparations, of hundreds of thousands of ordinary German and Austrian soldiers of non-officer rank, who were compelled to work for many post-war years in Russian slave labor camps.

It is precisely because of this post-World War II experience that the Geneva Convention was adopted. It is precisely because of the Communists' desire to avoid their responsibility under the Geneva Convention that: (1) They call our captured servicemen criminals; (2) They avoid calling them prisoners-of-war; and (3) They require the total withdrawal of the American troops *before* "discussions can begin" on repatriation.

Secretary of Defense Melvin R. Laird recently advised Congress of numerous violations of twelve separate provisions of the Geneva POW Convention by North Vietnam (Arts. 13-23-26-30-34-70-71-72-109-120-122 and 126). Not twelve violations, but violations of twelve separate and distinct provisions. What is the explanation for the consistent violation of international agreements by the Communists?

The answer was given thirty-four years ago by Pope Pius XI when he prophetically wrote: "Communism is by its nature anti-religious." Note that he does not use the words non-religious or atheist, but the term "anti-religious".

Pius continued: "How can any contract be maintained, and what value can any treaty have in which every guarantee of conscience is lacking? And how can there be talk of conscience when all faith in God and all fear of God have vanished? Take away this basis, and with it all moral law, and there is no remedy left to stop the gradual but inevitable destruction of peoples, families, the State, civilization itself."

If the Communist fears not God, then let him fear man. If he fears neither God nor man, then there is no hope for peoples, families, the State, civilization itself—or for POWs.

The Communist says, "To free the POWs—end the war." Let America say, "No POWs—no pullout!" This the Communist can and will understand—and be persuaded thereby.

Space does not permit detailed rebuttal to Mrs. Bennett's rosy view of religious practice in North Vietnam. Refugee Father Bui Duc Hien, St. Ambrose rectory in Berkeley, has already covered this subject in a letter to the Editor (Catholic Voice of 1/21/71). The infamous persecution of religion by the Communists has been voluminously documented. A quick rundown would require the total print space of every edition of The Voice for the next three years.

Let it suffice for all the world in general and The Catholic Voice in particular, to heed the counsel of Pope Pius XI in his encyclical, "Atheistic Communism":

"Aware of the universal desire for peace, the leaders of Communism pretend to be the most zealous promoters and propagand-

*Encyclical on Atheistic Communism—"Divini Redemptoris"—1937.

dists in the movement for world amity . . . yet at the same time they cause rivers of blood to flow.

"They try perfidiously to worm their way even into professedly Catholic and religious organizations. They carry their hypocrisy so far as to encourage the belief that Communism . . . will not interfere with the practice of religion.

"See to it, Venerable Brethren, that the Faithful do not allow themselves to be deceived. Communism is intrinsically wrong, and no one who would save Christian civilization may collaborate with it in any undertaking whatsoever.

"Those who permit themselves to be deceived . . . will be the first to fall victim of their error."

So spoke Pius XI. So speak I.

RECENT ACTION TO HALT FLORIDA CANAL UNCONSTITUTIONAL

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. BENNETT. Mr. Speaker, on January 19 the President issued a statement in which he said:

I am today ordering a halt to further construction of the Cross Florida Barge Canal.

This canal is somewhere between a third and a half complete. Fifty million dollars has been spent on it. It was being built because it is authorized by law and appropriated for by law.

The reasons ascribed by the President in the statement were that the Council on Environmental Quality recommended the halt and had pointed out to him "that the project could endanger the unique wildlife of the area and destroy this region of unusual and unique natural beauty," referring to the beautiful Oklawaha River Valley. Since ending the canal would allow the land to go back to private ownership; and since this narrow strip of land could hardly protect much wildlife anyway when one considers that only a short distance away are 439,000 acres of national forest where the wildlife could really be protected, it is apparent that the President was misled as to the wildlife protection which could result from closing the canal. Since the alternate route suggested by the Corps of Engineers would bypass the Oklawaha, this other point raised by the Council and relied upon by the President is also not a valid reason for abandoning the canal.

But this matter of the reasons for the action of the President is not what I would like to discuss at length today. I already discussed those reasons more at length on February 8, as has appeared in the CONGRESSIONAL RECORD at page 2086. No, what I would like to discuss today is the fact that if the President means to terminate the canal permanently, not just halt to restudy, then this action is unconstitutional. There is in fact no authority I know of to the contrary.

The Constitution does not say that the President shall execute the laws, but that "he shall take care that the laws be faithfully executed." (Art. 2, sec. 3.)

To contend, that the obligation imposed upon the president to see the laws faithfully executed, implies a power to forbid their execution, is a novel construction of the constitution, and entirely inadmissible. *Kendall v. United States*, 37 U.S. 524, 611 (1838).

The authority given to the President to stop appropriations for a Federal project under the Constitution is in his right to veto. (Art. I, sec. 7.) But after a bill is signed, and appropriations are made, an executive officer cannot interfere with that law.

In the following comments I am making I have relied heavily upon the excellent brief of Gerald W. Davis, as published in the October 1964, edition of the *Fordham Law Review*.

Under our system of government it is the legislative branch which is to make and decide policy. The executive branch "is supposed to carry out the policies declared by Congress." (31 Cong. Dig., No. 1, p. 1, at 2 (1952).) (See MacLean, "President and Congress: The Conflict of Powers," 61 (1955).)

There is no provision of the Constitution which specifically requires the executive branch to spend money appropriated by Congress. The President is required, however, to "take care that the laws be faithfully executed." (U.S. Const. art. II, sec. 3.) Whether this constitutional provision vested in him discretion as to the execution of acts of Congress was argued in *Kendall v. United States ex rel. Stokes*, (37 U.S. (12 Pet.) 524 (1838).) Postmaster Kendall had disallowed claims of Stokes for carrying the mail. Congress passed an act directing Kendall to credit Stokes with the amount due. Kendall again refused to pay the claim, contending that only the President, under the power to see that the laws are executed could require that he pay the claims. The Supreme Court upheld a mandamus ordering the payment, holding that the President was not empowered to dispense with the operation of law upon a subordinate executive officer:

When Congress imposes upon any executive officer any duty they may think proper, which is not repugnant to any rights secured and protected by the constitution . . . in such cases, the duty and responsibility grow out of and are subject to the control of the law, and not to the direction of the President. . . .

To contend that the obligation imposed on the President to see the laws faithfully executed, implies a power to forbid their execution, is a novel construction of the constitution, and entirely inadmissible.

To avert a nationwide strike of steelworkers in April 1952, which he believed would jeopardize national defense, President Truman issued an Executive order directing the Secretary of Commerce to seize and operate most of the steel mills. According to the Government's argument in *Youngstown Sheet & Tube Co. v. Sawyer* (343 U.S. 579 (1952)), the directive was not founded on any specific statutory authority, but upon "the aggregate of the President's constitutional powers as the Nation's Chief Executive and the Commander in Chief of the Armed Forces." The Secretary of Commerce issued an order seizing the steel mills and the President promptly reported these

events to Congress, but Congress took no action. It had provided other methods of dealing with such situations and had refused to authorize governmental seizures of property to settle labor disputes. The steel companies sued the Secretary and the Supreme Court rejected the broad claim of power asserted by the Chief Executive, holding that "the order could not properly be sustained as an exercise of the President's military power as Commander in Chief . . . nor . . . because of the several constitutional provisions that grant executive power to the President."

Mr. Justice Black, who delivered the opinion of the Court, noted:

In the framework of our Constitution, the President's power to see that the laws are faithfully executed refutes the idea that he is to be a lawmaker. The Constitution limits his functions in the lawmaking process to the recommending of laws he thinks wise and the vetoing of laws he thinks bad. And the Constitution is neither silent nor equivocal about who shall make laws which the President is to execute. The first section of the first article says that "All legislative Powers herein granted shall be vested in a Congress of the United States. . . ." After granting many powers to the Congress, Article I goes on to provide that Congress may "make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

The President's order does not direct that a congressional policy be executed in a manner prescribed by Congress—it directs that a presidential policy be executed in a manner prescribed by the President. . . . The power of Congress to adopt such public policies as those proclaimed by the order is beyond question. . . . The Constitution does not subject this lawmaking power of Congress to presidential or military supervision or control.

It is said that other Presidents without congressional authority have taken possession of private business enterprises in order to settle labor disputes. But even if this be true, Congress has not thereby lost its exclusive constitutional authority to make laws necessary and proper to carry out the powers vested by the Constitution "in the Government of the United States, or any Department or Officer thereof."

Mr. Justice Douglas, in a concurring opinion, noted:

The power to recommend legislation, granted to the President, serves only to emphasize that it is his function to recommend and that it is the function of the Congress to legislate. Article II, Section 3 also provides that the President "shall take Care that the Laws be faithfully executed." But . . . the power to execute the laws starts and ends with the laws Congress has enacted.

The three dissenting Justices did not assert that the President could act contrary to a statute enacted by Congress. They argued that there was no statute which prohibited the seizure and that there was "no evidence whatever of any Presidential purpose to defy Congress or act in any way inconsistent with the legislative will."

Mr. Justice Jackson, concurring with the majority opinion, remarked on the "poverty of really useful and unambiguous authority applicable to concrete problems of executive power as they ac-

tually present themselves." He suggested that "Presidential powers are not fixed but fluctuate, depending upon their disjunction or conjunction with those of Congress." Justice Jackson then listed the situations in which a President may doubt, or others may challenge, his powers and indicated the legal consequences of the factor of relativity to the powers of Congress:

1. When the President acts pursuant to an express or implied authorization of Congress, his authority is at its maximum, for it includes all that he possesses in his own right plus all that Congress can delegate. . . . If his act is held unconstitutional under these circumstances, it usually means that the Federal Government as an undivided whole lacks power. . . .

2. When the President acts in absence of either a congressional grant or denial of authority, he can only rely upon his own independent powers, but there is a zone of twilight in which he and Congress may have concurrent authority, or in which its distribution is uncertain. Therefore, congressional inertia, indifference or quiescence may sometimes, at least as a practical matter, enable, if not invite, measures on independent presidential responsibility. In this area, any actual test of power is likely to depend on the imperatives of events and contemporary imponderables rather than on abstract theories of law.

3. When the President takes measures incompatible with the expressed or implied will of Congress, his power is at its lowest ebb, for then he can rely only upon his own constitutional powers minus any constitutional powers of Congress over the matter. Courts can sustain exclusive presidential control in such a case only by disabling the Congress from acting upon the subject. Presidential claim to a power at once so conclusive and preclusive must be scrutinized with caution, for what is at stake is the equilibrium established by our constitutional system.

The latter situation (3), as discussed by Mr. Justice Jackson, more nearly relates to the situation involved in the current action on the Cross Florida Barge Canal.

The Constitution does not subject the lawmaking power of Congress to presidential control, except for the veto process. The fact that Presidents in the past may have overridden congressional appropriations does not deprive Congress of its constitutional authority.

The matter of congressional appropriations for defense purposes lies in the third category of congressional-presidential relationships set forth by Justice Jackson. "Exclusive presidential control" cannot be sustained and the President is not empowered to impose conditions upon the exercise of congressional authority in this field. See *Kauper, The Steel Seizure Case: Congress, the President and the Supreme Court*, 51 Mich. L. Rev. 141 (1952).

The weight of authority is against the existence of an inherent presidential power to impound appropriated funds—Goostree, *The Power of the President To Impound Appropriated Funds: With Special Reference to Grants-In-Aid to Segregated Activities*, 11 Am. U.L. Rev. 32, 42 (1962).

The general theory underlying the Constitution is that Congress shall be responsible for the determination and approval of the fiscal policies of the Nation and that the executive shall be respon-

sible for their faithful execution—Report of the President's Committee on Administrative Management at 15 (1937).

This division of authority was stated by President Wilson in a message to Congress on May 13, 1920:

The Congress and the Executive should function within their respective spheres . . . The Congress has the power and the right to grant or deny an appropriation, or to enact or refuse to enact a law; but once an appropriation is made or a law passed, the appropriation should be administered or the law executed by the executive branch of the Government. (Report of Pres. Comm. on Admin. Mgt. at 15).

Congress has the final responsibility, subject to constitutional limitations and the President's veto power, for deciding which activities are to be undertaken by the Government and the amount of money to be spent on each. The President's role is to recommend to Congress a unified and comprehensive budget and to administer the budget as finally enacted—Committee on Organization of the Executive Branch of the Government Report on Budget and Accounting in the U.S. Government at 12-13 (1955).

A distinction must be made between the authorization and the actual appropriation of funds for a specified purpose. An act appropriating funds for defense purposes serves to implement a preceding authorization act passed by Congress.

Although an authorization may be considered as only constituting permission to expend funds for a particular purpose, an appropriation of funds implies a directive that such funds be expended to effect the purpose indicated.

Congress in making appropriations has the power and authority not only to designate the purpose of the appropriation, but also the terms and conditions under which the executive department of the government may expend such appropriations. . . .

The purpose of the appropriations, the terms and conditions under which said appropriations were made, is a matter solely in the hands of Congress and it is the plain and explicit duty of the executive branch of the government to comply with the same. Any attempt by the judicial branch of our government to interfere with the exclusive powers of Congress would be a plain invasion of the powers of said body conferred upon it by the Constitution of the United States. (*Spaulding v. Douglas Aircraft Co.*, 60 F. Supp. 985, 988 (S.D. Cal. 1945), aff'd, 154 F. 2d 419 (9th Cir. 1946).)

The Supreme Court has also held that when Congress makes an appropriation in terms which constitute a direction to pay a sum of money to a particular person, the officers of the Treasury cannot refuse to make the payment—see, for example, *United States v. Louisville* (169 U.S. 249 (1898)); *United States v. Price*, 116 U.S. 43 (1885); compare 22 Ops. Att'y Gen. 295 (1902).

The cases I have cited clearly demonstrate that the President cannot lawfully disregard a duly enacted law. It could be argued that Congress by statute has authorized the President to exercise discretion as to whether funds appropriated for a particular public works project should be expended or impounded. An examination of the statu-

tory law gives no substance to that argument.

Impounding of appropriated funds to prevent deficiencies and to effect economies in governmental operations was authorized by the General Appropriations Act of 1951. This act provided, in part, as follows:

In apportioning any appropriation, reserves may be established to provide for contingencies, or to effect savings whenever savings are made possible by or through changes in requirements, greater efficiency of operations, or other developments subsequent to the date on which such appropriation was made available. . . .

Since this section appears to grant the Executive great latitude with respect to the impounding of appropriated funds, inquiry should be made as to legislative intent. The House Committee on Appropriations stated:

The appropriation of a given amount for a particular activity constitutes only a ceiling upon the amount which should be expended for that activity. (H.R. Rep. No. 1797, 81st Cong., 2d Sess. 1, 9 (1950).)

In the same report it is said that officials responsible for the administration of an activity for which an appropriation is made "bear the final burden for rendering all necessary service with the smallest amount possible within the ceiling figure fixed by the Congress." The purpose of the act is to "require careful apportionment of all types of funds expended by Federal agencies and efficient administration of the Government's business."

The committee noted that in signing the National Military Appropriations Act for 1950, the President issued a statement indicating objections to the action of Congress in increasing funds for the Air Force, and directing the Secretary of Defense to place in reserve the amounts provided by Congress for increasing the Air Force structure. In this regard it was stated:

It was not the purpose of the Congress in providing funds for the Air Force . . . in excess of budget estimates to establish or permit the President or the Secretary of Defense to establish reserves. . . . In the minds of the Committee, this action "amounted to an item veto, a power not possessed by the President."

It is perfectly justifiable and proper for all possible economies to be effected and savings to be made, but there is no warrant or justification for the thwarting of a major policy of Congress by the impounding of funds. If this principle of thwarting the will of Congress by the impounding of funds should be accepted as correct, then Congress would be totally incapable of carrying out its constitutional mandate of providing for the defense of the Nation.

Certainly it was not the intent of Congress that the Executive should be enabled to impound funds appropriated by Congress for defense purposes. There appears to be no statutory authority for the impounding of appropriated funds, except for purposes of economy and efficiency in executing the purposes for which the appropriation is made.

The President cannot dispense with the execution of the laws, under the duty to see that they are executed. To hold otherwise would be to confer upon him a veto power over laws duly passed and

enrolled. To accord discretion to a President as to what laws should be enforced and how much, would enable him to interpose a veto retroactively.

Some may say, what can one do to see that the President carries out the Constitution? There have been no suits on recent impounding of funds for defense objectives, such as for the advanced bomber, as far as I know. There may be many reasons for this; but perhaps the most conclusive one has been the lack of standing of one to sue to enforce the Constitution in a particular case. In the matter of the Cross Florida Barge Canal there may well be such ability to sue however; because not only has the State of Florida entered into expensive contractual arrangements with the Federal Government on this matter, but many local real estate owners have been taxed through the years to contribute the local funds that have been expended in Florida for this canal. I understand from the papers suits are going to be brought.

It is sincerely to be hoped that the President will reconsider this matter and at least let the proponents of the canal be heard on the issues, which has not yet been allowed. Particularly, since the evidence is strong that the reasons for the President's action seem to have overlooked the fact that the Oklawaha can be inexpensively bypassed and that no wildlife preservation is in fact achievable by terminating the canal.

HELP FOR THE ELDERLY ON DRUG COSTS

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. OBEY. Mr. Speaker, today on behalf of myself and 78 cosponsors, I am reintroducing legislation to provide outpatient prescription drug coverage under medicare.

This bill will establish a comprehensive drug insurance program for the 20 million Americans covered by medicare, giving them added protection against the consequences of illness at a time when they must live on very limited economic resources.

These are its features:

First, coverage of prescription drugs and certain nonprescription drugs of special life-sustaining value;

Second, financing under the part A, payroll tax, portion of medicare—unlike most other proposals, which would finance drug insurance through higher monthly premiums under the part B portion;

Third, selection by a formulary committee of the drugs to be covered;

Fourth, \$1 copayment by the purchaser for each prescription.

The program would reimburse participating pharmacies on the following basis:

The "maximum allowable cost" of a qualified drug, plus

A professional fee which recognizes

that costs and services vary from pharmacy to pharmacy—instead of a fixed dispensing fee.

This is how the program works:

A formulary committee, composed largely of physicians, selects the drugs to be covered. Each year it sends physicians and pharmacists a list of these qualified drugs—arranged alphabetically by their established, or generic, names—as well as—

An indexed listing of the trade or other names by which these drugs are known, together with the maximum allowable cost for various quantities, strengths, or dosage forms;

Supplemental lists arranged by diagnostic, therapeutic, or other classifications;

Information which promotes—under professional supervision—the safe and effective use of these drugs.

Financing the program under the part A portion of medicare means that an individual will pay for his drug insurance during his working years, rather than later when his income is sharply reduced due to retirement.

It also assures that nearly everyone over 65 will benefit, without having to pay monthly premiums, keep records, or file claims.

The beneficiary simply goes to the participating pharmacy of his choice. If the drug prescribed for him is listed in the formulary, he pays the pharmacist \$1 to fill the prescription. If the prescribed drug is not listed in the formulary, he pays for it the same way he does now under medicare—out of his own pocket.

The pharmacist is then reimbursed by the program on the basis of maximum allowable cost plus professional fee. In determining the maximum allowable cost of multiple-source drugs, the formulary committee excludes prices of a drug which vary significantly from those of the lowest or lower cost versions of it that are of proper quality and generally available.

Mr. Speaker, I believe this bill contains the proper ingredients for an economically and medically feasible program—and a recipe for high-performance administration of it.

By choosing drugs carefully and taking into account their cost factors, the formulary committee can build savings into the program from the outset. It will list only medically necessary drugs, and do so in an economically reasonable way.

Also, the copayment feature stresses cost-effectiveness, because it reminds the drug purchaser that he is sharing in the cost of the program. And having nearly everyone over 65 covered means that the administrators of the program can quickly and inexpensively determine who is eligible for benefits.

Mr. Speaker, the Health, Education, and Welfare Department's Task Force on Prescription Drugs issued a series of background papers in 1968-69 substantiating the need and feasibility of a drug insurance program.

Since then, the President's Task Force on the Aging has filed a report entitled, "Toward a Brighter Future for the Elderly," in which it recommended that

medicare be modified in five ways, including this one:

"Coverage of out-of-hospital drugs at the earliest date administratively feasible."

I believe this program for the elderly is timely. I also believe it is sound enough in terms of coverage, cost-effectiveness and administrative feasibility to warrant consideration by this body apart from the many broad health insurance proposals now in the design stage.

A complete list of the bill's cosponsors follows, together with a copy of the bill's text:

COSPONSORS

Joseph P. Addabbo (N.Y.).
Glenn M. Anderson (Calif.).
William R. Anderson (Tenn.).
Frank Annunzio (Ill.).
Les Aspin (Wis.).
William A. Barrett (Pa.).
Nick Begich (Alaska).
Bob Bergland (Minn.).
Mario Biaggi (N.Y.).
John Brademas (Ind.).
Frank Brasco (N.Y.).
James A. Burke (Mass.).
Phillip Burton (Calif.).
James A. Byrne (Pa.).
Charles J. Carney (Ohio).
Tim Lee Carter (Ky.).
Bob Casey (Tex.).
Shirley Chisholm (N.Y.).
Frank M. Clark (Pa.).
George W. Collins (Ill.).
Silvio O. Conte (Mass.).
Jorge L. Cordova (P.R.).
George Danielson (Calif.).
John H. Dent (Pa.).
Charles C. Diggs, Jr. (Mich.).
Harold D. Donohue (Mass.).
Robert F. Drinan (Mass.).
Don Edwards (Calif.).
Joshua Ellberg (Pa.).
Joe L. Evins (Tenn.).
Daniel J. Flood (Pa.).
Hamilton Fish, Jr. (N.Y.).
Donald M. Fraser (Minn.).
Cornelius E. Gallagher (N.J.).
Ella T. Grasso (Conn.).
Gilbert Gude (Md.).
Seymour Halpern (N.Y.).
Lee H. Hamilton (Ind.).
Richard T. Hanna (Calif.).
Julia Butler Hansen (Wash.).
Michael Harrington (Mass.).
Wayne L. Hays (Ohio).
Ken Hechler (W. Va.).
Louise Day Hicks (Mass.).
James J. Howard (N.J.).
Harold T. Johnson (Calif.).
Peter N. Kyros (Maine).
Mike McCormack (Wash.).
Stewart McKinney (Conn.).
Abner J. Mikva (Ill.).
F. Bradford Morse (Mass.).
Charles A. Mosher (Ohio).
John Moss (Calif.).
Morgan F. Murphy (Ill.).
James G. O'Hara (Mich.).
Claude Pepper (Fla.).
Bertram L. Podell (N.Y.).
Melvin Price (Ill.).
Roman C. Pucinski (Ill.).
Charles B. Rangel (N.Y.).
Ogden R. Reid (N.Y.).
Henry S. Reuss (Wis.).
Robert A. Roe (N.J.).
Teno Roncalio (Wyo.).
Benjamin S. Rosenthal (N.Y.).
Dan Rostenkowski (Ill.).
Edward R. Roybal (Calif.).
Fernand J. St Germain (R.I.).
James H. Scheuer (N.Y.).
John F. Seiberling (Ohio).
Harley O. Staggers (W. Va.).

Robert H. Steele (Conn.)
 Frank Thompson, Jr. (N.J.)
 Robert O. Tiernan (R.I.)
 Joseph P. Vigorito (Pa.)
 Lawrence G. Williams (Pa.)
 Sidney R. Yates (Ill.)
 Gus Yatron (Pa.)

H.R.—

A bill to amend titles II and XVIII of the Social Security Act to include qualified drugs, requiring a physician's prescription or certification and approved by a Formulary Committee, among the items and services covered under the hospital insurance program

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 226(b) (1) of the Social Security Act is amended by striking out "and post-hospital home health services" and inserting in lieu thereof "post-hospital home health services, and qualified drugs".

(b) Section 1811 of such Act is amended by inserting "and qualified drugs" after "related post-hospital services".

(c) Section 1812(a) of such Act is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(3) by adding after paragraph (3) the following new paragraph:

"(4) Qualified drugs."

(d) (1) Section 1813(a) of such Act is amended by adding at the end thereof the following new paragraph:

"(4) The amount payable for qualified drugs furnished an individual pursuant to any one prescription or certification and purchased by such individual at any one time shall be reduced by an amount equal to the applicable prescription copayment."

(2) Section 1813 of such Act is further amended by adding at the end thereof the following new subsection:

"(c) (1) Subject to paragraph (2), the prescription copayment which shall be applicable for the purposes of subsection (a) (4) shall be \$1.

"(2) The Secretary shall, between July 1 and October 1 of 1975, and of each year thereafter, determine and promulgate the drug copayment which shall be applicable for the purposes of subsection (a) (4) during the succeeding calendar year. Such copayment shall be equal to \$1 multiplied by the ratio of (A) the average per capita costs for qualified drugs during the calendar year preceding the year in which the determination is made to (B) the average per capita costs for qualified drugs during the calendar year 1973. Any amount so determined which is not a multiple of 10 cents shall be rounded to the nearest multiple of 10 cents (or, if it is midway between two such multiples, to the next higher multiple of 10 cents). The average per capita costs for qualified drugs for any calendar year shall be determined by the Secretary on the basis of the best information available to him (at the time the determination is made) as to the amounts paid under this part for qualified drugs furnished during such year, by providers which have agreements in effect under section 1866, to individuals who are entitled to hospital insurance benefits under section 226, plus the amount which would have been so paid but for subsection (a) (4) of this section."

(e) Section 1814(a) of such Act is amended—

(1) by striking out "and" at the end of paragraph (6);

(2) by striking out the period at the end of paragraph (7) and inserting in lieu thereof "; and"; and

(3) by inserting after paragraph (7) the following new paragraph:

"(8) with respect to drugs or biologicals furnished pursuant to a physician's prescription, such drugs or biologicals are qualified drugs as defined in section 1861(t) and the provider has in his possession such prescription, or some other record of such prescription that is satisfactory to the Secretary or, with respect to drugs or biologicals not requiring a physician's prescription but determined by the Formulary Committee to be of a lifesaving nature, such drug or biological is a qualified drug as so defined and the provider has in his possession a physician's certification that it is medically required by such individual."

(f) Section 1814 of such Act is amended by adding at the end thereof the following new subsection:

"Limitation on Payment for Qualified Drugs

"(g) Payment may be made under this part for qualified drugs only when such drugs are dispensed by a licensed pharmacy (as defined in section 1861(z) of this Act) which is a provider of services for purposes of this part; except that payment under this part may be made for drugs dispensed by a physician where the Secretary determines that such drugs were required in an emergency or that there were no pharmaceutical services available from providers of services in the community, in which case the physician (under regulations prescribed by the Secretary) shall be regarded as a provider of services for purposes of this part with respect to the dispensing of such drugs."

(g) The second sentence of section 1816(a) of such Act is amended by striking out clause (1) and inserting in lieu thereof the following: "(1) to provide consultative services to institutions, agencies, or establishments to enable them to establish and maintain fiscal records necessary for purposes of this part and otherwise to qualify as providers of services for such purposes, and"

SEC. 2. Part A of title XVIII of the Social Security Act is further amended by adding at the end thereof the following new sections:

"FORMULARY COMMITTEE

"SEC. 1818. (a) (1) There is hereby established, within the Department of Health, Education, and Welfare, a Formulary Committee, a majority of whose members shall be physicians, and which shall consist of two officials of such Department designated by the Secretary and seven individuals (not otherwise in the regular full-time employ of the Federal Government) who are of recognized professional standing and distinction in the fields of medicine, pharmacology, and pharmacy, to be appointed by the Secretary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. The Chairman of the Committee shall be elected, from the appointed members thereof, by majority vote of the members of the Committee for a term of one year. A member may succeed himself as Chairman.

"(2) Each appointed member of the Formulary Committee shall hold office for a term of five years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of each term, and except that the terms of office of the members first taking office, as designated by the Secretary at the time of appointment, one shall expire at the end of the first year, one shall expire at the end of the second year, one shall expire at the end of the third year, and one shall expire at the end of the fourth year. A member shall not be eligible to serve continuously for more than two terms.

"(b) Appointed members of the Formulary Committee, while attending meetings or conferences thereof or otherwise serving on business of the Committee, shall be entitled to

receive compensation at rates fixed by the Secretary, but not exceeding \$100 per day, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(c) (1) The Formulary Committee is authorized to engage such technical assistance as may be required to carry out its functions, and the Secretary shall, in addition, make available to the Formulary Committee such secretarial, clerical, and other assistance as the Formulary Committee may require to carry out its functions.

"(2) The Secretary shall furnish to the Formulary Committee such office space, materials, and equipment as may be necessary for the Formulary Committee to carry out its functions.

"(d) (1) The Formulary Committee shall compile, publish, and make available a Formulary of the United States (hereinafter in this title referred to as the 'Formulary').

"(2) The Formulary Committee shall periodically revise the Formulary and the listing of drugs so as to maintain currency in the contents thereof.

"(3) The Formulary shall contain an alphabetically arranged listing, by established name, of those drugs and biologicals that be deemed qualified drugs for purposes of the benefits provided under section 1812 (a) (4).

"(4) The Formulary Committee shall publish and disseminate at least once each calendar year among physicians, pharmacists, and other interested persons, in accordance with directives of the Secretary, (i) an alphabetical list naming each drug or biological by its established name and such other information as the Secretary deems necessary, (ii) an indexed representative listing of such trade or other names by which each such drug or biological is commonly known, together with the maximum allowable cost for various quantities, strengths, or dosage forms thereof, together with the names of the supplier of such drugs upon which the maximum allowable cost is based, (iii) a supplemental list or lists, arranged by diagnostic, prophylactic, therapeutic, or other classifications, of the drugs included in the Formulary, and (iv) information (including conditions of use required in the interest of rational drug therapy) which will promote the safe and effective use, under professional supervision, of the drugs listed in the Formulary.

"(5) The Formulary Committee shall exclude from the Formulary any drugs which the Formulary Committee determines are not necessary for proper patient care, taking into account other drugs that are available from the Formulary.

"(c) (1) In considering whether a particular drug shall be included in the Formulary, the Formulary Committee is authorized to obtain (upon request thereof) any record pertaining to the characteristics of such drug which is available to any other department, agency, or instrumentality of the Federal Government, and, as a condition of such inclusion, to require suppliers of drugs to make available to the Committee information (including information to be obtained through testing) relating to such drug. If any such record or information (or any information contained in such record) is of a confidential nature, the Formulary Committee shall exercise utmost care in preserving the confidentiality of such record or information and shall limit its usage thereof to the proper exercise of such authority.

"(2) The Formulary Committee shall establish such procedures as may be necessary to determine the propriety of the inclusion or exclusion in the Formulary of any drug, including such data and testing as it may

require of a proponent of the listing of a drug in the Formulary.

"(f) (1) The Formulary Committee, prior to making a final determination to remove from listing in the Formulary any drug which would otherwise be included therein, shall afford a reasonable opportunity for a hearing on the matter to any person engaged in manufacturing, preparing, propagating, compounding, or processing the product who shows reasonable grounds for such a hearing. Any person adversely affected by the final decision of the Formulary Committee may obtain judicial review in accordance with the procedures specified in section 505 (h) of the Federal Food, Drug, and Cosmetic Act.

"(2) Any person engaged in the manufacture, preparation, propagation, compounding, or processing of any drug not included in the Formulary which such person believes to possess the requisites to entitle such drug to be included in the Formulary may petition for inclusion of such drug and, if such petition is denied by the Formulary Committee, shall, upon request therefor, showing reasonable grounds for a hearing, be afforded a hearing on the matter. The final decision of the Formulary Committee shall, if adverse to such person, be subject to judicial review in accordance with the procedures specified in section 505 (h) of the Federal Food, Drug, and Cosmetic Act.

"(g) Drugs and biologicals shall be determined to be qualified drugs only if they can legally be obtained by the user only pursuant to a prescription of a physician; except that the Formulary Committee may include certain drugs and biologicals not requiring such a prescription if it determines such drugs or biologicals to be of a lifesaving nature.

"(h) In the interest of orderly, economical, and equitable administration of the benefits provided under section 1812(a) (4), the Formulary Committee may, by regulation, provide that a drug or biological otherwise regarded as being a qualified drug shall not be so regarded when prescribed in unusual quantities.

"MAXIMUM ALLOWABLE COST FOR QUALIFIED DRUGS

"Sec. 1819. (a) For purposes of this part, the term 'maximum allowable cost' means the following:

"(1) When used with respect to a prescription legend drug, such term means the lesser of—

"(A) the amount determined by the Formulary Committee, in accordance with subsection (b) of this section, plus a reasonable fee determined in accordance with subsection (c) of this section, or

"(B) the actual, usual, or customary charge at which the dispenser sells or offers such drug to the public.

"(2) When used with respect to a prescribed nonlegend drug such term means those charges which do not exceed the usual or customary price at which the dispenser offers or sells the product to the general public, plus a reasonable billing allowance.

"(b) (1) The Formulary Committee shall establish an amount or amounts at which each drug is generally available for sale (to establishments dispensing drugs) in a given strength or dosage form; and in any case in which a drug is so available and so sold by more than one supplier, the Formulary Committee shall exclude, in determining the maximum allowable cost, the amounts for such drugs of such suppliers as are sold at prices which vary significantly from the amounts for the lowest or lower cost drugs which have been determined to be of proper quality and which are generally available. If a particular drug in the Formulary is available from more than one supplier, and such drug as available from one supplier possesses distinct therapeutic advantages (as

determined by the Formulary Committee on the basis of its scientific and professional appraisal of information available to it, including information and other evidence furnished to it by the supplier of such drug), then the amount recognized by the Formulary Committee for such supplier's drug shall be the price at which it is generally available to establishments dispensing drugs.

"(2) In considering (for purposes of the maximum allowable cost for any drug) the various sources from which and the varying prices at which such drug is generally available, there shall not be taken into account the price of any drug which is not included in the Formulary.

"(3) Whenever an amount or amounts at which a qualified drug is generally available for sale to the ultimate dispensers thereof vary significantly among the various regions of the United States or among such ultimate dispensers, the Formulary Committee may determine a separate amount or amounts with respect to such drug for various regions or for various classes of its ultimate dispensers.

"(c) (1) Any licensed pharmacy which is a provider of services for purpose of this part, shall, in a form prescribed by the Secretary, file with an intermediary or other agency designated by the Secretary a statement of a fee for the purpose of establishing the maximum allowable cost as defined in subsection (a). Such fee shall include such costs, including the costs of professional services and a fair profit, as are reasonably related to the provision of pharmaceutical service rendered to persons entitled to receive benefits under this part.

"(2) Any licensed pharmacy shall, except in cases to which subsection (a) (1) (B) applies, be reimbursed, in addition to any amounts provided for in subsection (b), the amount of the fee filed in paragraph (1), except that no fee shall exceed the largest fee filed by 90 per centum of such licensed pharmacies.

"(3) The Secretary shall, in addition to statements required pursuant to paragraph (2), require in a form and at a time suitable to him financial or other data to justify recognition of any fee (A) which amount falls between the fiftieth and ninetieth percentile of all fees filed by participating pharmacies, or (B) in any case where a participating licensed pharmacy has, in the preceding four calendar quarters, been among the highest 20 per centum by prescription volume of all pharmacies participating in the program in a State or intermediary area.

"(4) Where no fee statement or other information required by the Secretary has been filed by a licensed pharmacy otherwise qualified and participating in the program, fees to which such pharmacies may be entitled shall be limited to the amount of the lowest fee filed by any licensed pharmacy described in paragraph (1) above."

Sec. 3. (a) Section 1861(t) of the Social Security Act is amended—

(1) by inserting ", or as are approved by the Formulary Committee" immediately before the final period; and

(2) by adding at the end thereof the following new sentence: "The term 'qualified drug' means a drug or biological which (1) can be self-administered, (2) is furnished pursuant to a physician's prescription or a physician's certification that it is a lifesaving drug which is medically required by such individual when not an inpatient in a hospital or extended care facility, (3) is included by strength and dosage forms among the drugs and biologists approved by the Formulary Committee, (4) is dispensed (except as provided by section 1814(g)) by a pharmacist from a licensed pharmacy, and (5) which is generally available for sale to

establishments dispensing drugs in an amount or amounts equal to or less than the amount or amounts established by the Formulary Committee pursuant to section 1819(b)."

(b) Section 1861(u) of such Act is amended by striking out "or home health agency" and inserting in lieu thereof "home health agency, or licensed pharmacy".

(c) Section 1861 (v) of such Act is amended—

(1) by striking out "The reasonable cost" in the first sentence of paragraph (1) and inserting in lieu thereof "Except as provided in paragraph (5), the reasonable cost"; and

(2) by adding at the end thereof the following new paragraph:

"(5) (A) With respect to any qualified drug, the maximum allowable cost shall be an amount determined in accordance with section 1819 of this Act."

(d) Section 1861 of such Act is further amended by adding at the end thereof the following new subsection:

"Licensed Pharmacy

"(z) The term 'licensed pharmacy' (with respect to any qualified drug) means a pharmacy, or other establishment providing community pharmaceutical services, which is licensed as such under the laws of the State in which such drug is provided or otherwise dispensed in accordance with this title."

(e) (1) The first sentence of section 1866 (a) (2) (A) of such Act is amended by striking out "and (ii)" and inserting in lieu thereof the following: "(ii) the amount of any copayment required pursuant to section 1813(a) (4), and (iii)".

(2) The second sentence of section 1866 (a) (2) (A) of such Act is amended by striking out "clause (ii)" and inserting in lieu thereof "clause (iii)".

Sec. 4. The amendments made by this Act shall apply with respect to items and services furnished on and after the 1st day of January 1973.

THE UPCOMING WEST GERMAN-CZECHOSLOVAK NEGOTIATIONS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. RARICK. Mr. Speaker, an understanding of the upcoming negotiations between West Germany and the Czechoslovak Government in Prague requires one to refresh his memory on the background of Czechoslovakia.

From 1945, Czechoslovakia was administered by a government led by the Communists who then seized full power in February of 1948. Twenty years later on August 21, 1968, the Red armies of the Warsaw Pact countries invaded and occupied Czechoslovakia under a unilateral declaration by the Soviet Union known as the Brezhnev doctrine, proving again that the Czech and Slovak people are nothing more than subjects of Soviet totalitarianism. The present Red regime in Prague is allowed to exist only because it obeys its orders from Moscow.

Thus, negotiations and overtures of friendship by the Brandt coalition government with the government in Prague do not constitute negotiations or friendship with the Czech and Slovak peoples,

but rather with a puppet government which the people in Prague know full well is controlled by the Soviets, and who furthermore consider it to be de facto occupation by the Soviet Union.

The free Czechs and Slovaks living in the West have rejected the idea that Western governments should seek co-operation with and give economic aid to the regime in Prague, thereby bolstering its hold over its unwilling subjects.

The Sudeten German people, who were deported from their 800-year-old homeland in Czechoslovakia in 1945 under Communist initiative and leadership, are now being told by the Communist regime in Prague that the Munich agreement under which they and their homeland were transferred in 1938 to Germany should be declared "invalid from its very beginning."

The Sudeten Germans do not deny that the Munich agreement was concluded under threat of force, and they readily admit that it is no longer valid, having been violated by Hitler himself in 1939; however, they do object to the recent claim by the Prague government that the Munich agreement was never valid.

Elected representatives of the Sudeten Germans point out that the Sudeten Germans were not a party to the agreement at Munich, but agree that it was sanctioned under international law by representatives of the Governments of Germany, Great Britain, France, and Italy. They claim, therefore, that they cannot be punished as traitors to Czechoslovakia nor can they now be subjected to an indemnity by the Communist government in Prague for destroying their country as was done in 1938.

It is a fact of history that the Munich agreement was valid under international law until violated by Hitler. It would be naive for the present Socialist-Liberal government of West Germany to repudiate a universal view shared by the governments of the West which recognize international law, and condescend to accept the Communist position of the government in Prague which seeks only to strengthen its hold over the Czech and Slovak people, and to extort economic aid from West Germany in order to prolong its existence.

Recognition of the Munich agreement as "invalid from its very beginning" would be against the truth, the historical facts, commonsense, fairness, and justice. It would be playing into the hands of the Communists at the expense of the Czechs, the Slovaks, and the Sudeten Germans as well as repudiating the real friendship and support of all non-Communist nations.

PROVIDING USE OF FEDERAL TELECOMMUNICATION SYSTEM IN VA HOSPITALS

HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. HASTINGS. Mr. Speaker, I have recently discovered that the Federal

Telecommunications System is connected in all veterans hospitals, and that it is for use by authorized personnel only. This is the same service which is provided to all executive branch and legislative offices.

Since this system is in use most frequently during the ordinary business day, the service is idle for the most part between the hours of 5 p.m. and 8 a.m. Therefore, I am calling upon my colleagues to urge their support of my resolution to provide free use of the FTS in veterans hospitals after business hours.

Presently, there are 166 veterans hospitals, with a total capacity of 100,000 patients. Many veterans are unable to afford even adequate use of public telephones to contact their families and loved ones. I am, therefore, calling for legislation which calls for FTS service for our veterans as a small way of saying "thank you" for the service they have performed for the United States.

The cost of supplying such service would be minimal as it would only entail the addition of more telephone instruments to handle the capacity of each hospital. The number of telephones needed, along with the standards for usage, would be determined by the Veterans' Administration.

I urge my colleagues to join me in this effort.

REMARKS ON THE STATE OF THE UNION MESSAGE AND REVENUE SHARING

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mrs. MINK. Mr. Speaker, for the benefit of my colleagues I insert at this point in the Record my remarks on the President's state of the Union message and on revenue sharing:

STATE OF THE UNION

I find it a little hard to understand how the President could face the nation on January 22, 1971, and talk about closing the "gap between promise and performance in American government."

NIXON: ON JANUARY 22, 1971

"I will submit an expansionary budget this year . . . one that will help stimulate the economy and thereby open up new job opportunities for millions of Americans . . . By spending as if we were at full employment we will help to bring about full employment."

Nixon fiscal year 1970 deficit, \$13 billion.
Nixon fiscal year 1971 deficit, \$25 billion.
Nixon fiscal year 1972 projected deficit, \$23 billion.

(Total Nixon deficit in 3 years), \$61 billion.
"The third great goal is to continue the effort so dramatically begun last year to restore and enhance our natural environment. . . . I will propose a strong new set of initiatives to clean up our air and water . . ."

"As a fourth great goal, I will offer a far-reaching set of proposals for improving America's health care . . . a major increase in and redirection of aid to medical schools, to greatly increase the number of doctors and other health personnel . . . incentives to improve the delivery of health services,

to get more medical care resources into those areas that have not been adequately served . . ."

"I have faith in people. I trust the judgment of people. Let us give the people a chance, a bigger voice in deciding for themselves those questions that so greatly affect their lives . . . For the black American, the Indian, the Mexican American and for those others in our land who have not had an equal chance, the nation at last has begun to confront the need to press open the door of full and equal opportunity."

NIXON'S VETO MESSAGES IN 1970

Veto of Education Funds, January 27, 1970:

"The inflation we have at the start of the Seventies was caused by heavy deficit spending in the Sixties. In the past decade the Federal government spent more than it took in, \$57 billion more . . . That is why I ordered Federal spending cuts this year." (Nixon also Vetoed the Education Budget for FY '71 on August 11, 1970)

Veto of Appropriation for Water Pollution Projects, August 11, 1970:

"I am determined to hold the line against a dangerous budget deficit . . . When we spend more than our tax system can produce, the average American either has to pay for it in higher prices or in higher taxes."

Veto of Funds for Hospital Construction, June 23, 1970:

"In these times there is no room in this massive program or in any other program for the kind of needless and misdirected spending represented in HR 11102. I again call upon the Congress to join me in holding down government spending to avoid a large budget deficit in FY 1971."

(Nixon also pocket vetoed S 3418 which appropriated \$225 million to assist hospitals and medical schools in relieving shortage of doctors in family practice.)

Veto of a Jobs program for the Unemployed, December 16, 1970:

"I cannot accept this legislation . . . short term public service public employment can be a useful component of the nation's manpower policies . . . But public employment that is not linked to real jobs . . . is not a solution. I cannot accept a bill which so fully embraces this self-defeating concept."

What President Nixon should have said to the Nation on the Opening of the 92nd Congress was that the actions of the 91st Congress had been correct and that he, the President, had erred.

Now he is proposing deficit spending because it will help to bring about full employment.

Now he is submitting an expansionary budget because it will help to stimulate the economy and thereby open up new job opportunities.

In 1970 when Congress acted in accordance with this policy it was called by the President "irresponsible", its budgets "excessive" and "inflationary".

Of course the President's budgetary policy for 1971 is correct because the Congress was correct in 1970.

REVENUE SHARING?

In the early 1960's when our nation was prospering and Federal revenue surpluses were expected, a proposal called "Federal-State tax-sharing" was put forth as a way of distributing the extra funds. The only trouble was, the Vietnam war then began draining some \$30 billion a year from our economy and the proposal was shelved.

The idea kept alive, however, as State and city governments hoped that someday all those "free" revenues would become available. During the recession of 1969-1971, these local units of government became increasingly short of revenue. A new drive was mounted by governors, mayors and State

legislators, with the proposal re-named "revenue sharing."

In the State of the Union Message of January 22, 1971, President Nixon asked Congress to approve a \$16 billion "revenue sharing" program. Since the Federal deficits under Mr. Nixon have been in the neighborhood of \$15-\$20 billion a year, we will undoubtedly have to raise taxes to finance the request, or run the risk of a \$30-\$40 billion deficit, or even worse see a substantial cut-back in existing programs. I personally doubt that Congress will approve a tax increase to finance this plan of revenue sharing. With the economy in such poor shape, this is not the time to add new economic burdens.

Faced with these realities of the "State of the Union", the revenue sharing proposal comes at a time when the Federal government is itself bereft of funds to give back to local and State governments.

The use of the taxing powers of the Federal government I believe carries with it the responsibility of seeing that these funds are used for specific needs of the citizens of this country. Those programs which are strictly of a local or State nature should be financed by local and State taxes, and only augmented by Federal funds where the specific needs are justified.

If there are excess revenues being collected by the Federal government which are not needed to fund Federal programs, then I believe it is our responsibility to reduce the Federal tax burden directly. The Federal government should not use its taxing powers to raise more than it specifically needs for programs it will administer and implement.

It is generally acknowledged that cities and States are in need of more funds for local programs. These revenues should be raised locally and should not depend upon contributions from the Federal treasury. 17 States still do not have income taxes. The resources of the Federal treasury should not be substituted for the unwillingness of local government to tax its citizens for local services.

However where States and cities have been responsible in levying taxes for local programs and these taxes have reached a burdensome level, I do believe that relief should be provided the citizens of these communities, but not the governmental entity as would be the case under the revenue sharing device.

My proposal for relief of these over-taxed citizens would be to allow State income tax credits off of Federal income tax payments. Under the present Internal Revenue code local and State taxes are allowed only as deductions for determining the net taxable income. This provides only modest relief to taxpayers in jurisdictions with high tax rates. Thus I would now propose that State income taxes be allowed as tax credits against the Federal tax due. All other local and State taxes would continue to be taken as deductions.

This method of "revenue-sharing" would have the most direct benefit to the taxpayer. It would also serve to encourage States to enact income taxes at a level adequate to pay for the necessary services and operation of State governments. State governments would then begin to assume some of the burdens now placed on cities in the management of their urban programs.

Another proposal which I support to help cities and States pay for much needed programs such as mass transit systems, educational programs for the disadvantaged, manpower programs for the unemployed, welfare assistance, air and water pollution projects, sewer treatment plants, and low cost housing is to increase the Federal funding of these programs in the sum of \$6 billion which is the "new" money suggested in the Nixon revenue sharing plan. This approach will be in keeping with the tax authority retaining

the responsibility and accountability for programs it funds.

I do agree however that much of the bureaucratic paperwork that now accompanies Federal programs can be largely eliminated, and I shall support all efforts to reduce the Federal bureaucratic involvement in planning and utilization of these funds. Once the specific purposes are stipulated I do agree that the State and Local governments are responsible entities that will safeguard these monies from waste and mismanagement.

Hawaii as a State with a progressive income tax can benefit greatly from my income tax credit plan. With \$6 billion more for such programs as mass transit, education, manpower training, welfare, housing, sewer projects and air pollution abatement, Hawaii will stand to gain needed funds for our programs we urgently need without suffering cutbacks and higher Federal taxes, which would be the consequences of the Nixon revenue sharing plan.

BRANDT'S DANGEROUS OSTPOLITIK

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. ASHBROOK. Mr. Speaker, the New York Times of January 26 carried an account of an address by former German Chancellor Kurt George Kiesinger before the convention of his party, the Christian Democratic Union, concerning the present German Government's new policy toward East Europe and the Soviet Union. Lest one attribute Mr. Kiesinger's criticism of the new German policy to political motivations, it must be remembered that former high-ranking officials of the U.S. Government such as Gen. Lucius Clay, Ambassador John McCloy, and Secretary Acheson have likewise expressed serious concern regarding this policy. Even former Under Secretary of State George W. Ball, who served in the previous administration while it was making overtures to the East European countries, is concerned that Chancellor Brandt's policy will possibly have detrimental effects on Germany's firm Western ties.

More and more American citizens are becoming aware of the potential dangers of Chancellor Brandt's Ostpolitik. For example, members of the Veterans of Foreign Wars, an organization numbering 1,600,000 veterans, were alerted to the possible damage to the free world's solidarity in the February 1971, issue of its magazine, VFW. The magazine's regular columnist and long a student of international affairs, Donald L. Miller, emphasizes the necessity for opposing what could well become "a sellout of West Germany to the Soviet Union."

As more and more American citizens learn of the high stakes involved in the present German Ostpolitik, I am hopeful that our opposition will become loud and clear. The above-mentioned column by VFW's Donald L. Miller follows:

ALONG THE RED FRONT
(By Donald L. Miller)

A veteran of the European and Asian theaters in WWII wrote to me recently to

stress the need to look at past international blunders and come up with corrective actions. If "our learned men" don't come up with answers soon, he wrote, "we face an Armageddon before our 200th birthday."

And, of course, he's right. Since WWII we have pursued peace while the Soviets and Red Chinese have struggled for victory. We've sought cooperation; they've striven to humiliate, debilitate and defeat us.

Now, European Communists have unfolded a new scheme aimed at driving us out of Europe as they now are doing in the Arab East.

Phase one is West German recognition of Communist gains in Europe since WWII. This is all but wrapped up through the treaties Chancellor Willy Brandt has signed with Moscow and Warsaw.

The second and most crucial phase includes these items, according to East European Communists:

1. Admission of East and West Germany to the U.N.
2. Isolation of West Berlin from West Germany.
3. Assignment of European ambassadors in Helsinki, Finland, to the job of preparing for an all-European Security Conference.

Nikita Khrushchev made the basic plans for the Security Conference back in 1958. It will include the Soviets but exclude the U.S.

The stress will be on European common interests which Communists see as opposed to the basic interests of the U.S.

Plans already have been laid for the Soviets to pressure West European businessmen to turn to the Soviet Union and to Eastern Europe for markets and supplies instead of to the United States.

All this so far is preliminary. The cutting phase will be the demands for the liquidation of Radio Free Europe and Radio Liberty. NATO will have to go for the same reason. You don't use propaganda or set up military defenses against friends, do you?

And, in the end, according to Soviet plans made over a decade ago, Western Europe will lie defenseless. The ball then will go to native Communist parties. It'll be up to them, with Soviet help, to seize power, nationalize property and ally West European countries to the USSR.

But that's not the end. All of Western Europe combined with the Soviet Union will possess far greater power than that of the United States.

What then, Washington? Peaceful surrender or nuclear war?

Where did we go wrong? The underlying philosophy at Yalta and Potsdam is a starter. We sought to build a world on the basis of cooperation with a force that seeks to destroy us. And in 25 years the basic, tragic positions have not changed.

Of course, there is an immediate corrective measure. Recognize that the Soviet Union is an enemy, not a friend. And clearly state that the U.S. is opposed to a sellout of West Germany to the Soviet Union. Millions of bewildered West Germans are waiting for some clear sign that we care.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

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?

SOUTH AFRICA AND NAMIBIA

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. BINGHAM. Mr. Speaker, the South African Government has taken what we may hope is a welcome initiative before the International Court of Justice in suggesting that South Africa may propose a plebiscite, to be jointly administered by the International Court of Justice and South Africa, in the disputed territory of South-West Africa, so that the people themselves may determine their future. There are many caveats and conditions before this proposal can be considered any breakthrough: but, even if it is little more than a flyer of a suggestion, it would appear more constructive to take up the proposal and make it workable than, as some have urged, to condemn it solely as a propaganda move and reject it out of hand.

The status of South-West Africa—officially rechristened Namibia by the U.N. in 1966—has been in dispute since 1946. At that time, South Africa refused to accept the territory as a U.N. trusteeship, although South Africa had originally been given jurisdiction by the League of Nations, with a mandate to promote the material and moral well-being and social progress of its inhabitants. In 1966 the United Nations, in a resolution supported by the United States, rescinded the mandate and took de jure authority over the territory. South Africa did not recognize this resolution and has retained de facto authority. The entire legal and political situation is complex, and I shall not go into it now. I will hope to go into the problem in greater detail on a later occasion.

For the present, I believe the United States should take affirmative note of the South African suggestion for a plebiscite, welcoming it as an opening in what has been a seemingly implacable situation for some years. I say this despite the fact that South Africa has no de jure legal standing in the territory in accord with the U.N. General Assembly and Security Council decisions, and in spite of the fact that the proposal is offered to the World Court in the course of its hearings on a question to which this proposal is not germane, and thus perhaps may not appropriately be granted consideration by the Court. It may well be all the more important therefore not to let the suggestion die aborning, if we believe it may be possible in some forum, whether the World Court, the Security Council, or wherever, to establish and agree upon the conditions in which a true plebiscite might be conducted.

Such a plebiscite would have to allow for universal individual adult balloting, with adequate supervision to insure its secrecy. There would have to be methods established by which the people could be informed of the ramifications of their choice. Time would be required beforehand for the non-South Africans supervisory group to travel and talk with people in Namibia even before they make proposals regarding the organization and supervision of the election; further time would be needed after terms were agreed for clarifying the issues to the people. The question of the rights of Namibian political exiles and prisoners whose principal goal has been to achieve self-determination would certainly be raised. There are many conditions which would have to be agreed prerequisite to a free and fair election. Hopefully the United States and other nations can come close enough in defining these conditions to permit pursuit of this initiative. Although the U.N. 11-nation Council for Namibia initially rejected the plebiscite proposal, one of the major political groups of Namibia, the South-West Africa Peoples Organization—SWAPO—has stated its acceptance of a plebiscite depending on the conditions under which the election takes place.

A fair election could provide a peaceful way of ascertaining the will of the South West African people—too long untested and ignored in the debate which has pitted South Africa against most of the rest of the world—and of fulfilling the original terms of the U.N. mandate, which called for self-determination. It could provide an opportunity for a graceful retreat by South Africa—and since it could fulfill the original terms of the mandate, of a graceful accession by the U.N. I would therefore urge our Government, and others concerned to find a resolution to the Namibian question which has been so long an impasse, to take the initiative and to propose methods by which a fair election might be held.

JEWS FLEEING SOVIET RUSSIA DISILLUSIONED WITH COMMUNISM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. RARICK. Mr. Speaker, a revealing insight into what is taking place among the realignment of the people of the world today may be found in a recent report from Israel.

It seems that a majority of the Russian Jews who left their homeland in the early years went to Israel to build a socialist commonwealth.

Apparently this is not so with the newcomers. The Russian Jews presently escaping the Bolshevik terror have seen enough of socialism at work in Russia and by personal experience have learned that the better things in life are more likely to be found in the capitalistic West than in the socialistic East.

Noteworthy, this confrontation between the socialists and nonsocialists is showing up in Israel where the latest arrivals from Russia refuse to be convinced that the kibbutz is any different from the kolhoz and that neither are any good.

If the reports reaching us from Israel are authentic, we may well see a change in attitude and direction of the Israeli Government from socialism back to free enterprise capitalism, which in turn would manifest itself in the American society overnight.

If this is true, and becomes a reality, the West will certainly welcome the new anticommunist converts and the free world may yet be saved from world slavery under socialism and communism.

The basis for my comments comes from Mr. M. Z. Frank, whose monthly report from Israel was printed in the American Zionist for February 1971.

I include Mr. Frank's full report following my remarks:

LETTER FROM ISRAEL

(By M. Z. Frank¹)

THE NEWCOMERS FROM RUSSIA

The majority of those who came to Palestine from Soviet prisons or places of deportation, or those who managed to get out without such preliminaries in the early years of Communist rule, came with the idea of building not only a Jewish commonwealth but a socialist commonwealth as well. And they came ready to take part in the constant game of ideological combinations and divisions known as political parties.

Not so the newcomers. They did not come with the idea that the West is all rotten and capitalism is all wrong and that Jews in their homeland must build socialism. They have seen enough of socialism at work in Russia not to get excited over it. And they know that good things are more likely to be found in the capitalist West than in the socialist East. Unlike the Soviet immigrants in the 1920's the newcomers are not interested in kibbutz life. They have seen enough of kolchozes to shy away from anything that resembles them. So far no one has succeeded in convincing them that the kibbutz, being a voluntary commune unlike the kolhoz which is forced from above, is any good. Unlike their elders the new crop of immigrants from Russia have had no experience with political parties and relations between them, such as those in Israel. All parties in Russia have been dead for years—except the ruling Communist Party. They are bewildered by the multiplicity of political parties in Israel and by the fine ideological distinctions dividing them. If there is any political party to which they feel attracted it is *Herut*, which answers both their militant aggressive spirit and their unsophisticated black-and-white approach to politics.

The old *Mapainiks* view this with alarm and, unable to appreciate the motivations of a group whose political mentality is alien to them, they blame the success of *Herut* among the newcomers from the USSR on the skill of the *Herut* propagandists and on their negligence in recruiting members. To remedy the situation they decided to entrust the task to Yona Kesseh, exactly the type of *Mapainik* who is sure to drive more young Russians into the ranks of *Herut*.

A new dimension in Zionism has now been created through the struggle waged by the recent arrivals from the Soviet Union who have become the spearhead of a world-wide

¹ M. Z. Frank contributes a monthly report from Israel.

campaign for a new Exodus: they forced the hands of the hitherto hesitant and timid leadership in and out of Zion. They are the heroes of 1970. They, the Yashas, Sashas, Abrashas, Nashas, Nadias and Natashes, who conducted hunger strikes and explained their position in Russian and Hebrew, have suddenly sprung into the limelight of Zionism. They have given Zionism a new life.

ATTACKS INTENDED TO UNDERMINE VOUCHER PLAN, DELANEY SAYS

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. DELANEY. Mr. Speaker, the sudden intensity of attacks on my tuition voucher proposal strongly indicate a concerted effort by educational bureaucrats to undermine the groundswell of support for this legislation.

In the past few weeks a number of articles and editorials strongly opposing this approach to educational excellence have appeared in some of the Nation's most influential newspapers. Often conflicting arguments are advanced.

One article made a blatant and inflammatory appeal to prejudice by claiming that tuition grants—"Would open a large number of white public elementary schools to black applicants."

The next day another article quoted Governor Rockefeller as being opposed to tuition grants because they would end—"The whole movement to integrate the public schools of our country."

The fact is, the very essence of the tuition voucher concept is to provide equal educational opportunities for all children—regardless of race, religion, color, or geographical location.

Contrary to statements by bureaucratic fright peddlers, the evidence shows that supporters of the tuition voucher proposal are perhaps more dedicated to educational equality for all children than are the opponents of this legislation.

Not to be outdone in its opposition to the tuition grant plan is the Office of Economic Opportunity. However, their efforts are more subtle.

The OEO pilot project is scheduled to run for 5 years. While it offers hope to the hard-pressed, tuition-paying taxpayers with children in nonpublic schools, the experiment is apparently designed to bury the voucher plan under a mass of unfounded assumptions, which allegedly prove this approach to educational equality is not only unworkable, but un-American.

It is also interesting to note that this 5-year project will terminate at a time when the present administration is certain to have concluded its term of office.

As outlined in a recent speech by Dr. Thomas K. Glennan, OEO's Director of Research and Evaluation, their project would permit bureaucrats to deny children of the same family from enrolling in the same school. It would deny children of a denominational parish school

the right to attend the school of their choice. It would discriminate against children of a particular race or religion if the school of their choice was, according to the bureaucrats, "oversubscribed."

Dr. Glennan also stated that:

An unregulated voucher system would be a disaster for the nation's school system.

This highly charged scare statement has no basis in fact. The fact is public and nonpublic schools have existed in harmony for well over a century. There is every reason to expect this harmonious relationship to continue.

The tuition voucher is intended to improve our educational programs by encouraging fair and equitable competition. Its underlying basis is freedom of choice. This concept is the hallmark of our democratic system of government.

The OEO project would substitute a chance for a choice, and would raffle rights protected by the Constitution.

When I first advanced the idea of freedom of choice in education in 1961, I said:

The existence of a free society is conditioned upon the existence of unshackled individuals with differing views and different approaches. Diversity is the quintessence of democracy. Uniformity is the hallmark of totalitarianism.

During the intervening 10 years, not one valid reason has been brought forth which would successfully challenge the application of this principle to our educational system.

American parents will not be denied. They demand a share of their own tax money to assist them in controlling the education of their children.

Parents in a growing number of communities throughout the Nation are opposing school bond issues and higher school taxes. The New York Times reported on February 8 that public school systems in St. Louis, Mo., Youngstown, Ohio, Scarsdale, Mount Pleasant, and East Islip, N.Y., have encountered a growing reluctance by voters to approve increases in school funding.

We can wait no longer to respond to these parents. For too long have we listened to spokesmen of the National Education Association. Let us now respond to the need of the mothers and fathers of 52 million schoolchildren.

HEROIN EPIDEMIC

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. PEYSER. Mr. Speaker, reports of heroin epidemics spreading through every major city in the United States are becoming more common these days. Estimates are that there are 200,000 heroin addicts in the United States today. No major city is safe from the heroin problem. One report of the problem appeared in the newspaper just last week describing the problem in our Nation's Capital.

[From the Washington Post, Feb. 5, 1971]

CITY "HEROIN EPIDEMIC" CITED

(By William L. Claiborne)

Heroin addiction runs as high as 36 per cent among all young men between 20 and 24 years of age who live in a three-square-mile area beginning six blocks north of the White House, the city's Narcotics Treatment Administration estimated yesterday.

A study by the NTA, based on residency of addicts treated by the city, says the District is engulfed in an "alarming heroin epidemic."

If the study's figures are accurate, nearly half the city's estimated 16,800 addicts live in a 7.7 square mile section of the inner city that encompasses the most densely populated portion of Washington.

The dimensions of recent increases in the estimate of heroin use here are so great, according to the head of the city's Narcotics Treatment Administration (NTA), that a nearly 10-fold increase in the \$3.5 million-a-year antidrug program is needed.

Describing the recent increases in the estimated number of addicts—from 1,162 to 16,800 in 18 months—as "ominous," Dr. Robert L. DuPont said his own program is only "skimming the surface."

He conceded that part of the increase in the addict population estimate can be attributed to vastly improved reporting methods, but said that the 16,800 figure could even be low. The estimate is based on annual heroin overdose deaths, with one death representing an estimated 200 addicts.

Even as it treats 20 per cent of the estimated addicts here, a larger portion than any other major city, the NTA program remains "grossly inadequate," DuPont said.

The comprehensive profile of heroin addiction, which DuPont released at a District Building press conference yesterday, contained the NTA's first attempt to locate the addict population by neighborhoods.

Using the city's nine service areas as a geographical base, DuPont's staff distributed the 16,800 estimated addicts according to the percentage of NTA patients living in each service area.

The inner-city sectors showed that highest concentrations of heroin use—ranging to 40 addicts per 1,000 population—and the areas west of Rock Creek Park showed the least concentrations.

The extent of heroin use measured in percentages of certain age groupings surprised even the NTA officials.

The survey concludes that in service area 6, the model cities neighborhood that begins north of the White House and extends eastward toward the Capitol, 24 per cent of youths between ages 15 and 19 and 36 per cent of those between 20 and 24 are addicted to heroin.

The area has a total indicated addict population of 4,066, which is 24 per cent of the city's estimated addict population, a ratio of 40.2 addicts per 1,000 residents.

The model cities area has the highest population density per square mile (30,917), the highest number of welfare cases (3,990) and the highest number of poor families, based on 1966 Census Bureau figures.

Service area 7, another inner-city sector just to the north of the model cities sector, also had a disproportionately large estimated share of the addict population.

The area also has an estimated 24 per cent of the addict population, but because total population is higher, the ratio per 1,000 is 30.8.

That 4½-square-mile area is second to the model cities section in density, welfare load and poverty, according to DuPont's study.

LEAST ADDICTION

The lowest rate of heroin addiction, according to the NTA extrapolation, is in service

area 8, which includes everything west of Rock Creek Park.

That area has only an estimated 67 heroin addicts, for a per thousand ratio of only 0.8. The area has the lowest population density, the lowest welfare caseload and the fewest poor families.

The number of addicts undergoing treatment by private physicians is not known, but presumably inclusion of them would increase the proportion of addicts in higher income areas.

Third in the highest concentration of addicts per 1,000 population, according to the study, is area 5 (near Northeast and Southeast). This was followed by area 3 (east of the Anacostia River and north of Pennsylvania) and area 4 (lower Anacostia).

Those areas had 27.7, 19.9 and 18 heroin addicts per 1,000 population, respectively.

A study of the NTA's 2,759 patients showed that 95 percent were black, 80 percent were male, 30 percent were between the ages of 16 and 20 and 29 percent were between 21 and 25 years old. Only 8 percent were over 41.

Fifty-eight percent were single and the average last year of school completed was the 10th grade. The average number of arrests before treatment was 4.7 and the average number of convictions was 1.7.

MARIJUANA USE

Forty-nine percent of the patients said marijuana was the first drug they used, while only 9 percent said they started on heroin. Other hard drugs, including barbiturates and amphetamines, were listed as the first drug used by 35 percent of the NTA patients.

DuPont released another report yesterday that showed the results of a six-month followup study of 625 addicts selected randomly from five NTA treatment centers. The study, DuPont said, shows that addicts in the NTA program are less likely to be arrested than those who quit it.

Of the 475 adult patients in the group, 55 percent remained in treatment programs and only 19 percent of the 475 were arrested during the six months. The highest retention rate (86 percent) was in a group of the adults receiving high doses of methadone, the synthetic narcotic that blocks the craving for heroin.

The younger addicts in the program, most of whom were on abstinence treatment, did not fare so well. Forty-two percent of the youths surveyed were arrested during the six months, and only 40 percent remained in the program.

A LITTLE STURM UND DRANG AT HUNTING CREEK

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. VANDER JAGT. Mr. Speaker, Esquire magazine in its February issue published an article by Prof. Joseph Sax of the University of Michigan Law School. It is a finely detailed analysis of politics and the legislative process at their worst—and best. Political scientists will find it a fascinating, thought-provoking story, and it is one to stimulate the student in the classroom.

I insert the article by Professor Sax in the RECORD at this point:

A LITTLE STURM UND DRANG AT HUNTING CREEK

(By Joseph Sax)

You say you care about the environment, so: 1) read the following details to learn

what you're up against; 2) write a hundred times, "Money Can Always Wait."

No one paid any attention at the time, but the Alexandria Gazette for June 16, 1962, clearly signaled the trouble that was coming. The headline writers featured it as a legal dispute over a land auction; in retrospect, they would surely have written a very different story. A man named Vaughan Connolly had developed an apartment complex in Alexandria known as Hunting Towers, located on the shore of the Potomac River about halfway between Washington and Mount Vernon. The apartment houses were sold in 1959, but Connolly retained an adjacent 4.8-acre tract at the confluence of the Potomac and Hunting Creek. He had also borrowed \$800,000 from the Teamsters Union pension fund, on which he defaulted, and thus the little tract at Hunting Creek, secured as collateral for the loan, went on the auction block.

The Gazette was intrigued with the legal intricacies—two bidders each claimed to have won the auction—and with the company which this Alexandria property was keeping; for not only was Connolly in hock to the Teamsters and in bankruptcy himself, but the first mortgage on the property was held by a firm whose leading figure was under indictment in Maryland. The paper noted only casually in the last paragraph of a long article: "The land itself now contains a parking lot and a sailing marina and swimming pool which are no longer in use. It is zoned for commercial development which permit the construction of certain types of apartments."

Ultimately the tract was sold to the Teamsters Union pension fund for about \$150,000 per acre. Of course, people like to live on a river's edge with a view of the water, and urban shoreline property is always highly prized. But the astute observer might have noticed the special feature which gave these few acres unusual value; they commanded access to a much larger adjacent tract of shallowly submerged land. With a little dredging and filling, that small tract could be expanded into a much larger peninsula of land, with a magnificent vista of the Potomac and the Washington skyline.

There were a few complications, to be sure, but nothing that would seem insuperable to a sophisticated developer. Because states ordinarily hold title to submerged shorelands in trust for the benefit of the public, it would be necessary to settle claims of public ownership. Filling in navigable waters also requires a permit from the U.S. Army Corps of Engineers. And while the area was scarcely of wilderness character, it did provide a nesting area for diving ducks and adjoined land managed by the National Park Service. Any proposed development would thus have conservation implications, but it was hardly the Grand Canyon or the Redwoods. Quiet diligence was called for.

The first step was taken October 9, 1963, when applications to fill 36.5 acres of submerged land adjacent to the 4.8-acre tract were filed with the Corps of Engineers by Hunting Towers Operating Company, owner of the existing apartment houses, and Howard P. Hoffman Associates, a New York real-estate firm which held a contract to buy the 4.8-acre upland tract from the Teamsters pension fund.

Shortly after application for a landfill was filed with the Corps, a state legislator from Alexandria, James Thomson, introduced a seemingly routine bill into the Virginia House of Delegates. It recited, with the usual "whereases," that the owners of the Hunting Creek tract claimed riparian rights to the shore and wished to fill that land "so that productive use may be made thereof." It therefore authorized the Governor and Attorney General to execute a deed to 36.5 acres—the same submerged land for which

a fill permit had been filed with the Corps—conveying all the state's right, title and interest for a sum to be fixed by the Governor, but not less than \$60,000, about \$1,650 per acre.

The bill was reported out of committee in four days. Two weeks later it passed the House unanimously on a day when a hundred bills were taken up. In another two weeks it was unanimously passed by the Senate on a day when sixty bills were before that body, and it became law soon thereafter. The bill engendered neither controversy nor debate as it made its way through the Virginia legislature. The document itself was not calculated to capture attention; beyond the brief statement of purpose mentioned above, its text was nothing more than a lengthy legal description of the land in question, with the classic metes-and-bounds description of the "thence running south 2707.33 feet" type.

To all appearances, it was a conventional piece of legislation settling a title uncertainty. While the bill was pending there was no public objection, which is hardly surprising, since its existence seems to have eluded the attention of everyone but its proponents. Even upon its enactment, the law received no mention in the newspapers, and Representative Thomson did not feel moved to issue a press release informing his constituents of his achievement. As the local paper put it many months later, the bill "was not mentioned in public statements by local legislators as among the activities of the session."

Because the bill involved their area, other local legislators were routinely informed. Marlon Galland, who also represented Alexandria, was visited by the lawyer for Hunting Towers, whom she knew socially. He told her he was having Jim Thomson introduce the bill. "It's only a little old bill to use some wasteland," he said, "and it will bring increased tax revenues." Since he did not ask her to sponsor the legislation, and because she was not aware of any objections to it, she made no further inquiries.

It was not until some months later that she began to hear from friends in the immediate area that the law had significant conservation implications. As opposition became more vocal, Mrs. Galland publicly announced that she would have voted against the bill had she known at the time the information which was later brought to her attention.

Was she saying that a bill which was essentially the reflection of a single delegate's desires could become a duly enacted law of the states? "In a two-month period, we have before us fifteen hundred bills," she said. "Nobody is going to know enough to raise the red flag unless it's called to attention." But while the bill was pending no one outside the legislature even seemed to be aware of its existence. Where is the initiative to begin? "That is precisely the point," Mrs. Galland replied. "Citizen groups do not get alarmed in time, and developers are smart enough to associate themselves with the ruling caste in the legislature. The power structure in the legislature is allied with business interests."

Between March, 1964, when the bill was signed into law,¹ and the summer of that year, public opposition began to mobilize. It was not yet too late, for the Governor had not signed the deed to the land. In July, however, there was still every reason for the developers to remain confident; on the 30th the Alexandria paper carried the headline, "Animal Welfare League Attempts To Stop Landfill." The League had written the Governor and Secretary of the Interior Udall, noting that while its interests might seem

¹ Ch. 456 of the Acts of Assembly of Virginia (March 31, 1964).

remote from a landfill proposal, "... we have become acutely aware of the dislocation of wildlife. We have had to 'rescue' some forty opossums and assorted other animals, birds, and reptiles that have been forced into the city. We can only speculate as to how many others have been starved or have been killed off in the competition for survival in their dwindling habitat. We cite this experience to indicate our very real interest in saving the natural areas that remain around Alexandria."

With the mild-mannered Animal Welfare League as their only vocal opponents, the developers did not yet have much to worry about. Joel Broyhill, the local congressman, had also received a letter from the League, and his legislative assistant announced that Congressman Broyhill was keeping the matter "under serious consideration." The assistant added, "He's watching it very carefully." Enter and exit Mr. Broyhill.

Meanwhile, Mrs. Galland, who had been asked to prevail upon the Governor not to sign the deed, failed to do so. She fully intended to, as she recalled five years later, but went off to Europe with her husband that summer and simply forgot all about it. In any event, Mrs. Galland noted, her representations would hardly have been likely to be effective, and that is what she had meant about developers associated themselves with the "ruling caste in the legislature." For Jim Thomson, the bill's sponsor, was a powerful member of the House leadership, and was related by marriage to the Byrd family, epitome of the establishment in American political life. The Governor would have been unlikely to go out on a limb for some bird watchers whose cause was being advanced by a junior delegate from Northern Virginia.

Mrs. Galland was only speculating, however astutely. But several years later another Northern Virginia legislator found out precisely how right she was. Representative Clive DuVal who represents Fairfax County had also been asked to intervene; he wrote the Governor and asked him to withhold action on the deed. The Governor was studying the matter; when he left office six years after the bill became law, he was still studying.

As of the Summer of 1964, the emerging landfill controversy was in suspended disarray. Enough had happened to indicate a degree of local opposition, but the opponents seemed to have nowhere to go. The legislature was out of session; the Governor's position was uncertain and there was no basis for confidence that he would not sign the deed rather soon after the matter got out of the newspapers. The Animal Welfare League, local opponents of high-rise buildings and scattered conservationists were not mobilized for decisive action. The bulldozers might soon have been at work if attention had not shifted suddenly and surprisingly to the federal scene.

The fill permit was still pending before the Corps of Engineers. As is customary in such matters, the Corps referred the application for comment to the Bureau of Sport Fisheries and Wildlife of the U.S. Department of the Interior. The inquiry went to the regional office in Atlanta; there, as is also customary, it received what is known as a desk review. That is, officials looked over the documents and without further investigation decided that the matter was not worthy of a field investigation in light of their limited staff and other pressing business. Ordinarily, in such circumstances, the application would have been returned to the Corps without comment—giving neither Interior's approval nor disapproval.

In Washington, however, it was decided that a study should be made. "The reason that this was done," Dr. John Gottschalk, Director of the Bureau, later explained, "was because at this time, back in 1963 and 1964,

there was an awakening of interest in trying to do something about improving the character and condition of the Potomac River." The regional office was ordered to make a study and report, and they determined to oppose the permit. The Corps was so informed in March, 1964; in June, at the Corps' request, a detailed statement of opposition, with supporting data, was prepared by the Fish and Wildlife Service.

At this time, while rudimentary efforts were still being made at the state level to keep the deed from issuing, the project's opponents apparently were unaware of the strong dissent which had been entered by the Interior Department, and which was sitting in the Corps' files. Probably the report would ultimately have been brought to public attention, but no effort was then made to publicize it either by the Corps or the Interior Department. Local opponents and federal officials each went their own ways. Indeed, as late as August of that year, months after the negative study of the Fish and Wildlife Service had been filed, the local paper reported only that Secretary of the Interior Udall "is believed to be particularly interested in preserving Dykes Marsh," an adjacent area. It wasn't until December—when the project had already been shelved—that a report appeared in the paper stating, without elaboration, that the application was opposed by the Fish and Wildlife Service.

Sometime during the Summer of 1964, again quite independently from the activities of local opponents, three United States Congressmen became interested in the landfill application, and protested to both the Corps and the Department of the Interior. The three, Henry Reuss of Wisconsin, John Saylor of Pennsylvania and John Moss of California, all are staunch conservationists, though it has never been clear why they undertook to intervene in this particular matter, which at the time seemed only one of thousands of local conservation controversies. Apparently they were not acting at the request of local citizens. Perhaps the presence of a controversy in the Potomac, almost literally in the shadow of the Capitol, attracted their attention, as it did that of the Fish and Wildlife Service. Some observers think it relevant that Congressman Moss resided and owned land in the affected area of Alexandria.

In any event, by autumn a combination of opposition forces had coalesced sufficiently to halt the project. With an adverse technical report from its staff and protests by several congressmen, Interior was obviously going to stand in opposition; local opposition was overt enough—if not independently powerful—that denial of the permit could not be viewed as an affront to a united Alexandria community. In December, the Corps wrote the applicants that it would take no further action to approve the requested permits. Interestingly, they did not deny the permits, nor did the proponents withdraw their applications. The proposal was simply shelved. Experienced opponents might have sensed that the time was ripe to move in for the kill, and seek a decisive rejection of the permit. But the Animal Welfare League and its allies do not have an institutional instinct for the jugular. The battle appeared to be won, and no one seemed inclined to disturb that rare event, a conservation victory achieved with relative ease.

Of course the developers had barely begun to fight; but they do not favor open combat. For three full years the Hunting Creek landfill dropped out of public attention. When the dispute got back into the headlines much later, the *Gazette* published an editorial entitled "Landfill Lull," and quoted a local speculator who, upon being denied a rezoning in another matter, had remarked philo-

sophically, "Money can always wait." It should be inscribed on a plaque at Hunting Creek.

While others went back to saving opossums, the developers hired themselves a law firm in which one of the principal partners was the nephew of John McCormack, who was then Speaker of the U.S. House of Representatives. There is no evidence that Speaker McCormack himself ever became involved in the Hunting Creek matter, but perhaps there is, after all, something in a name. Mystery shrouds the activities of the developers and their law firm between December, 1964, when the landfill application was inactivated and October 10, 1967. But then the most extraordinary thing happened.

Without any prior indication, the Assistant Secretary of the Interior for Fish and Wildlife and Parks, Stanley Cain, sent a letter to the Corps, noting Interior's previous opposition to the Hunting Creek landfill; it continued: "However, since that time we have reconsidered our interests in this matter, in the light of existing conditions in the area. We have concluded that the granting of the applications would not significantly affect recreation or conservation values in the Hunting Creek area. Accordingly, we withdraw the objections interposed to the granting of the permits in accordance with the revised applications."

In the three-year period preceding Cain's letter, the developers had reduced the acreage sought to be filled, in response to concerns about Alexandria's sewage-disposal and riparian rights asserted by the National Park Service's adjacent land at Jones Point; however, even with those changes the Park Service and the Bureau of Sport Fisheries and Wildlife maintained their objections to the fill. In fact, Cain's statement in his letter that "we have reconsidered our interests in this matter" was supported neither by new field studies nor by revised evaluations on the part of expert staff members.

Indeed, Cain had not even notified Dr. John Gottschalk, Director of the Bureau of Sport Fisheries and Wildlife at Interior, that the letter had been sent, though Gottschalk was the official upon whose staff reports opposition to the permit had been based. More significantly, as it turned out, Cain failed to notify those congressmen who had earlier expressed opposition to the landfill. The various responses of concerned officials and agencies to Cain's unusual course of action are most instructive.

The first one to learn about the letter was Dr. Gottschalk, who at all times during this extended controversy remained firm in his opposition. Nonetheless, when Gottschalk was interviewed in 1969, he described his reaction this way:

"Someone in the Department called to tell me about the letter that Stan Cain had sent, withdrawing opposition to the permit, and I went charging over to see Cain. I said to him, 'Do you realize what you have done? You have fixed it so that we can't help you even if you really want to do this, and I don't think you do.' Cain replied that he understood this withdrawal of opposition was what the Secretary wanted, that Congressman John Dingell, chairman of the important subcommittee on fisheries and wildlife conservation, had withdrawn his opposition and that, as he understood it, the value of the area was not great."

What had Gottschalk meant about Cain fixing it so that Gottschalk couldn't help him? He replied that "Cain had been nudged," and that he would have been willing "to try to protect Stan against getting a bloody nose because of the response likely to arise from members of Congress opposed to the project when they found out that Interior had withdrawn its opposition."

When asked how he could have protected Cain, Gottschalk said, "Stan could have

twisted my arm, maybe," that the Fish and Wildlife Service might have reconsidered their technical investigation and have provided a report upon which objections could be withdrawn. "But," he observed, "Cain said, 'I'll take the political heat for this; that's what I'm paid for.'"

Dr. Gottschalk didn't know and said he didn't want to know the source of the political heat that had "nudged" Cain. These comments by Dr. Gottschalk followed a rather extended monologue in which he strongly affirmed his feeling that to have permitted the landfill would have been a grave error, "a terrible opening wedge," as he described it, "the key to opening the door to destruction of the Potomac."

One is rarely privileged to see the interplay between personal relations and policy making so clearly displayed. Certainly Cain and Gottschalk mutually respect each other. Had Cain come to Gottschalk before the letter was sent, he would undoubtedly have been treated to a vigorous argument against the landfill permit. But Cain was considerate enough not to want to involve his colleague in the intricacies of weighing political and professional judgments against each other. Once the letter had been sent, and the damage done, Gottschalk's first thought was for the impact on his associate, a skilled expert, naively trapped in a politically untenable situation.

It did not take long for Assistant Secretary Cain to find out just how badly trapped he was. On November 16, Congressman Moss wrote Cain to find out if it was true that the Department had withdrawn its opposition, and Cain replied with a letter that set himself even deeper into the dilemma: "This responds to your letter of November 16. . . . While it is true that this Department interposed objections to both the original applications and the revised applications, the conservation values which would have been affected were relatively minimal. I understand that objections on conservation grounds were filed, nevertheless, in support of opposition to the proposed development from other governmental sources. However, much of the opposition has been withdrawn and it seems to us to be the sensible course of action to withdraw our objection . . . since it was made primarily in support of those who, in part at least, have now changed their minds." Like a good cross-examiner, Moss played his cards out slowly, letting the witness build bridges he then would have to pass. "I assume," Moss wrote, "the original action of opposition was based on careful studies of the effect upon wildlife. . . . If my initial premise is correct, then certainly there must be some sort of study upon which you based your subsequent action. Or is it your intention to tell me that you made 'a judgment' without any additional studies by the experts of the Fish and Wildlife Service?"

Of course Moss knew the answer, and he got what he wanted. A letter from Cain stating, "I can tell you that I did make a judgment without any additional studies of the fish and wildlife values at the site."

Finally there was the Corps. Being in receipt of Cain's letter, they blandly informed Congressman Reuss that the Corps was considering issuance of the permit. Thus matters stood at the end of 1967. At the state level, things were quiescent; no doubt state officials were glad to have responsibility for an increasingly divisive issue shifting to the federal government. The Governor still had not issued the deed, and the question was still being studied in his office. Local opposition was very quiet and apparently unaware of the heat being generated among federal agencies; the newspapers carried no Hunting Creek news between December, 1964, and December, 1967.

Strategically, it was not clear in December where the center of gravity of the controversy lay. Interior had locked itself into an un-

comfortable posture, but thus far it was an unpublicized discomfort. Congressional opposition was strong, but very limited; congressional advocates of the project—if there were any—were being very reticent. Congressman Dingell's name had not been mentioned openly, though obviously it was his changed attitude—quietly withdrawing earlier quiet opposition—to which Cain had referred in his letter to Moss. The Corps was seemingly indifferent and probably wanted to get the matter resolved with as little noise as possible, whichever way it was to go. Theirs was a consensus, self-protective strategy, as it usually is in the implementation of their dredge-and-fill-permit function. Aware of significant differences of opinion about the project, the Corps decided to hold a public hearing.

By mid-December, it became obvious that Interior was not going to back down. Congressmen Moss and Reuss had a meeting in their offices on December 12 at which Cain was asked to appear; he sent an assistant in his place. In the world of Washington symbolism, that was an important clue. If there were any doubts, they were resolved in January, when Cain informed the Corps that Interior would not testify at the forthcoming Corps hearings.

Plainly something had to be done if the process was not now to move along inexorably toward a grant of the permit. It was time for the technique of the "new revelations, new dimensions to the controversy." On December 16, 1967, Hunting Creek hit the newspapers again with the headline "Apartment Foes Cite Race Issue." Moss and Reuss were charging that Hunting Towers, one of the applicants, was a notorious practitioner of racial discrimination, and they sought to bring the Corps directly into the issue by asking the Secretary of Defense to reject the landfill application on the ground that it would serve a segregated apartment project, and particularly one that discriminated against Negro servicemen.

It was a nice ploy, but it wasn't enough. Somewhere along the line, Hunting Towers withdrew its application from active consideration, and the permit had been reduced to a request for 9.5 acres of fill sought solely by Howard P. Hoffman Associates. This might have been the time for a careful examination into the underlying ownership of the various interests involved, which were at best confused and complex. It might not only have cast some light on the mysterious change of position by Stanley Cain at the Interior Department, but could conceivably have been used to illuminate the controversy's relation to the Byzantine world of real-estate development.

The economic interests in the land are tantalizingly vague. Howard P. Hoffman owns a contract to purchase the Hunting Creek tract (for which the permit is sought) from the Teamsters pension fund. While Hoffman refused to reveal the terms of the contract, it presumably would be economically advantageous to the pension fund if the permit were granted, for Hoffman's obligation to purchase the land from the Teamsters was apparently conditional upon obtaining permission to fill. Hoffman also says that he alone, with minor interest held by members of his family, is the sole owner of the right to purchase the land from the pension fund. Yet at the Corps hearing in 1968 a man named John Schwartz, of Columbus, Ohio, testified that he was part of Hoffman Associates and said, "I own an important part of the land under question here." Hoffman, however, says that Schwartz does not have any interest in the proposed development at Hunting Creek. Mr. Schwartz remains much of a mystery, except, as we shall see, that it was he who indirectly brought Senator Birch Bayh into the Hunting Creek morass.

Hunting Towers itself was sold in 1959 to

a group of investors, who themselves sold the apartments in 1964 to people whom the firm handling the transaction would describe only as a group composed of "very well-known men from New York." When interviewed in 1969, Hoffman's lawyer, Sanford Grossman, said that one of the owners of Hunting Towers was Thomas E. Dewey. Upon receiving notes of that interview for confirmation, Grossman replied, "You have quoted me as making an affirmative statement of fact about Mr. Dewey, for which I would have no basis. I believe that in response to your query it might be said that: 'We have heard names like Mr. Dewey associated with this property.'"

Whether this landfill is consistent with intelligent planning for the Potomac River Basin ought not to depend on who wants it filled—not, that is, unless the government agencies charged with worrying about the Potomac themselves worry about who wants it filled. The staff counsel for the congressional subcommittee which ultimately held hearings on Hunting Creek was asked whether his investigations had revealed the identity of the investors. They had not, he said, because he had not been asked to discover this information by the congressmen involved. He seemed slightly miffed at the suggestion that a study of Hunting Creek should have been turned in this direction; the issue, he said, involves resource policy—whether we are going to let the Potomac be nibbled away by such developments—and not political influence.

The Corps hearings on February 21 were something of an anticlimax. The proponents explained their project, and rested essentially on the ground that the area in question was already seriously degraded, an assertion which no one ever questioned. Congressman Reuss spoke at length in opposition, reiterating that the technical objections of the Interior Department had never been rebutted, that the racial-discrimination problem should be considered and that the project should not be approved so long as Hunting Towers practiced discrimination even though its owners were no longer formally associated with this application.

Local citizen groups asserted that despite its present condition, the area retained important wildlife values, and—more significantly—that the way to deal with past mistakes in development was not to repeat them, but to correct them with restoration of the estuary.

Perhaps the most notable aspect of the hearing was the absence of state and local government agencies. The Governor, still studying away, sent no representative either from his office or from any other state agency such as the Game and Fisheries Commission. No state legislators or county officials appeared, and a representative of the City of Alexandria testified that the city concerned itself only with the engineering aspects of sewage disposal, and that it "has taken no position with respect to the aesthetic or conservation aspects of the proposal."

And, of course, there was no representative of the United States Department of the Interior, the only agency whose personnel had studied the landfill proposal. Although "the concerned Bureaus usually do appear and testify at Corps of Engineer hearings," Assistant Secretary Cain had decided that "this is an exceptional case in which . . . we decided there was no need to appear." It would seem that the most exceptional thing about the case was the fact that Cain's withdrawal of Interior Department objections had been made without the knowledge or agreement of the Bureaus involved.

What happened next—between the time of the Corps hearing in February and its action on the application in May of 1968—involved one of those fortuities which seem endemic to the governmental process. Mike

Frome, a well-known outdoors writer and conservation editor of *Field & Stream* magazine who lives near Mount Vernon, became involved in the case. According to Frome: "I found myself one day enjoying the most delightful daydream, in which I was privileged to spend my career writing about the natural and intellectual glory of America . . . and then the telephone rang. . . . It was a little old lady in tennis shoes. I could tell by the tone in her voice. . . . 'I have read your article in *Southern Living* about the Everglades,' said she, 'but you do not fully impress me. It is one thing to advocate protection of endangered birds a thousand miles away, but why have you been silent about endangered birds at Hunting Creek on the Potomac River, close to your home?' The lady left me no alternative but to pursue the issue."

Frome began to make inquiries, and Cain began to get worried; Dr. Gottschalk's predictions of the previous October were beginning to come to pass. Uncomfortable as his relations with Reuss and Moss were, they were at least quiet thus far, limited to abrasive letters sitting in congressional and Interior Department files. But the anticipation of publicity from a noted conservation writer would be most unpleasant. Cain at last began to realize just how unprotected he was in having withdrawn objections to the permit without any support from his experts.

On March 15, 1968, Cain sent the following formal memorandum to the Bureau of Sport Fisheries and Wildlife: "The pot still boils on the decision I made some time ago to remove objections to this permit. . . . The latest difficulty arises from Mike Frome who has asked that I reverse myself. . . . Today I had a chance to speak to Secretary Udall about the problem. He had earlier relegated the decision to me and had raised no objection to what I did. He merely wishes that we get a scientific-technical basis that can be stood on, whether we go 'yes' or 'no' on issuance of the permit. . . . Whatever the judgment of the Bureau turns out to be, I will go with it, as will the Secretary. Incidentally, I will not be bothered by reversing myself, if it will turn out that way. And if it doesn't, I'll have to take Mike Frome's possible barbs. *C'est la guerre!*" On April 4 George B. Hartzog, Director of the National Park Service, replied: "An important principle; that is, the preservation of our fast-disappearing environment . . . would appear to me to be involved here. The bills before Congress to preserve estuarine areas, and the Potomac River study as well, highlight the need to preserve the natural environment along the Potomac estuary. . . . The alteration of wetland areas . . . where they are at a premium . . . could set a precedent which might have disastrous consequences along the Potomac estuary and elsewhere. In short this small concession at Hunting Creek might be pointed to as a precedent for the right to undertake far larger and more destructive high-rise projects in other embayments along the Potomac. All things considered, I recommend the desirability of the Department re-studying its recent decision at Hunting Creek [i.e., the decision to withdraw opposition to the proposed landfill]."

On April 8 Cain responded to the Park Service with a memorandum that, though probably written to be self-serving, was to be much regretted when Congressman Reuss got hold of it. . . . I would like to clarify my role, which has not been an enviable one. I was told . . . that the original field report . . . was in weak opposition to the permit and that the fish and wildlife values claimed for the area were 'upgraded' here in Washington . . . that this was at least partly in response to certain congressional opinions . . . before I was Assistant Secretary. When the matter was brought to my attention . . . I was informed that some of

the congressional objections had been withdrawn. John Dingell had done so in writing. . . . It was implied that others were no longer opposed. *It was at that point that I withdrew Interior's opposition, a decision based first on political considerations and second on the feeling that the values were not great in the area to be filled. . . . I will be happy to reverse myself if [Fish and Wildlife] makes a strong case and if [the National Park Service] can give me evidence of the important values.*" (Emphasis added.)

The next day, April 9, Dr. Gottschalk sent Cain a strong memorandum in opposition to the landfill, concluding, "I think we must urge the Corps not to grant this permit." On April 10, Cain wrote Gottschalk, "I am in the position of having to accept your statements of the . . . values associated with the site . . . and I do so gladly. What this means is that I am now reversing the position that I took earlier." That same day Cain called the Corps to tell them that he had reversed himself.

Cain didn't act a moment too soon, for the Corps was about to issue the permit. At this point the Corps decided to refer the matter to the Under Secretary of the Interior for his formal decision as to the position of the Interior. Why exactly the Corps did this, rather than simply accepting Cain's reversal of position as a reinstatement of objection to the permit, has been a matter of some dispute. There was in effect a memorandum of understanding between the Corps and Interior requiring that "unresolving substantive differences" on landfill permits be referred to the Under Secretary of the Interior.

Whether there were unresolved differences is not clear. The Corps never took the position that it desired to issue the permit even if Interior opposed it, and, indeed, earlier they had taken just the opposite position. That is, they had refused to issue a permit so long as Interior opposed it. Nor, as of April 10, were there differences of view within Interior. Everyone there at that point agreed in opposing the permit.

The precise meaning of the memorandum of understanding is irrelevant. The point is simply that as of April 10 the Corps seemed to have a choice; they could have accepted Cain's current opposition as the position of Interior and gone on from there, or, as they did, have referred the matter back to Interior for another view by a more highly placed official. As it turned out, it made a difference; the Under Secretary, David Black, reversed Cain's reversal of Cain's earlier reversal of departmental objections. By late April Interior was back to its earlier no-objection position; and the next month the Corps granted the permit.

If the attempt to keep Interior's formal positions straight seems confusing, it is not nearly as confusing as the underlying facts. Why had Cain undergone this change of mind between October of 1967 and April of 1968? One version, taken from departmental memos, has already been described: Cain, under pressure from prospective bad publicity, felt impelled to take a current position which was supported by the evidence, the theory being that at best he could support his existing position with expert views, and at worst would have to reverse himself. But he would at least have a present position which could not be criticized. He got the evidence, reversed himself on that basis and accepted the professional judgment of his staff "gladly," if with some embarrassment.

Dr. Gottschalk tells essentially the same story, but in a version which makes Cain look rather better. The story begins the same way, but ends with Cain coming into Gottschalk's office and saying, "John, I've been thinking about Hunting Creek and I decided that I was wrong in changing my mind, and I'm going to change it back and reinstate my opposition. A lot of people have been talking to me, and I've decided that

I had bad advice when I signed that letter last October. If I made a mistake, I want to correct it."

Oddly enough, Cain explained his April reversal in terms that are far less flattering to himself. In July Cain told a congressional committee that it was his present position, as of July, 1968, that Interior should not have objected to the landfill. He was taking the position that Interior should not have opposed the granting of the permit, that he had been right in October 1967, and wrong in April, 1968, when he reinstated opposition. How, he was asked, did he come to reinstate his objections in April?

Here is his testimony, taken directly out of the printed congressional hearings:²

Dr. CAIN. I also explained that by saying that a good deal of impact had come on me in the interim [between October of 1967 and April of 1968] from one source or another. I called together my personal staff . . . and my flip flop—and there is only one—is that I was advised by them unanimously to change my position, because if I did not I would have trouble.

Mr. VANDER JAGT. And did you?

Dr. CAIN. Yes, I changed it. Because I had the unanimous advice of my staff to do so.

Mr. VANDER JAGT. And now you are changing that position?

Dr. CAIN. But I have also told you that my personal opinion, taking everything into consideration, today is the same as it was on October 10.

Mr. VANDER JAGT. So your reversal of your reversal you do not agree with anymore. In your personal opinion, you just did that because your staff told you to do it?

Dr. CAIN. That is right. That is what I have said. I followed my staff. . . .

Mr. VANDER JAGT. So when you reversed the reversal you did not agree with that action that you took: is that correct?

Dr. CAIN. I think I agreed with advice that this was probably in a tactical sense to my advantage. . . .

Dr. CAIN. I explained that that reversal, if you please, was made on the unanimous advice of my staff for nonscientific, nontechnical reasons.

This extraordinary admission will seem peculiar only to one who fails to sense the rhythm and nuance of the governmental process. It must be remembered that this testimony, given in July, came while the official Interior Department position—determined by the Under Secretary—was one of no opposition to the permit. Thus Cain's testimony, self-deprecatory as it was, put him in agreement with his superior, the Under Secretary, and in accord with the Corps, which by then had granted the permit, largely on the basis of the Under Secretary's no-opposition position.

As of mid-April, 1968, the matter was in the hands of David Black, Under Secretary of the Interior. Black's role has been a matter of some controversy. A number of people—including the congressional investigators—seem to think that the question was referred to him by the U.S. Army Corps of Engineers because it could be anticipated that he would take a politically acceptable position of no opposition, which Cain at that point was either unwilling or unable to take.

Whatever Black's motivation, and however much or little he was attuned to the politics of the landfill, the significance of his intervention has quite a different point. For Black overtly rejected both the technical staff studies recommending opposition and the professional judgment of people like Gottschalk.

²Permit for Landfill in Hunting Creek, Virginia, Hearings before a Subcommittee of the Committee on Government Operations, House of Representatives, Ninetieth Congress, Second Session (1968). Part 2, Ninety-first Congress, First Session (1969).

chalk. Whatever Black's views were about conservation, the point is that he was a lawyer, and that his judgment about Hunting Creek represented a legal analysis of the Interior Department's role in the case. As he himself later explained, "I have the deepest respect for the scientific and technical capability of the Department's staff. I seek and value their advice. I yield to it on technical matters and am influenced by it on policy issues. In my view, however, the views expressed by some of those staff members in this instance represented subjective value judgment or preferences not based on clearly demonstrable evidence . . . to interfere with the use of private property to the extent of preventing its development requires some basis in law, supported by convincing proof that public values are threatened. . . . The record . . . persuaded me that a return to the departmental position of blanket opposition to the permit would constitute arbitrary and capricious action."

One can be perplexed by Black's analysis on a number of grounds. His law itself is odd, to say the least, for it is hardly clear that an application to fill navigable waters (which is the basis for Corps jurisdiction over the application) is a "use of private property." Even if he were correct, however, it seems clear that the matter was not referred to Interior for a legal decision on that question. Since the Corps is the permit-granting agency, presumably it is to make the decision whether the evidence presented is legally sufficient to support the conclusions sought to be drawn from that evidence. The statute under which such permits are referred by the Corps to Interior makes this quite explicit. It provides that the Corps "shall consult with the United States Fish and Wildlife Service . . . [to obtain] the reports and recommendations of the Secretary of the Interior . . . based on surveys and investigations conducted by the United States Fish and Wildlife Service . . . for the purpose of determining means and measures that should be adopted to prevent the loss or damage to such wildlife resources. . . ." (Emphasis added.)

These things are not noted in order to explicate the law relating to dredge-and-fill permits, but rather to indicate the extraordinary change of role which occurred with Black's intervention. If the permit decision on a matter like Hunting Creek were someday to come before a court, for example, the conventional judicial response would be a refusal to look behind the decision on the ground that it is not the function of the courts to second-guess the special expertise of "those who know best."

This may be perfectly sensible if in fact the decision were the decision of aquatic biologists about impacts on fish and wildlife. But, in the Hunting Creek case, the decision reflected in the Interior Department's position as determined by Under Secretary Black—himself a lawyer—is simply a legal determination that (1) private property is at stake, (2) that Interior is not authorized to oppose the filling of that property in the absence of "convincing proof that public values are threatened," and (3) that the record contains no such convincing proof.

It is rather an intricate game that is played here. When an official like Black is brought before a congressional investigating committee and asked why he overruled his technical experts, he explains that he made a determination of law that their conclusions were not supported by the evidence. But had they been brought into a court, it is predictable that Department of the Interior's lawyers would have defended the decision as a matter of expert discretion which judges are neither competent nor authorized to probe or overrule.

One would have to search very diligently

to find a government department saying, in any lawsuit where its technical experts were under challenge, what Under Secretary Black said at the hearings in explaining why he had departed from the advice of those experts. Staff experts, he indicated, were really concerned about a bad precedent, and not about the values of this particular area, though they had sought to identify values at Hunting Creek. As to this, Black said, ". . . we can take our stand on legitimate grounds and support them on the basis of real conservation values, not make weight arguments and statistical manipulations. . . ."

Mr. Moss. Are you charging that your Bureau of Sport Fisheries engaged in statistical manipulations?

Mr. Black. I think that statistics can be very misleading. And I think it can be demonstrated at this point that they are.

Mr. Moss. That isn't what you said. You said statistical manipulation. I regard that as a charge that your subordinate agencies have engaged in that practice. Is that what you want this record to reflect?

Mr. Black. Our subordinate agencies are very vigorous in protecting the interests that they deem within their particular parameter.

Mr. Moss. Is it your allegation that they have engaged in statistical manipulation?

Mr. Black. That was my testimony.

Mr. Moss. All right. I just wanted it to be clear.

This brings us back to the Corps. As of April, they were waiting to make their decision. Presumably one important element they were to consider was the evidence brought out in the February hearing. At that time, however, the public knew nothing about the internal machinations at Interior; in February Cain had not yet repented of his opposition, whether for scientific or tactical reasons. It was only known that the official departmental position was one of no opposition. Despite all the changes in the interim, the Corps did not decide to hold a second hearing. And when the Corps finally received Black's letter of April 26 reinstating or affirming a no-opposition position by Interior, it is not at all clear how they were to evaluate that letter, whether it was to be treated as a legal statement, a policy position about development of the Potomac, a judgment about the politics of the case, or an evaluation of the technical data available. Black's April 26 letter to the Corps hardly made things clear. The critical paragraph said: "As to the damage to conservation values, I have received and considered the views of people in and out of this Department. . . . I have also made a visual inspection of the affected area. . . . While there is no doubt of the opinions reached by those concerned with the conservation impact, their position is founded on subjective judgment considerations rather than any factual evidence which would support valid objections by this Department."

The Corps was at this point in what Cain had elsewhere described as "an unenviable position." No one but the Interior Department had actually studied the area and they had no objection to the permit. Nonetheless it was obvious that Interior was not following the advice of its own experts. The City of Alexandria was unwilling to take a position on anything but sewage disposal. The County had made no appearance. The Virginia Commission of Game and Fisheries was of the view that since the legislature had passed a statute authorizing conveyance of the land in 1964, the matter of possible effects of the landfill on waterfowl or other wildlife resources of the state had been decided by legislative action.

The Corps might have set out to make its own investigation; things were certainly tangled enough at Interior to suggest the usefulness of a fresh viewpoint. But that would have been to thrust itself into the

middle of what was at best an uncomfortably controversial matter in which a lot of people would be dissatisfied with either outcome. The prudent thing was to be deferential; if Interior—the principal government agency with expertise on the matter—could find no basis for objection, the safe course was to issue the permit and let Interior take responsibility. Even though everyone knew that Interior's expertise had not been determinative of the Department's position.

Far from being over on May 29, 1968, when the Corps issued the permit, the Hunting Creek controversy had barely begun. The wrath of a congressman frustrated is something to reckon with, and Henry Reuss had reason to be more than a little annoyed. He had fought hard and long, had made his interest very clear, and been treated rather cavalierly by Interior; they had not bothered to keep him informed of various developments as they occurred, and even when he and Congressman Moss had made specific inquiries, they had been met with that very special kind of vague response which governmental officials usually reserve for obscure citizens. Moreover, it was obvious that something peculiar was going on at Interior; the situation was clearly ripe for a congressional investigation.

To have an investigation, however, you have to have a committee. Unfortunately, in the Ninetieth Congress Reuss didn't have one, but he was a member of the Natural Resources and Power Subcommittee of the House Committee on Government Operations, chaired by Congressman Robert Jones of Alabama. Though Jones himself had never evinced any interest in Hunting Creek, he agreed to hold hearings on the matter at Reuss's and Moss's insistence. As things go in Congress, it was an act of courtesy and grace; Jones essentially lent Reuss the services and staff of the subcommittee. Hearings were set for June, 1968, and letters were sent out under Jones' signature to the Corps requesting it to advise the permittee not to begin construction pending the hearings, and to the Governor of Virginia, informing him that hearings were to be held and inquiring about the status of the deed. Clearly such letters under the imprimatur of a powerful and respected congressman like Jones were enough to ensure that the deed would not issue, and that construction would not begin until the hearings had been completed.

Much of what the hearings revealed has already been indicated; in general, suffice it to note one Interior Department official's later observation that "the hearings were an emotional shocker for all of us." The principal victim, of course, was Assistant Secretary Cain whose "flip-flopping" was the subject of much lively discussion, and whose indiscreet memorandum, admitting that he had made "a decision based first on political considerations," was put triumphantly into the public record.

One matter that greatly interested committee members was how Cain had happened to write the letter of October, 1967, withdrawing Interior's objections. Had the Fish and Wildlife Service changed its position, they asked. No, it had not. Had Cain himself ordered or made a new field study, or had he himself reviewed the earlier studies, being an expert on these matters? He had not. Had he discussed his change of position with those officials before informing the Corps of this reversal? No, he had not. What, then, did inspire that October letter?

The first contact he had with the Hunting Creek matter, Cain explained, was "when this letter [withdrawing the objection] came to my desk asking, would I be willing to sign it." The letter was written by a fellow named Bernie Meyer, a lawyer in the office of the Solicitor of the Interior Department. Meyer had been asked to draft a letter withdrawing the objections by a fellow named Bill Pozen,

a staff man in Secretary Udall's office. And how had Pozen come to ask Meyer to write letter for Cain to sign? "I may as well explain," answered Cain. . . . "I did get likewise from Mr. Pozen the sense that there was somebody that wanted this decision as fast as they could get it. . . . Mr. Pozen typically got numerous calls, handled numerous calls from all kinds of people on numerous matters. And he had been receiving calls on the Hunting Creek property." Who the callers were Cain did not know. "I'm glad I didn't ask," Cain said later; "I don't want to know." He told the Committee, "As far as I know they could have been either pro or con the permit. This is a thing I did not inquire into," although, Cain said, "I assumed it had something to do with the interest of the applicants." Pozen—who was never called to testify—later said that he might have talked to Senator Birch Bayh about the case, but didn't remember. When asked to try to jog his memory about congressional phone calls on Hunting Creek, he replied that he didn't want to have his memory jogged.

Cain's remarkable lack of curiosity interested the Committee, but they were even more interested in how he went about deciding whether or not to sign this letter that had been presented to him with "a sense of urgency about the signing of it." He first went to see Secretary Udall, who simply said to him—without any sense of urgency—"This is in your program area, I would like for you to take care of it."

Then, as indicated earlier, without examining the technical studies which had been made by his own subordinates, without consulting them and without making any investigation of his own, he signed the letter in what he himself described as "a decision based first on political considerations and second on the feeling that the values were not great in the area to be filled." Congressman Vander Jagt asked Cain to identify the political considerations that affected his decision.

"There is only one which I can testify to. And that is the position taken by Congressman Dingell, in which he first historically opposed the permit, and then in a letter to the Corps of Engineers removed his objections. And I said . . . he is a great conservationist, and particularly in the field of wildlife. So I depended very largely on John Dingell's action. . . . I also, as I said . . . had general information that the congressional interest was divided in this case."

Congressman Dingell's role in the controversy is puzzling. In May, 1964, he wrote the Corps expressing "opposition to this proposed filling as being inconsistent with the public interest, dangerous to fish and wildlife, destructive of navigation on the Potomac River, and injurious to the interests of boatmen, water skiers, fishermen and other riparian owners up and down the river." In August of that year, after the proposed fill had been revised and reduced in size, Dingell acknowledged receipt of the revision and said he would review his position after he had considered the views of the National Park Service and the Fish and Wildlife Service on the revised plans. Both these agencies, later in August, 1964, reiterated their opposition to the proposed landfill even as revised.

Congressman Dingell was not heard from again until April, 1967, at which time, though the objections of Interior to the landfill were still in effect, he withdrew his objections.

Congressman Dingell never responded to an invitation to talk about Hunting Creek, but in 1969 Cain gave his own speculation, noting that it was nothing more than that: "At the time Hunting Creek came up, the Corps needed a place to dump dredged spoil near Detroit and Dingell had supported them in using a place that was harmful to the environment. Dingell probably wanted

to be consistent—though he was a good conservationist, on this spoil matter industry was more powerful. Dingell may not have felt he was in a position to object to Hunting Creek in light of what he had approved in Detroit at the same time."

The matter of congressional intervention was only slightly clarified by Under Secretary Black's testimony before the Committee. He had received phone calls while the Hunting Creek matter was in his office awaiting decision, he said "I received a telephone call from a Jerry Verkler who was a staff member of the Senate Interior Committee, expressing no concern on his own behalf but communicating to me that Senator Birch Bayh was interested in this, and he was more or less inquiring what the status of it was and who would be handling it."

Then "Senator Jackson, who is chairman of the Interior Committee, telephoned me in an entirely neutral fashion on behalf of Senator Bayh, emphasizing to me that he had no interest in the outcome of this whatever. He only wanted to be sure that it would receive a fair and impartial evaluation by me. . . . I had a telephone call from Senator Bayh himself, in which he expressed his interest in this development, in seeing that the permit was issued. He didn't—it was not in strong terms. He was hopeful that we would not continue to interpose objection to it, and I told him that it would receive fair evaluation. . . . The only Member of Congress who indicated he was in favor of it was Senator Birch Bayh. Congressman Dingell, while he didn't favor it, had quite explicitly withdrawn his objections. . . ."

At this point Congressman Paul McCloskey of California asked: "While the interest of congressmen does not, and should not, affect your executive decision, I believe you testified you do not keep a careful record of congressional inquiry and interest in matters of this kind, do you not?"

"Mr. Black: Let me say, if I said that the wishes of Congress do not influence our decisions, I want to beat a hasty retreat, because obviously they do. . . . Ordinarily, a call from a Senator or Congressman does not slip my mind."

This little colloquy is a nice example of the public ballet that is so often performed before the decision-making curtain. It hardly lies in Mr. McCloskey's mouth to suggest that the interests of congressmen does not and should not affect decisions, since it was being demonstrated that very day by McCloskey's colleagues that a scorned congressman can be a very formidable adversary. At the same time, Mr. Black surely did not expect anyone to believe that telephone calls from the chairman of the Senate committee which principally deals with Interior Department affairs, simply to assure that an issue was being fairly considered, are routine events to which no particular significance is to be attached.

Black was being a little too clever. In admitting that he had received calls from Members of Congress interested in the grant of the permit, he made very clear that the opposition of other congressmen, such as Reuss, Moss and Saylor, had also been very forcefully brought to his attention. The implication is that both sides play the game, and such interposition is self-neutralizing. One may be permitted a little skepticism. It may often be that either decision will equally displease Members of Congress; it is not so clear that those who are equally displeased are equally important. And it is not likely that Mr. Black was insensitive to this consideration as he tramped around at Hunting Creek making that famous visual inspection. Surely he knew why Senator Bayh had thought it worthwhile to get the chairman of the Interior and Insular Affairs Committee to make a "neutral" inquiry on his behalf.

As one considers the implications of the

testimony given by Black and Cain, it is less than comforting to recall how many and unpredictable elements there were in the events leading up to congressional involvement by those who opposed the project; in the opponents' willingness to continue their fight so diligently and so long; and—perhaps most significantly—how much more they had to do to get results than those who favored the project. It is striking that if Black and Cain were sensitive to congressional interest, as their testimony makes explicit, both resolved the matter in a fashion that pleased the congressmen who were least agitated about the project, when it would have been so much more natural to oppose it, supporting their own staffs.

If their testimony is to be believed, the only congressional support for the project came from a few congressmen who had done nothing more than write letters saying that they would not actively oppose the landfill; from Senator Jackson who said he had no interest other than fair consideration; and Senator Bayh, who made one phone call which "was not in strong terms," expressing hope that opposition to the project would not be continued. None of these congressmen ever supported the project publicly, or commented on the merits, or deigned to indicate why or on whose behalf they had become interested. It's an interesting question, after all, why a Senator from Indiana should exert himself on behalf of a proposal put forth by investors from New York.

On the other side were a group of representatives with a continuing interest in conservation, whose opposition was perfectly open, and whose reasons for opposition were spread fully upon the record. A very curious business indeed for an agency that is concerned about "the wishes of Congress." More curious still that no persons in the agency ever expressed the slightest interest in knowing why someone like Senator Bayh favored the project. Perhaps he had some useful information or ideas which might have aided in making a rational decision. Or possibly he was simply conveying the desire of a constituent with an investment interest, in which case, of course, officials at Interior would have to give his view less weight than that of congressmen whose opposition was based upon knowledge of the area, and upon an opinion about the proper directions for federal policy as it affected the Potomac, a matter of continuing legislative concern. But as we have been seeing, this was a case characterized by nothing so much as a lack of curiosity on the part of Interior Department officials.

Inquiries to Senator Bayh were answered by his administrative assistant, Robert Keefe. According to Keefe, the Senator first became acquainted with the Hunting Creek controversy in the late Spring of 1967. Bayh was in Indianapolis and an acquaintance by the name of Mike Sperling asked him to look into the Hunting Creek matter as a courtesy to a friend of Sperling's. The friend of Sperling's was none other than John Schwartz of Columbus, Ohio—the man who later appeared at the Corps hearing to say he was one of the Howard Hoffman associates, but whose interest in the project Hoffman denied.

Mr. Keefe says that he called the Department of the Interior in August or September of 1967 to inquire about Hunting Creek, and was told that except for some concern about the riparian rights of the National Park Service, the Department had not made any substantive judgment about the merits of the proposed landfill. In fact, Keefe says, he was led to understand that the Department had withheld making a response on the merits for political reasons—that is, that they were reluctant to comment on the merits of the proposal because it was known that some congressmen were opposed to it.

He recalls being told that the Fish and Wildlife Service had no negative position about the project, but that they had a "passive view."

Having learned this, Keefe says, he reported back to Mr. Sperling in Indianapolis that the best approach would be to get the Corps to renew its request for a report from Interior and get that Department to take a position one way or the other. This was sometime in September, 1967.

According to Keefe, the Corps then resubmitted the question to Interior and obtained the response that it had no objection to the landfill. The no-objection response to which Mr. Keefe referred was presumably the famous Cain "reversal" letter of October 10, 1967.

The foregoing description may very well represent what Keefe was told, or what he recollects, of the events of 1967, but it bears little relation to the documented facts. For as of the Summer of 1967, both the Fish and Wildlife Service and the National Park Service were on record as strongly opposing the landfill project on the merits. And both these agencies had reiterated their objections even after Hoffman reduced the size of the proposed project to accommodate concerns about riparian rights—which he had done almost three years earlier, in July, 1964.

Obviously someone was very confused about something. In an attempt at clarification, Keefe was asked whether any efforts had been made on Senator Bayh's behalf to learn about the merits of the dispute. Keefe replied that he had indeed inquired into the merits, and that it "looked as if Hoffman was getting a raw deal, and was being denied a permit for political reasons."

Frome wrote again in July and in October, both to Humelsine and to Marvin Sutherland, director of the Department of which Humelsine was chairman. It all ended with a letter from Sutherland in February, 1969: "Having read the transcript of the Hunting Creek hearings . . . I feel our departmental position remains substantially the same as it was when I wrote you last summer. . . . Thanks for keeping us informed."

Only after experiencing the difficulties of other approaches can one begin to understand how lawsuits get initiated in conservation controversies. Exactly what the lawsuit accomplished beyond drawing together the various citizen groups opposed to the permit will never be certain. It was filed on October 1. At the same time the Corps again asked the developers not to proceed on the project until the congressional committee had acted. The committee report, expected to be issued in October, did not actually come out until March 24, 1969. On October 3, the developers said that no further action would be taken until the committee issued its report.

With the revival and emerging coordination of citizen groups, local governments finally began to face the issue. In mid-September the Fairfax County Board of Supervisors sent the Governor a letter urging him not to sign over the deed of land to the developers. And on the 28th the Alexandria City Council, previously concerned only with sewage disposal, defeated by but a single vote a resolution that the Council request the Governor to withhold the deed.

If there was a fairly specific point in time when the balance of power finally shifted to the opponents, it was probably in those few weeks late in September or early October, 1968. It took much effort by many people in a variety of forums, and—significantly—it took four full years. No doubt in theory there were many things that might have been done differently, or earlier, and perhaps would have been, had there been skilled and experienced professional leadership from the beginning. But there wasn't; and there rare-

ly is in controversies such as that at Hunting Creek.

The final outcome was now in the wind, but it was still to await some important events. When the committee report came out in March, 1969, it was unyieldingly critical of the Department of the Interior, charging violation of legal obligations, bad conservation judgment, bad policy, and acquiescence in an unjustified giveaway. The report contained little that had not been revealed in the hearings, but its title left nothing to the imagination—"The Permit for Landfill in Hunting Creek: A Debacle in Conservation."³ It concluded with the recommendation that the Secretary of the Army revoke the permit.

There was only one more surprise in store for Hunting Creek watchers. It was late March, 1969. The Nixon Administration was now in office and the villains of the Hunting Creek debacle had departed for quieter places—Stanley Cain was back at the University of Michigan as a professor of conservation, and David Black was vice-president of the Dreyfus Fund in New York City. Dr. Gottschalk and George Hartzog of the National Park Service were still in office, and one day they were sharing a cab with Jim Watt, the new Assistant Secretary for Water and Power. Watt asked about Hunting Creek, and Hartzog said, "Let it go," forget it, "we are all sick of it."

A week later, Dr. Gottschalk got a telephone call from the assistant to the new Under Secretary, inquiring about Hunting Creek. Gottschalk said "It was messy and I'd just as soon not reopen it." And the Under Secretary's assistant replied, "What can we lose if we were to reinstate Interior's opposition to the landfill?" New Administration, new policy, and Interior Secretary Walter Hickel could do worse than reverse, for pro-conservation reasons, a Udall-regime decision.

The new Under Secretary, Russell Train, himself called Gottschalk and asked him to draft a letter for Secretary Hickel's signature reinstating the Department's opposition. It was done, and, says Gottschalk, "I have never seen anything signed so quickly, with hardly a word changed." On April 3, Hickel sent the letter to the Secretary of the Army. It was a blockbuster.

"I have had an opportunity to review the facts. . . . As you know, on April 26, 1968, former Under Secretary Black withdrew Departmental objections. . . . The Department now considers the proposal as a needless act of destruction of the environment of the Nation's Capital, and urges reconsideration of the permit previously issued. . . .

"The filling and the subsequent construction of an apartment building at the confluence of Hunting Creek with the Potomac River is not in keeping with the widely publicized goal of this Department to preserve and protect the values of the Potomac River. . . . The Department intends to firmly contest any needless filling of the Potomac or affront to its landscape. . . .

"The Hoffman proposal opens the door to future enlargements. . . . The justification would be essentially the same, that natural values have already been downgraded by existing developments. . . . The door should not be opened further. . . . The unnecessary nibbling of areas of high public value must be stopped. . . .

"The area in question has not lost any of its value. It still provides a feeding resting ground for migratory waterfowl . . . a vista across the Potomac . . . a natural margin for Jones Point. . . . The time has come for the government to take a firm stand to protect the fast-vanishing natural shorelines of our nation."

³ House Report No. 91-113, Committee on Government Operations, House of Representatives, 91st Cong. 1st Sess. 1969.

It all sounds familiar enough; indeed, it is hardly distinguishable from the 1963 report presented by Interior's staff biologist. Only the signature at the bottom had changed.

It is probably a good thing Secretary Hickel no longer had David Black as his Under Secretary; for it was Black who told a congressional committee that "a return to the departmental position of blanket opposition to the permit would constitute arbitrary and capricious action."

"C'est la guerre," Stanley Cain had said, when contemplating the possibility that he might have had to reverse himself. Another day, another firm national policy.

When the Corps held hearings again on September 18, 1969, public officials were virtually elbowing each other out of the way to express their opposition. Even the Alexandria City Council had voted unanimously in the Summer of 1969 to inform the Corps that the city opposed the project. State legislators, Fairfax County officials, Mr. Reuss of course, a lot of local organizations and—impressively for those who had watched the struggle developing—the new Assistant Secretary of the Interior for Fish and Wildlife, Leslie Glasgow, slowly and deliberately reading Secretary Hickel's letter. It was quite a show. The applicant's attorney looked very unhappy, and it was some measure of his sense of the outcome that he had filed a lawsuit that morning challenging the legality of revoking a permit once it had issued.⁴

In March, 1970, the State of Virginia repealed the 1964 law authorizing disposition of the Hunting Creek lands, and on April 13, 1970, the United States Corps of Engineers revoked the landfill permit. Victory at last? Perhaps, but as the man said, money can always wait.

LITHUANIAN INDEPENDENCE MARKED

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 10, 1971

Mr. RODINO. Mr. Speaker, this is a period in history when the oppressed peoples of the world are raising their voices in resistance to their aggressors in a struggle to assert their national identities.

Since 1795, the people of Lithuania have been continually fighting to escape from the web in which they have been entangled. Since that year, when the country of Lithuania was annexed by Russia, numerous attempts have been made in an effort to establish a free country. After years of struggle these courageous people were able to repel their Russian invaders.

Freedom, however, was not secure yet as the people of this proud country staved off an attack by the Germans finally forcing them to hold an assembly of Lithuanian delegates in 1917. This assembly declared the nation of Lithuania free and independent state on February 16, 1918. Again in 1944 this people was deprived of its liberty, however.

At the 1958 meeting of the Lithuanian World Congress, a resolution was adopted

⁴ H. P. Hoffman Associates v. Stanley R. Resor et al., Civil Action No. 2668-69 U.S. Dist. Ct. for the District of Columbia.

appealing to the free nations of the world to "reaffirm the inalienable right of the Lithuanian people to national independence and individual freedom."

Today, Mr. Speaker, on this 53d anniversary of the declaration of Lithuanian independence, I am again proud to reaffirm my support and urge all free people to work toward the goal of allowing the Lithuanian people and all peoples to direct their own destinies.

A TRIBUTE TO GEORGE WASHINGTON

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. CARNEY. Mr. Speaker, George Washington lived in a period when new forces and new ideas and ideals were being born into the world. His life and his every action displayed his devotion to the principles of a free land—a free America.

Although the statement that George Washington was the father of his country has become somewhat worn from overuse, it is nevertheless a true statement. No better definition of the man or the legend he has become fits so precisely. For it was this man who was the military mastermind of the Revolution. It was this man who led his country through those most crucial beginning years. But Washington was more than a genius-inspired military tactician or a masterful politician. The man's character was his greatest attribute as well as being a phenomenal asset to his country.

George Washington succeeded in turning back the British largely because he was able to keep the military coalition of the States from breaking off into fragments. He had the stature and the singleness of purpose that gave the States confidence, the rallying power, and the tenacity needed for victory. He was a man of goodwill and absolute integrity, in whom all Americans could believe.

After the war was won, it was Washington to whom the leaders of the several States turned. Washington was a great guiding force at the Constitutional Convention. He stood above the bitter debates that racked that prestigious group of men. His dedication to the concept of a strong, unified America helped bring together the many factions. Although he used his authority sparingly as presiding officer of the Constitutional Convention, Washington worked unceasingly for the ratification of the document.

When it became necessary to elect the first President, the choice of the electors was automatic. For 8 years, Washington presented a rarely matched example of leadership to his country. Today, we still stand in awe of his accomplishments.

Our country has been blessed with great men. Chief among them, and an inspiration to all who followed him, is George Washington—a man of monu-

mental character. We can do no less than to remember the example he set for his beloved Nation.

RECYCLING OF WASTE PAPER

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. VANIK. Mr. Speaker, for several months now a group of students in the Greater Cleveland area have been diligently and earnestly working to develop recycling programs for paper, bottles, cans, and other materials. Their drive has met with remarkable success in the Cleveland area.

The concept of recycling received an important boost in Monday's "First Annual Report on the State of the Nation's Environment" sent to the Congress by the President.

In that message, the President stated:

The Nation's solid waste problem is both costly and damaging to the environment. Paper, which accounts for about one-half of all municipal solid waste, can be reprocessed to produce a high quality product. Yet the percentage the Nation recycles has been declining steadily.

To reverse this trend, the General Services Administration, working with the Council on Environmental Quality, has reviewed the Federal Government's purchasing policies. It found a substantial number of prohibitions against using paper with recycled content. Such prohibitions are no longer reasonable in light of the need to encourage recycling.

As a result of this review, the GSA has already changed its specifications to require a minimum of 3 to 50 percent recycled content, depending on the product, in over \$35 million per year of paper purchases. GSA is currently revising other specifications to require recycled content in an additional \$25 million of annual paper purchases. In total, this will amount to more than one-half of GSA's total paper products purchases. All remaining specifications will be reviewed to require recycled content in as many other paper products as possible. The regulations will be reviewed continually to increase the percentage of recycled paper required in each.

I have directed that the Chairman of the Council on Environmental Quality suggest to the Governors that they review State purchasing policies and where possible revise them to require recycled paper. To assist them, I have directed the Administrator of GSA to set up a technical liaison to provide States with the federally revised specifications as well as other important information on this new Federal program, which represents a significant first step toward a much broader use of Federal procurement policies to encourage recycling.

As a result of my meeting with some of the Cleveland students who have been working on the problem of solid wastes, I sent the following letter to the head of the new Environmental Protection Agency, William Ruckelshaus, on January 25.

I am pleased that the message to Congress gives such a favorable reply to my inquiry. The letter is as follows:

JANUARY 25, 1971.

HON. WILLIAM RUCKELSHAUS,
Environmental Protection Agency,
Washington, D.C.

DEAR MR. RUCKELSHAUS: Has the Federal government, through the Government Printing Office and the General Services Administration, taken any steps to use paper in government documents which is made from recycled paper?

I believe that a vigorous government policy of purchasing such paper could help stimulate efforts and research in this area, thus providing valuable information and incentives to private conservation groups and industry.

Sincerely yours,

CHARLES A. VANIK,
Member of Congress.

SHOULD WE BAN "NO DEPOSIT" BOTTLES?

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. ROBISON. Mr. Speaker, I am not at all surprised to find that a substantial number of my colleagues have introduced legislation, in this Congress, aimed at banning the "one-way," or "no-deposit" bottle—whether filled prior to use with a cola beverage, or with something more intoxicating.

This is—without in any way intending to question the sincerity of those who favor this idea as some sort of answer to our environmental problem—a highly attractive, but also overly simplistic, solution to the puzzle of what to do with the mountain of solid waste that confronts us as individuals, and that baffles those officials in local government charged with the task of, somehow, carting it away from our homes, offices, and factories, and disposing of the same in some sort of sanitary, "Keep-America-Beautiful" fashion.

For it is only a very partial—and probably discriminatory—solution, at best, by virtue of the fact that glass containers, of whatever sort as to original content, amount to only about 6 percent of the total municipal solid waste load in this country.

Certainly, it would be easy enough to go back to the returnable bottle—containing either beer or some other beverage—and for those, here, who see this as one, quick way for "doing their thing" for ecology, one can well understand the appeal these kinds of bills have, at either the local or Federal level. For we can go back to the returnable bottle if for no other reason than we know were once there. But what would this back-tracking really accomplish?

Beer and cola—or "soda pop"—bottles along our highways, back-country roads, and streambeds, are highly visible sights, and all-too-familiar reminders, along with their constant companions, the beverage cans, of an unfortunate human propensity for untidiness. So highly visible from a seemingly quantitative

standpoint, in fact, that one has to look twice at such studies as have been conducted of roadside litter by the Highway Research Board before really believing that paper litter—including containers, newspaper, etc.—constitutes 59 percent of the overall load, while metal cans for beer, soft drink, and food and other purposes, accounts for 16 percent; plastic items 6 percent; miscellaneous, messy items for 13 percent, and glass bottles and jars for all purposes—beer, beverage, and food—for the remaining 6 percent. In the same way, Mr. Speaker, one has to take several trips down a supermarket aisle in order to remind oneself of the necessary perspective we ought to all have about glass containers—which is, that beverage bottles, whether of the “one-way” or “returnable-for-deposit” kind, only account for about one-half of the total mass, with the balance containing everything from baby food, fruit and fruit juices, to mayonnaise, pickles, syrup, and vegetables.

If you still doubt this, take an inventory—unpleasant task though it may be—of the contents of that “garbage” bag you carry down the cellar stairs later on tonight.

Mr. Speaker, these remarks are prompted not out of any desire to belittle the value—small though it might be in light of the fact that there is ample evidence that the public views throwaway and returnable bottles in virtually the same way—that banning such bottles may have in encouraging mankind to match his ingenuity with at least rudimentary tidiness. Instead, they are prompted out of a desire to encourage more of us to focus on ways and means to master the skills and disciplines necessary for recycling our waste products—of whatever kind—in the most fundamental fashion. As productive woodlands are overcut, so the recycling of waste paper would help conserve pulp. And, when we turn to metal containers, we are advised—and warned—that within a century, probably, tin, zinc, and aluminum reserves are expected to run out unless a reuse system of some kind is adopted. Then, finally, when it comes to the glass-container industry, it is essential to know that it is just as anxious as any environmentalist could be to settle on the proper, and most effective, method for recovering its glass products, in quantity, for remelting into new containers. To that industry, waste glass has a real value; many segments of that industry are already in the business of encouraging people, from Boy Scout groups to adult individuals—as evidence the Coca-Cola Bottling Co., of New York’s willingness to pay a half-cent per bottle of any brand—except returnable Coke bottles, of course—and its setting up of collection points within the metropolitan area—to participate in helping them meet their needs. Thus, we need to concentrate on methods for encouraging public participation in this recycling effort—perhaps through local ordinances, such as the one formerly existing in Los Angeles requiring householders to separate their garbage into glass, metal, and other materials, that eventually got voted out as

“too much bother;” or perhaps through such radical ideas as a “container” tax to aid in supplementing Federal research moneys available through the Federal Resource Recovery Act, of recent vintage, proceeds from which could be used to accelerate technological advances in improving litter pickup and waste-collection systems, and in improving and facilitating recycling, salvage and related activities.

There are many ways, Mr. Speaker, down which we might go in our mutual desire to help restore our earth setting to its rightful freshness; better ways, I submit, than in banning that easy target, the “one-way” glass bottle, only to have its mate—the “returnable” bottle—stand in ever-increasing numbers in our pantries, basements, and garages as mute evidence of our desire for the quick and easy answer to a highly complex, human problem.

FAMILY PLANNING

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. SCHEUER. Mr. Speaker, 18 months ago the President described in ringing phrases the immediate need for a national policy on population growth. He described how the population was growing faster than we could comfortably accommodate it and set a number of ambitious goals for the Federal Government in family planning programs and population research. The Congress responded to the problem by passing the Tydings-Scheuer-Bush family planning services and Population Research Act in November 1970 authorizing \$382 million for the Federal Government to meet those presidentially supported goals. We thereby gave the administration an opportunity to move beyond its eloquent description of the need and develop a program of action equal to the problem.

The size of that program of action is now becoming clear. As the following editorial from the New York Times of February 1, 1971, points out, the administration’s strong public declarations have become feeble appropriation requests. The Secretary of Health, Education, and Welfare has indicated that the administration will request that only \$6 million be appropriated of the \$72.75 million authorized by the Family Planning Act for fiscal year 1971, and only \$57.3 of the \$129 million authorized for fiscal year 1972. Thus the administration is requesting less than a third of the funds that the Congress has deemed appropriate.

Appropriation requests are not the only area where diminished zeal is apparent. As the Times editorial points out, some administration spokesmen are trying to dampen the rising concern about population growth in this country. They point to the fact that consumption has increased at a much faster rate than population, and it is this increasing con-

sumption not population growth that generates such heavy pressures on our environment. However, Census Bureau figures indicate that a minimum of 37 percent of our growth in consumption in the next 15 years will be due to population growth alone. If slowing population growth would ease the consumption growth rate by one third, would not this be a significant easing of the pressures on our bruised and battered environment?

I commend the following thoughtful editorial to the attention of my colleagues:

SLOWDOWN ON FAMILY PLANNING

Although it is only a few weeks ago that President Nixon signed what he hailed as a “landmark” population bill, there are disturbing signs that the Administration may be backing away from the President’s earlier pledge “to provide essential leadership” in the field of family planning.

A determination to fulfill that pledge is not evident in Mr. Nixon’s 1972 budget. Although the new family planning legislation authorizes additional spending of \$60 million for services and \$50 million for research in the next fiscal year, the Administration has asked for incremental appropriations of only \$47.3 million and \$10 million respectively. The meager request for research is particularly disheartening because the success of service programs, both here and abroad, will depend heavily on the development of new birth control techniques and on increased understanding of the sociology and psychology of family planning.

This budgetary letdown was foreshadowed by a White House memorandum sent to Congressional leaders last month which helped to kill a Senate effort to appropriate \$17 million in supplemental family planning funds for the current (1971) fiscal year.

Another hint of a weakened Administration attitude toward the population problem was indicated in a recent speech of Conrad F. Taeuber, chief demographer of the Census Bureau, implying that the present 1 percent rate of population growth in the United States was nothing to worry about. The movement of Americans to urban centers and a sharp increase in per capita consumption have certainly been major contributors to such problems as crime and pollution, as Mr. Taeuber observed, but it would be irresponsible to ignore the impact of a population that has doubled in the last fifty years and which threatens to increase by fifty to 100 million by the end of the century.

It is true, as Mr. Taeuber points out, that consumption in this country has increased at a much faster rate than population. But this means that each additional American has added a multiple strain on resources. There is no convincing evidence now that the nation can cope with these strains unless efforts to improve technology and social organization are combined with a vigorous and unflagging determination to limit population size. Full funding of the population bill would be one reassuring expression of such determination.

EIGHTIETH BIRTHDAY OF LESSING J. ROSENWALD, PHILANTHROPIST

HON. JOHN WARE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. WARE. Mr. Speaker, on February 10, 1971, Lessing J. Rosenwald, of Jen-

kintown, Pa., will celebrate his 80th birthday. In view of his many generous gifts both to the Nation and to the State of Pennsylvania, it is appropriate that this important anniversary in the life of a fine American citizen be memorialized in this fashion.

Born in Chicago in 1891, he is the eldest son of the great philanthropist, Julius Rosenwald, who is remembered today as the principal founder of Sears Roebuck & Co., which in its own right has become an American institution. Lessing Rosenwald served as chairman of the board of the company until his retirement in 1939.

Since that time he has served on many boards and contributed both his time, his energy, and his money, in aiding worthy causes. One of his most recent honors, the Bok Award, presented to him in 1967, recognized his many contributions to improving the quality of life in Philadelphia.

The American people have an especial reason to be grateful to him for the gifts he has made to the Nation. The Library of Congress has received his splendid collection of illustrated printed books of five centuries, and the National Gallery of Art, his distinguished collection of fine prints and master drawings. For such generosity and public spirit, we salute him, we thank him, and we wish him many more fruitful years.

GEORGE WASHINGTON UNIVERSITY—150TH ANNIVERSARY

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. GUDE. Mr. Speaker, on Tuesday, February 9, the George Washington University, the only private nonsectarian university in our Nation's Capital, commenced a yearlong celebration marking its 150th anniversary. It was on this date in 1821 that President James Monroe signed the charter approved by Congress under which the George Washington University still operates. Yesterday, as a graduate of the George Washington University School of Government and Business Administration, I had the pleasure to participate in the sesquicentennial ceremonies of the university. I feel deeply privileged to call the George Washington University my alma mater.

The school of government and business administration, which is presently under the direction of Dean J. C. Dockery, has continued to contribute significantly through the years to our Nation and our National Capital area in preparing thousands of men and women for leadership positions in business, government and research.

Throughout its first 150 years the George Washington University has responded with strength and imagination to the changing academic needs of our growing society. All of her alumni look forward with pride to G.W.'s continued contribution to the advancement of

higher education in America in her next 150 years.

BUDGET SLASHED FOR COAST GUARD RESERVE

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. SIKES. Mr. Speaker, a year ago Congress was shocked at an administration proposal to wipe out the budget for the Coast Guard Selected Reserve. The Congress rallied to this important service and in congressional action on the appropriations bill, the funds were restored and the strength of the Selected Reserve was set at 15,000. In hearings accompanying this legislative action, it was emphasized that the Coast Guard should make better utilization of its Reservists and establish peacetime missions.

The first step toward its goals has been taken. It would have appeared that a bright future lay ahead for the utilization of Coast Guard Reservists. Nevertheless, the administration's budget cutters have again slashed the budget for the Coast Guard Reserve. Apparently they have learned about the determination of Congress to carry on the work of this organization. In any event, Congress will have its work to do all over again. This is a mission which should be undertaken and carried through to completion. The Coast Guard Reserve can and does provide an important service. It offers valuable peacetime aid to regular components and should not be decimated.

In the current issue of the Officer, published by the Reserve Officers Association, there is an excellent commentary on the work of the Coast Guard Reserve. It is entitled "Reserves—Gold Mine in our Backyard" and it follows:

"RESERVES—GOLD MINE IN OUR BACKYARD"

What do an economist, admiralty lawyer, ecologist, petroleum engineer and radio broadcaster have in common? Ask RADM John McCubbin, head of the Coast Guard's Office of Reserve. He'll tell you that these were among the many diverse skills recently marshalled by the Coast Guard to support special projects.

"This was the first time," says Admiral McCubbin, "that we have utilized our Reservists specifically for their civilian skills. Most of the specialists were needed as part of study groups working on reports for the President on hazardous materials and oil pollution. Although the Coast Guard has considerable expertise in these fields, the tight deadlines and the depth of the required studies indicated the need for outside assistance. Time limitations inhibited the Service from contracting for the work. So the Coast Guard looked to its Reserve."

WELL-DEFINED TASKS

First, the tasks were well-defined and the necessary specific skills were identified. Then Reserve rolls were carefully screened and a list of Reservists who could probably fill the requirements was prepared. Next each Reservist on the list was contacted to determine his availability because all active duty was to be on a voluntary basis.

The chief beneficiary of the recall was the Coast Guard's Office of Merchant Marine

Safety headed by RADM William F. Rea, III. "It was like finding a gold mine in our own backyard," said Admiral Rea. "We knew there was a lot of talent in the Reserve, but I must confess I never anticipated the broad scope of professional skills we located. Certainly, without the help of these Reserve experts we could not have accomplished our tasks within the available time."

SMALL GROUPS INVOLVED

The special Active Duty assignments involved a total of only 15 individuals. Five were used in the first study group; nine in the second study group; and one, the radio broadcaster, was used as a narrator at a Coast Guard sponsored international search and rescue seminar. But while the number of personnel was small, the impact of this utilization of Coast Guard Reservists is expected to be large.

Such Active Duty will not substitute for the mission-oriented training required of all Reserve personnel. But it serves as fresh reminder that Reserve forces can provide valuable peacetime aid to regular components.

HOW TO SUCCEED IN BUSINESS WITHOUT BEING TRIED

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. BOB WILSON. Mr. Speaker, with the rash of attacks on big business, I recently read an interesting speech by Lee Loevinger, Partner, Hogan & Hartson, Washington, D.C., and former Assistant Attorney General for Antitrust, before the Association for Corporate Growth, Inc., Wednesday, January 13, 1971, at the Hotel Pierre, New York City, entitled "How to Succeed in Business Without Being Tried," part I:

HOW TO SUCCEED IN BUSINESS WITHOUT BEING TRIED

(By Lee Loevinger)

Is success illegal?

Ridiculous as this question seems it is one which businessmen are being forced to ask today.

Ironically, it is not the social dropouts or intellectual hippies who present this challenge but government itself. Recent antitrust statements and enforcement activity seem to question the legal status of business success.

In May 1969 the head of the Antitrust Division of the Department of Justice spoke about mergers, viewing with alarm an increase in size and numbers, and saying that the 200 largest industrial firms increased their assets from 48% of the total in 1948 to more than 58% by 1969, and that the Department of Justice would attempt to stem this tide. Two weeks later the Attorney General repeated these figures, warned against the dangers of conglomerate mergers and "super-concentration", and threatened that the Department would prosecute any merger among "the top 200 manufacturing firms or firms of comparable size in other industries."

These statements articulated the policy initiated in March 1969 when the Department began a series of suits against conglomerate mergers by large companies. The first was against LTV to force divestiture of its Jones & Laughlin Steel Co. stock. The second was against ITT to force divestiture of Canteen Corporation. Then the Department sued Northwest Industries to prevent its acquisition of B. F. Goodrich Company. August 1, 1969, the Department filed two suits against

ITT to prevent its merging with Hartford Fire Insurance Company or with Grinnell Corporation.

These suits were based on claims that the mergers attacked would promote "super-concentration", or "aggregate concentration" in the general economy, would eliminate "potential competition" between the merging companies, and would provide opportunities or potentiality for the practice of reciprocity.

So far the suits have not been successful. Early in 1970 the Department consented to a decree giving LTV its option to divest either Jones & Laughlin or Braniff Airways and Okonite Company. Having prosecuted LTV for restricting potential competition in the steel industry, the Department settled the case by forcing divestiture of an airline and a company making electric cable and carpets. This is a little like accusing someone of burglary and then convicting him of bigamy. In the Northwest Industries case, the Department sought a preliminary injunction against takeover of B. F. Goodrich, but failed to prove probability of an anti-competitive effect, so was denied the injunction. Later the stock tender offer of Northwest Industries failed and was terminated, so the case became moot. The Department also sought a preliminary injunction against merger of ITT with Hartford and Grinnell, but the trial court denied the injunction on the ground there was no probability of lessening competition or of the practice of reciprocity and there was a positive company policy against reciprocity.

Despite rejection by the lower courts, the Department has continued to assert its theory that the antitrust laws prohibit any merger which may eliminate "potential competition" or involve potential abuse of economic power, contending that the mere possibility a company might enter a new field makes it a "potential" competitor in that field, that the mere existence of "opportunity" for reciprocity involves the potentiality to get business by economic power rather than on the basis of price, quality or service, and that these possibilities should be prohibited under the antitrust laws. In addition, the allegations concerning "aggregate", or overall economic concentration, together with the nature of the suits filed and the statements of the Attorney General and the Assistant Attorney General in charge of Antitrust, indicate quite clearly, although not explicitly stating, that antitrust enforcement policy is now aimed at limiting corporate size, at least if attained through acquisition or merger.

What is the basis of the potentiality theory the Department is now using to attack mergers involving companies which it regards as too big or expansion of which it disapproves?

The theory that the economy is becoming more concentrated as a few large corporations get economic control, and that mergers cause such "super-concentration", or "aggregate concentration" as it is now called, has repeatedly been discovered and proclaimed at least since 1932. The first prominent statement of this view was by Berle and Means who claimed that in 1930 the 200 largest non-banking corporations controlled about 50% of the corporate wealth. Extrapolating from their data they projected that by 1950 the 200 largest corporations would hold from 70% to 85% of corporate assets and that by 1970 practically all industrial activity would have been absorbed by the 200 largest corporations.

The Chief Economist of the FTC re-discovered this phenomenon of creeping monopoly in 1968, publishing his conclusions in staff papers for the Cabinet Committee on Price Stability in January 1969, and in a staff study for the FTC in November 1969. These were obviously the basis for the Department of Justice alarm. Curiously, it was found that

in 1950 the 200 largest industrial corporations had 48% of all assets, which was less than the percentage found by Berle and Means in 1930, but that this ominously rose to about 59% by 1967. Nevertheless, the 750 page FTC staff report (often referred to as the "Mueller report") began with the conclusion that: "In unprecedented fashion the current merger movement is centralizing and consolidating corporate control and decision making among a relatively few vast companies." The Report particularly attacked conglomerate mergers, although conceding that conglomerate activity is not new, many large firms having been engaged in it since 1900, while only the use of the term is recent.

A basic fallacy invalidating the whole concept of aggregate concentration is the fact that both practical significance and theoretical ability to measure require us to deal with markets rather than vague abstractions such as manufacturing or the economy. Law and economics are based on this, and the Cabinet Committee study says that "measures of market concentration are recognized as the best available index of the degree of market power in an industry." The controlling economic force is competition and the purpose of the antitrust laws is to maintain it. But competition takes place only within markets, not within vague sectors like manufacturing or the economy. It is difficult to define markets precisely, or to gather very accurate data about them, but it is impossible to be precise or accurate about vague abstractions like manufacturing or the economy. Thus sweeping generalizations about aggregate concentration in manufacturing or the economy tell more about the emotional attitude of their authors than they do about the economic condition of the country.

The reason alarmists and those seeking to promote and expand enforcement activities use aggregate concentration figures is that a market analysis shows no cause for concern. The Cabinet Committee staff report says that "Average market concentration of manufacturing industries has shown no marked tendency to increase or decrease between 1947 and 1966 . . .", and that "the numbers of highly concentrated industries (those where 4 firms held 75 percent or more of shipments) fell from 30 to 22 [out of 213 industries]." (Continued in Part II.)

MRS. STEPHEN "RICKI" GOODYEAR: WOMAN OF THE YEAR

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. KOCH. Mr. Speaker, I have the pleasure of announcing to our colleagues that a great civic leader, Mrs. Stephen "Ricki" Goodyear is receiving the Woman of the Year Award from the Association for Children with Retarded Mental Development. This award is being granted to a woman for the first time in its 21-year history. I know Ricki Goodyear; she is an outstanding person and most assuredly is deserving of this great honor.

Mrs. Ricki Goodyear is the wife of the noted New York psychiatrist, Stephen Goodyear. She is chairman of the Association for Children With Retarded Mental Development's current building drive for a new rehabilitation and training workshop which will make available

special psychiatric services for the mentally retarded.

Mrs. Stephen "Ricki" Goodyear joins, as recipient of the award, a long list of outstanding men including New York Deputy Mayor Timothy Costello, Manhattan Borough President Percy E. Sutton, and former Presidential Adviser William J. vander Heuvel.

TAX REFORM—EDUCATION EXPENSES

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. PRICE of Texas. Mr. Speaker, I have joined with the distinguished gentleman from Pennsylvania (Mr. COUGHLIN) and other concerned members in sponsoring legislation to establish tax credits for higher education and vocational training expenses. This marks the first of a series of bills I plan to introduce during this Congress which will be designed to affect meaningful tax reforms and to increase the disposable income of overburdened taxpayers.

Mr. Speaker, our higher educational system has been victimized by inflation. Operating costs for colleges, universities, and vocational schools have risen dramatically, as have tuition and living expenses for those in attendance. In my judgment appropriate corrective actions must be taken to alleviate problems caused by this condition. In my judgment amending the Internal Revenue Code to provide tax credits for higher education expenses is a step in the right direction.

According to the terms of my proposal, an education tax credit would be provided on a sliding scale; thus its provisions are designed to benefit primarily lower and middle income taxpayers. More specifically, 100 percent could be credited for the \$200 spent on higher educational or vocational training; 25 percent could be taken for the expenses ranging from \$200 to \$500; and, 5 percent could be taken for the expenses from \$500 to \$1,500.

In addition, maximum educational tax credits would be provided up to \$325 for those taxpayers whose annual adjusted gross income equals no more than \$18,000. But for those taxpayers making more than \$18,000 a year, the additional tax credit would be reduced by an amount equal to 1 percent of the taxpayers adjusted gross income exceeding the \$18,000 ceiling.

I believe if this bill were enacted it would have several beneficial results. The loss in Federal tax revenues would be easily offset by the national economic growth that would occur if more individuals were educated and trained to make a greater level of contribution to the production of goods and services. This in turn would serve to increase Federal income tax revenues. It could also operate to lower Federal welfare costs. For example, the Department of Commerce has reported college graduates during their

working careers earn an average of \$213,000 more than do high school graduates. They earn an average of \$371,000 more than do those that have 8 years of schooling or less.

Finally, instituting a system of educational tax credits would, as a matter of Federal policy, encourage taxpayers to utilize the services of those schools which provide better educational opportunities. This would facilitate a revitalization of private higher educational institutions, as the financial needs compelling many parents to send their children to publically subsidized marginal schools would be reduced by the extent of their education tax credit.

Mr. Speaker, I urge my colleagues to support this nonpartisan proposal. Effective tax reform must be a priority goal of the 92d Congress.

CUTTING THE HO CHI MINH TRAIL

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. WYMAN. Mr. Speaker, many American casualties too late, we are at long last witnessing a tactical operation in Southeast Asia that should have been undertaken long ago—the cutting of the Ho Chi Minh Trail. With South Vietnamese troops in the field, aided by U.S. airpower, the position of thousands upon thousands of enemy troops below the cut is bound to become precarious if the cut can hold until the monsoon rains, 2 months hence.

What is really involved is another demonstrable aid to U.S. disengagement from Vietnam. In this connection the attached column from Joseph Alsop appearing in this morning's Washington Post is of interest:

LAOS: NIXON'S REASONS

(By Joseph Alsop)

"There were sixteen good reasons against doing it, and there were only two reasons for doing it. But if you analyzed them, the two reasons for completely outweighed the 16 against—which were mostly domestic political reasons anyway."

Thus President Nixon himself, concerning his second great Southeast Asian gamble, to support the current, critical significant South Vietnamese drive across the border of Laos.

The first reason was the need to force the Hanoi war-planners to take the hardest kind of hard new look at their own situation and future prospects. A new look in Hanoi will hardly be avoidable, if the Laos trails are cut in the area around the little town of Sepon—which is the obvious aim of the big effort now in progress.

The intent, if the operation succeeds, is to keep the trails cut until the full onset of the rainy season in late spring. The big rains always make the Laos trails all but impassable, particularly for serious supply movement, until the dry season begins again. This will be about the beginning of next December.

For 10 months, then, about 130,000 North Vietnamese troops and other personnel in Cambodia and southern Laos, will have their unique existing lifeline severed—if all goes according to plan.

Yet if their unique lifeline is in fact severed as planned, they will get almost no replacements, or ammunition or other military

supplies. In South Laos, where virtually no food is locally available, they will also get none of the rations they need from the north.

As to the President's second decisive reason for his gamble, it should also be obvious. It was to leave the South Vietnamese in a solid position to defend their own independence, after the withdrawal of U.S. troops.

There is nothing to prevent the South Vietnamese from cutting the Laos trails next dry season, if they manage to do so this time. In sum, the President has now moved to finish what he began when he invaded the Cambodian sanctuaries.

The great result of the Cambodian operation was to close off the main lifeline of the North Vietnamese invaders of their neighbor countries. This was the seaborne supply route, running through Sihanoukville and Cambodia.

In the old days, when Hanoi had an easy time of it, the rations for the 70,000 North Vietnamese troops in South Laos were also bought on the Chinese markets in Phnom Penh, and they were then trucked north. All that is over now, however, and as already stated, the other remaining lifeline of these same North Vietnamese troops is also likely to be cut.

Another effect of the President's decision one must add, is to underline the sheer ludicrousness that has so long pervaded most discussion of the Vietnamese war in this country. Take the howls about General Abrams' famous "news embargo," for example.

To begin with no sensible reporter ought ever to wish to describe in detail and in advance any forthcoming military operation. Doing so jeopardizes the lives of every man engaged in that operation. To go on with, this supposedly wicked embargo evidently left Hanoi utterly uncertain about where the blow would come. Otherwise there would have been a very nasty welcoming committee for the South Vietnamese, the moment they crossed the Laos border.

Yet there is a far better, and far more depressing example of the folly many people have indulged in during these last years. You simply need to calculate what would have happened, if the same changes in the lunatic rules of the war had been made four years ago. There could have been no Tet offensive, to begin with.

For it is now well established, by computing actual bills of lading picked up in Sihanoukville, that the Cambodian lifeline was vital to the Tet plan. Over 12,000 tons of supply—the enemy's essential sinews of war for the whole southern half of South Vietnam—are now known to have come through Sihanoukville in 1967 and up to March 1968.

Then too, the Hanoi government solemnly committed itself by treaty, negotiated on our side by Gov. Averell Harriman and duly signed in 1962, never to use the Laos trails for supply purposes. They broke that promise before the ink was dry on the treaty. But there was no reason to treat the trails as effective sanctuaries, any more than there was a reason to treat Hanoi's Cambodian bases as sanctuaries.

Untold blood and untold treasure have been wasted, in truth, because the courage to do what President Nixon has done was not found long ago.

A. J. NOLL

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. HUNGATE. Mr. Speaker, I was saddened to learn of the death of my

good friend and fellow Democrat, Mr. A. J. Noll of Macon, Mo., on January 17, 1971.

Mr. Noll served as mayor of Macon for 21 years and his long and faithful service to the Democratic Party was most commendable. As one of northeast Missouri's most prominent businessmen, he contributed much to the growth, development, and improvement of the area in which he lived. A devoted husband, father, and friend, he will certainly be deeply missed by all who knew him.

MORE OF THE SAME

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. MANN. Mr. Speaker, I would like at this time to insert into the pages of the CONGRESSIONAL RECORD the following insightful editorial from the Columbia, S.C., State, of February 8, 1971. I am among those who had dreamed of a balanced budget. I thought there was to be a new direction. Did I misunderstand? The editorial follows:

PRESIDENT SHIFTS GEARS, ADOPTS DEFICIT FINANCING

Whatever President Nixon may hope, it is far from clear that the government can spend the country out of its economic crisis. This is the long-standing Democratic success formula, but it has not brought success. Instead, it has brought about precisely the economic crisis that Mr. Nixon proposes to combat with still more deficits.

The source of the present crisis is not hard to find. It does not lie, as his critics have suggested, in Mr. Nixon's stubborn failure to "prime the pump," a euphemism meaning to unbalance the budget. Today's crisis is directly attributable to President Johnson's monumental \$25.1 billion deficit of 1968. Coming at a time when the economy was operating at full steam already, this disastrous deficit sent the economy skidding out of control. It is still skidding.

The question is what to do about it. A year ago, Mr. Nixon and his economic advisers put their heads together and concluded that painful as it might be, the nation would experience less discomfort in the long run if government applied the brakes. Last year's budget message consequently included a number of warnings about the dangers of deficit spending—warnings the President now has repudiated.

His newest budget message, far from striving for balance, prescribes an \$11 billion deficit as an effective remedy for the nation's economic ills. Actually, the proposed deficit will be larger than that. Three years ago the government began embodying trust funds (principally Social Security) in the budget to make deficits seem smaller. The resulting distortion was called "unified" budget, and it is this budget President Nixon is using.

By standard accounting methods, the actual gross national debt during the next 17 months will climb by \$46.8 billion—\$22.4 billion of this in fiscal 1972, rather than the "modest" \$11 billion deficit the President speaks of. Or, to put it another way, President Nixon's deficit for fiscal 1972 will be the largest deficit in history, with one exception: Lyndon Johnson's 1968 deficit, which did so much to bring about the present crisis.

Washington insiders give Budget Director George Shultz most of the credit—or blame,

if you prefer—for convincing Mr. Nixon to spend money the government doesn't have in order to end a crisis that came about because previous administrations followed identical advice. The President would have been wiser to listen to Dr. Milton Friedman, another adviser. Dr. Friedman accurately observes that inflationary budgets lead inevitably to inflation. Since inflated prices, combined with unemployment, make up the present economic difficulty, still more inflation is scarcely the way out.

Bolled down, the situation is this: Deficits piled on top of deficits have created a dangerously unbalanced national economy. To get out of this fix, it will be necessary to gear down the economy, briefly experiencing recession and some unemployment. Mr. Nixon's strategy a year ago, and it was beginning to work. Many economists were optimistic for the first time. But now the President has abandoned sound policy in favor of the opposition's strategy, and the lid is off. So are all bets on the recovery that, a short while back, seemed imminent.

REPEAL EMERGENCY DETENTION ACT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. ANDERSON of California. Mr. Speaker, today I am pleased to join with my friends and colleagues for whom I have the deepest respect, Representative SPARK MATSUNAGA and Representative CHET HOLIFIELD, in introducing legislation to repeal the Emergency Detention Act.

Congressman MATSUNAGA has spearheaded this fight since June 3, 1969. I feel that there is no greater authority on this potentially oppressive legislation, which authorizes concentration camps in the United States, than Representative SPARK MATSUNAGA. His leadership in the fight to preserve civil liberties and to eliminate racism has been unsurpassed. His knowledge of constitutional safeguards and their application to our society has received my admiration since I entered Congress in January 1969.

The Emergency Detention Act violates constitutional guarantees and would probably be ruled unconstitutional if it were tested in the courts. However, according to Deputy Attorney General Richard G. Kleindienst, "the continuation of the Emergency Detention Act is extremely offensive to many Americans," and the Justice Department advocates its repeal since "the repeal of this legislation will allay the fears and suspicions—unfounded as they may be—of many of our citizens."

The fight to repeal the Emergency Detention Act is not a recent phenomena. In 1950, Pat McCarran, then chairman of the Senate Judiciary Committee, opposed it as a "concentration camp measure, pure and simple." Senator KARL MUNDT characterized its authority as "establishing concentration camps into which people might be put without benefit of trial, but merely by executive fiat."

President Harry Truman vetoed the Emergency Detention Act—only to later

be overridden. In his veto message, President Truman stated that—

They would very probably prove ineffective to achieve the objective sought . . . it may well be that persons other than those covered by those provisions would be more important to detain in the event of emergency.

Continuing, President Truman said that—

The bill would open a Pandora's box of opportunities for official condemnation of organizations and individuals for perfectly honest opinions. The basic error of these sections is that they move in the direction of suppressing opinion and belief.

Mr. Speaker, the Japanese-Americans know how this law can lead to abuses. During World War II, some 110,000 persons of Japanese ancestry were evacuated from the west coast and incarcerated. Two-thirds of those evacuated in 1942 were native-born American citizens, while the other one-third were aliens who were denied American citizenship by the laws of their adopted country. At this time, no criminal or civil charges of any kind were brought against any individual evacuee, or against the evacuees as a group.

President Truman's Civil Rights Commission declared that it was "The most striking mass interference since slavery with the right to physical freedom."

Thus, it is not surprising that the Japanese-American Citizens League is in the forefront of attempts to repeal the Emergency Detention Act.

Mr. Speaker, we must repeal this act which violates the constitutional and judicial traditions that are basic to our American way of life. Therefore, I take pride in joining with Congressman MATSUNAGA and Congressman HOLIFIELD in introducing this legislation.

THE KANSAS CITY KANSAN 50TH ANNIVERSARY

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. WINN. Mr. Speaker, on January 31, 1971, the Kansas City Kansan celebrated its 50th anniversary.

A daily newspaper is judged by many criteria, not the least of which is community service. The Kansan deserves a top rating there, as well as in other areas.

Kansas City, Kans., which the Kansan serves so well, is in my congressional district. I am proud to call to your attention the 50-year history of this fine publication, which has consistently proven itself a leader in its community.

As you all well know, it is the staff of a newspaper that all too often gets left out on such occasions of historical significance. For that reason, I call to your attention the following article from the Kansan's anniversary edition as well as the list of men and women who make the Kansan what it is today:

KANSAN STAFFERS: FOUR VETERANS HEAD LIST

Many of the photographs in today's 50th anniversary issue of The Kansan were made

by Don Ballou, who "retired" Dec. 31, 1968, after 43 years as a full-time member of this newspaper's staff.

A number of the stories in today's issue are by Miss Lucille Doores, who is in her 50th year with the paper. The two represent 93 years of service with The Kansan.

Ballou's "retirement" is only partial, as he still is employed part-time in The Kansan's editorial department.

Ballou served as editorial writer 23 years. Before taking the post in 1945, he covered the courthouse, city hall, the Legislature and was a photographer and copyreader.

His first newspaper job was as a reporter for the Manhattan Chronicle in 1921. The following year he joined the Salina Daily Union as sports editor. In 1925 he came to The Kansan as market editor and copyreader.

Ballou's service on the newspaper is second in years only to that of Miss Doores. She is the only reporter still on the Kansan's staff who was hired in 1921.

Graduated from high school that year and apparently bent on a career as a Latin teacher, she was hired to do clerical work for the new daily.

It wasn't long before Lucille was handling news assignments.

Starting with the education beat, she next went to the Courthouse for several years, then to City Hall, covered developments from many sources, before returning to the courthouse, Federal court and politics.

Recipient of many honors, Miss Doores in 1965 was cited by the Wyandotte County Bar Assn., Kansas State Bar Assn., and the American Bar Assn., for an 11-part series on the Kansan code of civil procedure.

Other tributes include "Kansas Newspaper Woman of the Year," "Woman of Achievement" and the Headliner Award, all from Theta Sigma Phi, professional organization for women in journalism and communications. She also is in "Who's Who Among American Women and World Notables."

Ralph Wildermood, Mission, has worked in The Kansan composing room longer than any other printer on the staff.

He joined The Kansan in 1925 at age 18 as an apprentice printer and on August 19 will have completed 48 years with the paper.

Wildermood recalled that when he was hired The Kansan was on Minnesota in the 500 hundred block.

Vance Briley, 1137 S. 79th, Terrace, has seen many changes in his 45 years in The Kansan composing room.

At age 18 he was hired by The Kansan January 16, 1926, as an apprentice printer.

His employment has been continuous except for time in the Navy during World War II in the European theater.

KANSAN'S EMPLOYEES ARE LISTED

The following list contains the names of fulltime employees of The Kansan as of Jan. 31, 1971, the date of the 50th anniversary of the founding of this newspaper.

John H. Stauffer, editor.

BUSINESS OFFICE

Wylla Smith, Dorothy Bowline, Donna Clary, Ella Haas, Eileen Olson, Dolores Oster-tag, Lynn Sparks, Beatrice Thomas.

ADVERTISING

Peter J. Esser, advertising director.

George Ackerson, Bertha Atchley, Joyce Cummings, Gregory Fields, Richard Gross, Electa Hill, Betty Jennings, Cora June, Robert Rayn, Mary Roseberry, Ann Samek, Alfred C. Scapellati, Ethan Sims, Rhoda Sternberg, Denise Whithorne.

EDITORIAL

Gay Kalbfleisch, managing editor.

Don Ballou, Edward S. Barnett, John Beal, Ruth Burns, Bert Campbell, James Carlson, Marvin Crowley, Lucille Doores, Margaret

Finnell, Robert Friskell, Raula Garrison, Richard Grosko, Bernard J. McDonald, Charlotte McKenzie, Larry Moore, Marilyn Peterson, Cyril Scott, John Sharp, John R. Thomson, Doyle Trent, Gloria Vobejda, William G. Whistler Jr., LaVonne Young.

PRODUCTION

Lowell Baird, superintendent.

COMPOSING

Clarence Chaffin, foreman; Vance Briley, Robert M. Burnett, Bobby Chaffin, Robert Chappell, Eugene Fuller, Albert E. Gaw, Harold Grayson, M. B. Hawks, Lewis Lemon, Ralph McAllister, Richard Martin, Dwayne T. Miles, Terrence Miller, Isabelle M. Myers, Phil Noah, Frank Oblak, William Ratchford, Augustin Rocha, Lorene Reinkemeyer, Ray Stockert, Rebecca Swisher, J. H. Thompson, D. A. White, Haskel White, Ralph Wildermood.

STEREOTYPE

Walter Hellwig, Audley Hervey, Jerome Smith.

PRESS

Vaughn Stoner, foreman; Dan Crawford, William B. McConnell, Howell McDonald, Wayne Murphy, Jerry Owens, Arthur Williams.

CIRCULATION

Claude R. Stutzman, circulation manager. Bill Bopp, Rosalie Rodriguez, Carmen Stenkel, Margaret Warford.

District Managers—Tom Banion, Jim Blair, Dee DeLaughter, Mike Hall, James Henry, Phil Kelley, James Noah, John Ratcliff, Dennis Skoglund, Ronald Lee Tripp, Joe Warford.

MAIL

Clay Libich, Warren Lemberger, R. Dennis Moritz.

BUILDING

Morris C. Hedden, Leon Jordan. Part time employees: Advertising—Jerry Vest. Circulation—Larry Debus, Jerome Deery, Keith Harrington, Phillip Kelly III, Michael Osipik, Michael Popee, Larry Sharek, John Umer and Roy Vest.

NAVY HEROES ASSIST IN HUMANITARIAN WORK IN SOUTHEAST GEORGIA DISASTER

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. BENNETT. Mr. Speaker, I have just received the following February 4 letter from Mayor Hans Tanzler of Jacksonville, Fla., together with its enclosure addressed to Admiral Heyworth. These letters speak eloquently of the heroic Navy assistance given to those who were tragically injured at the disastrous explosion at the Thiokol plant in southeast Georgia on February 3. The splendid actions described by Mayor Tanzler are typical of the high caliber of our Navy's personnel, both officer and enlisted. Jacksonville thus has another reason, through these splendid deeds, to be grateful for the Navy presence in our area:

FEBRUARY 4, 1971.

HON. CHARLES BENNETT,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BENNETT: I enclose for your information a copy of a letter of appreciation which I have just sent to Rear

Admiral Lawrence Heyworth, Jr., concerning the Navy's tremendous response following the tragic disaster at the Thiokol plant in south Georgia on February 3, 1971. I know I speak for thousands of people in north Florida and south Georgia when I tell you how grateful we are to have the officers and men of the Navy as neighbors, and that this response is typical of the good neighbor attitude they have always exhibited. I hope that you will see fit to properly recognize this humanitarian effort on the floor of the House and in the Congressional Record.

I am sure that if you had seen the tremendous team-work and smooth operation of our entire disaster organization involving the military, fire department, and police in rescuing the victims of this disaster and delivering them to our waiting hospitals you would have experienced the same tremendous sense of pride that I feel.

Sincerely yours,

HANS G. TANZLER, Jr.,

Mayor.

FEBRUARY 4, 1971.

REAR ADM. LAWRENCE HEYWORTH, Jr.,
USN Commander, Fleet Air Jacksonville
NAS, Jacksonville, Fla.

DEAR ADMIRAL HEYWORTH: May I express to you and the officers and men of your command my deep appreciation, and I know that I speak for all of the people of north Florida and south Georgia for the tremendously effective response made by the Navy during the terrible disaster at the Thiokol plant on February 3. When our fire operation center learned of the disaster the controllers requested Navy helicopters, doctors and corpsmen, and medical supplies as rapidly as possible at the scene of the disaster. Your command rapidly mobilized its facilities and dispatched two helicopters from Jacksonville and one from Glynnco, Georgia to the scene with medical personnel and supplies. These helicopters were instrumental in rapidly transferring to our Jacksonville hospitals the most critically injured people. Working closely with our city rescue personnel, firemen, and police, badly injured victims were delivered from St. Mary's to the heliport at our Duval Medical Center and in many cases were in the operating room only ten minutes after the helicopters touched down. Shortly afterwards in response to my appeal for blood, over 300 Navy men volunteered as blood donors.

This humanitarian response by the Navy to aid our fellow citizens in south Georgia not only makes me even more grateful to have the Navy as part of our community in Jacksonville but makes me extremely proud to have been a Navy man. All of the officers and men of the fleet stationed in Jacksonville and Glynnco can be assured that their actions yesterday will not be forgotten by the citizens in this area and that their image has never stood higher.

I hope that you will express the appreciation of the city and its citizens to all personnel concerned, and accept my appreciation for your outstanding leadership.

Sincerely yours,

HANS G. TANZLER, Jr.,

Mayor.

MEDUSA OIL COLLECTION SYSTEM

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. HOGAN. Mr. Speaker, the Reynolds Metals Co. of Richmond, Va., has achieved an excellent reputation for its

innovative recycling techniques for solid waste materials. This new program, initiated by the company in the last few years, has earned Reynolds Metals praise from environmentalists around the country.

More recently, however, Reynolds Metals has pioneered in another field. In December of last year, the company demonstrated a new system for pickup of oil spills, known as the Medusa Oil Collection System. Again, this new technique will enable us to protect the environmental quality of our oceans and rivers and hopefully save from extinction the millions of fish and sea life which are endangered by oil spills.

Mr. Speaker, I include a description of this new technique, as well as the latest data on Reynolds' recycling process, at this point in the RECORD:

MEDUSA OIL COLLECTION SYSTEM

A new system for pickup of oil spills, reportedly even on the high seas, was demonstrated for the first time in Port Everglades, Fla., in December.

Built primarily of aluminum and light enough for helicopter transport to the scene of an oil spill, the "Medusa Oil Collection System" is to be built in three sizes.

The demonstration was witnessed by representatives of major oil companies and government officials.

Developed by Reynolds Submarine Services Corporation, the "Medusa" differs from similar systems in its flexible weir, or outside ring, over which the oil-rich water is drawn. The flexible weir sections move with wave action to maintain a high concentration of oil drawn over the weir.

Inside the weir, the oil is separated from the water which is then pumped out. The oil is collected in the sump from which it can be pumped to containers.

A small harbor model has a rated capacity of 1,100 gallons per minute. The intermediate size can handle 3,300 gallons per minute and the large open sea model is designed to process 10,000 gallons per minute, according to J. Louis Reynolds, president of Reynolds International, whose subsidiary developed and is building the new devices.

Also shown for the first time was a new aluminum flexible boom, or fence, to contain the oil slicks until the oil can be removed. Like the "Medusa," the boom is designed to flex with wave conditions. The light weight permits up to 1,000 feet of flexible boom to be carried by helicopter to the oil spill.

A harbor-size Medusa is 6½ feet in diameter with a weir of 18 feet in circumference and is powered by an eight-horsepower gasoline engine. The largest Medusa will be 18 feet in diameter, with a 48-foot weir, powered by a 30-horsepower gasoline engine or electric motor and is designed for use in high waves.

Two major oil companies have ordered production models.

Reynolds Submarine Services is a subsidiary company of Reynolds International, a subsidiary of Reynolds Metals Company. Reynolds Submarine Services of Miami, Fla., operates the Aluminaut, world's deepest diving submarine.

NEW: SEA SURFACE OIL RECOVERY SYSTEM ANNOUNCEMENT

For the first time, oil spills can be efficiently collected under adverse water surface conditions of wave and current.

A breakthrough for quick recovery of in-shore and offshore oil spillage is now available for your use. It is the MEDUSA System embodying a unique sea-surface following

oil collection weir developed by Reynolds Submarine Services Corporation, a pioneer in pollution control systems.

THE MEDUSA

The MEDUSA is a lightweight high capacity skimming, separating and collection system for oil spill recovery. It is designed for immediate response operations. It meets all requirements for high speed transport, quick deployment and instant high capacity operation. The unique hydrodynamic stabilization, self-compensating weir features and shallow draft provide for the first time a dynamic system for application to all kinds of oil spillage.

WHAT IT WILL DO

The MEDUSA System is sized for application to small inshore spills or to the largest offshore oil spill disasters. The principle is effective and safe in coping with light petroleum products to heavy black crudes and residual oils.

The units offered range in processing rate from 100 gallons to 10,000 gallons per minute. Thus, economically priced MEDUSA units to meet the needs of the smallest marina up to the sizes needed for massive offshore oil spills are available.

The sea-surface following feature of the outer weir captures oil and water around the entire circumference and moves the oil into a wave-protected inner sump area where it is refined and collected. The water which enters flows smoothly downward and is discharged overboard. These features provide the capability for operation in high sea states and wind-chopped waters.

Polishing and concentrating of very thin or "rainbow" oil slicks may be efficiently accomplished without collecting great quantities of water.

The long circular weir of the MEDUSA permits the collection of more oil and less water. A shorter weir system of the same capacity will only collect more water.

MEDUSA may be towed, lifted or launched with the attachments provided. A self propelled feature is offered.

HOW IT WORKS

The MEDUSA is a self-contained floating vehicle which pumps oil-water mixtures over a flexible radial weir (A), into its interior, concentrates the oil in a central sump (B), pumps the water overboard (C), and transfers highly concentrated oil (D), to a container.

A central buoy-like structure (E), contains the motive power to drive a high flow water pump (F), and an oil transfer pump (G). Flexible lightweight arms (H), attached to the structure outwardly support the self-compensating concentric weir (A). The weir joins a fabric conical skirt (I) over which the oil-water mixture flows into a central sump area. As the oil-water mixture contacts the sump area, the oil moves inward toward the center in a low velocity vortex while the water continues to flow downward to the vertical propeller water pump at the base. The water is discharged overboard in a horizontal direction beneath the MEDUSA.

The oil in the concentric sump maintains radial momentum and flows smoothly inward where it concentrates at the vertical side of the buoy structure. The oil is removed by a floating circular weir (J). Pipelines from the weir take the oil to an oil transport pump inside the watertight buoy where it is conveyed to an external transfer hose.

Several related features provide the MEDUSA with unusual sea-keeping stability. The shallow-draft of the unit compared to its large diameter, the large metacentric height produced by a low center of buoyancy and central mass, the differential pressure across the partially evacuated interior and the exterior of the fabric skirt, and the outer weir

wave-following high response action produce seaworthiness.

Independent two dimensional articulation is provided each of the outer concentric weir segments. Each segment is connected by the fabric skirt and seeks a constant weir depth independent of the water surface shape. The collective effect of the circumferential weir segments produce a constant-depth skimming action.

Weir depth (K), is controlled by the amount of liquid pumped through the system. At a pumping rate of 9000 gallons per minute on one unit, an effective weir depth of 3 inches is effected. By decreasing the pumping rate to 6000 gallons per minute, a weir depth of 2.25 inches is maintained. Although relatively high pump flow rates are used, the flow velocities inside are very low. The inward velocity is converted to radial flow allowing the oil to shear away from the water and move inward on the surface to the quiescent area of the sump. A slow vortex flow around the inner surface concentrates the oil for collection.

As the oil collects in the sump, the water is displaced downward. Depending upon the size of the MEDUSA, the sump will collect between 30 to 400 gallons before oil is transported downward and overboard. Oil pumped overboard is recycled through the system.

When the MEDUSA is shut down while collecting oil, the outer weir rises above the water and the oil is trapped inside. When collecting very light layers of oil, it is desirable to concentrate the oil in the sump to prevent pumping large quantities of water into a collection vessel. This is accomplished by cutting off or reducing the flow rate of the oil transport pump. The water pump continues to concentrate the oil until sufficient oil is present for highly concentrated collection.

MEDUSA CONSTRUCTION

The MEDUSA construction consists of marine alloy aluminum, a high strength oil compatible fabric, and other materials compatible with seawater. A choice of electric motor, air motor, or gasoline engine drives is offered within the central hull structures.

The function of the main drive shaft is to turn a vertical propeller water pump. The shaft passes through an interior graphite-ceramic water seal assembly. The oil transfer pump is run directly off the main drive shaft. The complete drive assembly may be readily unbolted and lifted from the hull in one piece.

The weir-arm-float assemblies extend outward from a concentric bar supported by the hull. They are bolted to a reinforced oil-compatible fabric skirt at each weir segment. The lower extremity of the skirt is bolted to the aluminum water pump shaft support assembly. A removable debris screen is attached to the outer weir.

The inner oil collection weir is connected to flexible suction hoses which enter the hull and duct oil to the oil transfer pump.

Special attention has been given to minimizing the use of dissimilar metals in order to prevent electrolysis. Anodic protection is provided.

Although the system is lightweight, emphasis has been given to rugged construction for marine and offshore work. The system design permits easy maintenance and operation; and safe handling.

NEWS RELEASE FROM REYNOLDS METALS Co.

RICHMOND, VA.—Litter-conscious individuals and organizations were paid \$400,000 during 1970 for returning all-aluminum beverage cans to Reynolds Metals Company.

Reynolds officials made this announcement in conjunction with the opening of the company's ninth all-aluminum can reclamation center in Miami, Fla., today. The company already operates such centers in New York

City (two); Newark, N.J.; Houston, Tex.; Tampa and Jacksonville, Fla., and Los Angeles and San Francisco, Calif.

Can collections for 1970 totaled four million pounds, the company said. This is equivalent to 80 million cans. Reynolds pays 10 cents a pound (approximately 1/2 cent a 12-ounce can) for all-aluminum cans brought to its centers.

A DESERVED TRIBUTE TO A UBIQUITOUS PUBLIC SERVANT

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. MURPHY of New York. Mr. Speaker, deserving tribute was paid to the Nation's vitally important intercity bus companies in a most interesting and informative page 1 article in the New York Times of February 7.

This sometimes-overlooked segment of our common carrier system provided transportation last year for 375 million of our citizens—more than twice the number who took domestic airline flights.

And, atypical in commercial transportation, the bus companies as a whole made a profit—albeit small and shrinking by the year, but still operating subsidy free.

I think the writer of the Times article put it most succinctly when he stated:

The bus rider is, in some ways, sort of a forgotten man in the halls of government and in the levels of society that most influence government policy.

In 1966, when five airlines were shut down by a strike for 43 days, the strike was painstakingly covered by the press, and Congress was on the verge of enacting a law to end the strike.

Yet, last year, eastern operations of Continental Trailways, the Nation's second largest bus line, was struck for almost five months, and there was virtually no stir in Congress and little attention was paid by the press to the plight of the inconvenienced customers.

Mr. Speaker, for my colleagues who may not have seen this article about one of the important transportation elements under the jurisdiction of the House Committee on Interstate and Foreign Commerce, of which I have the privilege of being a member, under the leave to extend my remarks, I include the following:

FOR SHORT-HAUL BUSES, NO RECESSION

(By Robert Lindsey)

Greyhound Bus 1370, about 16 hours out of Jacksonville, Fla., and headed north, had Interstate 65 all to itself as it rolled through the tobacco country between Nashville and Louisville, Ky., at 4 A.M.

In a front row seat of the darkened bus, 22-year-old Billy Webber, who had gotten on at Nashville with a khaki suitcase and an electric guitar that he hoped would earn him a living in Chicago, talked above the noise of hissing tires on concrete and the low rumble of the diesel engine:

"I flew once, when I was in the service," he said. "But the bus is okay with me. It takes maybe 10 hours more to get to Chicago than a plane, but it's \$17 cheaper; I got time, and I need the money."

In a country beset by recession and infla-

tion, lots of Billy Webbers are riding the bus these days, and while railroad and airline traffic is sagging, bus travel is holding its own.

There are the same faces in almost any bus depot in the nation: the poor and near-poor; blacks in the East and South, Mexican-Americans in the West and Southwest; the elderly, the lonely job-hunter, the wandering hippie, students, enlisted servicemen, and the people who live in more than 30,000 towns where a bus is the only means of public transportation, in or out.

Sweeping yellow fields of grain in Nebraska, spectacular mountain crags in the Rocky Mountains of Colorado and the High Sierras of California, the countless small towns in Middle America—they all form part of the backdrop to traveling America by bus.

Transcontinental bus travel—70 miles or more of grinding stop-and-go monotony with 15-minute "rest stops" every few hours—is declining, all but lost to the jet airliner. But, especially among Americans to whom a few hours' time is fair exchange for a few dollars' savings, bus travel is booming on shorter routes, particularly between cities 100 to 300 miles apart.

While the nation's airline industry is recovering from its worst year in history and a quasi-governmental corporation is preparing to rescue intercity passenger trains that railroads say have lost more than \$100-million a year, the country's intercity bus lines are adding up 1970 before-tax profits of almost \$90-million.

In an age of jumbo jets and experimental 120 mile-an-hour trains, the ungainly—and sometimes shoddy—intercity bus year after year, despite a recent downward trend in total traffic, moves more Americans than any other mode of intercity transportation except the private automobile.

Last year, more than 250 million persons rode scheduled intercity buses and more than 125 million others traveled on special charter buses, logging a total of about 25 billion passenger miles.

The nation's airlines carried fewer people but moved them much farther: They boarded 140 million people and carried them about 103 billion passenger miles.

TWO DIFFERENT AMERICANS

In almost all ways, the average bus traveler is a different American from the one who flies in a jet: he is less affluent, more poorly educated, much more likely to be a blue-collar worker, unemployed, retired, or a resident of a center city poverty area.

A 1967 survey indicated that 57 per cent of the nation's intercity bus riders had family incomes of under \$7,500 and 21 per cent came from families with incomes of less than \$2,000. Only about 20 per cent of air travelers in the same study had incomes of less than \$7,500.

One-quarter of the bus riders had no formal education or only a grade school education; only 29 per cent had attended college. In airliners, 66 per cent of the passengers had attended college.

The bus rider is, in some ways, sort of a forgotten man in the halls of government and in the levels of society that most influence Government policy. In 1966, when five airlines were shut down by a strike for 43 days, the strike was painstakingly covered by the press, and Congress was on the verge of enacting a law to end the strike.

Yet, last year, eastern operations of Continental Trailways, the nation's second largest busline, was struck for almost five months, and there was virtually no stir in Congress and little attention was paid by the press to the plight of the inconvenienced customers.

For the most part, bus travelers interviewed across the country gave high marks to the quality of their transportation.

NO STACKING UP IN AIR

"You can't beat it," Marc Rosen, 19, a Boston University sophomore, said as he boarded a Manhattan-bound Greyhound at Boston.

"It costs almost three times as much to fly and there's a lot less hassle," he added. "You keep your bag right with you. No waiting for luggage, no 45-minute taxi ride to the airport, and no stacking up over LaGuardia or anyplace else."

Earlie Davis, a black Veterans Hospital patient headed from Birmingham for a visit to his home in Cardova, Ala., said: "I'd rather ride the bus than anything."

At Los Angeles, Sean Michaels, 25, assistant casting director for American International Productions, said he was taking a bus to Flagstaff, Ariz., because he was afraid to fly and thought the bus service was "improving and the depots generally good."

Not everybody is as enthusiastic. In most Greyhound depots there are vending machines that, for two quarters, dispense a powder-blue blowup seat cushion. The purpose is to help the traveler take some of the pain out of bus travel. For long distance travelers, the cushion is probably a better symbol of bus travel than the racing dog that flashes over the side of Greyhound buses.

Especially for the traveler accustomed to the speed and comfort of airliners, a long bus ride seems agonizingly tedious, an interminable odyssey interrupted every few minutes by yet another stop at a small depot or rural gas station to take aboard more passengers.

Warren Looney, a retired military officer, flew from his home in Helena, Mont., to San Diego, Calif., looking for a job recently. He didn't get it and went home by bus because he didn't have much money left.

"It cost me \$75 by plane and took me six hours," he said. "The busfare is \$54 and it will take 48 hours."

"This is the most miserable way in the world to travel if you're going a long distance. There is no comfort. They think you're a camel—they won't let you get a drink of water between stops. There's not enough leg room. But I must admit the equipment and the service is better than it used to be. At least there are now rest rooms in the rear of most of the long-trip buses," he said.

The statistics for intercity bus travel include all passengers on regularly scheduled trips between different cities. Thus, it includes some daily commuter traffic between nearby cities, although this is a relatively small fraction of the total, according to bus industry statisticians.

AN 8-PERCENT DROP IN 3 YEARS

Over-all, scheduled bus traffic has declined about 8 per cent between 1966 and 1969, a drop that bus operators attribute at least partly to discount air fares—especially cut-rate fares for young people—introduced by the airlines in the mid 1960's.

Last year, the downward trend abated somewhat. According to preliminary estimates, the 75 largest bus companies, which do at least \$1-million in business a year and are called Class I carriers by the Interstate Commission, experienced a drop of less than 1 per cent in scheduled revenue passenger miles—from 14,252 billion in 1969 to 14,170 billion in 1970.

The two largest companies, Greyhound and Continental Trailways, say that business was up significantly between cities 100 to 500 miles apart. The resurgence could increase more this year, according to some transportation experts, because airlines recently increased fares significantly on short-haul routes and curtailed some discounts. Between New York and Washington, for example, a one-way airline coach ticket now costs \$27, compared with \$10.65 on the bus

and \$17 for a coach seat on the Metroliner high-speed train.

To make buses more attractive, Continental Trailways last year expanded onto additional routes a service first tried experimentally more than a decade ago: A specially outfitted 28-passenger bus, with a small lounge, piped music, free newspapers and a hostess who serves light meals.

To polish the bus's image and combat the long-time image of bus depots on Skid Row, Greyhound has opened more than 20 "satellite" terminals in suburban areas during the last three years and says it plans more.

NEW TERMINALS OPENED

In scores of cities—Boston, for example—the downtown bus depot remains a sleazy, run-down gathering place for down-and-outers and other unsavory characters. But in some other cities—Los Angeles, St. Louis and Louisville, for example—attractive new terminals have opened recently.

"We're never going to be Saks Fifth Avenue," James L. Kerrigan, the president of Greyhound said recently, "but we don't want to be. We want to be the discount store of transportation and can make money at it."

"It's amazing, we survived the '60's with all of the special discount air fares," he said in an interview in New York. "But we did, and the way air fares have been going, I think we may make some serious inroads in the business travel market."

Despite the exuberance of the industry, they concede that they do not make profits carrying passengers alone. Packages carried on the buses brought Greyhound \$67-million in revenues last year, often this phase of the business makes the difference between a profit or no profit.

Although the low price, compared with planes and trains, remains the overwhelming attraction to bus travelers, many say they think that there is perhaps no better way to get the feel of America than by bus.

As Mrs. Mabel Washington, a young black mother from Philadelphia said recently as she was arriving at Boston:

"Why take a plane when you get there a little slower but don't pay near as much. No, I don't mind the ride. Least I can see something."

A 30-DAY SUPPLY OF DRUGS MIGHT BE FATAL

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. MILLER of California. Mr. Speaker, Dr. Lester E. Johnson of Alameda, Calif., addressed an open letter, later published in the Alameda Times Star, to Gov. Ronald Reagan, State Senator Lewis Sherman, State Assemblyman Robert Crown, Earl Brian, Jr., M.D., and Malcolm Merrill, M.D., protesting a new Medi-cal formula. He points out the danger in following the law in the use of certain drugs and the effect it could have upon some patients. While it is true Medi-cal may save an occasional \$2.30, Dr. Johnson shows the other side of the coin.

I congratulate Dr. Johnson for his letter, which follows, and applaud him for writing it:

A 30-DAY SUPPLY OF DRUGS MIGHT BE FATAL
An Open Letter To: Governor Ronald Reagan, State Senator Lewis Sherman, State

Assemblyman Robert Crown, Earl Brian, Jr., M.D., Malcolm Merrill, M.D.

GENTLEMEN: About December 11 I received in my mail, a new Medical formulary. About December 15 I received the first supplement to this with many corrections.

On December 15, a druggist, Mr. Ronald Nelson of the Santa Clara Pharmacy, Alameda, called me about two of my patients, both middle-aged women who are easily depressed and yet very anxious people. One of these two has attempted suicide several times.

I have found it necessary to use chloral hydrate, one of the safest of the hypnotic and sedative drugs for relaxation and to induce sleep, for both of these people.

If I allow one capsule four times daily and two at bedtime for sleep, this means six a day. If in addition, I allow two more capsules to be taken should the patient awaken during the night, this means a total of eight capsules daily. A 30-day supply would be 240 capsules per month. This is most certainly a lethal dose in the event that one of these patients gets depressed and decides to end it all with an overdose.

I am fairly sure that one of these two people might possibly do just that. I am also fairly sure that the other one would begin to eat those capsules like jelly beans and become more confused, stagger or fall, and sleep far too long and too much for her own good.

I have other patients on whom I use a limited amount of Nembutal (pentobarbital) "yellow jackets," Seconal (secobarbital) "reds," and phenobarbital, all barbiturates "barbs," and many patients on whom I use Butisol, perhaps the safest of all barbiturates. (This has now been removed from the formulary and prior authorization needed). I must now go back to phenobarbital which is not so safe, longer-acting and cumulative.

If I allow a patient one capsule of Nembutal at bedtime under the new ruling, I must prescribe thirty, this is a lethal dose. If I use Seconal "reds," one at bedtime, 30 of these is also a lethal dose.

If a child should swallow too many of his mother's or grandmother's sleeping pills, that child might die. Children up to the age of four years are apt to put anything in their mouths.

I might point out that many prominent, worthwhile people, especially entertainers, actors and actresses have committed suicide with an overdose of sleeping medications. Many a child has died from eating a relative's medications.

Some relatives of my patients have taken another's medications and sold them at school or on the street to other teenagers. Drugs are not food. Even aspirin and iron tablets have killed. It is most necessary and essential that I restrict the available quantity of all drugs that I use in my practice.

The Alameda County Coroner's office published report for 1968 reveals there were 40 deaths from barbiturates, 21 deaths from barbiturates and alcohol, a total of sixty-one deaths, and no deaths from chloral hydrate were reported in 1968.

Their 1960 report lists 57 deaths from barbiturates, 18 deaths from barbiturates and alcohol, a total of seventy-five, and two deaths from chloral hydrate. Perhaps some of these deaths may be prevented.

Although I realize that the state Medical fund is in trouble and many reforms are necessary. I intend to treat those welfare patients that I now have in my practice, and will accept the ten per cent in my fees as graciously as I can.

I do intend to protect my patients and their children from drug abuse and overdose as best I can. This ruling demanding that I prescribe a minimum of thirty days

supply of dangerous drugs, I find impossible to abide by.

One of nine consultants who have read this letter raised the question of money!

There need be no added charges by physicians. Most physicians will authorize refills of prescriptions by phone provided they are properly spaced and for safe amounts.

The state will incur, however, added charges to the pharmacies. Each prescription filled by the pharmacist costs an added \$2.30 fee for services to the cost of the medication. This is charged whether the prescription calls for a three day or a thirty day supply. After all, the chief function of the pharmacist is that of protecting the public from unsafe medication.

Please, Governor Reagan, Senator Sherman, Assemblyman Crown and Doctor Brian, realize what a precarious position you are placing upon me, my patients, their relatives and the public health. This is a dangerous ruling against the public health and must be corrected as an emergency measure immediately. Every effort should be made to discourage the prescribing of large amounts of any drugs. We have a large enough problem with our present-day "drug culture" without polluting the scene with more drugs.

Sincerely and respectfully,

LESTER E. JOHNSON, M.D.,

ALAMEDA.

VETERANS TELL OF WAR CRIMES

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. DELLUMS. Mr. Speaker, after public disclosure of the My Lai massacre, the American Civil Liberties Union and 34 prominent international jurists requested that President Nixon establish an independent panel to investigate war crime allegations. Instead, the President chose to let the military establishment investigate itself—with no outside public assistance.

As a public alternative, the Citizens' Commission of Inquiry on U.S. War Crimes in Vietnam was formed in December 1969 for the express purpose of providing an open forum for eye-witness testimony on war crimes.

From March to December 1970, the Commission held hearings in 13 cities across America. On December 1-3, 1970, CCI conducted a year-end report—the National Veterans' Inquiry into U.S. war crimes in Vietnam—at the Dupont Plaza hotel in Washington. Thirty-eight Vietnam veterans described in detail war crimes they had witnessed or participated in; testimonies received were about events which ranged in time from 1963 to 1970, in location from the DMZ to the Mekong delta.

These eye-witness accounts make it plainly clear that what happened at My Lai was not an isolated aberration. Instead, My Lai and other atrocities became the inevitable consequence of tactical field policies: the free fire zone, search and destroy, the body count measure of success, the force removal of civilian populations.

President Nixon's decision to allow only the military to deal with war crimes

and war crime responsibility has led to the situation that confronts us today—the military establishment willingly will not do anything about these horrors.

If the administration will not act, then Congress must. Last week I introduced House Joint Resolution 296 which calls for full-scale congressional inquiry on war crimes and war crimes responsibility.

Starting today, I am going to place in the RECORD the entire testimony collected at the December CCI hearings. The first installment is from seven veterans of the Americal Division. These honorably discharged soldiers describe wanton destruction, indiscriminate killing of civilians, and systematic torture of war prisoners and suspects as part of a way of life in the Americal Division. I believe these accounts bear close scrutiny in light of the recent decision to drop charges of war crimes complicity against General Koster, the former commanding general of the Americal.

The accounts follow:

MODERATOR. The men who will now be giving their testimony all served with the Americal Division, with various brigades, some with military intelligence, over a period of about four or five years. This, incidentally, was the same division that Lieutenant Calley and Captain Medina belong to. It operated in Quang Nai Province, in I-Corps.

The first witness will be John Beitzel, who is going to show us some slides.

JOHN BEITZEL. My name is John Beitzel. I was drafted in 1968, in August, I served a year in Vietnam from January of 1969 to January of 1970. I served in the 11 Brigade, 4th Battalion, 21st Infantry.

I'm going to show you some slides now, and make a little comment on them. I took all these slides myself, incidentally.

COMMENTS ON SLIDES

This is after a search and destroy operation. They brought a group of prisoners back—this was one. They were all suspected VC. None of them had any weapons found on them or anything of that sort. This particular prisoner right here was beaten before he came back, and continually beaten after he came back.

This is him again. You can't see him too well—he's in a bunker. This bunker was where the prisoners were kept before they were sent to our rear base camp. They were beaten in this bunker and kept there for quite a while.

This is the same prisoner right here. He was half dead by this point. The phone right in front there is the form of electrical torture. I saw them use this on his ears, his hands, and he was beaten continually while he was being interrogated. At this point he was still a VC suspect; he wasn't a confirmed VC. They eventually beat him so bad that they had to perform a tracheotomy on him in the field. They sent him in by Medivac, after some hesitation. The medic who was taking care of him also took part in beating him. The medic, after he performed the tracheotomy, asked the commanding officer whether he should send him in or not—or whether he should just take the tracheotomy out then and let him die. But he was sent in.

These were two prisoners. They were beaten too. I believe the one on the right was later killed. There was another VC woman further in the tunnel at the same time, and she was beaten and her face was totally disfigured.

These are the same two prisoners, after different periods of being beaten. This was the (sink hole?) where they were kept. In the previous picture, I had my picture taken with them. I didn't participate in the beat-

ings myself. I was pretty friendly towards them.

This was a search and destroy operation. These were a number of villagers—we just took them out of their hootches and we usually did this and collected them all in the center and we picked a few out, interrogated them and generally mistreated them. It was the policy just to push them out of their villas and search through their hootches and just sort of like wreck the hootches looking for anything.

This is another picture of the same thing. This is also a search and destroy operation. There was a vill that they were getting fire from, they automatically named it a VC vill, or VC sympathizers. We had a big operation on this. We called in bulldozers and jets, napalm, everything. Our objective was just to level the vill. This picture right here—this was, somebody was found in the vill. He was taken out and we were all forming a perimeter, that was the center. That particular person was hit by a .45 in his head, beaten by the ARVNs. These other two on the side, they're two young kids who were also beaten by the ARVNs.

This is a picture of a VC suspect again. Not a VC. He was just found in the vill. Right at that point an ARVN soldier is pointing a .45 at his head, questioning him, pulling back the trigger and threatening to kill him if he didn't answer the questions. He was continually beaten.

This is a photo of a mutilation of a body. We overran this hill one day in June, 1969. There were a few dead VC or NVA. They cut off the ears and right now he's cutting the tooth—he had a gold tooth in his mouth and he's cutting the tooth out. The ear, as you can notice, is already taken off.

This is another close picture of the same thing. Those bodies were totally mutilated. The legs were just completely burnt off. They are the first pictures I took of dead people and they're the last, too, because I couldn't stomach it after that.

I also saw innumerable amounts of other atrocities. For instance, we were working with a Recon element of our battalion. Recon element was a big body-count element, they always had the most body count—that's what they concentrated on. They had a smaller unit and could move around a lot easier. This particular unit, we were working with them, and we were on the same frequency on the radio. They reported over the radio to us because we were acting as liaison to our headquarters. They reported to us that they had 13 kills. Everybody thought that was nice. But later on, one of the platoons in my company went through the same vill. They came over the radio about an hour later and they said, "We can confirm the 13 kills reported by our Recon element." They said there were 9 women, 3 children, and a baby.

Also, at another incident, this was about March of 1969, we were searching through some villas and I heard shots, so I immediately ran over to see what was happening. I saw two Vietnamese in a rice field and they were shooting at them. I was wondering—and I shouted out, they looked like kids: "What are you shooting at?" A couple of people just yelled, "They're VC." So they continued shooting at them. We chased them. We found out that they were just two girls, approximately age twelve to fourteen, and one was shot, I think, very close to the heart—she was critically wounded. She was sent in by Medivac. The other one was a girl of the same age. But they had no weapons, nothing whatsoever. I think the reason this incident happened was we were always pressured for body count. Our unit was rather low, especially in our brigade, for body count—our company was very low. In fact, I heard one captain say to another captain one time right before we went out on a mission—"Maybe you can get some body count this time." Our

battalion was really hitting a lot of heavy action. Our battalion commander also passed down the word that we weren't getting enough body count. Originally our missions just were to go out and search a vill and that would be the patrol. After a while, since our body count was so low, we had to go out on patrols all day long and we had to do a lot more night work, night ambushes—this was due to the fact of the low body count.

Also, it was a very popular thing to shoot gas grenades at young kids—because they were always the first to hit our hills after we left them, for food from our C-rations, etc., and they'd always come up immediately after we left. So our commanding officer told us to shoot gas grenades at them to chase them away or whatever. Once my commanding officer himself shot two bursts of M-16 rounds at a group of children. Fortunately it didn't hit any of them.

It was also a general policy to burn villages, especially the ones outside of Highway 1, Route 1, because—well, when I went there I was told that anyone who wasn't in the refugee villas or the main villas were VC or VC sympathizers, so whenever we worked a couple of kilometers off Highway 1, they were just VC so we generally burned the villas when we went through and killed chickens, animals, or whatever. Anybody moving at night, also, no matter where it was, was considered VC and they were shot at, artillery was called in on them.

It was also policy, especially in my unit, to have civilians walk point in case there were any booby traps. We always figured they knew where they were at, so we had them walk point. We would just take any civilians and drag them along with us all day long.

Another popular thing was throwing grenades into foxholes. That was a general thing—foxholes and bunkers. Most of the villages kept bunkers for air attacks. Whenever we went through we would just throw grenades into foxholes. I never really thought anybody was in them until one time, someone had a white phosphorous grenade and threw it inside. This was after they threw a couple of hand frags in. The white phosphorous smoked out this old VC about sixty, seventy, and the white phosphorous burned up his face and singed his whole body. Then after that, you know, I got to believing that there were people in the bunkers—civilians, not necessarily VC.

Whenever we were going on patrol it was always the thing that if you heard anything, no matter what, to recon by fire. If we saw anybody moving in the distance—outside Highway 1—we would call in artillery on anything that moved because the people were always told to move into the villages near the highway. There was also constant beating of VC suspects, not necessarily VC. There are many incidents I can tell about, but it's the matter of time, so I'll close up now.

MODERATOR. Does anyone want to ask Mr. Beitzel any questions?

From the FLOOR: How does the body-count pressure come down?

BEITZEL. I received it through my immediate officer, my lieutenant, platoon leader, and he told us it came from the CO, where the CO would usually tell us that it came from the battalion commander.

FLOOR. Did you have any quotas?

BEITZEL. We didn't have any direct quotas, no specific quotas.

FLOOR. Did you have a system of rewards for a high body count?

BEITZEL. Oh, yes, there was a system of rewards. For a while, whoever got the kill would get a—in the beginning it was a case of beer or a case of soda. The squad who had the kill or person who had the kill would get a case of beer or a case of soda. After I was there a while, it got to be a three-day pass.

FLOOR. It seems that the Americal Divi-

sion had such a high body count that everybody would be out on a three-day pass.

BEITZEL. Well, a lot of times they promised a three-day pass but very often you didn't get it.

FLOOR. Was there a system of competition between the squads or the platoons?

BEITZEL. Not in my unit. I was fortunate in that my unit wasn't very gung-ho.

FLOOR. Maybe I missed this at the beginning, but did you give us your unit and where you were in Vietnam?

BEITZEL. I was in Vietnam from January, 1969, to January, 1970. My unit was 4th Battalion, 21st Infantry, 11th Brigade, Americal Division.

FLOOR. What rank were you?

BEITZEL. I was a sergeant, I was a squad leader.

FLOOR. How old are you?

BEITZEL. I'm twenty-one right now.

MODERATOR. Are there any further questions, gentlemen?

FLOOR. Have you testified before?

BEITZEL. No, this is my first time.

FLOOR. How were you contacted?

BEITZEL. A friend of mine was in an active anti-war thing. He told me about it, and I got interested in that way.

FLOOR. Did you ever make any attempt to report this to a superior officer?

BEITZEL. The only thing—I knew it would be worthless then. The only thing I could do while I was over there was that every time new people came over was just to let them know that we weren't gung-ho and that we weren't going to—that we, as individuals, weren't concerned with body count and my unit, my platoon especially, didn't concentrate on this. We tried to avoid it although we were pressured sometimes from our higher commands.

FLOOR. Were you ever told at any time during your training that you should report atrocities or war crimes?

BEITZEL. Never.

MODERATOR. Okay, gentlemen, we'll move on now.

MODERATOR. The next witness now is Bob Anderson.

ANDERSON. My name is Bob Anderson. I served as a sergeant in the Americal Division in Vietnam from October of 1967 to November of 1968. My period of service overlapped in the Tet offensive, I say the Tet offensive, and the incident in My Lai. I was with the 198th Light Infantry Brigade. I was not involved with My Lai, but I think I understand some of the kind of psychology of it, because things like that happen. I'm not here to convey any staggering new atrocity stories to anybody. I can only kind of try to represent myself as—as I think, anyway—an average Americal Division combat soldier serving in Vietnam during this period. I'm here to try to get across to the American people through the press a truer understanding of what that involves; hopefully, to get this thing over and avoid recurrence of this type of thing. So the things that I'll tell you are just kind of off the top of my head; they're just incidents that come back to me. I don't have any notes, I don't have anything specifically in mind, because I just would like to get across average occurrences to give a representative picture.

I don't think anybody has got a statistical profile on the experiences of Vietnam or what is an average Vietnam combat veteran. I can only say that I think I'm one. In the interests of time I can't relate hundreds and hundreds of incidents to you, but it wouldn't be difficult to do. So I suppose you have to accept almost on faith my word that these things are typical. But in the end, I think the people have to accept somebody's word on Vietnam, and the words they've been going on is that of people who have an interest, a personal stake, in that war: the career military, and people in government who can't back

down from decisions that they've made. I have no stake in it. I went there, I might almost say, as an experience—to see.

I think that the unfortunate thing is that our policy continually subjects the Vietnamese people to a level of suffering that I think is unforgivable. This does not always involve death; it may involve destruction or disruption. Why, in daily acts and in almost everything that is done in the field, these type of things are happening. I know of three instances that come to my mind that involve the loss of life of Vietnamese. There was no certainty of their having been, in any sense, an enemy. In fact, it's rather doubtful in my mind that they were. I think, just an instance—coming into a village in June of 1968.

The platoon leader was new in Vietnam and trying to make an impression on the platoon. Platoon-size recon operation—move into a village and all we were supposed to do was go out and walk around that day and see what was out there. The village chief, an old man, came out, attempted to bow and communicate in some way—we had no one that spoke Vietnamese. The platoon leader was trying to find out where the VC were if there were any, by talking in English to someone who could only reply in Vietnamese. While he was doing this, a young boy from the village came running by, for what reason, I don't know—personal panic, what his personal motives were, I don't know. The lieutenant whipped around and shot him, killed him. Well, as I say, he's new, he's out there as a low-level decision maker with no background to make these kind of decisions.

I served as a squad leader most of the time I was there, as a sergeant. I spent a great deal of time on night ambushes. I was in charge—I'm in radio contact, I'm out there with five or six people, I make the decisions as far as what happens, and who fires and things like this. I know of many, many instances where you're out there maybe on top of a hill near a village and it's getting on toward dark, maybe you're on a listening post at night or something of this type. The machine gunner would just to keep things quiet in the village at night, he would wait until it was almost dark and then when anybody moved down there, he would fire at them for a while. We'd never go back the next day to check and see if anybody's hit, anything like this.

All kinds of random thoughts come into my mind. Driving in trucks down Highway 1 and people from my unit sticking your foot out over the side of the vehicle trying to knock over an old Papa-san on a bicycle. The squad leader that I had when I first went over—one of the first times I was in the field—moving through a village and finding an old lady who didn't want to move off and leave her home like the rest of the people. She's crying, she's in tears, obviously doesn't speak any English and he didn't speak any Vietnamese, nobody there does. He says, "Where VC? Where VC?" and she doesn't do anything except scream in Vietnamese and cry. And he carried a .38 pistol of his own. He took that out and he tied her up, he fired a round right next to one ear, and asked her again where the VC were, same reply, fires a round next to the other ear. No reply. So he gets some brush, dry brush, put her down on that and light it on fire. Well, okay. People in the squad intervened and pulled her off before she could go up completely in flames.

This type of thing, this harassment—all the time. The Americal Division search and destroy policy—if we were out moving, we received a round or two rounds of sniper fire, didn't matter who fired it or where it came from, you moved to the nearest village, you got on line you moved through the village, you burned every hootch—a hootch is a Vietnamese home. It's made out of bam-

boo and thatch, its' all they've got. You put the zippo lighter to it and put it up. You destroy all their property, you spread the rice around on the ground, you break up their tools; you herd the people together, you send them off on a helicopter to be interrogated. And you've heard what happens in interrogations. I wasn't in on that.

These are impressions that are just in my mind. One after another. I would not try to tell you that every time an American soldier goes to the field in Vietnam he's going to kill an innocent South Vietnamese. But I would say, every time the Vietnamese people—and I'm not talking about the VC or the NVA—but I'm saying the Vietnamese people as a whole are going to suffer.

MODERATOR. Any questions?

FLOOR. I want to ask this question, sir: knowing that black soldiers are dying disproportionately in Vietnam, what degree of racism do you attribute to these atrocities that are happening in Vietnam every day, vis-a-vis black, yellow, white, whatever?

ANDERSON. This was not—racism was not really in the picture, I don't think, in 1968 in my unit, Americal Division, in the sense of ill feeling between blacks and whites or chicanos or anybody else within the unit. There's a general disregard for the Vietnamese people. It's not, in many cases, that there's a hate, it's just that they're there. They're in your way. Your whole object is to get through the year and get back and you just don't care. You just disregard them as people.

FLOOR. How can you account for the fact that in the Second World War when we were fighting against the white Germans, we didn't have these abysmal atrocities that we're having now in Vietnam against the yellows?

ANDERSON. That's maybe a complex question. Just—I feel that so many decisions are made by low-level people over there—they have to be made in the context of the general policy and your people down on that level maybe have a tendency to lose control or make bad decisions because they're not really—they shouldn't be making those decisions.

FLOOR. What I'm really trying to say is, isn't there an underlying racism that pervades America and motivates our soldiers—quotes, our soldiers—to these abysmal atrocities that was perpetrated?

ANDERSON. I think the underlying racism which, I think, it's fair to say there is in this country, leads us to a position where we don't equate the loss of lives over there, yellow people, Orientals, with the loss of life here. I think we're very callous as a people about this, yes.

FLOOR. Were you, as a soldier, given any kind of training, or was there any information given to you, as to how you were supposed to treat Vietnamese civilians, and if so what happened to that information?

ANDERSON. I can't think of any specific training as such. We were trained to go to Vietnam. We went through mock-up Vietnamese villages. We had a certain number of lectures. The tone of the lectures—the general import of them—was that you cannot trust these people. You cannot separate the enemy from the friendly civilian population, therefore you must be constantly wary and on guard, and ready to respond at any time. Even children and women, and anyone there, can kill you. So I think as far as the official preparation you're intended to go over there expecting that the civilian population would be VC and therefore would be a threat to you. You're constantly on edge waiting to react to that.

FLOOR. When and how did you first learn of the My Lai incident?

ANDERSON. I learned of it through the press back here.

FLOOR. In your own division you never heard any rumor or anything about it?

ANDERSON. I heard nothing. I had a friend who was a medic who had worked with a unit that had gone down there in approximately that period of time. He said that there was a lot happening. That's all I heard, you know.

MODERATOR. Gentlemen, we'll move forward now to our next witness, who will be Nathan Hale, who's going to show us some slides also.

HALE. My name is Nathan Hale. I was an interrogator with the Americal Division. More specifically, my unit was the 198th Light Infantry Brigade in Vietnam from December 1967 to December 1968. These slides I'm about to show you are in conjunction with the Marine Corps on an operation called Darling Endeavor, in October, 1968. The first slide—well, as far as geographic location, it was south of Da Nang. The idea of the operation was to cut off a suspected enemy force.

COMMENTS ON SLIDES

The first slide shows just our means of transportation, and just the unit in general. This is a group of civilians, detainees, that we rounded up from one particular hamlet.

This slide shows just the way we talked to them. The man is bound. You have to understand, those ropes, they're not just loose. Generally when you take them off, their arms are just red and their arms are blue.

They don't come out they're blown out or dragged out, or any means possible.

This particular slide is an interrogation going on. You'll notice the Americans standing around. This is also the national field police. Of particular interest is, on the left-hand side, the man with his hand on his hip is a warrant officer. I would say that during the whole time there were officers present, including a lieutenant colonel.

This is out of sequence, but I'll tell you what happened. I had my boots off and I was drying them. I was here [pointing] when the national field police came over and threw a spoon into my fire. He then grabbed my sock, wrapped it around the spoon. He went over to where the man was. You can see them kicking this man, you can see the foot in motion. They're asking the man for information.

He's not talking, or he's not saying what he's supposed to say—that he is in fact a VC.

Here they're burning the skin from his neck with the spoon that the man came over and put in my fire. You'll notice that at no time is it just an exclusive thing: there's Americans present at all times. [In response to question about identification] That's the national field police—South Vietnam, yes.

This just can give you an example of disregard or apathy in the field or whatever. And that's it for the slides.

I was never formally trained as an interrogator, I was trained as an order-of-battle specialist at Fort Hallburg, which is a military intelligence school. I volunteered, by the way. All during the time prior to going to Vietnam, I was probably a good soldier. I was a good soldier in Vietnam. My experiences with interrogation, I learned in the field, I heard from—my S-2 told me, at the 1st of the 1st Cav, that I could use any means I wanted to. Just don't get caught. The idea of not getting caught is don't expose yourself to someone like the criminal investigation people, or a non-combatant, an inspecting officer. But I've beaten people in front of field-grade officers. I've beaten people in front of my S-2. I don't know if you're going to ask me the same thing, why didn't I ask someone—who am I going to tell, my S-2? He's there. I can relate to you one instance in February, 1968, where a man was kicked so severely that he died. But rather than expose this, rather than go through the paper work, my S-2 had him put in two 500-pound rice sacks, and the armored troop I was with dumped him. This, however, increased the body count by one.

FLOOR. Can you give us some specifics? How

did you beat these people, pistols? Boots?

HALE. Yes, I used anything I wanted to use. I used a knife. I surface-cut people with a knife. I'd use boards, ropes, feet, fist, anything. The idea was to stay away from the face, though, always on the body.

FLOOR. Was that a matter of individual initiative on your part or were you ordered to do that?

HALE. I wouldn't say that it was a direct order. My only order was to get information by any means possible.

FLOOR. How often did you do that?

HALE. Well, when I was in the field, I did it on a daily basis.

FLOOR. How did you use the knife?

HALE. Just by—well, the prisoner was generally bound. I'd run the knife around him, sometimes just cut him but, you know, never stabbing.

FLOOR. Ever kill any?

HALE. No.

FLOOR. What went through your mind when you were applying these techniques?

HALE. That I was right.

FLOOR. Why?

HALE. Because I was told that I was right. And no one ever told me that I was wrong.

FLOOR. Did it sort of come to you later that—

HALE. It came to me, it came to me—I don't know when, I don't know where my cut-off point is, where I started to realize that everything I did wasn't the way it really is. It's—it's not—I can't, I can't live here and say well, that's over there, that's two years ago—well it's not.

FLOOR. Did you take slides during your entire stay?

HALE. Yes. But this is the only sequence I have of interrogation.

FLOOR. What rank were you?

HALE. I was a Specialist 5.

FLOOR. Did you and other interrogators relish the beatings, or did you always justify to yourself, as a means of getting information?

HALE. It was always justified by the information that you gathered, if any. Something about that—anybody, if you're beaten to a point, you're going to lie. When I was at divisional level, so often we would have to declassify people because of misinformation, because they were just beaten so severely. They had to lie to save their lives.

FLOOR. How did you happen to take the pictures? Were all interrogation officers, are they allowed to carry cameras?

HALE. I wasn't an officer. I was an enlisted man. No, I just happened to have my camera with me.

FLOOR. Were you ever discouraged from taking pictures?

HALE. No.

FLOOR. How about your rank?

HALE. I was a Specialist 5.

FLOOR. Did you go to church when you were young? Did it have any effect on you?

HALE. Did I go to church. No, I didn't go to church. Fortunately, my family sees that if I want to go to church I go, but I chose not to go. But I don't see what you're getting at.

FLOOR. I was just curious.

HALE. It affects me now but not because of religious beliefs.

FLOOR. What about other soldiers who participated in that torture—a lot of them, I guess, were churchmen—did they ever put the two things together?

HALE. That's part of the big myth, you see. You're taught that prior to going over—okay, you're a soldier, first, and everything else be damned, because that's the way it is.

FLOOR. Did military chaplains witness much of this stuff?

HALE. I personally saw a military chaplain as a door gunner, in one instance.

FLOOR. Where was this?

HALE. It was in America, 1st of the 1st. I'm not sure of the date.

FLOOR. Where did you go to beat up people? Where did that take place?

HALE. Most of my beating occurred at the 1st of the 1st Cav base camp, Hill 29.

FLOOR. And can you give us some approximate dates?

HALE. The man that was kicked to death was in February of 1968. I was also in the field in July of 1968, and Operation Daring Endeavor was October, 1968. But there were many times when I was just sent out to a unit, maybe for a couple of weeks or a couple of days.

FLOOR. Did they just send you out to beat them up? Was that your sort of—

HALE. No, my specialty was an interrogator and as interrogators were needed—if a large group of prisoners were gathered and they wanted the information, immediately, whatever that meant.

FLOOR. Did you say 29, the 1st of the 1st Cav?

HALE. 29—? Oh, Hill 29 is the area. Right. FLOOR. Anderson. Is that right, your name is Anderson, sir?

HALE. My name is Hale, Nathan Hale.

FLOOR. How old are you?

HALE. I'm twenty-three.

FLOOR. By any chance, are you any kin to the other—

HALE. No.

FLOOR. Mr. Hale, I'd like to say first of all I feel that your answers have been very direct—and incriminating, if you were in the military. You have made personal accusations against yourself which could incriminate you if you were in the military now. Also, I'd like to allude to this by saying, how much of indoctrination do you attribute to the fact of your atrocities, vis-a-vis not being indoctrinated by the military?

HALE. First of all, I did everything solely on the basis of what I believed; prior to going, I was probably—I was right, you know. I wanted to go over there, I wanted to do my part. From there, I think what you're saying is, what do I believe—

FLOOR. No, no, I'm not saying that. What I'm saying is, as an American, born in America, how could you be so vicious against yellow people? That's what I'm saying. To hell with the church bit.

HALE. No, no, it's a racist thing. It's definitely a racist thing as far as I'm concerned.

FLOOR. Thank you for your honest answer. How had it affected you personally?

HALE. Personally—I've had to go within myself and try and find, try to explain to myself what I've done. But I'm not—I'm not here to justify myself, I'm here to tell you the way it is, now, every day.

FLOOR. Could you do the same actions if the so-called enemy were white people, not yellow people?

HALE. I'm sure I could, I'm sure I could. Because—

FLOOR. Then it isn't racism?

HALE. I'm saying—okay—it's racist thing now. I would act on what I learned prior to this. I know this because—maybe I'm going too far, but my brother-in-law was an interrogator also, in World War Two, and he tells me that they did the same things against the Germans, you see, so—I don't know.

FLOOR. You think that it was a racist thing, now?

HALE. I don't think, I can say yes, it is.

FLOOR. It was easier to behave that way with the Vietnamese, though you could have behaved the same way with white enemies? Theoretically—

HALE. Yes, it was easier, easier with the Vietnamese. Easier? Oh, wow. Of course it's easier, because of the whole thing—it's a big propaganda thing, of hate.

MODERATOR. All right, gentlemen, we'll move on to the next witness.

FLOOR. I'd like to ask a question of the Commission. It occurs to me—I know you

have this philosophical objection to naming commanding officers and such for fear that the Army will just forget about the whole thing—but you've now got, I don't know, about twelve, fifteen guys who have talked, and each one of them has a commanding officer who was around, has a lieutenant colonel perhaps that he could name who was on the scene. Why not draw up a list of every officer that you know was there, or every general that you know knew about these things, and have some indictments?

MODERATOR. We're not trying to find out who's guilty on an individual basis. If we did that we'd probably have to draw up a list with 2,500,000 names on it. What we're trying to do is find the responsibility for these actions and we say that the responsibility is at the highest levels of planning. That these tactical field policies emanate from these highest levels of planning and create a strain, a type of atmosphere, in Vietnam, where these type of actions have to occur on a very, very frequent basis.

FLOOR. Could you be more specific as what you mean by the highest levels of planning?

MODERATOR. Well, wherever these things are planned. At the highest levels of government.

FLOOR. Can you diffuse the responsibility by just throwing it at the highest levels of government?

MODERATOR. Well, maybe we can start with the National Security Council. You have to start someplace.

I'd point out here that Captain Master is here, and will be joined later by other active-duty officers. They've come to this hearing in one part to determine whether they're going to bring charges against a number of high-ranking generals under Article 138 of the Uniform Code of Military Justice. The attempt, I suppose, is basically to—as I said to some people individually—take the monkey off the individual's back, take it off Calley's back, and put it a step higher—let the generals do what they will with the monkey once it's on their back.

FLOOR. Of the Vietnam veterans who've returned, how many do you think share your views?

MODERATOR. We'd only be speculating if we said that.

FLOOR. Would you speculate?

MODERATOR. No. Certainly all of them in this room do, I think.

FLOOR. Article 138 is not a criminal charge, though, is it?

MODERATOR. It gives the authority to any member of the armed forces to bring charges against anybody else in the armed forces.

Gentlemen, we have a limited amount of time. I'd like to move on—we have three more witnesses before this session is closed. The next witness will be Gary Battles.

While Gary is coming out and getting settled, I might mention I heard what was said about the chaplain and "thou shalt not kill," and I think it's an important point to know that at the chaplain's school they've changed that commandment. In their new edition of the Bible that commandment now reads, "Thou shalt not murder"—which is quite a bit different.

MODERATOR. Gary Battles is our next witness. He served with the Americal Division, 1st Battalion, 20th Infantry, the battalion of Lieutenant Calley's platoon. Gary, did you ever witness the brutal treatment of civilians?

BATTLES. Yes, I have. First of all, I'd like to say that I'm Gary Battles. I took my basic training at Fort Dix, New Jersey, I went on to advanced individual training at Fort Polk, Louisiana. I went overseas and I was put into Delta Company, 1st of the 20th, 11th Light Infantry Brigade, Americal Division. I started out in a regular line company—every time I talk about this stuff I just begin to shake because I can't believe everyone is just sitting there and not doing something about it.

One of the things that happened to us when I was in the country approximately thirty days was our helicopters landed, our company got out of the helicopters, I saw us moving into a U-shaped ambush. I brought it to the attention of our platoon leader, who was a lieutenant. It was a rice paddy, circled on all sides by dense jungle. In my training, which I paid attention to, because I thought I was doing what I should do because all the American people were allowing the Army to exist, and allowing it to act in Vietnam, I thought, well, this must be right, who am I to speak out? So I just let it—I told it to the platoon leader, we're going to get ambushed, it looked like it was according to our training, nothing was done. We proceeded to move forward, approximately 300 meters later, six men were killed instantly—what I mean by instantly is a matter of a minute or two. I was rather shocked. I had never seen dead people. I saw a lot pretty quick.

I was a radio man at the time. I called the colonel, or whoever the man is riding in the helicopter, called down, "We've made contact." Beautiful. Contact with the enemy is what we want, that's our policy. He started talking over the radio—he wanted a body count, he wanted a body count. I said, "Sir, we've had six men killed." And while I was talking about that another man wanted to use my radio. I asked him why—he said, "Because a man here has had a heart attack." Nineteen years old—he had a heart attack. By this time I could hardly function. I was only in the country approximately thirty days.

I got back on the radio, like I was supposed to do, just trying to relate to whatever I was trained. My job at the time was to talk on the radio. The colonel or whoever it was in the helicopter started asked again. He wanted a body count. I said, "Sir, we have six men killed, one man had a heart attack, we can't get ourselves together enough to pull back. We have men out there we believe are still alive. Some men here are really close to these men in the field and they want to crawl out there and save them. We can't do it." He goes, "I don't care about that. I want a body count." At that time, I thought, who does care? Maybe somebody out there can tell me who cares. If you care so much, why does it go on?

So at that time, I put my radio down. They asked me to shoot or something—put out some fire so these men can crawl out. At that time, a man crawled out, and he received a round in the back, lower back, in the buttocks, or whatever. He went out to the man, he got a hold of him, he had a hold of a small root. He wouldn't let go; he said, I'm too messed up, I don't want to go home anyway. He tried to get him to a gully(?), he got down, crawled back, received another round. This man came back. We're sitting in a perimeter, everything's quiet. No shooting—either the enemy had dispersed or whatever—I don't know what happened, everything was rather quiet. We got up to move back, received a few more rounds, and then we just set up our perimeter. The dust-offs landed, enemy shots at dust-off helicopters, we just started shooting into the woods again, into the jungle. You don't know where they are, you don't know who they are, anything about it, you just shoot; could be civilians, could be anyone. That's the way the whole thing is run. We were setting up a squad of who was closest to the squad was going out, and six out of the eight men were killed, asked if they could go back and so-called do a J-O-B, do a job, on the old woman and a child who we had passed prior to walking into the village. I told you, we got out of the helicopter we came across two people who were in a hootch with sixteen bowls of rice. Immediately the conclusion was drawn—these two people can't eat sixteen bowls of rice, there-

fore they're feeding the enemy. The captain was asked if the squad could do it; it happened to be a squad who I was rather close to, and I had rather big eyes at the time, trying to see exactly what was happening in Vietnam. The captain shook his head; we went back over around the hedgerow, threw an eighty-some-year-old woman in a well, with about a seven-year-old girl. One grenade was thrown in the well and not too much happened, although there was screaming and whatever. If you're going to be thrown down a well—I don't have to go into it. The second grenade was thrown in—that's a waste of money, right there, another grenade was thrown into the well, and blood and whatever parts of the body, whatever, small parts, flesh, were thrown about twenty-some feet into the air. That's just one incident. That happened approximately thirty days after I was in the country.

FLOOR. Where was this?

BATTLES. This was behind LZ, just outside of Duc Phuo.

FLOOR. When?

BATTLES. This was June or July—June, it was about June 10th, about thirty-some days, twenty or thirty-some days after I got into the country. This would be 1969.

MODERATOR. Gary, were these murdered civilians included in the body count?

BATTLES. Of course. Every time—well, just like it says in Life magazine, if you engage contact with the enemy, it really doesn't matter, you immediately chalk up two. That's the way it is—that's the way it really is, and I don't believe nothing's being done about it. That's why I'm here.

MODERATOR. Did you ever witness torture of Vietnamese suspects, civilians or prisoners in Vietnam?

BATTLES. I've witnessed torture and I've witnessed killing of people. They've only given me two things to speak on about what happened to me so—I'll talk about that one. We were on a sweep, we had been ambushed by our own men, there's your Army really working with each other. We were moved out at 2:30 in the morning to pull off an ambush—whatever was organizing—I don't know where the organizing was done, I really don't, there seems to be a lack of it. We were ambushed by our own men. One man was killed and two men were wounded. But that's irrelevant—we're here to—supposedly irrelevant—we're here to talk about mistreating. This thing that happened this time, as we came back past the bunker after a small operation which I just told you about, which never came off because it was too messed up to even do, five people were seen running. They went into a bunker. I wouldn't have been running, I'd have been flying. I mean, if they're going to be shooting each other, what are they going to do to you. They got inside the bunker, they wouldn't come out, so two grenades were placed into the bunker. It's called a claymore mine—it was set up, slid into the bunker, the troops backed off, set up a perimeter, and they blew the bunker. Now, I don't see how they could have known these people were enemy. I don't think they really cared. I'll say, personally, I know they didn't. I'd like to know who sent us there—I'd like to know a lot of things about it.

MODERATOR. Were officers ever present when this—

BATTLES. Yes. When men were dragged out of the bunker and being VC suspects, or whatever—seems to be a good literary, whatever, what you want to call it—the officers came down in the helicopter. The men were dragged out of the bunker. One weapon was found inside—it didn't work, hadn't worked for a long time, you can tell, so they had no weapon. They were dragged out. Three were dead, two were still alive, one was just barely alive. The other one they went through the normal beating of him, slapping across the face. A young boy, who could speak Vietnamese, who traveled with our outfit,

walked with us, he dragged barbed wire across their hands. He always did this. He did this in this one instance and they wouldn't talk, so one guy who I'd seen come in the country—kind of a heavyset guy, pretty nice guy, kind of easy-going in life I imagine, but it's not a way of life in Vietnam, it's a way of existence—he figures if we kill this man it'll be one less to worry about. Which is what happens every day, that's the way it is. If they're all dead, there wouldn't be a war, then we could all go home. There were several people who wanted to kill this man who was still alive. Somehow this guy got the lucky number. I don't know what it was, and he put eight rounds—the man only needed one round in his head—he didn't need any—he didn't need the ones he had in him, let alone eight more. He shot him eight times in the head. There were officers present. This question keeps coming up, though you should know by now—who do you turn to, who do you tell this to. I mean, you're talking up against a brick wall and if this comes out to be talking up against a brick wall to whoever's here trying to release this to the people, then I don't know what more we can do to let you know what's happening over there.

FLOOR. How many Viet Cong suspects would you say were killed while you were there, that you saw?

BATTLES. During my tour in Vietnam?

FLOOR. Yes.

BATTLES. Of all the incidents, like, of seeing artillery come into villas which I know there were people in there, and going in and seeing bodies, I would say a total of—it's really hard—I'd say somewhere near fifty. Over thirty and under fifty. Our unit, they were rather gung-ho, and when I was put into that unit I wanted to get home. I had a girl, I had parents—who now rather disown me because I'm talking out and telling the truth, but I believe in what I'm talking about because it is the truth.

FLOOR. These were civilians?

BATTLES. Yes, they were civilians. You can't tell civilians from who's the enemy. We shared rice and chicken heads with a man one day, we set up his vill that night, and that night we blew a claymore, went out the next morning and it was him, sneaking into the perimeter with H-1 hand grenades and an M-14 rifle. I don't know who gave it to him. Maybe he took training at Fort Dix with me. I have no idea. I could believe that—

MODERATOR. Any other questions?

FLOOR. Could we have your age?

BATTLES. I'm twenty-one. Glad to see it, too.

MODERATOR. Okay, we'll move on now to a man that served with Gary Battles, in his unit: Charles David Locke.

LOCKE. My name is David Locke, and I was in Vietnam from 19 January to 15 July this year. While I was in Vietnam I spent time in three different units: one was E Company, 1st of the 20th, 11th Brigade; D Company and C Company of the same brigade.

In E Company I was in 4.2 inch mortars, and while in the mortar platoon I participated in firing approximately one hundred white phosphorous rounds. It was old ammunition for the mortars and we were told to expend it so we fired it into three different villages, in the same area, burning and destroying everything there. They were populated, as far as I know. We were told they were populated and VC villas.

While in Charlie Company, before I went or SRP—a short-range patrol—with about six other men, I was told by the CO that he didn't particularly like prisoners. And when we went out, there was three dinks spotted running across the field from where our night lager was. They were policing up food. They had no weapons; they were all dressed in black pajama bottoms; and we were told to chase them and kill them, at which time we chased them, and we killed one—well,

we wounded him first and called in on the radio and said we had a dink that was wounded, and the CO said, "You got a what?" and the squad leader blew his head off and said, "We have a KIA. Our position has been given away and we need to get out of here, can you get us a couple choppers in and get us out." And the CO says, "No. Can you get me two more dinks."

When I left Nam I was told by the first sergeant that the CO needed approximately seven more kills before he'd be put in for major. This one dink that we did kill—we were ordered to booby trap the body and spread-eagle it so it couldn't be buried unless it was chopped up. Consequently, his ear was cut off and awarded to the platoon leader—which he kind of cherished. He enjoyed that.

We went on a search and destroy mission one time, in Delta Company. We were chopped out in three forces—a red, yellow, and green force. There was two blocking forces and a sweeping force. I was in a blocking force at the other end of the vill. The sweeping force was ordered to sweep through the vill, kill and burn everything in sight, which included people, and animals, and just burn the village down—and we were on the other side blocking, in case everybody ran out the other way. Well nobody made it out. They were all found in bunkers, where grenades had been thrown in, and in their hootches, some of them.

When I was in D Company I was a FO. I had called in two missions with white phosphorous, PD high explosives, which is point detonation and vertical time fuses—on, I believe it was, two occupied villages, they were supposedly VC. I suppose that did a little damage.

MODERATOR. Gary, can I ask you, while you were in the 1st of the 20th, what was the general attitude of the men toward the Vietnamese people as a whole?

LOCKE. Remember My Lai. "Remember My Lai" was what about 90 per cent of the people in the company had written on their hats.

FLOOR. What did that mean?

LOCKE. Remember My Lai? Charlie Company, 1st of the 20th, is the one that was in the My Lai incident, and these guys think that these people that are being put on trial, they think they're being shafted, because that's policy. You know, you get a good body count, you're uptight, you get a three-day pass, squad gets a case of beer. We went through this village and discovered some rice, turned out to be about a seventy-thousand-pound rice cache. Actually it was about a mile square. We took the rice from the people that they had been working all year long saving up, so they could eat during the rest of the year and take some to the market and sell it. Well, we took all that and delivered it to the compounds where the refugees were. We had a chopper pilot, he was lifting out on a chinook, he was lifted out about forty thousand pounds worth. I think, and he got shot in the arm, and immediately the CO took a platoon, and they ran through a village, killing and burning and everything. And they threw two frag grenades in this one bunker—somebody was spotted going in there and so they sent one man in there after him. And he pulled out fourteen people, of which one admitted to shooting the rifle that shot the chopper pilot. They sent an agent—I don't know whether it was CID or CIA but I remember looking on his collar and seeing the CI, I didn't see the third letter. He came out there and tortured the guy, right there. While I was eating my lunch. It was interesting, trying to eat, and listening to this guy get tortured. They were kicking him in various spots, using a pencil and jabbing him with that—beating on his chest—there were several forms—they were gouging his eyes, they were having a big time.

FLOOR. David, you used the word dinks. What other words are used to describe Vietnamese people that are racial slurs?

LOCKE. Gooks, slantheads—dinks was the most popular where I was at. It was the only thing. If it doesn't look American it's a dink. If it's a dink it's bad, therefore should be dead.

FLOOR. David, what do you know about what happened in My Lai, anything, firsthand?

LOCKE. No, no firsthand knowledge. I wasn't there when that happened. I got there the 19th of January, 1969, it was all over and pretty quiet. The only thing—they got over there is the people still wear this "Remember My Lai" thing on their hats, you know, "Remember My Lai" and "Kill More Dinks" and all this.

FLOOR. In your experience, what has been reported as happening at My Lai was not usual?

LOCKE. No, not at all. I mean, that happens quite often. They think it's a VC vill so they blow it away, get it off the map. Go through, clean the area out. Then thereafter anybody found in that area is automatically a VC, and they're going to kill that too. They've got whole big areas, whole valleys and things that are marked off limits. They let the farmers come in during the daytime, and at six o'clock they're supposed to be gone. If they find anybody in there between six and six, they're going to kill them, no ifs, ands or buts, no questions asked. It's quite frequent you find them there. They go in there and—one of these villages that we burned out with white phosphorous, later on when I was in Charlie Company, we went through there, and there was approximately fifty people in the vill again. They moved back into the vill and rebuilt it up. We had to sweep through it, take everybody out, send them in in choppers for interrogation, burn down the village, dig up gardens and graves hunting for rice and weapons—never found any weapons. We found a small, about two hundred pounds worth of rice, which wasn't worth anything.

FLOOR. David, why did the people feel that the fellows at My Lai got the shaft?

LOCKE. Because what happened at My Lai is not a special thing, there's nothing special about it. It got a lot of publicity, and so they're trying to shaft everybody to show that they're, you know, they're good, they're going to go along with the laws, they're not going to go and murder people like that every day. So they're trying—it's scapegoat, is what it is.

FLOOR. What does "Remember My Lai" mean?

LOCKE. Well, it remembers that—well, actually, I'm not too sure on that, it's just—

FLOOR. Well, what did it mean to you?

LOCKE. Remember that these guys went through to My Lai, found a VC vill, and so they did their job just like the higher people want them to, they wiped them out. All the bad guys, and now they're going to jail for it. And now it's the bad guys' fault for being there in the first place.

FLOOR. It basically means, don't get caught?

LOCKE. There it is—if you get caught, you know, it's your own skin.

FLOOR. Who wears these hats?

LOCKE. Who's wearing these hats? About 90 per cent of all the people in the 1st of the 20th—not the brigade, but in the 1st of the 20th. They all wear them.

FLOOR. What happens if you didn't have it on your hat?

LOCKE. What should happen?

FLOOR. Will they say anything to you?

LOCKE. No, they're not prejudiced.

FLOOR. What does it mean, 1st of the 20th? I'm not clear about that.

LOCKE. The 1st of the 20th is five companies, A, B, C, D, and E. Now C Company was at My Lai. C Company, 1st of the 20th,

that was My Lai. And all five of those companies, they tend to try to remember My Lai.

FLOOR. This is the 1st Battalion of the 20th what?

LOCKE. The 20th Infantry. Whatever that is.

FLOOR. And they started wearing "Remember My Lai" when?

LOCKE. As soon as the publicity about My Lai came out they started wearing it. Also, if you're wearing anything—just wearing the word My Lai on your shirt, on your hat, and a dink sees it, it's like seeing the ace of spades, it's taboo, and all that. That means that whoever's wearing it is a bad guy, he'll kill without mercy, and all this.

FLOOR. [Inaudible.]

LOCKE. By American ground troops? I didn't personally see too many civilians killed, just five or six. Like when you're with a company, and you're sweeping, you're walking through some rice paddies or something and all of a sudden a couple of rice paddies over a dink pops up and starts running, you don't ask him who he is, you ain't got time, you shoot at him, drop him. We used to settle on a hill and just fire out into the rice paddies at people, water buffaloes, to zero the guns, to make sure they're aimed straight.

MODERATOR. In the interests of time, let's just have one more question from the press.

FLOOR. In this wearing of the word "My Lai" or of "Remember My Lai," does that mean, in your view, Mr. Locke, that these people were expressing their sympathy with Lieutenant Calley?

LOCKE. Yes.

FLOOR. How does it interpret—

LOCKE. As an example of what should be done over there, what the higher echelon wants done over there. They want—it's a sea of people over there and they've got to dry up the sea in order to get the bad guys.

FLOOR. What was it, an emblem, something like that?

LOCKE. No, you just take your hat, and take a pen, and write "My Lai."

MODERATOR. Okay, I hate to interrupt, but we'll move on now to the next witness—all right, one question.

FLOOR. Is it possible that what happened to Lieutenant Calley now could have happened to you gentlemen if it had been reported then?

LOCKE. Very definitely. It could have happened to about—I don't know, about 25 or 30 percent of all the people who go over there. You know, you ain't got no choice—you either do what the brass tells you, and get in trouble for it, or you don't do what they tell you, and get in trouble for it. Either way you're getting shafted.

MODERATOR. Thank you. The first witness at this session will be Richard Dell.

RICHARD DELL. The name is Richard Dell. I served with Company B, 1st of the 6th Infantry, 198th Light Infantry Brigade. I also served with 1st of the 1st Armored Cav. They were both units attached to the Americal Division. I could tell of many things, many small instances, but in an effort to save time, I'm going to say a few of the things that I thought were more outstanding. Myself, I never saw a large-scale massacre of anyone, but I was witness to a few incidences of slaughter of civilians.

Like I know of one instance where we went in on a CA into a village. It was a hot CA, meaning the first lift of choppers caught fire, and they received fire from an NVA—I guess you might call it a squad, approximately seven people in uniform with weapons as good, in my opinion better than ours. When we went into this village, I was in the third lift, which means the third group of helicopters to come in. Since they can't land everybody at once, they bring you in at different lifts. By the time I got there the firing was over, the fire fight was over, and the company was pulling what you might call a sweep or search and destroy in that village.

During this time we took all the civilians and herded them into a central area so that they could be interrogated. We completely ransacked every hootch in the village, turned everything out, all their valuables; any boxes or anything that they might have had were opened, and looked for ammunition or anything. If one round of ammunition was found in that hootch, it was burned.

It was sort of a practice that if you didn't find anything, most people carried a round or two of enemy caliber weapon in their pocket and they would just throw it in the hootch, and then show the lieutenant and say, "I found this," and burn it down. At this time we sent three prisoners back in to battalion to be interrogated further. And then later on we captured another person. This person—like there was no more helicopters to take him in, and they didn't want to let him go, so the captain said he should be gotten rid of. So two people took the person's ID card, which—if a South Vietnamese doesn't have an ID card, he's a gook, he's a VC. Supposedly any loyal citizen has an ID card. So these two people took his ID card and put in their wallet and then told him to take off. He ran approximately ten yards and turned around to look to see what was happening, because his wife and his child were standing right there. When he turned around, there was a man with a M-60 machinegun and another man with an M-16, and they both let him have it. He got hit with maybe twenty, maybe thirty rounds of M-60 fire and M-16 fire. He was laying there, he was still alive, and the medic was asked, "Well, what can you do for this guy." So the medic laughed, pointed an M-16 at his head, pulled the trigger, then stuck a cigarette out in the wound laughing about it.

In another instance, we were on patrol. The company approximately two or three kilometers from us received sniper fire, so our patrol was ordered to head in that direction. While we were going in that direction, we apprehended two Vietnamese civilians working in a rice paddy. They weren't checked for ID, they weren't checked in any way to find out if they were VC or if they were just innocent bystanders. The lieutenant in charge of the patrol said that they should be just gotten rid of, and they were shot by the lieutenant and a few other people in the patrol.

I was also in the company which started a thing which is known as a rat patrol, where six or seven men will go outside the perimeter at night and roam around the countryside around our night lager. And in that time anything that moved or made a funny noise was dead. We were under orders to shoot first and ask questions later. We would walk through a village, and if any strange sounds were heard coming from a hootch or anything—it could have been people sleeping, just turning on their beds—we let loose. I know it was pretty indiscriminate because one of my friends was shot by another one of my friends. He thought he had heard something, opened up, and shot my buddy in the rear with an M-16.

MODERATOR. Rick, was your company the only company in the battalion or the brigade that used rat patrol?

DELL. Rat patrols were originated by a lieutenant in my company. He was new in country and he wanted to make a name for himself, so he volunteered us for rat patrols. And—one instance—we supposedly had good results. A lot of, you know, reported dead, confirmed body count. So because we had such supposedly good confirmed body count, it was made standard SOP for the 1st of the 6th, and I believe other units of the 198th Light Infantry Brigade while I was there.

One instance, we were outside of an LZ called LZ Baldy—which is a pretty big base camp between Chu Lai and Danang, just off of Highway 1. And while we were there,

we were set up in a night lager. And up until this time we had been receiving a lot of sniper fire, a lot of booby traps, a lot of people were getting wounded and maimed. And we sent out a rat patrol one night, and they went into a village. When they went into this village, it was what you might call a secure village inasmuch that there were PFs there—PFs is Popular Forces. They are similar to the National Guard. It's their policy that if they see strangers in the village, to ring the bell, the village bell. And the rat patrol was going through the village, and the PFs rung the village bell to warn the villagers that there was people roaming about the village. They didn't know if they were Americans or NVA, they didn't know. So as soon as they started ringing the bell, the rat patrol opened up, and just split, and then they came back into the night lager, and we called in a 175 mission on the village of about thirty or forty rounds.

And the next morning we were still set up in the night lager eating breakfast when you might call it a delegation from the village came up. There were approximately four or five people that came up under a Vietnamese flag and an American flag, walking into our perimeter. And they did this in the fact to show that we were wrong in blowing up their village, and they wanted to speak to us and find out why we did it. And when they walked into the perimeter, they were messed with by the other people in the company. The Vietnamese flag was taken away from one guy, a few of them were punched, a couple of them were tripped, they were just generally harassed. And these people were coming into our camp to find out why we had destroyed their village when the village itself was only 1 or 2 kilometers from a big base camp, and there was troops of the South Vietnamese army stationed in that village for their own protection. And we had called in an artillery strike on them.

FROM THE FLOOR. Do you feel that this arbitrary killing of women and children started after Westmoreland gave the order for he wanted more body count?

DELL. I don't know. I believe—like I was there before Westmoreland supposedly said that, I was there from August of 1967 to August of 1968, and during that time—that was the time of the big Tet offensive where Danang, the Marine regiment at Danang, was overrun, and my battalion was a reactionary battalion for Americal Division. In other words, whenever Americal intelligence had some report of an enemy build-up or an enemy concentration or a heavy attack on a base camp anywhere in the I Corps, we were picked up wherever we were in helicopters and flown to that place. And when we were called in it was usually declared as a free fire zone, meaning that the man on point, the man walking first in the company, whenever he felt that his personal safety was in danger, then he had like permission to open up on the opposite jungle line. It didn't matter if he knew anything was there, it could have been a friendly village or anything, it was just there might be somebody there who was going to shoot you and he acted on that.

FLOOR. Would you say then that Westmoreland's statement was more or less superfluous because you were already getting as much body count as necessary?

DELL. No, I don't know about that. I know that my whole time there that was the big thing. Get a bigger body count. I know in our battalion we had a little bulletin board—us and them, you know.

FLOOR. Could you pin down some of the places where you say the two men opened fire on a man who didn't have an ID?

DELL. Well, he had an ID. They took it from him. It happened in a place called the Rice Bowl. The exact position I couldn't tell you, I didn't even know where I was half the time, it was just, "We're walking 20

kicks this way today." We'd wake up and, "You carry this, and walk this way."

MODERATOR. Rick, what was the area of responsibility of the 198th at that time?

DELL. Anywhere in the Americal zone. It was reactionary. Whenever anything happened or they suspected anything happened, it was usually my battalion, a company from my battalion was flown in first.

FLOOR. When was this incident when they took the ID card?

DELL. I would say, March of 1968. But that's not a definite date.

FLOOR. That was about the same time as the My Lai massacre, then.

DELL. Just before.

FLOOR. Do you know any way General Koster, your commander at the time, handed down pressure for body count? How did he act?

DELL. I don't know, I never saw a general. We were lucky if the colonel came out once or twice the whole time I was there. It wasn't considered safe where we were for officers to come out.

FLOOR. The higher officers usually stayed away?

DELL. Yeah. Higher officers didn't have anything to do with any type combats.

FLOOR. They kept their hands clean?

DELL. I wouldn't necessarily say keep their hands clean. They didn't mind getting us killed, but they didn't want to get killed.

FLOOR. You mentioned that American soldiers were often so anxious to shoot that they sometimes shot each other. Was that a common occurrence?

DELL. That was an uncommon occurrence. But it was at night, and it's just a general thing. You don't walk outside the perimeter at night.

FLOOR. How could you have gotten a clearance for a 175 mission on a village where there were Popular Forces?

DELL. We just—the person who was in charge of the rat patrol called it in, said that they had received fire.

FLOOR. But the clearance procedures were supposed to preclude that?

DELL. There were a lot of "supposed to's."

FLOOR. This is a question that has been coming across my mind during most of the testimony. What would happen to individuals such as yourself who would refuse, refuse to do these things, or what the Army calls, "Refuse to go to the field"?

DELL. Well, my company itself, we were at a place called LZ Center, which sort of divides the As Hau Valley, it's right on the perimeter of the As Hau Valley. And we got trapped on top of a hill for three days, where we couldn't get out of our foxholes without being shot at. We were up against the headquarters battalion of the North Vietnamese heavy armored regiment. On the hill complex we were on, the NVA had eleven .53 caliber machine guns, approximately four mortar positions down in the valley, and approximately three recoil-less rifle positions down in the valley. So any time any of our men came out of our foxholes we were being shelled. And it took us two and a half days to get off of the hill. And we went down into the valley and spent a night just down in the valley and that evening orders came down for us to go back up the hill. And we as a company refused to go. We just told them to forget it. As a company we did this, like everybody except for the captain and one lieutenant. And the one lieutenant was behind us but he couldn't refuse a direct order or else he would have gotten fifteen years in Leavenworth, but there was nothing they could do to a whole company of us, unless they wanted to put the whole company in jail.

FLOOR. When did this refusal take place?

DELL. I'd say April of 1968.

FLOOR. What company was that?

DELL. It was Company B, 1st of the 6th Infantry, 198th Light Infantry Brigade.

FLOOR. Was there any press coverage of your operations that you know of?

DELL. The only time we saw the press was when we were in supposedly a secure area. There was a few times where they happened to be out there and we would get caught in a fire fight. But if we were on a sweep, or a search and destroy mission, where heavy contact was expected, they didn't come out.

FLOOR. What was your CO's reaction to the refusal?

DELL. He called up the colonel and told the colonel that the company refused and he wasn't going back up by himself.

FLOOR. What was the colonel's reaction?

DELL. The colonel was sort of — that we went back in the base camp that afternoon.

FLOOR. Did you ever get any training about atrocities? How to report them or—

DELL. We were told that there wasn't atrocities. We were told, you know, war's hell, that's just too bad. It was a matter of our whole training. I received orders for Vietnam the day I got out of AIT which is like the training you go through right after basic training. And we were constantly drilled on instances of young kids who were supposedly coming in, you know, to wash the dishes, coming into the base camp in the morning carrying explosives in with them. And we were told of instances of women coming in with explosives hidden on their body.

MODERATOR. Rick, how many times did instances of this nature occur while you were there?

DELL. I only saw it once. That was when I first got there. Our mess hall was blown up, and one of the cooks got killed by a grenade put in the stove, by one of the KPs.

MODERATOR. I'd like to point out again that all of the men who have spoken at this session served in Vietnam at various times with units of the Americal Division. An announcement about tomorrow is that two witnesses from military intelligence units will be giving their eyewitness testimony concerning the liquidation practice employed by the CIA's program, Operation Phoenix. I'd like to suggest—we're running a little bit behind—that we take a ten minute break, and then Professor Noam Chomsky from Massachusetts Institute of Technology will be speaking.

No break?

We don't have time.

No break.

UHL. My name is Michael J. Uhl. I was a First Lieutenant in military intelligence. I was assigned to the 11th Brigade, 1st Military Intelligence Team of the 11th Brigade of the Americal Division in November of 1968. I'd like to just briefly make some comments about two points as far as military intelligence behavior in Vietnam—they are the systematic use of electrical torture and beatings, brutalization of Vietnamese non-combatants, detainees, by United States troops and military intelligence personnel; also, the general reliability of any information gathered by the military intelligence. Let me reverse the order and talk about the reliability first.

We created the methodology in my unit that we had a 62 per cent reliability factor. Because we paid people, we had a net in our counter-intelligence system. We would pay people to come in and give us information that we could never verify. Now this information was used, if we felt that it was relatively reliable—in other words if we felt that by going out to an area that was populated we might at least find a rice cache or just rice. We would try and interest an infantry battalion in reacting. However, most of the time our information reports were used as input to artillery barrages, harassment and interdiction, B-52 raids and strikes and other air strikes. At the end of the day, the artillery liaison officer or the air liaison officer would call us up and say, "Give us some coordinates, we have some ordnance that we must

expend." And so we would give them the coordinates—of populated areas, in many cases, and they would use these to fulfill their fire missions that evening. Specifically now, about electrical tortures, I witnessed myself—I was the team chief and as such I worked in both counter-intelligence and also in interrogation and order of battle—but I witnessed, not only in the interrogation section, which was located on the base camp, but also with the counter-intelligence agents out in the field, the frequent use of electrical torture using the TA-312 field telephone, which is part of the organic equipment of any combat unit. Now this was used—the wires coming from this telephone were bared and attached to the sensitive parts of detainees' bodies. I witnessed personally it being used on fingers, primarily also on ears. The crank was turned and it gave out a charge. In one case, I saw a young girl, who was detained by an infantry unit, brought into the 11th Brigade base camp, brought back into a bunker at the interrogation center, and she was electrically tortured to the point that she menstruated and fell to the floor. In the field, I witnessed a young boy and an old man who were detained after an aborted operation—we were sent out there to look for a cave where there was supposedly some Viet Cong activity. Two people, this old man and young boy, were detained on their way from this rice field in the evening and they were bringing their water buffalo back to their hootch. Now, in the presence of two majors, an XO and the engineer adviser to the 1st of the 20th—which is the same battalion that Lieutenant Calley was in, incidentally—these two—a young boy, I'd say about twelve years old, and the old man I'd say in his sixties—were both pistol-whipped by American CI agents using .38 snub-nose revolvers, and they were electrically tortured. I'd say both of these men were gravely injured.

Electrical torture, at the 11th Brigade base camp, was used on a daily basis, on people who were generally classified as innocent civilians at the termination of the interrogation. Often these people were removed from their land at a great distance from the 11th Brigade, which was located at Duc Phuo, and then they were just turned loose at the gate and told to find their own way back to their land. Now, many of them were also classified as Civil Defendants. In fact, there was tremendous pressure from our headquarters, from our colonel, to classify people as Civil Defendants. These were people we were supposed to determine had somehow violated Vietnamese law. None of us were qualified, in fact, to interpret Vietnamese law, and none of us spoke the language. However, we were to determine whether these people were draft dodgers or in another way had violated the law. Many charges were trumped up because of the pressure and many people were classified as Civil Defendants who would otherwise have been classified as innocent civilians. There was tremendous pressure among the brigades to see who would have the largest number of Civil Defendants. It's significant to note that the reason there was such pressure to classify Civil Defendants is because we very rarely got bona fide guerrillas or NVA troops. I would say no more than a handful of people were actually classified as possible prisoners of war the entire time I was in Vietnam.

These people who were classified as Civil Defendants went through a cycle of torture. They were picked up by infantry units—in most cases because they were present in their villages at the time a sweep was going on. They were brutalized by the infantry, brought in, electrically tortured and beaten by the MI, turned over to MACV after they were classified as Civil Defendants, where they were again put through beatings and torturings, and finally turned over to the national police, where they underwent another series of tortures and beatings. After this,

they were either thrown into the already overcrowded jails or released.

MODERATOR. Are there any questions?

FLOOR. How do you know about the cycle of tortures beyond your point and in advance of your point? You were in the MI unit—how do you know about the infantry and MACV?

UHL. Often, I was out in the field and witnessed the brutalization in the field. Many times people came in to us already bruised and told us through interpreters how they had been brutalized in the field. Now in MACV—we turned the people directly over to MACV, which was located some 500 meters outside of our front gate. We had very, very close liaison with MACV district headquarters in Duc Phuo. We also had very, very close liaison with the national police chief and the national police in Duc Phuo. We often witnessed these.

FLOOR. Can you tell us a little bit about the kind of policy you were given as to the treatment of these prisoners—was it in writing?

UHL. No, this was de facto policy. I had heard about it when I was in military intelligence training when I was at Fort Holli-bird, off the record. After class, you'd go up to the instructor and say, "What's it really like in Vietnam?" And they'd tell you about prisoners being thrown out of helicopters, and 312 field phones and batteries used to electrically torture people, and other torture techniques, none of which I ever witnessed—water torture, bamboo, etc. When I got to Vietnam these SOPs—standard operating procedures—had already been established in the unit.

FLOOR. There was nothing in writing then?

UHL. No, no. No directives in manuals.

FLOOR. You say you were getting pressure from the Air Force and people like that for targets. They actually would call you up and say, "We have some ordnance we have to expend?" Could you elaborate on this whole thing?

UHL. We had an ordnance dump at the 11th Brigade headquarters, and every several days the stock was replenished. So they had so many rounds of high explosives, 8-inch, 105, and 155 howitzer rounds that they would expend within a certain period of time, because the convoy would be going back to Quen Yon to resupply, getting this stuff off the docks, it was re-cycled right back to the United States.

FLOOR. Was there ever any competition—you know, we've got to fire so many shells, we've got to beat the other guys who didn't fire as many shells as us?

UHL. No, I don't know exactly what the number of shells were that they had to fire. By the end of the night, they would try to get some targets. If they didn't get targets from the infantry units out in the field that day during their sweeps, they would come to us and ask us for coordinates.

FLOOR. As military intelligence, you would rather get the artillery in because there was no verification whether your intelligence was right or wrong?

UHL. We could never verify whether our intelligence was right or wrong. Except in one or two cases where we did go out and find a rice cache, but I suspect that was more by coincidence.

FLOOR. H and I served the interests of the MI people as well?

UHL. Oh, very definitely.

FLOOR. Are there people responsible for this or is it something that grew up as a practice and everybody just followed it?

UHL. Some of the tactical field policies that do exist are subject to euphemistic coverings like "free fire zones," "search and destroy," "pacification," "relocation"—all of these things have been known to the American public for years—they're like pabulum, you just take them down with the evening news. I guess they couldn't figure any way to cover

up electrical torture so they never created a nice euphemism for it, but it has been going on since—to my knowledge—1963. We have a man who testifies to seeing it in 1963 in Special Forces.

FLOOR. Was this electrical torture capricious, random? Was it standard with every detainee?

UHL. I would say that the interrogation section of my team worked an average of twelve, fifteen hours a day. They were swamped: the infantry was just bringing—oh, twenty, thirty, forty detainees a day, mostly old men, women, girls. So I would really have no way to estimate. I would say it was used probably on a daily basis—since I was the administrator for the team, I wasn't present in the interrogation center at all times, but I wouldn't say it was used on every one of the forty during the day, but it was used on a daily basis. It was a matter of policy.

FLOOR. Did you yourself see it every day?

UHL. No, I didn't see it every day because I was not the interrogation officer. I had an XO who was the interrogation officer.

FLOOR. Did you make a list of the number of times you saw electrical torture used? Circumstances, place, and so on? Did you keep a record yourself?

UHL. No, I never did keep a record. The rationale at that time was that well, it didn't really hurt them. That's the way we brushed it off. Well, something doesn't leave any marks or anything—it's part of policy, and what can we do anyway.

FLOOR. How was it determined who was a POW and who was a Civil Defendant?

UHL. The interrogation officer.

FLOOR. What knowledge did he use?

UHL. You could not classify anyone as a prisoner of war unless he was captured with a weapon.

FLOOR. How did you get into military intelligence?

UHL. I was in ROTC and I applied and was accepted.

MODERATOR. Mike, in the interests of time we're going to move on now.

SHARING TAX REVENUE

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. BROTZMAN. Mr. Speaker, for many years I have been concerned about the growing erosion of power and responsibility from the State and local governments of our country to the Federal Government. Although it is difficult to pinpoint the exact nature of this erosion, it is more than clear that the Federal Government's preemption of most of the sources of tax revenue has been a substantial contributing cause.

Eventually, it should be our aim in Congress to permit State and local governments the option of raising more or less revenue to meet their particular needs. However, as an immediate transitional step, I believe a program of general revenue sharing coupled with a greater reliance on block grants instead of categorical grants is necessary. It is for this reason that I have joined the distinguished gentleman from Ohio (Mr. Berts) and 135 other distinguished Members of this body in introducing the legislation necessary to implement the President's request for \$5 billion in new

and unrestricted funds to be shared with State and local governments.

Five major features are included in the legislation I have introduced.

First, there is authorization for an annual appropriation of 1.3 percent of the personal income tax base for general distribution to the States and localities.

Second, the funds are to be distributed to the States on a per capita basis, with an adjustment to be made for each State's relative tax effort.

Third, all cities, counties, and townships are assured participation through the inclusion of a clearly defined and equitable "pass-through" formula.

Fourth, there is an incentive feature which encourages each State and its localities to develop an alternative intra-State distribution procedure which would be more responsive to local needs than might be the case with the procedure generally established in the bill.

Fifth, there are no Federal program or project "strings" governing the use of the funds.

Mr. Speaker, I am in complete accord with the remarks made by the President in his recent state of the Union message:

Let's face it. Most Americans today are simply fed up with government at all levels. They will not—and should not—continue to tolerate the gap between promise and performance.

The fact is that we have made the Federal Government so strong it grows muscle-bound and the States and localities so weak they approach impotence.

If we put more power in more places, we can make government more creative in more places. For that way we multiply the number of people with the ability to make things happen—and we can open the way to a new burst of creative energy throughout America.

Revenue sharing is a bold attempt to close the gap between promise and performance. It offers the hope of recreating the delicate balance of federalism to which our Constitution was dedicated nearly 200 years ago. The theory of federalism is simply that common problems exist in diverse environments, and efforts to solve the problems must accurately reflect the peculiarities of each local situation. But, so long as the Federal Government's role continues to burgeon in the efforts to solve State and local problems, State and local governments will not be able to adequately meet the demands for their services.

When Congress enacts the general revenue sharing, and I sincerely hope that it will do so this year, precedents will be provided which will enable the United States, for the first time in its recent history, to yield some of its tax jurisdiction to levels of government which are closer to the people. I happen to believe that it is in the spirit of our Nation's tradition to have governmental powers located physically as close to the taxpayer as is practical.

President Nixon reminded us that the truly revered leaders are those who give power to the people, not those who take it away. I have faith in the American people to wisely and prudently shape their own destinies through their State and local governments. Let us act on the general revenue-sharing legislation, and give them the opportunity to do so. Let

us take this first transitional step toward a more responsive and more responsible government at all levels.

EARTHQUAKE INSURANCE IS NEEDED

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. ANDERSON of California. Mr. Speaker, tragedy has struck Southern California again.

Yesterday morning an earthquake shattered the lives, the hopes, the dreams, and the property of thousands of people in the Los Angeles area. At this hour, we do not know how many have lost their lives; we have not determined the amount of damage.

Many organizations—including the Federal, State, and local governments—will attempt to rebuild the ravaged area and to help the people put their lives back together.

But, more earthquakes will come. Dr. Robert Wallace, the chief geologist at the U.S. Geological Survey's national center for earthquake research, has been quoted as saying "there will certainly be more earthquakes."

On November 13, 1969, I introduced legislation that would provide insurance against damage and loss resulting from earthquakes and earthslides. The bill would establish a reasonable method of sharing the risk of losses through a program of insurance. Presently, it is uneconomical for the private insurance industry alone to make insurance available to those in need of such protection on reasonable terms and conditions.

The private insurance industry will carry out the program to the maximum extent practicable.

Under the earthquake insurance program envisioned by this bill, a policyholder could recoup all or a portion of his losses by presenting a claim to the insurance company that has insured his home and belongings. The insurance company would share its losses with the Federal Government.

Although California reportedly has approximately 700 earthquakes a year, rarely do they result in property damage. Yet, the fact remains the insurance industry does not insure homes and businesses against the hazards of earthslides and earthquakes. This will be remedied by a program that will be based on workable methods of pooling risks, minimizing costs, and distributing burdens equitably among those who will be protected by earthquake insurance.

I was extremely pleased that in Public Law 91-152, the Congress extended the flood insurance program to cover losses from water-caused mudslides.

However, this is not enough. We must extend the program to include earthquake insurance. Therefore, I am reintroducing legislation to provide insurance against damage and loss resulting from earthquakes. Through cooperation

between the private and public sectors, I believe we can insure property owners against the sort of tragedy that centered in the San Fernando Valley yesterday. Such an earthquake insurance program as I have introduced would provide coverage of those involved in such unavoidable disasters as earthquakes and earthslides.

MISS BARBARA WALDEN

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. REES. Mr. Speaker, Miss Barbara Walden, one of the leading business executives in the black community of the United States and the head and founder of her own Barbara Walden Cosmetic Co., is an individual whose dedication to the basic principles of American citizenship is worthy of the attention and commendation of this body.

Despite the great demands she must meet as the head of a large business organization, Miss Walden has for the past 2 years undertaken a "one-woman crusade" to help women and girls among the underprivileged in various ethnic groups in a self-improvement and good grooming program.

At various times, Miss Walden has lectured and demonstrated good grooming and beautification techniques to such groups as Women's Job Corps, Voluntary Bureau for Youth, industrial center job training programs, the UCLA college commitment program—job training group—and to girls in junior and senior high schools located in various economic depressed areas.

Miss Walden, at her own expense, is usually accompanied by a group of 10 cosmetic and grooming experts, including six blacks, three whites, and one oriental.

Miss Walden is now in Washington to earmark a new schedule to carry her message of self-improvement and good grooming to the underprivileged women in various key cities across the country.

Her mission has had many rewards—human rewards of the highest order.

She has won the approval and the thanks of those leaders of the various women's groups she has contacted.

The greatest pleasure Miss Walden derives is when she can go to the underprivileged areas of our country and encourage young people to make personal grooming an important part of their adolescent life. In response to requests from Job Corps groups, homes for delinquent children, schools in depressed areas, and other civic agencies, Miss Walden lectures on the importance of pride in one's appearance.

Young people listen. She also attracts the parents there at the same time, because she feels if one reaches the parents, they will take pride in themselves to instill it in their children. Thus, the job is focused in the right direction. She feels it is also the duty of adults to im-

press all youth with the importance of good grooming and good health.

Miss Walden, indeed, has earned the commendation of her country and her fellow citizens for her work.

She is an inspirational and spiritual example of good citizenship to all Americans of every race, creed, and national origin.

HOW TO SUCCEED IN BUSINESS WITHOUT BEING TRIED—PART III

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. BOB WILSON. Mr. Speaker, with the rash of attacks on big business, I recently read an interesting speech by Lee Loevinger, Partner, Hogan & Hartson, Washington, D.C., and former Assistant Attorney General for Antitrust, before the Association for Corporate Growth, Inc., Wednesday, January 13, 1971, at the Hotel Pierre, New York City, entitled "How to Succeed in Business Without Being Tried," part III:

(Continued from Part II.) Assistant Attorney General McLaren conceded that potentiality theory is not based on legal precedent or established principle when he testified before a Congressional Committee that previous Department of Justice policy had required a "reasonable likelihood of a substantial lessening of competition" as a basis for antitrust action. He declared that under his administration the Department of Justice might sue to prevent or undo mergers even though they met standards previously established, saying: "I have tried to warn businessmen and their lawyers that they cannot rely on the Merger Guidelines issued by my predecessors in this area—that we may sue even though particular mergers appear to satisfy those guidelines . . ." He suggested, in effect, that firms desiring to merge should first come to the Department of Justice for permission.

The earlier antitrust enforcement policy of attacking only those mergers which evidence showed would have a probable anticompetitive effect was soundly based on general legal principles and precedent. The law generally requires a preponderance of evidence establishing a reasonable probability and does not permit cases to be decided on the basis of speculation or surmise. With respect to the merger sections of the antitrust statutes, the Supreme Court has said that Congressional concern was with probabilities, not with certainties, and not with "ephemeral possibilities." It seems clear that potentiality theory has been devised in an effort to block conglomerate and other mergers which have no adverse effect on competition but are objected to on grounds of other social goals or views.

If potentiality theory can be applied to merger cases to prohibit economic power because of mere possibility of abuse, there is no logical basis for refusing to reach the same conclusion with respect to economic power acquired by expansion or growth. Furthermore, the principles established for the prosecution of big business inevitably come, by a process of bureaucratic dilution and judicial extension, to be applied to small business as well.

The merger provisions of the antitrust laws were first applied to banks in 1961 when Antitrust brought three cases against pro-

posed mergers of directly competitive banks with offices across the street from each other in Philadelphia, Chicago and New York, and with combined assets of \$1.8 billion, \$3.2 billion and \$6 billion, respectively. In 1963 the Supreme Court held the anti-merger provisions of the antitrust laws applied to such banks. In June 1970, Antitrust prevented the merger of two small banks located in Phillipsburg, New Jersey (population 18,500), and in Easton, Pennsylvania (population 32,000). These small towns are separated by a river and connected only by two bridges. The combined assets of the two banks was \$41 million—about one-hundredth the size of the banks involved in the original banking merger cases. As Justice Harlan said in dissent, the Phillipsburg Bank Case places in doubt the legality of a merger of any two competing banks no matter how small.

Under potentiality theory the size of monopolies found and prosecuted by the government will surely and progressively diminish until any expansion of business without advance permission comes to be regarded as potential monopolization or restraint of trade and illegal.

The potentiality theory is so specious that even the Department is unable or unwilling to follow it consistently. In several recent cases it has consented to mergers of large companies engaged in competitive activities on condition that the companies split off directly competitive segments of their business. It is obvious that a company which has been forced to get rid of a small part of its business in a particular area in order to attain greater scope is a potential competitor in the vacated area. Consistent application of the potentiality theory would preclude such mergers. This does not mean that those mergers were improperly approved, but it does demonstrate that the Department either doesn't really believe in potentiality theory or is unable to follow it consistently.

This is not surprising. Potentiality theory is a kind of legal ESP—extra-sensory proof. It relies on potentiality instead of reality, substitutes the ectoplasm of hypothesis for the protoplasm of fact, and offers faith in place of proof. If it is accepted by the courts, it will subvert some of our most important legal principles, with consequences far beyond the field of antitrust.

As a purely practical matter, the attack on conglomerates under potentiality theory is shortsighted and unwise. It threatens our economic welfare in both domestic and world markets. Most of our material needs are for economic goods, such as better housing, transportation, communication, food, and medical facilities, which are provided by business and industry. The experience of other countries shows that such needs are best satisfied where governments do least to interfere and most to encourage business development. The most rapidly growing economy since World War II has been that of Japan. Analysis of the Japanese economy indicates that its growth is not based, as some think, on cheap labor or exports, but on its own independent research and development effort. This, in turn, is the result of business firms with very large capital made available through government guarantees and highly diverse or conglomerate activities. Second only to Japan in economic growth has been West Germany, and this has been followed by other countries of the European Community, where government effort has been toward encouragement of larger multinational conglomerate firms able to operate across the artificial borders of nations and to provide capital and competence needed to furnish the goods and services required by the people.

These foreign developments not only offer a lesson as to the effective role of government, but also present a real and immediate challenge. In international trade, and in

domestic markets, American business is increasingly challenged by foreign competition. This country no longer has an inherent advantage by virtue of quality, productivity or other special economic virtues. In textiles, radios, television, automobiles, shipbuilding, cameras, appliances, electronic devices, and many other fields, Japanese goods are not only competing but replacing American production. This competition has caused some to demand tariff protection and others to seek non-tariff trade restrictions. The danger of such measures should warn that before we institute trade barriers against foreign competition we should at least give American industry opportunity and freedom to compete without imposing arbitrary limitations and restrictions on its growth. Japanese and European enterprises are not only permitted but encouraged to expand. If American industry is to survive in the world market, and compete equally even in the American market, it must have freedom to build size, diversity and financial strength as a foundation for its activity.

The potentiality theory thus, ironically, involves great risk of frustrating the economic goals it ostensibly serves. If mergers can be forbidden on the basis of the potentiality theory, the size of permissible business mergers will inevitably be reduced over the years, as has happened in the banking field. There is substantial probability this will stifle economic development in the United States so that we will be unable to compete effectively in the world market, technological progress will be retarded, and we will lose much of our domestic market to foreign competition unless we surrender the idea of free world trade and isolate ourselves by exclusionary trade barriers.

Furthermore, undue limitations on the activities and expansion of business from unwise government policies will have effects beyond the economic sphere. While the economic function is the primary and obvious role of business, it is not its only function or responsibility. The broader responsibility of business to society in general is rapidly gaining widespread recognition. TIME says the new job of business is "Reform Without Revolution", and that many U.S. corporate leaders have the philosophy that as a part of the total society business has an obligation to attack a broad range of social problems, if need be in a way that temporarily retards profits. In accordance with this philosophy many American business enterprises and leaders have taken significant action in recent years which has required economic size, strength and diversity. (Continued in Part IV.)

AFL-CIO PRESIDENT MEANY STATEMENT ON SOVIET PERSECUTION OF JEWS

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. ZABLOCKI. As you know, Mr. Speaker, this Congress and the entire world have expressed concern over the Soviet Union's treatment of that country's Jewish minority. Only recently a member of that minority was given a death sentence for his alleged participation in a hijacking attempt.

Joining others throughout the world in their expressed concern over this incident was AFL-CIO President George Meany. In order to share with my colleagues in the Congress the views expressed by Mr. Meany, I am pleased to

enclose his statement in the RECORD at this point:

STATEMENT OF AFL-CIO PRESIDENT GEORGE MEANY

Vytautas Simukaitis, 34 years old, was sentenced to death on January 14th by a court of the Soviet Union for an alleged hijacking attempt. Simukaitis, a Lithuanian, is said to have been attempting to seek asylum in Sweden. He has but 10 days to appeal his sentence.

No less than the Soviet citizens of the Jewish faith in the recent trial in Leningrad, Simukaitis is the victim of Soviet terrorization of minority nationalities within the Soviet Union whose crime is to want to breathe the air of freedom.

The AFL-CIO stands firmly with the patriots of those captive nations and with Lithuanians the world over in this black night of repression and injustice wrought by imperialist communism and its leaders in the Soviet Union.

UGANDA AND THE NEW U.S. STATE DEPARTMENT POLICY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. RARICK. Mr. Speaker, the Foggy Bottom establishment over at the State Department has come up with another double standard on our African policy.

Until the Uganda coup, most Americans thought that U.S. policy toward Africa was to support national wars of liberation, and to show special favoritism to all black rulers.

Last month's successful war of liberation for the people of Uganda in ousting their dictator, Milton Obote, the self-admitted Communist, has drawn little attention.

Even the African news release reporting that deposed Obote's personal effects harbored boxes of Russian ammunition in Russian Red Cross boxes seemed to be of no interest to our foreign policy decisionmakers.

The new leader of Uganda, Maj. Gen. Idi Amin, a former disciple of Obote, who rose to power on the new winds of change has interesting credentials. General Amin is a black African, a Moslem, a former heavyweight boxing champion, and speaks with pride of his military service in the King's Africa Rifles and in Kenya fighting the Mau Mau terrorists.

These credentials, plus his apparent distaste for politics, are not qualities to make General Amin popular with many of the neighboring black rulers. For example, the exiled Obote has taken refuge with the Communist regime in Tanzania, which appears to be his base of operations to encourage other left-wing establishments from the Sudan, Kenya, and Tanzania to organize a military expedition to subjugate his liberated kingdom so that he might regain power.

Obote's thus far futile efforts are reminiscent of the erstwhile leader of Africa, "The Redeemer," Kwame Nkrumah when dethroned in Ghana. To most onlookers on the African scene, General

Amin is a refreshing change. As a former military man interested in his people he can be no worse than his predecessor. Let the tom-toms beat and spears rattle, Obote will never be able to muster force to regain his throne, and his fellow comrade, Kenneth Kaunda, of Zambia, does not control enough sabers nor can he come up with enough paper gold to hire a white army.

Even our great ally, the British, announced recognition of the new Uganda government last week. But not so with our U.S. State Department whose only reported comment is that it prefers to wait and see what other African states do. By African states we are uncertain as to whether or not it includes South Africa, Rhodesia, Mozambique, and Angola.

In any event, it must be regarded as strange behavior for a constitutionally established department of our Government charged with the responsibility of carrying out foreign policy in the best interests of the American people, to now announce that certain unidentified African states hold a veto power over what is in the best interest of the American people.

Apparently, "the best interests of the American people" now hinges on which African votes the State Department can swap for in the United Nations.

South Africa, Rhodesia, and the Portuguese provinces of Angola and Mozambique become more "in the interests of the American people" all the while.

I include several related newspaper clippings following my remarks:

[From the Washington Post, Feb. 9, 1971]

UGANDA RECOGNITION DELAYED

DAR ES SALAAM, TANZANIA.—The United States does not anticipate taking any formal steps to recognize the new Uganda government led by Maj. Gen. Idi Amin until after African states have done so, a U.S. embassy spokesman said here yesterday.

However, he added, "We are maintaining routine working-level contacts for day-to-day business" with the new government, which ousted President Milton Obote on Jan. 25. Britain announced recognition of the new regime last week.

[From the New York Times, Jan. 28, 1971]

UGANDA'S NEW MILITARY RULER: IDI AMIN

Maj. Gen. Idi Amin, Uganda's new head of state, was the Ugandan army's heavyweight boxing champion for nearly 10 years.

He retired undefeated. And he has promised to try to do the same thing in the presidency: Retire unbeaten and hand over control to an elected government. General Amin—a large, bluff informal man known to almost everyone as "Idi"—led the military coup that deposed Milton Obote Monday.

He made it clear, however, that in doing so he was not changing his role: "I'm a professional soldier," he said on the Uganda radio 14 hours after starting the coup, "and I've always emphasized that a country's military should support a country's government while that government has the support of the people. I have not changed my views about this."

Idi Amin (the name is pronounced EE-dee ah-MEEN) was born about 1925 in the village of Koboko in the northern section of Uganda, then a British protectorate. He is a member of the Kakwa tribe, and as a boy he worked in the lush fields of the West Nile area and tended the family's goats. He did manage to acquire a primary-school education, although

his school attendance was sporadic, varying with his father's ability to pay the fees.

In 1944, he enlisted in the Fourth (Uganda) Kings Africa Rifles. He saw service as a rifleman before the end of World War II in Burma, and when interviewed by British journalists in Kampala Tuesday, he was wearing the Burma campaign ribbon.

FOUGHT AGAINST MAU MAU

He was promoted to corporal in 1949, and took part in punitive expeditions against tribal marauders in Northern Uganda. In 1953, he saw action in the forests of Kenya against Mau Mau terrorists. General Amin, who is an enthusiastic rugby player, is reported to have described hunting Mau Mau as "the finest physical training a footballer could have."

Before the Ugandan battalion returned home in 1957, he had been promoted to sergeant. Then, in 1959, as efforts were being made to prepare Africans for self-government, the East African command of the British Army decreed the establishment of a new rank—"effendi"—for African non-commissioned officers who were potential officers.

General Amin was one of the first Ugandans to acquire this Kiplingesque title, and two years later he was commissioned. By the end of 1963, he was a major and by 1964 a colonel and deputy commander of Uganda's Army and Air Force.

In that same year, he carried out a special mission in the Congo on President Obote's orders, setting up training camps for Christophe Gbenye, the political heir of Patrice Lumumba and an opponent of General Joseph B. Mobutu. He was also in charge of collecting gold and ivory to buy arms for the "Simba" rebellion against General Mobutu, commander of the Congolese army. His handling of that affair led to a commission of inquiry in 1966 that showed both his and Mr. Obote's integrity.

General Amin and Mr. Obote were close friends; General Amin's fourth wife—as a Moslem he can and does have four wives, who have borne him seven children—is a member of Mr. Obote's Langi tribe. But General Amin has never tried to conceal his distaste for politics. He is, for example, entirely unknown to the members of Uganda's United Nations mission.

As a Moslem, too, General Amin would tend toward the conservative side of the political spectrum in Uganda, putting him increasingly at odds with Mr. Obote's announced "move to the left." When Mr. Obote acted to nationalize foreign-owned business, for example, there were rumblings of discontent in Moslem quarters.

General Amin's growing disaffection with Mr. Obote's policies became increasingly public, and Mr. Obote worked in a variety of ways to weaken General Amin's position.

But General Amin, heavier now than in his championship days but still displaying the boxer's spring walk, stayed very much the former sergeant, and maintained his popularity with the ranks. "I am not an ambitious man," he was quoted as saying earlier this week, "I am just a soldier with a concern for my country and its people."

[From the Christian Science Monitor, Jan. 30, 1971]

UGANDA COUP REJECTED: TANZANIA JARS AFRICAN UNITY

(By Frederic Hunter)

NAIROBI, KENYA.—The Tanzanian Government's refusal to recognize the coup d'etat in neighboring Uganda seriously threatens the continued existence of the East African Economic Community and Common Market. Heretofore the community has been Africa's only truly working example of regional cooperation.

Following a Cabinet meeting Jan. 28, the Tanzanian Government announced that it

did not recognize "the authority of those who have killed their fellow citizens in an attempt to overthrow the established government of a sister republic. It termed the coup 'an act of treason to the whole cause of African progress and freedom.'"

The statement labeled talk of Tanzanian military action against Uganda as "non-sense."

Earlier in the week Idi Amin, who deposed President Obote Jan. 25, stated that intelligence reports warned him that Tanzania, backed by Chinese Communist arms, intended to take military action against Uganda at the request of the ousted Dr. Obote.

A variety of observers regard these reports as a ploy to strengthen Ugandan unity at a time when the new regime wishes to consolidate its power.

POLITICAL ACTION BANNED

In further measures toward unity General Amin dismissed Dr. Obote's Cabinet, clamped a temporary ban on political activities, and freed 55 political prisoners including former Prime Minister Benedicto Kiwanuku.

But the Tanzanian Government move has come as an even greater surprise than talk of possible military action. Tanzanian President Nyerere cut short an official visit to India in the face of a deteriorating international situation in East Africa.

Following a three-hour meeting between President Nyerere and Dr. Obote the Tanzanian Government issued a statement saying it continues to regard President Obote as the President of Uganda.

The action is not without precedent in the oft-jostled area of African politics. In that area, certain African leaders have sought to make their action harmonize morality with the realities of political life.

Dr. Obote's ouster no doubt came as a personal shock to the Tanzanian President. The two men, along with President Kaunda of Zambia, shared similar ideological viewpoints; together they were attempting to effect lasting social revolution in East Africa. The Ugandan coup appears to thwart that attempt.

STRAIN CALLED POSSIBLE

The Tanzanian attitude to the Uganda coup—which is presumed to reflect closely Dr. Nyerere's own thinking—could seriously strain working relationships within the East African community. The East African heads of state are the community's supreme governing body. They meet regularly to guide its business.

Should the community disintegrate, many observers would consider its loss even greater to the cause of African progress than the Obote ouster. It would probably lead some to reassess the political acumen of Dr. Nyerere.

The Tanzanian attitude about Uganda may suggest that Dr. Nyerere and his colleagues put more faith in friendship and similarity of ideological viewpoint than do politicians who are less concerned with moral stance.

POSITION CONSOLIDATED

Meanwhile, the Amin government appears to be consolidating its position. Dispatches from Kampala continue to report popular jubilation there. This is to be expected, however, since it is the heartland of the Ganda people, a tribe whose king Dr. Obote overthrew and whose institutions he worked to extinguish. How popular the new government is in the hinterlands is unclear. But there seems little doubt that it is firmly in control of the country.

As events muddy relations between Uganda and Tanzania, Kenya watches in official silence. The Kenyan political manner stresses pragmatism and both of Nairobi's independent newspapers have taken Uganda in stride.

Along with Tanzania, the Somali Government has refused to recognize the coup, ac-

cording to Somali's ambassador in Dar es Salaam.

But the East African Standard in Kenya insists that the coup is "Uganda's own business."

"Could there be anything," it asks, "more detrimental to East African solidarity than the extremist attacks on Uganda and Kenya published during the past few days in Tanzania?"

"For the present," it continues, "it is essential to have a period of cooling down, taking the heat out of the situation inside Uganda and in neighboring states, so that good neighborliness can be cemented."

[From the New York Times, Jan. 31, 1971]
NEW UGANDAN REGIME ACCUSES SUDAN OF AN INVASION AND WARNS HER TO STOP

KAMPALA, Uganda.—The new military Government accused the neighboring Sudan of invading Uganda, a Kampala broadcast reported last night.

The Uganda radio said that Sudanese troops were advancing into Uganda and that at least one warplane was involved.

"Unless the violation of territorial integrity stops at once we will meet force by force and this need not necessarily be a localized affair," the broadcast said.

The radio reported that the statement had been issued by Maj. Gen. Idi Amin, leader of the military coup d'etat that overthrew President Milton Obote in this East African country on Monday.

A newsmen who called General Amin's house was told the general was asleep. One of the general's aides said that there was no fighting at the moment and added that he was not prepared to say what action Ugandan troops had been taking.

The midnight broadcast by the Uganda radio said that Sudanese troops had been violating Uganda's border "for years" and that the new Government "considers that the time has now come for it to answer these unwarranted acts of aggression."

The announcement said that Sudanese troops raided the village of Namur on Tuesday and Thursday and that a plane dropped five bombs on the village. It did not say if there were any casualties.

Two days after taking power, General Amin announced that Tanzanian troops had been preparing to attack Uganda from the south on behalf of Mr. Obote, who was in Tanzania. This attack did not materialize. The Sudan, which has a leftist military Government, is Uganda's northern neighbor.

AMIN ASKS WIDER SUPPORT

(By William Borders)

KAMPALA.—General Amin today invited 50 religious leaders to his heavily guarded house for tea and promised them, "Whatever I do will be done for God and my country."

The general also continued his behind-the-scenes negotiations for diplomatic recognition, as well as discussions about a new cabinet, whose make-up is expected to be announced within a few days.

From Uganda's northern and western farmlands, rich in cotton and coffee, to this tidy capital city on the shores of Lake Victoria, almost all reports indicated that General Amin's regime was fully in command of the country, and many of the priests and ministers who shook his hand respectfully this morning called him "Your Excellency."

The powerfully built general, a former boxing champion, greeted them on the second-floor veranda of his hillside home overlooking a garden brilliant with Bougainvillea plants and the city beyond.

"All I want to do is to reassure you together with all Ugandans and the whole world that our new Republic of Uganda will be guided by a firm belief in the equality and brotherhood of man, and in peace and goodwill to all," the general, a Moslem, said to polite

applause. The majority of Ugandans are Christians.

General Amin has not spelled out all the reasons behind the coup. But he is regarded as more conservative than Mr. Obote, a self-styled socialist who used to speak of a "move to the left for his country."

Reading his text haltingly and with little evident feeling, General Amin continued: "I appeal to you to tell your followers to forget past quarrels and work together for the good of our country."

The general has made similar appeals during the week to other groups, including Mr. Obote's ministers, whom he dismissed but did not punish, except for Basil K. Batarin-gaya, the former Minister of Internal Affairs, who is said to be under arrest.

Mr. Obote, who was in Asia at the time of the coup, has returned to East Africa, but not to Uganda. Several of his closest aides are still with him, in Tanzania at last report, although his wife and children are still in Kampala unharmed.

Tanzania has stated that she still recognizes Mr. Obote as the President of Uganda, but several other African countries have remained silent on the matter.

It was considered significant that Kenya, another neighbor, had negotiated willingly with the Amin Government about the return, via Nairobi, the Kenyan capital, of lower ranking aides to Mr. Obote who had been with him in the Far East but who chose not to accompany him to Tanzania after the coup.

Non-African countries, including the United States and Britain, are said to be waiting for a chance to follow an African lead in recognizing General Amin as the head of the country.

"It's only a matter of time. Clearly Amin's in and Obote's out," one well-informed observer here said.

Thursday and yesterday, however, there were reports of scattered fighting in the Lango area of northern Uganda, near the Sudanese border. This is Mr. Obote's home region, where a few army units and individual officers had been holding out on his behalf.

Informed estimates put the total death toll in the coup at 50 to 100. It is thought here that most of the people killed were soldiers. But the toll includes a number of unrelated grudge killings of civilians by other civilians who were taking advantage of the confusion of the first few days.

[From the Washington Post, Feb. 1, 1971]

OUSTED UGANDAN MAKES KENYA TRIP

Ousted Ugandan President Milton Obote made a flying visit to Mombasa, Kenya yesterday, then returned to his exile in Tanzania.

Reuter quoted informed sources in Dar es Salaam, the capital of Tanzania, as saying Obote met Kenyan President Jomo Kenyatta at Malindi, a resort near Mombasa. Official sources in Nairobi, Kenya, refused to confirm that any meeting took place.

The overthrow of Obote in a coup led by Maj. Gen. Idi Amin was expected to drastically change the political balance of the East African Community, a common market organization composed of Kenya, Uganda and Tanzania.

The coup appears to have propelled Uganda toward Kenya, the most conservative of the three countries, and away from Tanzania which has so far refused to recognize Amin's government.

In Kampala, Uganda, Amin renewed his charges that troops from Sudan were advancing into his country. However, the report was later denied by one of Amin's aides.

Amin said Sudanese troops, massed on the Uganda border, had made several advances into Ugandan territory.

But Capt. Valerie Ochima the general's aide-de-camp, later denied the report.

Sudanese National Guidance Minister Omar Moussa also denied reports of an inva-

sion in a broadcast from the Sudanese capital of Khartoum.

It is not clear where the reports of Sudanese incursions stemmed from, but it has been reported that a number of Uganda troops loyal to Obote have taken to the bush in the north and are defying a call by the army to end their "groundless resistance."

At Gulu, 50 miles south of the Sudanese border, Amin's troops rounded up so-called dissidents. His men are also reported to have secured an important airfield at Gulu where Ugandan Mig jet fighters are based, and an unconfirmed report said a detachment had moved out on the road to Moyo on the Sudan border.

In Khartoum, Sudan, an official said any military incident on the border would likely be connected with anti-guerrilla action.

The Sudanese guerrillas, called the Anya-Nyas, are black tribesmen who oppose the Arab Moslem government in Khartoum.

Obote has said that Sudan was one of the African governments whose support he would seek in an attempt to regain power.

[From the Washington Post, Feb. 4, 1971]

UGANDAN DELEGATION IN ETHIOPIA

ADDIS ABABA, ETHIOPIA.—A five-man Ugandan delegation arrived here today with a personal message from Gen. Idi Amin to Emperor Haile Selassie seeking recognition of the 10-day old military regime which overthrew President Milton Obote.

Heading the delegation is the former Ugandan ambassador to the United Nations, Apollo Kironde, who was appointed by Amin yesterday as minister of planning and economic development.

Kironde said he hopes to see the emperor to explain the latest developments in Uganda. He said he would also see officials of the Organization of African Unity, which has its headquarters in Addis Ababa.

The representatives of the new Ugandan regime were in Ethiopia in an apparent attempt to stave off the effects of a diplomatic effort by Obote and Tanzanian President Julius Nyerere early this week to isolate the Amin regime.

Obote, who has been living in Tanzania, paid a surprise five-hour visit here Monday. He had an hour-long talk with the emperor and met with the OAU acting secretary Mohammed Sahnoun.

[From the Washington Post, Feb. 3, 1971]

NEW UGANDA RULER NAMES 18 TO CABINET

(By Jim Hoagland)

NAIROBI, KENYA.—Uganda's military ruler, Maj. Gen. Idi Amin, named an 18-man cabinet today and moved toward filling the political vacuum that has existed around him since he seized power eight days ago.

Amin abolished parliament and announced he would rule by decree.

Amin's cabinet choices indicate he will lean heavily on civil servants to run the East African country of 8 million people until he steps aside for the "fair and free" elections he has promised at an unspecified future date.

Eight of the new cabinet ministers are experienced government administrators and two others are former diplomats.

Amin also named to his cabinet a few Baganda political leaders who were longtime foes of President Milton Obote, who was deposed by Amin's Jan. 25 coup. Most prominent among them is former parliament member Abu Mayanja, once imprisoned by Obote.

DIPLOMATIC RECOGNITION

The naming of the cabinet may help clear the way for diplomatic recognition of Amin's government. He dispatched a mission to Addis Ababa today in an apparent attempt to seek support from Ethiopian Emperor Haile Selassie and Organization of African Unity officials visited by Obote there Monday.

Amin's government announced yesterday

it would boycott the Feb. 15 OAU meeting because it is being held in Tanzania, which still recognizes Obote.

A brief gunbattle reportedly flared in Kampala, the capital of Uganda, today when troops trapped an officer suspected of being loyal to Obote in a house that they riddled with bullets. The officer was said to have been captured.

Amin did not name any of Obote's former ministers to his cabinet.

SOLDIER'S ROLE

Only one soldier, Lt. Col. Obote Gama, is in Amin's cabinet, in the key post of internal affairs minister. The police are represented by national police chief E. W. Oryema in the minor portfolio of minerals and water resources.

The cabinet choices will doubtlessly be analyzed for clues to the still largely unknown political thinking of Amin, a tough, career soldier who says he took power only to protect himself and the army from Obote's schemes.

Those who criticized Obote for refusing to heed technical advice may be heartened by Amin's willingness to use civil servants in key ministerial posts.

As foreign minister, however, he named one of his personal advisers, an attorney, Wanume Kibedi.

Amin may also have used the cabinet list to reinforce his now apparent alliance with the Baganda, the country's largest and most advanced tribe, which lives around Kampala and whose popular support gave his coup much of its early momentum.

BAGANDA OPPOSITION

The Baganda bitterly opposed Obote.

The informed political thinking in Kampala at the moment is that if Amin lives up to his promise of early elections, the old Baganda politicians who bogged the country down in ineffective bickering among themselves before Obote seized power will return to the forefront.

The main political issue is likely to be whether to retain the centralized system instituted by Obote or go back to the weak federalism of pre-1966.

Amin referred in his announcement today to the "second republic" of Uganda and has indicated several times that he does not favor a return to monarchy.

Amin, like Obote, is from a northern tribe, and took part in Obote's 1966 coup against the Kabaka, the traditional Baganda king.

But he was brought up in Baganda territory and speaks their language.

Amin has generated support by promising to allow traditional burial in Kampala for the Kabaka, who died in London in 1969, and to allow the return of the 15-year-old heir to the kabakaship, now living in London.

This, one key civil servant pointed out in the wake of the coup last week, "is bound to be a point of conflict between Amin and the Baganda. The Baganda were united for the past five years by one thing—their hatred for Obote. Once the euphoria of the coup goes away, it will be interesting to see if Amin can hold them together."

[From the Evening Star, Feb. 10, 1971]

UGANDA'S NEW LEADERS INHERIT DEFICIT ECONOMY

(By Nicholas W. Stroh)

KAMPALA, UGANDA.—The most urgent problem facing the new military government here is the nation's faltering economy, presently saddled with a deficit of \$65 million in a budget with \$160 million revenue.

Foreign diplomats and economists generally are not optimistic over the ability of the government to take drastic measures many believe are required to breathe life into Uganda's economy.

On Sept. 30 last year, the Bank of Uganda held more than \$60 million in foreign reserves, an all-time high. Ninety days later,

because of a drastic drop in coffee prices, the foreign reserve had shrunk to about \$44 million.

CONFERENCE CENTER

Economists cite the internal fiscal situation in Uganda—insufficient shillings to meet immediate needs—as the crux of the dilemma. The situation is believed not yet critical, but is rapidly becoming so.

The situation began to deteriorate late last summer when President Milton Obote authorized the start of a \$16.5 million conference center and hotel complex to house next summer's meeting of the Organization of African Unity which Uganda is to host.

The project is roughly 10 percent of Uganda's national budget.

BANKS BOUGHT NOTES

In order to get quick cash with which to pay bills and meet payrolls a few weeks before his overthrow, Obote told all ministries to cut their budgets 20 percent.

In addition, the government forced all commercial banks here to buy \$45 million worth of short term—30, 60 and 90-day—treasury bills. Banks normally buy only small numbers of such bills.

Through sale of such notes, the government can get large sums of ready cash quickly and easily.

LOST REVENUE

The Obote government's May 1 nationalization of some 80 foreign and locally owned businesses is also cited by economists as a factor in the present problems, since the aftermath of nationalization was a business and import slow down.

This resulted in losses of customs duty and sales tax revenue which the government had been heavily counting upon to meet skyrocketing expenditures.

Expenses, such as the OAU project and costs for the holding of the conference next summer—transportation, lodging and administrative costs for the vast OAU Secretariat, etc.—had not been considered in budgetary planning here.

The operating surplus for fiscal year 1970 was the lowest in Uganda's history.

In addition to rising expenses for public prestige projects, economists here have been alarmed for several years over the growing military costs and especially unauthorized military expenses.

"The nationalization business really shook 'em up," said an American economist here.

"The government thought they could pay the companies for nationalization out of the profits of the individual firms. But the government has now discovered that many of the companies had far smaller profit margins than initially believed."

IMPORTS CONTROLLED

While the local fiscal situation is most discouraging, economists are also concerned with the foreign exchange picture and cite the drop in deposits as a sign of trouble.

The government is controlling imports carefully and banks were issued instructions recently to tighten up on credit to the private sector. Economists say this move will certainly conserve foreign exchange, but will result in less revenues from customs and excise taxes.

Economists believe two possible courses of action are justified, but both are probably politically impossible for the military government here:

1. Scrap completely or drastically revise downward the scale and scope of the OAU conference center presently under construction.

2. Denationalize business and industry, increasing future prospects for the foreign investment that Uganda so desperately requires.

TAX CUT UNLIKELY

Diplomats believe Maj. Gen. Idi Amin, who deposed Obote two weeks ago, may already

have gotten himself in a situation from which it will be difficult to wiggle free himself.

In one of his earliest statements, the general said he took over from Obote to free "the common man" from excessive taxation. In another statement, he said, the Uganda armed forces must be strengthened.

Diplomats and observers are having difficulty believing a tax cut here is feasible for a long time, because of the budgetary problems and Amin's apparent commitment to strengthen his own army.

"In fact," said an unusually well-informed American economist here, "I believe the situation will become much worse before it gets any better."

U.S. RAILROADS AND THEIR FUTURE

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, our Nation's transportation system is an important resource in our building for the future. America's fast growing transportation needs will call for increasingly efficient and diversified means of transportation. Our rail and highway networks and waterways, as well as our airplanes and pipelines must meet these needs.

Our Nation's railroads, too long ignored, have an important contribution to make. But we must do our part to make sure that our railroads can meet this challenge to assure our economy of continued sound growth.

My good friend, Senator George Smathers recently addressed a large audience of business and civic leaders, as well as public officials in Pittsburgh, Pa. Senator Smathers, who for 22 years served with distinction in both the U.S. House of Representatives and the U.S. Senate before his retirement in 1968, is continuing his outstanding service to the American people in his private life.

As general counsel to America's Sound Transportation Review Organization, ASTRO, Senator Smathers has demonstrated a deep interest in the development of an efficient railroad and transportation system in the United States that would be profitable both economically and in service rendered.

We in Pittsburgh found Senator Smathers' outstanding address of great interest, and it is a pleasure to place this address in the CONGRESSIONAL RECORD for the benefit of my colleagues and the American people:

REMARKS BY SENATOR GEORGE A. SMATHERS, MONDAY, JANUARY 11, 1971, PITTSBURGH HILTON HOTEL, PITTSBURGH, PA.

It probably was not intended, Mr. Gott, that I should live up to the expectations you have created in the minds of those who are in attendance here today. It will take much to measure up to all of your very gracious comments about me. Perhaps, however, you may be like the young farm boy down in my country who told his mother he had set the old bantam hen on two dozen eggs. "Why?" she asked. "You don't expect her to hatch that many do you?" "No, mamma," he answered. "I just wanted to see the darned old fool spread herself."

Truly, I do feel a little like that old hen, for it is hard—really hard—to cover the railroad ills—and their cures—without being too superficial for understanding.

Here in Pittsburgh, though, the railroad man feels very much at home. Four major lines serve the area. We like to think that our contribution to the community has stimulated the development of your extensive soft coal mines, your gas and oil industries and lime quarries. We gratefully acknowledge our close ties with your great steel plants and rolling mills, your electrical equipment industry, your glass manufacturers, plumbing fixture plants, shipyards and industrial laboratories and hundreds of other enterprises. In one way or another, Pittsburgh truly "reaches out" and touches the warp and woof of America and the railroads are proud to have had a part in the spread of the influence of this great community of yours.

You honor me and the railroad industry by your presence here today. You give substance to the concern and distress which a troubled arm of our nation's economy stirs in progressive business circles as a threat to our very stability. You sense the awesome and awful specter of bankruptcy and hear the cavalier cries for nationalization.

And you have come here to this meeting because it *matters*, whether you are aware of it or not, to you, personally, to your business, your city, your state and to your country.

I tell you now—the solvency and viability of the railroads is of vital importance—not because the railroads are in trouble, which they are—but because the nation will be in deeper trouble if the railroads are not able to measure up to the task that lies ahead.

Let me show you what is at stake.

Did you know that each man, woman and child in the country used or had used for him 3,840 ton-miles of rail traffic in 1969 alone? And did you know that railroads carry: 40% of the freight traffic involving furniture; 46% of the meat and dairy products; the majority of the grain traffic in Northern States; 63% for chemicals; 68% for primary metal products; 70% of the coal tonnage; 73% for cotton; 71% of household appliances traffic; 76% for autos and auto parts; and 78% for lumber and wood? In a word, that's more than carried by *all* the trucks, *all* the barges and *all* the air carriers, combined.

You will not be surprised that the need for more transportation capacity continues as the nation and its standards of living grow. We know that in the past thirty years a 55 percent increase in population has generated a whopping 249 percent increase in freight traffic. In the process, it has become quite clear *no* mode of transportation commands such technological advantage or possesses such capacity or potential that it can replace or fill the need for the other modes. So, each must be a *healthy* component in the national transportation system.

But what of tomorrow? What will be the role which public demand will set for the railroads?

Suffice it to say that today's total transportation capacity will be grossly inadequate for tomorrow's needs. By 1980, this nation must be able to move 46% more freight traffic. All of this will mean more demand for every type of transportation.

Railroads must plan an even more prominent role in meeting the challenges of tomorrow than they do today. Of *all* modes, railroads have the greatest ability to handle additional volume with a minimum of private and government expense. And the ecologist finds that the railroad's capacity is such that the expanded need can be met with little offense to the nation's landscape and with the minimum of air pollution.

Exactly how much traffic will move by rail depends largely on whether Federal Transportation policy will enable railroads to meet their potential. But the most conservative

forecast indicates that by 1980, railroads will be handling nearly $\frac{1}{2}$ more freight traffic than today—moving over one trillion ton-miles a year. And, let me tell you, the costs involved in meeting such a challenge are far too great to be borne by private capital in the light of present over-regulation by government and the consignment of the industry by current government regulatory and promotional practices to a place of secondary importance in the competitive business world.

Railroad earnings have dropped incredibly, despite increased traffic volume. Rate of return hit rock bottom in the last fiscal year—the lowest since the 1930's. At the end of the first nine months of 1970, 43 of the 71 major railroads had deficits in working capital and the industry faced a total deficit of \$316 million. To be more specific, railroad earnings after the deduction of operating expenses and rents—a figure which sets the amount available to pay interest on borrowed money, to meet income taxes and to add to investment—have declined 50 percent in the period 1955-1969. The drop will be greater when 1970 figures are determined, for they were down more than 27% in the 12 month period ending September 30, 1970, compared with the similar period a year ago.

At this rate, net rail earnings after income taxes will be the lowest since 1938.

Now what about total earnings which would include non-rail earnings?

As of September 30, 1970, outside or non-transportation earnings accounted for 112 percent of total net income before taxes—compared to 16 percent in 1955. In other words, we have reached the point where non-transportation income is being used to make up transportation deficits.

Total earnings in 1970 will likely be lower than any year since 1940 and a dollar today will provide only 40% of materials and capital purchases as in 1940.

Perhaps the tragedy may be more clearly emphasized by comparing the last available 12 months' earnings with the additional wage increases proposed by the Presidential Emergency Board above the 13- $\frac{1}{2}$ % level already legislated by Congress last month. If the current negotiations are settled according to the Board's recommendations—and to date labor has not agreed even to that level—the annual costs of the settlement in increased wages by the end of 1972 will be more than four times the total net income of the entire industry for 1970.

You, gentlemen, I know, are particularly conscious of the fate that has befallen the Penn Central. But, be assured, the condition of the industry cannot be written off as a localized problem affecting only some carriers or some regions. Because of a wide range of common interests and cooperative real sense, form a single transportation system. Thus, railroads are highly interdependent. More than half the rail traffic moves over two or more railroads. There is constant interchange of equipment and the rendition of joint services. So, no line can afford to ignore the effects of service failures or inadequacies on other carriers. The welfare of one affects the welfare of all. The weak must be made strong or the strong too will falter.

All of which brings me to explain ASTRO, which is an acronym for America's Sound Transportation Review Organization, a group set up by the Association of American Railroads a little over a year ago. In the beginning, this was a research team charged with making an exhaustive study of the railroad industry—its problems and its prospects.

We had no trouble finding the problems, so we undertook to sort them in piles. We defined the ills—and outlined the cures.

One basic cause of railroad troubles is the government telling us how to run our affairs—all in the name of regulation—ana-

chronistic restraints carried over from the last century when the public had to be protected from the evils of a giant monopoly. Let me show you . . .

The Interstate Commerce Act, approved in 1887, has been continually amended, each amendment bringing with it more and more restraint and leaving to railroad management less and less initiative. Also came state legislation setting up systems designed in a small way to do what the ICC was doing nationally. Always there was the ever-swelling stream of legislation of a restrictive character, some fanatical, some political and some completely selfish, but all tending to increase the cost of operation and lessen the initiative of management.

In essence, the cardinal sin of regulators through the years has been to legislate, in effect, wasteful, ruinous over-competition and then to forestall the natural adjustments for such. So, government control, to the extent which regulation has brought it, is a failure and, more often than not, it decides economic questions politically.

The second basic cause of railroad problems is the disparity in government promotion of the various modes of transportation. It is absolutely incredible that a government can pour out unlimited tax dollars for modes of transportation in competition with railroads—and still treat railroads as though competition did not exist.

Railroad competitors benefit from vast outlays of government funds—some \$24 billion in the past year alone. And yet this industry has been expected to meet all its needs from private sources. Our problems—especially money problems—can be laid directly to government partiality to other modes and the constraints put on the industry which are calculated to discourage experimentation and innovation and to block competitive rate-making leading to new business, lower transportation costs and, in turn, much-needed new capital.

To draw rather absurd parallels, suppose Federal regulations limited sales of products of Mr. Gott's company to items under 1 ton weight but no such restriction was placed on Jones & Laughlin. Or, again, suppose Pullman-Standard could sell its cars only with special equipment and other car manufacturers could sell identical cars without this equipment. Maybe H. J. Heinz would be taxed and Campbell would not.

What kind of competitive market would we have then? Well, ridiculous as it may seem, that's just about where the railroad industry finds itself in trying to compete with other modes of transportation today.

So here we find a sick industry with the potential of a giant—one that provides more than a half-million jobs in direct rail employment and which pours additional billions into the economy through taxes and purchases. How does it meet the demand for tomorrow when over \$36 billion must be invested in rail plant, track and equipment, just to hold its own? Where do we go?

Believe me, the answer lies not in a growing number of bankruptcy petitions, which hardly stimulate the flow of private capital. When business integrity is gone, extinction and chaos are not far behind.

So what about government take-over and nationalization?

Well, our studies—and our report—say no. As a matter of fact it is the worst of all possible solutions.

There isn't time here for a thorough-going analysis of nationalization, but we should mention a couple of points. First, nationalization would be very costly. The government couldn't just confiscate or take over the railroads. It must pay for them—and not even an act of Congress could provide otherwise. This point is frequently forgotten—or not mentioned by those whose approach to the problem is more in self-interest than anything else. "Take-over" would cost some \$60 billion just to start with and

that's merely to effect a transfer of title. Interest on the money borrowed to effect the transfer of title would begin at around \$5 billion a year. And the capital needs of the railroads go on, no matter who has title. There is one thing certain in all this—the American taxpayer will have his burden increased enormously, for every dollar must come from new taxes.

I was intrigued to read the debate on the Senate floor last week during the consideration of the Rail Emergency Loan Guarantee bill. It was astonishing to see that some Senators were urging that since other great countries had nationalized railroads, the United States should follow the lead. Well, let me tell you, they had better look before they leap!

When nations go the nationalization route on transportation, without exception, the financial burden upon the public becomes greater.

The national railroads of Western Europe and Japan operate at an average 20 percent deficit—despite the fact that frequently they receive interest-free financing and pay no taxes. Large deficits are annually recorded by nationalized systems in Japan, France, West Germany, Italy and others, and the taxpayer pays for it all.

Great Britain came up with black ink in 1969 after some fancy bookkeeping including writing off several billions in capital debt and government subsidies for operation of uneconomic services, all at the expense of the taxpayer.

Finally, and I cannot emphasize this too strongly, nationalization of our railroads would mean inevitably the government control of other modes of transportation and the loss of freedom in the entire economic structure of our society. Surely, there are better solutions!

Meaningful relief must recognize a wide range of issues. Some measures must cover old ground because much of what we're governed by is old—and long overdue for change. Other measures must be bold and new, because the size of the problems demands big and new thinking.

In essence, (1) we need fairness and equal treatment among the several modes of transportation; (2) we need greater freedom from regulation. We want government help with our problems—but let me make it clear, we need a helping hand—not a handout.

ASTRO came up with a multi-faceted approach. But, be assured the ASTRO proposals are neither extravagant nor unrealistic . . . when weighed against the alternatives. Instead, they are a statement of reasonable rights and exceptions for an industry the nation must have—and must have in good health.

To place all modes on a more even footing, ASTRO urges a number of constructive steps that Congress can and should take:

It should exempt railroads from state and local property taxes on railroad rights-of-way, especially since rail competitors don't pay similar taxes. This exemption would require federal reimbursement to hard-pressed local governments which cannot afford the loss of these revenues.

Congress also should establish a single transportation fund, to be used by all modes in furthering a balanced transportation system. Use should be made of funds that are already available to eliminate rail-highway grade crossing hazards—and without restriction to so-called "federal-aid" highways, as is now the case.

In addition to proposing a guarantee of up to \$400 million annually in loans for improvements to railroad rights-of-way, ASTRO findings urge assistance for railroads in updating and modernizing motive power and freight car fleets. Under our proposals government would:

(a) Guarantee loans for such purchases

and make low-interest loans available for equipment which is in short supply, and

(b) Create a non-profit corporation to acquire a "free-running" fleet of general purpose unassigned freight cars.

Billions of dollars are required for freight cars, locomotives, repairs, replacements, maintenance, innovative improvements, etc.—the railroads must have some help to do the efficient and productive job of which they are capable and which public need dictates.

Railroads can—and fully intend to—finance a great part of this themselves. Basically, we seek loans and loan guarantees. But, for reasons I've already emphasized, it is increasingly difficult to find the funds needed for survival and growth. Starved of capital, the railroads have to seek means of opening up new sources of money. We want and need government help—the same kind of help the maritime, air and highway interests already enjoy. And because most of the help we seek is in the nature of loans, the ultimate cost to the government is relatively small. And think of the economic return to all the nation of a healthy industry.

Revised regulatory practices could result in improvements in many areas. A single regulatory agency would be a major step toward equity in transport regulation and would encourage the development of an integrated national transport system. The piecemeal surveillance of individual modes by several agencies has led only to confusion and diffusion.

We say: *Speed up* approvals for abandonments on little-used branch lines. *Expedite* the merger process; allow railroads to lower rates; *permit* experimentation and innovation; and, maybe most important of all, for the good of the nation, *revise* the laws barring companies from combining land, air and water service for "one-package" transportation.

We look not for across-the-board abolition of regulation—because some regulation would be necessary and helpful—but we seek greater reliance on economic forces, daily business decisions, and less reliance on regulation. Surely, this is a far better and quicker way to healthy transportation in the United States.

The experience of other nations teaches that railroads are nationalized primarily because they are needed, not merely because they are sick. And here in the United States you—and all your associates, neighbors and friends—have got to act boldly on behalf of our free railroads before they get so sick that nationalization is the only recourse.

Why? Because of your very real involvement with the industry. To further your own interest you must tell others—as many others as possible—that, believe me, whatever his interest or pursuit, each person in America has an enormous stake in the future of the railroads and must let his representative in Congress know of his interest. Let me tell you as a former Senator and Congressman, no legislation goes thru Congress—it is *pushed* thru by the efforts of the people back home who assert their concern and give voice to their wills.

In truth, railroads are people—millions of people. There are over 1/2 million employees whose stake is as high as management's. There are another 1/2 million in industry which supplies the needs of railroads. There are approximately a million owners—stockholders—innumerable beneficiaries or interest holders of financial concerns and insurance companies with portfolios containing railroad securities. And then there are just plain people whose goods and sustenance depends upon the soundness of all transportation media.

Yes, I came here to tell you we all have a stake! For let us look upon the threat of bankruptcy, disruption and nationalization for what it really is and be *shocked* by what we see!

The demands of tomorrow require that government must necessarily bear an increasing and responsible burden. But the future clearly requires us to defend the field of private initiative and enterprise created by a philosophy justified by more splendid material accomplishments than the world has elsewhere seen. Let us not see, our government making those ventures into private industry which failures in the past and in other places have thoroughly discredited. Let us make certain that our government will intelligently support the needs of the railroads and that the industry will achieve a proper place in an economy where the opportunity of all our people rests.

APPENDIX A ASTRO RECOMMENDATIONS Regulatory reform

1. Creation of one single transport agency to regulate all modes.
2. Permit prices to be lowered when the resulting rate adds to the carriers' income.
3. Allow carriers to increase rates up to 6 percent each year until a satisfactory rate of return is reached.
4. Authorize, on an experimental basis, regulated carriers to quote prices on selective commodities without minimum rate regulations.
5. Implement administrative reforms to reduce the costly delays involving judicial review of regulatory decisions.
6. Remove the absolute bars to intermodal transportation companies and allow controlled experimentation.
7. Remove barriers for the abandonment of lines which fail to meet costs of operations.
8. Eliminate unnecessary delays in merger proceedings by reformed procedures.

Balance Federal promotional policies

1. Relief from the burden of property taxation, with Federal reimbursement for lost State and local revenues:
 - a) prohibition of discriminatory property taxation.
 - b) Greater use of Federal funds, already appropriated, for programs to improve the safety of rail-highway grade crossings.
 - c) Federal assistance for railroad rights-of-way by:
 - a) establishment of a Federal transportation fund from which the railroads would draw up to \$400 million, and to which they would contribute in user taxes;
 - b) guarantee of loans (\$400 million limit) by Federal government;
 - c) tax incentives—rapid tax amortization on improvements; and
 - d) qualify railroads for relief from natural disasters, like other transportation facilities.
2. Federal assistance for the railroads' equipment supply through:
 - a) guarantee of private loans for all types of equipment;
 - b) low interest loans for general purpose freight cars in short supply;
 - c) creation of a Federally chartered non-profit corporation with a "free-running" fleet of general purpose unassigned freight cars; and
 - d) tax incentives—restoration of the investment tax credit for freight cars and locomotives.
3. Federal aid to develop a \$100 million research program in railroad technology that is comparable to Federal programs for other modes.

Industry self-help

1. Creation of arbitration machinery for intra-industry disputes.
2. Improve its own marketing research.
3. Need for cost control cannot be permitted to compromise quality service.
4. Improve techniques for profit analysis.
5. Recruit young leaders from colleges and business schools.
6. Need for labor-management teamwork.

A REFORMER LOOKS AT THE WELFARE MESS

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. MORSE. Mr. Speaker, there are few problems more serious than those faced by our public welfare systems. There are also too few men, however, who have as well as the knowledge to develop constructive solutions, also the understanding of management skills, the political sensitivity, and the experience to promote the kind of intergovernmental cooperation essential to progress.

Harold Putnam, former Massachusetts State representative, and presently the New England regional director of the U.S. Department of Health, Education, and Welfare, is, fortunately, one of this rare breed.

It is indeed characteristic of his efforts to insure strengthened cooperation between the State and Federal governments that he recently delivered his findings and recommendations on the administration of public welfare in the Commonwealth of Massachusetts, by hand, having himself walked from the government center to Beacon Hill. It is even more characteristic that his style of delivery in no way overshadows the substance of the report, which has been called a blueprint for a constructive administrative approach to welfare reform.

I am including at this point for the RECORD, an article from the Worcester Telegram which describes this report, and the man who has contributed so much in making for a better understanding of the welfare problem and for progress in finding effective solutions.

The article follows:

A REFORMER LOOKS AT THE "WELFARE MESS" (By Richard H. Cunningham)

Former State Rep. Harold Putnam strolled from Government Center to Beacon Hill the other day to give his former colleagues advice on running a multi-million dollar welfare program.

Putnam, the new regional director of the U.S. Department of Health, Education and Welfare, advised the state legislators first to read a book: "The State and the Poor," edited by Samuel H. Beer and Richard E. Barringer.

He especially urged them to read the chapter on public assistance that was written by Charles I. Schottland, president of Brandeis University. Schottland, who was Social Security commissioner under President Eisenhower, was one of the earliest proponents of a guaranteed annual income for welfare recipients, and of many of the other welfare reforms now proposed by President Nixon.

Reading that book, says Putnam, is sure to knock out most of the misconceptions that legislators, or anybody else, may have about public welfare. It should help to shatter the myth that welfare recipients are a lazy and shiftless lot who ride around in Cadillacs while refusing to go to work.

Putnam, of course, has long been sort of a reformer, almost a stormy petrel at times within the Republican Party. He opposed the powerful Elmer Nelson, then chairman of the GOP state committee, in 1954 over a Republican redistricting plan he called a "ruthless gerrymander." His own partisans refused him a chance even to address the House on the subject at one point.

In a 1956 "guest editorial" in *The Sunday Telegram*, Putnam vigorously demanded a drastic overhaul of what he called the Model T system of state government. He fought to end the archaic powers of the Governor's Council, asked for a four-term for governor, with the governor and lieutenant governor running as a team, and recommended a Cabinet-type of government with more power in the executive.

Putnam has seen many of his proposals, then considered far-out, adopted. His wife is Glendora Putnam, chairman of the Massachusetts Commission Against Discrimination. After a defeat for Congress, Putnam became a top aide to the late U.S. Rep. Joseph W. Martin Jr., and then former U.S. Sen. Leverett Saltonstall.

HISTORIC MOMENT

Now from his office in Boston's John F. Kennedy building, Putnam is supervising the overall administration of approximately \$5 billion in federal HEW programs across the six New England states—with \$1,689,000,000 worth of HEW projects right here in Massachusetts. His interest in effective spending for state welfare stems from the fact that about half of the total \$720 million welfare cost comes from Uncle Sam via his office.

That is why State Sen. Robert L. Cawley and Rep. John J. Desmond, co-chairman of a Special Legislative Committee Investigating Welfare appealed to Putnam for findings and recommendations from his department's experts concerning the administration of public welfare in the state.

Those recommendations were delivered personally by Putnam to the legislature. In a sense, Putnam's walk to Beacon Hill marked a probably historic moment, for the former legislator says that while cooperation with state government is a traditional part of federal-state relationships, a "working relationship with a state legislature is a new role for our department."

Putnam knows it is a sensitive role. The state welfare department, as well as the legislature itself, are understandably jealous of their own prerogatives—and there is danger they might well resent Uncle Sam sticking his head into their affairs. But Putnam has high praise for State Welfare Commissioner Steven Minter, who came from Ohio last year, at Gov. Francis W. Sargent's behest to try to straighten out welfare department procedures.

Minter has already taken effective steps to do just that. His recent appointment of John E. Sears, a certified public accountant to be his assistant for administration, was a step toward unsnarling the tangled accounting.

But, says Putnam, public welfare systems generally are in deep trouble, and the plight of our poor is too desperate, and the limitations of state funds are too painfully real, for anything less than the total cooperation between the federal and state governments that is "essential to any meaningful solution to this cancerous problem."

NO CRITICISM

Putnam's new HEW report on state welfare is no sizzling document of criticism against any welfare officials. It makes no loose charges of fraud, or even gross mismanagement. It is more simply a blueprint for a constructive administrative approach to welfare reform—in the Nixon pattern—than an indictment of the welfare system.

It recommends first that the state legislature itself hire a competent and well-paid staff of professionals well-versed in public welfare to give it sound legislative advice—much in the way that the national Congress uses such experts. It suggests, too, that a well-trained staff administer Medicaid, and that there be better data processing and management methods generally. It urges expansion of the computer set-up in Boston, and would cut the number of welfare disbursing offices to a single one.

"The legislature," says Putnam, "has no career professionals available to help it cope with the skyrocketing costs of welfare." If experts were available, he adds, it would have "enormous import for the over-burdened taxpayer."

Civil service reform appears a must, says Putnam, if the so-called welfare mess is to be cleaned up. The average person stays with the welfare department only 14 months—and quits because of a variety of reasons and frustrations, he says. A new program of the U.S. Civil Service Commission in cooperation with the state Civil Service may help in providing funds to help some social workers obtain special training or go for Master's degrees. Such incentives may keep good personnel.

SERVICE, NOT QUALITY

The HEW study found that 40 percent of a civil service employee's score in seeking advancement depends simply on length of service, with no regard for quality of performance. And pay scales have become so distorted over the years that lower paid social workers are paid far more proportionately than the middle and top echelon ones, and that drives many competent people off the payroll.

Putnam is convinced that President Nixon's welfare plan, including the \$1,600 income floor for welfare families will be adopted by Congress. He is convinced, too, that Uncle Sam will henceforth take a stronger than ever role both financially and administratively in state welfare. It is time, he says, to get going on a workable and good federal-state relationship in the social welfare field. It is not a time simply for scare headlines about alleged welfare abuses; it is a time for efficient administration.

THE 53D ANNIVERSARY OF LITHUANIAN INDEPENDENCE DAY

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. ANNUNZIO. Mr. Speaker, for those of us who embrace the ideals of freedom and self-determination, February 16 holds a special meaning, for it was on that day 720 years ago that Mindaugas the Great unified all Lithuanian principalities into one kingdom, and again, on that day, 53 years ago, the modern Republic of Lithuania was established. Thwarted time and time again through a long period of Russian domination, Lithuania finally became an independent state on February 16, 1918.

That historic day ushered in a new era for the Lithuanian people. They began rebuilding their devastated country, reestablishing democratic institutions there, and safeguarding their newly won freedom. In all these difficult tasks they made great strides, and in the ensuing two decades Lithuania became a prosperous productive country. The Lithuanians at last enjoyed the rewards of their own industrious efforts and the security of being free people.

Then came the turmoil of the Second World War. That war swept away all their achievements, robbing them of their hard-won freedom. Their country was invaded by the Red army and then made part of the Soviet Union in 1940. Those who dared to resist were executed or deported to slave labor camps in Siberia.

Today the Lithuanians are prisoners in their own homeland. They still resist Soviet rule in an unending fight for freedom. This is Lithuania's unique contribution, that of a small nation which does not accept defeat, which is not content to be simply a part of the Soviet Empire. This is the spirit which made Lithuania an independent nation against great odds once before and it is the spirit we honor today.

The United States has never recognized the forced incorporation of Lithuania into the Soviet Union. We have always sympathized with the Lithuanian desire to be free. It is with this in mind that I introduced House Concurrent Resolution 7 on January 22, 1971. This resolution expresses the sense of the Congress in opposition to Soviet Russia's incorporation of Latvia, Lithuania, and Estonia. My resolution is similar to the one that was enacted by the Congress in 1966, and the complete text of my bill, House Concurrent Resolution 7, follows:

H. CON. RES. 7

Whereas the Government and the people of the United States of America have maintained and enjoyed excellent and friendly relations with the Governments and peoples of the Baltic States Republics of Latvia, Lithuania, and Estonia, during the years of independence of these Republics; and

Whereas the concept of liberty and freedom of choice of government is still alive in this country, as it has been constantly since the Declaration of Independence; and

Whereas the evidence produced at the hearings of the select committee of the House of Representatives to investigate the incorporation of the Baltic States into the Union of Soviet Socialist Republics overwhelmingly tends to prove that the actions of the Union of Soviet Socialist Republics in relation to these free and independent Baltic Republics were contrary to the principles of international law and the principles of freedom; and

Whereas the people of this Nation have consistently shown great sympathy for the peoples of these three Republics, especially as a result of their enslavement and as a result of the inhuman exile and deportation of great numbers of law-abiding persons from their native lands to imprisonment in slave labor camps in the Union of the Soviet Socialist Republics: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) The President of the United States of America should continue the American policy of nonrecognition of the unlawful absorption of the Baltic States Republics of Latvia, Lithuania, and Estonia into the Union of Soviet Socialist Republics, and continue the recognition of the diplomatic and consular officers of these Republics, as the lawful representatives of these three nations in the United States of America; and

(2) The President should take such steps as may be appropriate, through the United States delegation to the United Nations, to raise in the United Nations the question of the forced incorporation of Latvia, Lithuania, and Estonia into the Union of Soviet Socialist Republics and request the United Nations to conduct an investigation of conditions in the said Baltic Republics to the intent and purpose that Soviet armed forces, agents, and colonists be withdrawn therefrom, and that the exiled peoples of these Republics be returned thereto in freedom, and that free plebiscites and elections be held therein, under the supervision of the United Nations to let the people, in freedom, make their own election and choice as to government.

We who can enjoy the rewards of a free world must be relentless in expressing our support for those who are not so fortunate. In behalf of the people of Lithuania as well as the thousands of Lithuanian-Americans residing within the Seventh District of Illinois, which I have the honor to represent, I am proud to join my colleagues in commending the courage of the Lithuanian people and expressing the universal hope that the Lithuanian nation will again take its place in the family of free nations.

REVENUE SHARING, A LIFESAVER FOR STATE AND LOCAL GOVERNMENTS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. BIAGGI. Mr. Speaker, President Nixon in his state of the Union message set as his fifth great goal the strengthening and renewal of State and local government. The instrument for this revitalization is to be Federal revenue sharing.

There is no doubt that our State and local governments are on the brink of financial disaster. Nine States have indicated they will soon go bankrupt. Other jurisdictions have begun cutting back on essential services. Still others have found it necessary to increase taxes again and again.

Inflation, increases in population, and demands for more services have virtually strangled the State and local governments' ability to meet their financial obligations. The property tax in most areas is already at the upper limit. Further increases will cause hardship to low- and moderate-income families and retired persons living on fixed incomes. Services now at a minimum cannot be cut further. The answer is a reallocation of income tax revenues to meet the rising cost of government at all levels.

WHY REVENUE SHARING?

Other plans for increasing State and local revenues have been advanced. One suggestion is that Federal taxes be lowered and State and local taxes be increased by an equal amount. However, after considering the massive problems of coordinating such a changeover among the Federal Government, the 50 States and the thousands of localities, such a proposal must be rejected at this time.

I say at this time because the emergency nature of the fiscal crises in our States and big cities calls for immediate action. Alternatives may be more appealing later, but right now revenue sharing as proposed appears to be the only answer.

For the longer run, a better plan could be devised that would draw on the tax-collecting resources of the Federal Government and still provide the States and localities with sufficient control over their own budgetary process.

Some opponents of revenue sharing contend that the problem could be solved

with an increase in categorical, or "strings-attached" grants to the States and localities. However, a recent report shows that the major roadblock to improving the financial picture for these governments is the lack of sufficient general revenue to meet general expenditure needs.

In fiscal year 1967, the overall State and local government deficit was \$64 million. This increased to \$835 million in fiscal year 1969. However, the deficit in general funds—those available to meet all types of needs as opposed to funds earmarked for specific needs—was over \$2 billion.

A recent updating of the study projected an overall deficit in 1975 of \$9.19 billion and a general fund deficit of \$14.8 billion. Federal revenue sharing would seek to improve the general fund outlook by providing untied Federal tax dollars directly to the State and local treasuries to be used for whatever purposes they feel are necessary.

WHICH REVENUE-SHARING PLAN?

Two major plans have been put forth, the administration proposal and the Humphrey-Reuss plan. Of the two, I favor the administration measure with its initial \$5 billion allocation instead of the \$3 billion program envisioned by Senator HUMPHREY and Representative REUSS. The need is very great, as the figures I have just quoted indicate. Moreover, Gov. Nelson Rockefeller of New York has indicated he hopes the Federal revenue-sharing amount will be increased to \$10 billion.

Both plans have the same basic pass-through formula which permits 50 percent of the funds to go directly to local governments. Both also have a 10 percent incentive payment to encourage adoption of an intrastate distribution proposal, tailored to local needs, to be negotiated by the State and local governments and approved by the Secretary of the Treasury.

The Humphrey-Reuss proposal, however, would go a step further and require the States to adopt a master plan for governmental reorganization before being able to participate in the revenue sharing program after the first year. While the motive for this is sound, revenue sharing is not the vehicle for engineering the elimination of deficiencies in state and local governments.

ALLOCATIONS TO NEW YORK CITY AND STATE

New York State would receive the second largest allocation, \$534 million, under the Nixon plan. New York City's share of that would be approximately \$170 million. That figure, interestingly, is more than the total received by 43 States.

The increased revenues will go a long way toward solving many of the problems plaguing our city and State. It will hopefully help ease the city's grave financial crisis and keep Governor Rockefeller's proposed tax increases to a minimum.

SOME RESERVATIONS ABOUT THE PLAN

I do have some reservations about the President's proposal. Although there is emphasis on distribution of funds by population, there is no recognition of the

fact that urban centers have far more problems than rural or suburban areas. In fact, many of the problems of the cities are a result of the services they provide for the outlying areas.

New York City, for example, with its vast concentration of business enterprises provides essential services to upstate counties. Although the city is able to tax these businesses, the income does not cover the full costs of providing transportation facilities, police and fire protection, trash collection, and other essential services. Yet, without the urban centers such as New York City, suburban and rural areas would be at a loss.

It is possible that the provisions calling for the formulation of an intrastate allocation plan to suit local needs would correct this apparent deficiency. Certainly the mechanism is there with the requirement that such a plan be approved by a majority of local governmental units representing a majority of the population. However, such an important matter should not be left to chance.

Therefore, I would hope that the committee, when it reviews the bill, would refine the provisions to provide for an increased emphasis on our urban areas in recognition of their compounded problems.

Also, the fact that there is no lower limit placed on participation in the program is objectionable. Many very small units of local government have minimal need for these scarce funds. Or, even if they do have a justifiable need, a cut-off line would force some very small localities to combine with neighboring units to form a more efficient form of government. Although the amount going to each of these small units may be very little, the cumulative total could add up to a fairly large sum.

THE IMPACT OF REVENUE SHARING

On balance, revenue sharing will have a substantial impact on our State and local governments. Although some critics suggest that the program will perpetuate inefficient and antiquated governmental systems, I rather think the plan will instill a desire for improvement on the part of the people. With increased responsibility afforded government at the local level, more qualified people will be attracted to public service.

But most importantly, the average citizen will feel closer to the power of government. He will be able to influence more directly the expenditure of a large chunk of his tax dollar. This is the essence of the American democratic system.

The alternative of more categorical grants and more Federal handouts means only more bureaucracy and more tax dollars spent to build up the Federal payroll. This plan will spend the tax dollars where they will do the most good and eliminate the need to hire Washington bureaucrats to tell people how to spend the money.

I sincerely hope, Mr. Speaker, that my colleague from Arkansas (Mr. MILLIS) will hold hearings on the proposal early in this session of the 92d Congress. A public airing of the issues involved is essential.

Any effort to hold up the legislation in committee would be to deny the peo-

ple's representatives the right to decide one way or another whether revenue sharing is for them. There is no question that something must be done to save our State and local governments from financial ruin. To delay will only make eventual recovery all the more difficult.

MR. AND MRS. ALAMEDA

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. MILLER of California. Mr. Speaker, Alameda Eagles Aerie No. 1076 recently honored Jack and Marie Fleddermann as "Mr. and Mrs. of the Year."

The Fleddermanns have made a great contribution to Eagledom and to the city of Alameda, and I know that the citizens of that city are proud of this fine couple who have given so much of themselves to help others and to civic betterment. I include with these remarks an article appearing in the Alameda Times Star on January 31:

MR. AND MRS. ALAMEDA

(By Everett Johannes)

In recognition of their many years of service to Eagles, the members of Alameda Eagles Aerie No. 1076 and the Marie Fleddermann, both past presidents of their respective organizations, the Eagles' "Mr. and Mrs. Award."

A testimonial dinner in honor of the Fleddermanns will be held on Thursday evening, Feb. 18, at the Eagles Hall, 2305 Alameda Avenue. A no-host cocktail hour will be followed by the dinner at 6, to be followed by the dinner at 7:30.

Past President Fleddermann, who is known as "Mr. Eagle" to business, professional and civic leaders of Alameda, has taken an active part in Eagledom, practically from the time he was initiated into the organization. Within a few months of joining, he was elected to office and served through all the chairs culminating with his election as Worthy President for the term 1954-55.

Even after completing his term of office, he has been called on repeatedly to fill one of the chairs as vacancies occurred. At present he is completing his third term as Junior Past Worthy President.

Fleddermann is also ritual minded, having served on many of the championship teams of Alameda Aerie. At the Fresno State convention in 1957 he won his first 100 percent individual award. Ten years after that in Sacramento he won his second 100 percent award. Going back to Fresno last year, and competing on two ritual teams—Aerie and District 11—he came back with two 100 percent awards, one on each team.

Past Madam President Marie Fleddermann has been active in the Auxiliary, holding various offices and ending up as Madam President for the term 1956-57. She also served as treasurer of the Auxiliary for five years, and at present is serving as chaplain.

She has served on several of the Auxiliary teams during the past years.

Past President and State Trustee William Trujillo is general chairman for the affair. Co-chairmen are Harry Wetherald and Roy Oyer.

Margaret Wetherald is chairman for the Auxiliary, with Pat Ourada and Mary Markel as co-chairmen.

As seating space is limited, reservations must be made not later than February 11. Phone Roy Oyer, secretary, 522-9588, or call 522-7577 or 522-8997.

The Fleddermanns took up residence in Alameda shortly after their marriage in 1931. After several years here they moved to Oakland and then purchased a ranch in Vacaville. Then came Pearl Harbor, and Jack went to work for the Navy at Mare Island Navy Yard. After several years at the naval installation and a return to ranching, the Fleddermanns moved back to Alameda and have resided here ever since.

Being theatrical people by nature, during the latter years of World War II the Fleddermanns went to work for the Alameda Recreation Department under Otto Rittler, producing talent shows and other entertainment at the various housing projects in the city. It was while working at one of the projects that Fleddermann got the idea for his Christmas song, "Dear Mr. Santa Claus," which is still being played and sung at Christmas time.

Mrs. Fleddermann spent over five years as a canteen worker with the Alameda Red Cross, and still helps out every year as a worker on the numerous charity and humanitarian drives.

The Fleddermanns have one daughter, Mrs. Frank McCallister, of Antioch. Fleddermann has two children by a previous marriage, Mrs. Philipp Coon, of Santa Rosa, and Jack Fleddermann, Jr., of Alameda, also a member of the Alameda Eagles.

Besides Eagledom, music, the stage and entertainment are the basic things that this well known couple are interested in at the present time.

Fleddermann has had quite a career in music and the theatre. During the silent movie era he worked in numerous theaters furnishing background music for the silent films, and also playing for the various vaudeville acts. When Talkies replaced the silent films and vaudeville went out, together with the majority of the theatre orchestras, Fleddermann organized dance bands which have provided music for the dancing public for years. He still has a group working casuals and week ends.

He is a life member of Locals 6 and 510 of the Musicians' Union. He started his professional career in 1906 while still in high school.

During World War I, while stationed at Camp Kearney with the 159th Infantry, Fleddermann organized a Dixieland jazz group which was known throughout the division. Upon the completion of the Liberty Theatre at the Camp, he received an assignment to organize an orchestra.

After the Armistice, Fleddermann was called upon to entertain the troops, this time as musical director of the "Sunshine Players", which included personalities such as Buster Keaton, Holmes and Koeth, Otto Fischer, Herb Janswick, George Kerns, Hank Dunn and Art Penny. The players made an extended tour of France playing at Y.M.C.A. and Knights of Columbus huts, and at base hospitals and troop outposts.

A TRIBUTE TO ABRAHAM LINCOLN

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. CARNEY. Mr. Speaker, Abraham Lincoln is today a symbol—a symbol of goodness that shines majestically against the brooding skies. The brilliance of that goodness has never been dimmed by the deeds of any lesser men.

Lincoln's origin in Kentucky, his youth in Indiana, and his maturity in Illinois

are facts of time and place. In them, all Americans share a possessive pride without sentimental illusions. We recognize that in his climb to the country's leadership, Lincoln became the statesman.

To Americans, the birth, life, career, accomplishments, and tragic death of Abraham Lincoln are familiar stories. But like the words of the Bible, they grow more sweet by repetition.

Abraham Lincoln was the product of a crisis. During any time of national or international crises, it is a human tendency to repay hatred with hatred—or insult with insult. If that process were allowed to go on, it would become impossible for men—and nations—to cooperate.

Lincoln realized this, and he tried to teach this lesson to his countrymen. It cost him his life. I would like to think that if he were to come back today, he would say the sacrifice was not in vain.

Although as a man, Lincoln stood, both figuratively and literally, head and shoulders above his fellows, he never wavered in his belief in democracy and the good to be found in every man. His life illustrates, better than any rhetoric, the equality of opportunity we have in this great Republic. Born, in his own words "into the humblest walks of life," Lincoln climbed to the highest round on the ladder of success.

It has been said that "Lincoln proved to us that the good thread which runs through the lives of just ordinary persons is the thread, the true principle which binds and ever will bind this Republic into a sound and healthy and peaceful Nation."

It is my profound hope that our national aspirations will always be engraved in those simple golden words spoken by President Lincoln—words that he penned with his thoughts turned toward a brighter future—"that government of the people, by the people, for the people shall not perish from the earth."

As Americans we are thankful that a man named Abraham Lincoln lived, and as Americans we should dedicate ourselves to the proposition that this great man's fervent hope for his beloved America shall never be dimmed.

THE APPALACHIAN TRAIL—EDWARD B. GARVEY'S LONG WALK

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. BYRON. Mr. Speaker, the Appalachian Trail is one of the great glories of the American scene. As a member of the National Advisory Council of the Appalachian Trail Conference, I have taken great pride in the conference and its achievements. The January 1971 Appalachian Trail bulletin carries an article by Mr. Edward B. Garvey who recently became the 53d person in the history of the trail to hike the entire distance from Georgia to Maine. I commend Mr. Garvey for his achievement—his deed is a tribute to his stamina and courage, to the

Appalachian Trail Conference, and the millions of Americans who enjoy walking and hiking.

THE ADVENTURE OF A LIFETIME

(By Edward B. Garvey)

As I write this article in late October my mind goes back just a short 2½ weeks to Wednesday, October 7. The time is 12:15 p.m. and I have just arrived at the summit of Baxter Peak on Mt. Katahdin. A beautiful day, a goal achieved. A goal which had been nothing more than a dream for perhaps 15 years but which had become a definite possibility in October 1969 when I retired after almost 35 years of service with the Federal Government. But let me go back a bit in time.

I joined the Potomac Appalachian Trail Club in late 1952. Two events that year made a vivid impression on me. The first was the announcement in *PATC Forecast* of the death of a certain Myron H. Avery. I had never known Avery; but from that time on I was to hear about him, read about him, and learn of his accomplishments. The second event was the 2,000-mile hike of the entire Appalachian Trail by *PATC* member George Frederick Miller, age 72. I read and reread the article on his trip, written by John P. Cowan, in the January-March 1953 issue of the *PATC Bulletin*.

I have been a hiking enthusiast almost from the time I joined the Boy Scouts in 1926 in Farmington, Minn. I even have in my possession a 1933 newspaper clipping announcing the death of Dan O'Leary, America's most famous hiker, whose hiking feats border on the incredible. Small wonder then that the article on Miller's 2,000-mile hike captured my imagination. Perhaps that was the time when I first entertained vague thoughts of someday hiking the entire Trail myself. When plans for my own hike became rather definite I went to my stack of *Bulletins* and from near the bottom of the pile pulled the one on Miller's hike. One of the features of his hike was a preprinted daily log form on which he recorded pertinent information on each day of the hike. This idea I borrowed lock, stock, and barrel. More on that later.

But here I am in March 1970. The start of the hike is a month away. There are two ways to plan a hike of this nature. One way is to tell no one of your plans. Then if you decide you have had enough after a few days or a few weeks, no one is the wiser and no embarrassing explanations are in order. The other way is to tell everyone of your plans. Then you have no choice. Unless death or injury intervenes you must complete the entire hike. I chose the latter method. Notice of my hike appeared in the January 1970 issue of *Trailway News*. Shortly before my hike began I gave a midday talk to members of *PATC* on plans and preparations I had made. I was totally committed!

SENDOFF BY MEMBERS OF GEORGIA CLUB

In late March, my wife, my 11-year-old son Kevin, and I took a short Easter week vacation trip to the Everglades in Florida. On our return we arrived at Amicalola Falls State Park in North Georgia on the afternoon of April 3. Bob Harrell, outdoor editor of the *Atlanta Constitution*, was there and we talked at some length about my hike, my equipment, and the plans I had made for inspecting trailside shelters and Trail conditions. The Henry Morris, the Ed Seiferles, and the Al Thompsons of the Georgia ATC also arrived at the Park about the same time we did. We stayed overnight at a cabin with the Morris and the Seiferles. An early Saturday morning breakfast, a motor trip to Nimbleshill Gap where I met for the first time my hiking companion from Kansas City, Elmer Schwengel. Picture taking, a few words of prayer by Jim Engel of the Georgia Club, a farewell to my wife and son, and we,

Schwengel and I, were hiking toward Springer Mountain, the southern terminus of the A.T.

And now I encountered my first disappointment. Schwengel, a retired railroad switchman, age 67, was not in proper physical condition to hike. He had arrived at Springer 3 days earlier to get in some conditioning hikes. That was not enough. On the way up to Springer he found it necessary to 'rest' every 3 or 4 minutes. These were not typical hiker rests where you stand on the trail for 30 or 40 seconds to get your breath. Schwengel found it necessary to collapse on the ground for several minutes before he felt strong enough to continue. After 30 minutes or so I pushed on ahead hoping that he would catch up to me either at Springer Mountain or at the first shelter. I never saw him again but learned later that he made about 4 miles the first day, realized that he could not continue, and then returned to Kansas City.

I was amazed at how quickly and pleasantly I adapted, both physically and mentally, to the daily routine of life on the Appalachian Trail. I found that I could average 100 miles per week and still have enough time for the inspection work and paperwork to which I had committed myself on behalf of the Appalachian Trail Conference. I am convinced that anyone in reasonably good physical condition who makes reasonable preparation and acquires at least some of the camping and hiking skills can enjoy a traverse of the entire Trail—either in one year or over a period of years. But now I am propagandizing again. The more I hiked the Trail the more enthusiastic I became about it and the more did I describe its wonders to all those I chanced to meet during the 6-month period between April 4 and October 7; but before I run out of *BULLETIN* space let me describe just a bit of the daily routine on the Trail plus a few of the unusual experiences that came my way.

During the 17-year period from the time I joined the Trail Club until I began my hike I had become active in both Club and Trail Conference activities. I served as Supervisor of Trails for 6 years, and for one of those years directed the renovation of the Club's 19 trailside shelters. From these activities I developed a very keen interest in both trail maintenance and trailside shelters. In 1962 I became active in the affairs of the Appalachian Trail Conference. I served as Secretary from '64 to '67 and am now a member of the Board of Managers. I had felt for several years that some of the hikers who were walking the entire Trail could provide a valuable service to the Conference by inspecting and documenting the condition of the Trail, the trailside shelters, and the accuracy of the 10 detailed guidebooks which describe the route of the Trail. Working with Col. Les Holmes, Executive Director of the Conference, and using the George Miller idea of a printed daily log form, I set about developing a form that would provide needed information on both Trail conditions and shelter conditions. The form was printed on both sides and I made my entries with ball-point pen. The form was satisfactory with respect to shelter information but did not allow sufficient space for describing Trail conditions. Committing myself to an inspection of the shelters meant that I must visit every one of the 270-odd shelters located on the Trail—and having visited them I must locate and pace off the distance to the water supply source at each one. Sometime during the day, but more frequently at the end of the day, I would complete the other items of the daily log form.

Updating the 10 guidebooks was another matter. I really had never used guidebooks to any great extent in my previous hiking. On this hike I walked with a guidebook clutched firmly in my hand. This may seem silly to some, but I found there was no practical

way to check the accuracy of these books unless I had the information readily available. I made corrections on the guidebook pages and signed and dated each page. As I completed each book I mailed it to the Trail Conference and picked up at a post office a new guidebook which some member of my family had mailed to me.

In order to keep myself totally occupied I undertook the job of picking up all litter on that part of the A.T. that is a foot trail only (this excluded those parts of the Trail that utilize highways, fire roads, and other vehicular traffic area). My average "take" for this activity was about 15 cans per day and about 50 pieces of other type litter. If you are interested in statistics, I found that Baby Ruth is the No. 1 candy bar with Butterfinger a close second. If you chew tobacco, you will be pleased to learn that among those on the Trail it is a tossup between Beechnut and Red Man. Of all the cans I picked up, I found that about 50 percent were soft drink, about 30 percent were beer, and the remainder were food cans. The litter I saw at shelters was another matter. Perhaps 5 percent of the trash left at shelter trash areas was left there by backpackers. Backpackers to not carry 32-ounce cans of fruit juice, one-gallon cans of Coleman Fuel, 16-ounce cans of beer, nor huge cans of beef stew or other canned meats. I am convinced we can win the litter battle on the Trail itself. The problem of litter at trailside shelters is more serious.

So there you have my nonhiking daily routine. While I undertook this hike primarily for fun there were times, I must confess, when I wondered if I had not bitten off more than I could chew with respect to my nonhiking chores. However, if I were to hike the entire Trail again, I would with one exception try to perform the same chores. The one exception is the picking up of litter. I think I have proved that if one individual with a 35-pound pack on his back can pick up the litter from Georgia to Maine, then surely the various hiking clubs on their weekend hikes can do the job even better.

Now to the more interesting parts of the hike—the day-to-day hiking routine. I could provide material for any number of *Bulletins* on such subjects as equipment to be carried, menus and food preparation, rain gear, footwear, or stoves and fuel as opposed to wood fires for cooking. Experienced backpackers (and *PATC* has many) will chuckle at the weight of my pack. Inexperienced hikers frequently start out with tremendously heavy packs and gradually rid themselves of unneeded items. Not Garvey! I started out light (34 pounds at Springer Mountain, including 8 pounds of food). I kept the pack light during the first 725 miles and even managed to use up all my food on one occasion, reaching Roanoke, Va., with a pack weighing only 26 pounds. At that point, Roanoke, both my pack and I were at the lowest weight of the entire trip.

My weight had dropped from 158 with my hiking clothes on down to 143. And 158 is my normal weight. From then on things began to happen. Without going into whys and wherefores, I will simply say that when I left Reading, Pa., my pack weighed 43 pounds, including one quart of table wine. When I left Glencliff, N.H., the pack was up to 46, including a 3-pound fruitcake mailed from Claxton, Ga., and picked up at Glencliff. Monson, Maine, was my last resupply point and it is 118 miles from there to Mt. Katahdin. Furthermore, I deliberately planned a slow schedule for that last 118 miles as I wished to savor each day through that beautiful lake country of Maine. Consequently, I laid in a huge supply of food and staggered out of Monson with a pack which I estimated weighed between 52 and 54 pounds. This violates all the rules of good backpacking. All I can say in defense is that I lived pretty well during those last 10 days out of Monson, Maine!

FOOD FROM RURAL AND SMALL TOWN STORES

My day began when it was barely light enough to distinguish objects. It ended when I could no longer see to write my notes. Breakfast was generally dry cereal which was premixed with powdered milk and sugar. All I had to do was to add water, stir, and eat. On some occasions I was on the Trail within 35 minutes after arising; 45-50 minutes was the average. I lunched around 9:30 or 10. Another lunch around noon. Sometimes an afternoon lunch. One big meal at night. The food I used was what I could buy at rural and small town grocery stores.

I enjoyed the sashays into town to buy supplies. At these points I would buy a good meal, being certain to order green vegetables, salads, coleslaw, the type of food not included in my Trail diet. I would try to buy my restaurant meal at a slack time so that I could use the booth or table as an office for a couple of hours to read my mail, write a few letters, and bring my notes up to date. I had phenomenal luck catching rides into town and getting rides back to the Trail intersection. I had several things going for me in the ride-catching department—clothes for one thing. I wore shirt and trousers of the same color, either my "Appalachian Trail Blue" or my "Forest Service Green." On my shirt sleeve I wore either the blue, gold, and white A.T. "Maine-to-Georgia" patch or the green, red, gold, and black PATC patch. With my 55 years, my gray hair and black hat I definitely looked "official." People might not know what organization I belonged to, but it was obvious that I was a reasonably respectable looking citizen belonging to some organization. A large segment of our population does not accept beards. When I needed rides I saw to it that I was clean shaven.

One of my most exciting rides was the 17-mile ride into Franklin, N.C., on a truck carrying 25 tons of hardwood timber. We roared in low gear both up the steep grades and down. I had heard the roar of that truck long before it came into view, and I was surprised that the driver stopped to pick me up. But here again, he saw and recognized my ATC patch. He was logging in the vicinity of the A.T., and he assured me he had orders not to cut, within 300 feet of the Trail. I knew the magic figure was 200 feet, but on this occasion I had enough sense to keep my mouth shut. An extra 100 feet of protection for the Trail was not to be thrown away! Another time I was picked up by a French Canadian logger in Maine. His knowledge of English was limited. He looked at my pack and said two words that sounded like "Oppolokkian Trail?" I nodded "Yes."

TRIP'S MOST UNUSUAL INCIDENT

No one can spend over 5 months on the Appalachian Trail without having some unusual experiences befall him. I was no exception. Space limitations in the Bulletin will permit the recounting of only one such experience. By the time this article is published many of you will already have heard at the November 16 Smithsonian program of my two encounters with rattlesnakes, my one encounter with a bear, my unsuccessful attempt to cross the Kennebec River in Maine, my unusual encounter with a moose at the unlikely time of 1:05 a.m. on an inky black night in Maine. You will have heard about the one really unpleasant night of the entire trip where I reached a shelter as the sun was falling and in looking for water to cook a late evening meal was unable to find my way back to the shelter in the fast gathering darkness. But Jim Shores, Bulletin editor, has assured me there is space to recount the most unusual incident of the trip.

The incident occurred on my first day of hiking in New Jersey at a point about 5 miles north of the Delaware Water Gap. Approaching me from the north were two people walking single file. The first person was a young man, barefooted, wearing a pair of dungarees. I could not get a good look at the second person. However, when I drew abreast—and

I chose that word carefully—I saw that the second person was a very curvaceous young lady, and she was not wearing dungarees—nor was she wearing anything else! She seemed a little new at the nudist game and somewhat ill at ease. As I came within speaking distance she giggled and said "Nice day, huh?" I smiled and replied with an enthusiastic "Indeed it is!"

Shortly after passing these two I heard a baby cry and looking to my left I saw a 1½-year-old white baby being comforted by a large naked black young man. I spoke to him and he returned my greeting. Beyond him were another 8 or 10 young adults, white, both sexes, all nude. I kept walking north cogitating on this unusual incident. Shortly thereafter I met Harry Nees of the New York-New Jersey Trail Conference who had hiked in from the north end of the section to meet me. I told him of my experience and he just shook his head sadly and said, "It just isn't right. I've maintained this section of the Trail for 15 years and have never seen anything more exciting than an occasional deer. Now you come up here from Virginia and the first day out you hit the jackpot!" Oddly enough I think I was one of the few who encountered this band of nudists because others that I met on the Trail who had come by that way shortly before or shortly after had not encountered them. It just goes to prove that hiking the A.T. can be a real adventure.

HUNGRY ALL THE TIME

I cannot terminate this article without mentioning food. I was underweight most of the time—hungry all the time. I experimented with a number of different foods and came up with some real winners: creamed tuna over rice or over potatoes; Lipton's packaged soups, green pea and potato being the two best; Appalachian Trail Mix (whole rice, lentils, barley—read my book for details); Claxton fruitcake; and the one food that I had with me at all times during the last 1,200 miles—Citadel Spread as concocted by Bill and Beth Oscanyan, PATC's of Bluemont, Va. This spread is a mixture of peanut butter, honey, bacon grease (or vegetable oil), and dried milk. Other goodies like nuts, raisins, or dates can be added. I used the mix as a snack, a dessert, or as part of my luncheon meal. It keeps for weeks unrefrigerated. I credited this mix with keeping my weight up during the last 2½ months of the hike. The recipe for the mix was given to literally scores of people that I met on the Trail and to whom I had given a small sample of this delicious concoction.

All good things must come to an end. The Southern Appalachians are behind me, the Middle Atlantic States, the Green Mountains, the White Mountains, and now I am hiking through the lake country of Maine. My excitement grows as I have now less than 100 miles to go. Entries in my diary and on my green calling cards left at each shelter show "Only 72 miles to go," "50 miles to Katahdin," etc. Weather has been horrible—8 days of rain in 10. Feet wet for days at a time. But I have gorgeous weather the last few days of my hike. I reach Katahdin Stream Campground on the afternoon of October 6.

At 6:55 a.m. on Wednesday, October 7, Tex Griffin, a freelance photographer, and I begin the last 5.2 miles to the summit of Baxter Peak. A bright sunny day. Tex takes over a hundred pictures. Time slips away until suddenly we see clouds coming in on us rapidly from the west. We begin to hurry now, having high respect for the sudden storms and low visibility that frequently beset Katahdin. As we near the summit of Baxter Peak the sky clears. More pictures. We break out the bottle of champagne and eat the last morsels of Claxton fruitcake and the Citadel Spread which I had hoarded for this occasion. Then we begin the trip back to the campground. We are both quiet, I particularly so. The trip I had planned for

a whole year and the goal that I had hiked over 2,000 miles to reach are now behind me. I had not anticipated this emotional letdown, but it is there.

As we neared the campground we saw that we had a reception group waiting for us. Jim and Lois Shores, of Hyattsville, Md., who were vacationing in Maine, had motored over to meet me at the finish line. There were Mr. and Mrs. Ken Parr, from E. Burke, Vt. Ken was assistant scoutmaster of the Boy Scout troop I had joined in 1926. More picture taking by the 10 in our small group plus others at the campground who were planning hikes for the next day. We repaired to one of the lean-tos—champagne, wine, cheese, crackers, sardines, and kippered herring appeared as if by magic. Later we had a delicious buffet-type dinner.

The next day my wife arrived and we began a leisurely trip home along the Maine coast line. We arrived home at 10 p.m. on October 14 to find that another party of friends and neighbors was awaiting our return. More champagne, a special cake, welcome home signs—a fitting climax to the long hike.

WHAT IS NEXT?

And now that the long hike is over, what next? I lived and breathed Appalachian Trail for almost 24 hours a day during the half-year period that my hike was in progress. During the hike I met with several hundred people who had a direct interest in the Trail and with whom I discussed a wide ranging group of Trail problems—from trail design to trailside shelters and from trail club organization to activities of the Appalachian Trail Conference. I have furnished the Board of Managers of the Trail Conference with a detailed list of these observations and recommendations. I will write a few articles such as this one. I have committed myself to a few speaking engagements. I would love to write a book about the Trail, the things to be seen on it, the preparations to make, etc., but I must first find a publisher! And after these things are done I still have that little job as Chairman of the Shelters Committee for the Conference. There will be no lack of things to do.

Scores and scores of people went out of their way to make my trip more pleasant. There were those who cooked a meal for me on the Trail, who invited me into their homes for a meal or for a night's lodging, those who provided me with office space and typewriter, and many others who extended courtesies in a variety of ways. But the man who gave me the greatest help was Maurice A. (Gus) Crews whose article appeared in the April-June 1970 BULLETIN. Gus' biggest contribution was the preparation of a chart which I call the "cumulative mileage chart." On it he has listed from Georgia to Maine the location of every shelter, campground, highway crossing, post office stop, grocery resupply point, and other information. I carried these charts with me the entire trip and referred to them constantly. I hope that the Conference will reproduce them in card form and make them available to long-distance hikers.

I find that I am hiker No. 53 to hike the entire Trail. It is my sincere hope that in the immediate years ahead more and more hikers will hike this famous Trail from end to end. For those who do, I am certain that it will be for them as it was for me—"The Adventure of a Lifetime."

IN COMMEMORATION OF GREEK INDEPENDENCE

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. CARNEY. Mr. Speaker, this year we mark the 150th anniversary of Greek

independence. I find it fitting to honor this historic event by introducing a bill today providing for the issuance of a special postage stamp in commemoration of this milestone in Greek history.

One hundred and fifty years ago, on March 25, 1821, Alexander Ypsilanti, a patriot, and Archbishop Germanos of Patras, unfurled the standards that sparked the revolt leading to Greek independence after four centuries of oppressive rule under the Ottoman Turks. The bloody struggle which ensued lasted for 7 long years. The age old flame for freedom, nurtured in ancient Greece, sustained by courageous determination and the awakening of strong nationalistic feelings served to unify the Greek struggle for independence. Although the Greek effort was supported by the British, French, and Russians, peace was not achieved until 1829 with the signing of the Treaty of Adrianople. On May 11, 1832, the three powers agreed to act as protectors of Greece, and 2 months later Turkey recognized Greece as an independent nation.

The Greek ideals of democracy and freedom, born in ancient Greece and serving as goals for which many nations have strived, once again prevailed in their homeland, and Greece took its rightful place among the free nations of the world.

Although modern Greece emerged to become a strong and viable state it fell victim to the ravages of World Wars I and II. During World War II the Greeks once again showed their willingness to fight to maintain the ideals cherished by free people throughout the world. The Greek Army successfully halted the 1940 Italian invasion, but was no match for the German Army in 1941. The end of World War II did not, however, end the nation's sufferings. The Greeks were then to endure a fierce and bitter civil war, in a struggle against a new and ominous threat—Communists seeking to overthrow the government.

The people of Greece hoped that their struggle for independence, begun 150 years ago, would bring lasting peace and freedom to their country. The developments just noted, however, indicate that there will always be challenges to the freedom of any people. There have been long periods of domestic peace and prosperity in Greece, with other periods of turbulence and limitations on freedom. The determination of the Greek people to attain and maintain individual freedom, democracy, and justice has suffered setbacks in recent years, but the desire for freedom has not been extinguished.

Modern man is indeed fortunate to have inherited examples of Greek political ideals, as well as examples of Greek art, sculpture, architecture, and literature. Americans in particular should remember the deep and lasting influence of Greece on our own way of life. A major contribution to the development of our own country has been made by Americans of Greek descent.

The dedication of the Greek people to their independence should be properly honored on the anniversary of their uprising against the Ottoman Turks. It seems highly appropriate to issue a postage stamp to commemorate Greek Independence Day and to honor the Greek

people for their contributions to the freedom of all mankind. I join all Americans and the people of Greece in the hope for lasting peace and freedom.

DR. LYTLE ADAMS AND CAPT. NORMAN RINTOUL ARE REMEMBERED FOR AVIATION ACHIEVEMENTS

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, February 11, 1971

Mr. RANDOLPH. Mr. President, history proceeds at such an accelerated pace that many of its makers are overlooked in the flurry of tomorrow's headlines. Three astronauts have just returned from an almost unbelievable voyage to the moon, and the world sighs in relief.

But in another day, in another way, two earlier adventurers contributed much to the sum total of man's knowledge of flight. On September 5, 1943, at the Clinton County Air Base near Wilmington, Ohio, the two men successfully launched the first ground-to-air missile—a human being. Dr. Lytle S. Adams, inventor of the air pickup device, and Capt. Norman Rintoul, on leave from the U.S. Air Force, flew the Stinson SR10F that launched Army Paratrooper Lt. Alexis Doster from the ground into the air at a speed of approximately 125 miles per hour. The device invented by Dr. Adams later was adapted by the Army for glider pickups during World War II, and was credited with many rescues of personnel behind enemy lines during the war.

The plane used in this daring experiment was presented to the Smithsonian Institutions in 1949 by Richard C. duPont, one of the founders of All-American Airways. The carrier, today known as Allegheny Airlines, serving 100 cities in 17 States, began an extensive airmail and air express pickup service throughout the East, and later converted its operations to conventional passenger service in seven eastern States. There were many localities in West Virginia that had this unique and useful service.

Dr. Adams was one of the true inventive pioneers of aviation. He has, I believe, initiated as many peacetime uses for the airplane as any individual. One of his monuments is the once barren deserts of the Southwest, soon to bloom once again with lush grasses first implanted by seed pellets by airplanes, another Adams innovation. In promoting his "Pellets for Peace" program, Dr. Adams wrote two decades ago:

Man is a hundred years behind the ravages of erosion. The challenge requires the use of every conceivable implement to close the gap between poverty and abundance. Speed is of the essence.

But for all of his humanitarianism, Dr. Adams saw the potential of the airplane as a weapon of war. Hours after the Japanese attack on Pearl Harbor, I received a telephone call from him as he was en route to Washington, D.C. at my residence here. He had an idea, he said, of how the Japanese mainland could be brought to its knees.

I referred him to the proper officials in the War Department, following his arrival in the Capital City on that memorable Sunday night. Thus was born one of the top-secret endeavors of World War II—the bat bomb. It was Dr. Adams' idea that hundreds of thousands of bats, each equipped with a small incendiary device, could someday be released by aircraft over major Japanese cities. The bats would seek shelter in the attics of thousands of flimsy buildings and, at a preset time, explode into a holocaust that would level these cities. In retrospect, such a proposal was contrary to the nature of the man. But the idea was adopted, great numbers of bats were collected for that purpose from the Carlsbad Caverns and the project was ready to go late in 1945. The atomic bombs at Hiroshima and Nagasaki precluded use of the bat bomb and the little known episode was locked in the files of the Defense Department.

I recall these events today because shortly after Christmas, at the age of 90, Dr. Lytle Adams died after a long illness at his home in Tucson, Ariz. He leaves a great legacy of inventive genius, his devoted wife, Rae, and two fine children. And last week Norman Rintoul, who piloted the first plane to safely pluck a human from this earth, died in Florida. Mary Jane, his dedicated wife, and their son David, mourn their husband and father as he begins that last long flight into the unknown.

His contributions to aviation have been skillfully recorded by a former associate, an air pioneer in his own right, Columnist Bill Hart of the Morgantown, W. Va., Dominion-News. Mr. President, I ask unanimous consent that the article on Captain Rintoul be placed in the Extensions of Remarks.

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

RINTOUL SITS HIGH IN COCKPIT (By Bill Hart)

So long as men and women fly the skyways of the world, Capt. Norman Rintoul's accomplishments will endure because this pioneer of aviation wrote many of the records into the books of aviation in peace and in war . . . In death he sits high in the cockpit among those who know the long and difficult road aviation has travelled since that warmish day in mid-summer in 1935 when Norm came to Morgantown as the pilot for Dr. Lytle S. Adams, the inventor of the airmail pickup device . . . Norm was the first to perfect the experimental pickup apparatus, the first to pick up a human from the ground in an airplane in flight; he tested more planes of all types for the government during World War II than any other pilot . . . his work in gliders made possible some of the spectacular saves in the now forgotten China-Burma theater of war—America's preview of what has developed in Vietnam and to a degree prior to that in Korea.

But it was not all in the conflict of war that Norm made his mark . . . he flew the first "Gooney Bird" DC-3 Allegheny Airlines ever owned . . . he was their No. 1 pilot when he retired two years ago, and some of his exploits in the days of the Tri-State Aviation Co. here—Tri-State became All-American and All-American became Allegheny Airlines—are legends that have lived throughout the years . . . some of them are so fantastic they seem impossible—some, indeed, even to those of us who lived through and shared

them . . . now with three decades or more gone, we sometimes think the exploits were the figment of our imagination.

When the Congress appropriated \$150,000 for research in the experimental pickup device at the repeated urging of then Congressman Jennings Randolph, Tri-State immediately became All-American Aviation because Dr. Adams sold out to Richard duPont who was a glider expert and was killed in making some tests with gliders . . . then, with duPont gone his widow sold the company and for several years it operated as All-American and then changed its name to Allegheny and began to haul passengers . . . it did not haul any passengers until in the 1940's . . . today Allegheny is the largest and strongest of the regional scheduled airlines . . . much of that success can be attributed to Captain Rintoul's work . . . in fact, in Newark at his retirement party two years ago he asked those in attendance to stand who had flown co-pilot with him and the hostesses to stand who had been on his ships . . . almost to a man and woman the crowd of more than 400 stood to cheer this slightly built, always shy fellow.

Our favorite story about Norm is one that hardly anybody believes . . . we told it at Norm's retirement parties, both in Newark and a few days later in Long Beach, Calif., where he was honored, by the Douglas Co. and a few, if any, believed z-1 . . . yet, here it is to show, we think, what a great pilot Norm was and how primitive was the equipment we had to fly in those late 1930's when this event happened . . . Mrs. Franklin Roosevelt—who came to Arthurdale frequently—and often was flown back to Hyde Park, N.Y. by Norm on a high-winged Bellanca monoplane—had been taken back to her Hyde Park home rather than Washington where—if you will remember, her husband was for quite a spell president of the United States . . . there were no radio beams as we know them today, little, if any, weather reporting, and so you either flew the railroad tracks, the high tension lines or the rivers.

The day in question Norm was returning to Morgantown, having stopped in Washington en route from Hyde Park and as he departed a sod field—along what is now Route 50 alternate—a storm developed . . . he guided the plane to the railroad tracks near Falling Rocks, Md., and flew the tracks—intent on Martinsburg . . . his co-pilot was calling out the landmarks and as they reached Harper's Ferry the weather became terrible; Norm had the plane "right down on the deck"—meaning very low—and his co-pilot yelled: "pull 'er up, quick" . . . Norm did just that and then asked "what's the matter?" . . . the co-pilot gasped "we ran out of railroad track" . . . replied Norm almost casually:

"Yeah, I forget to tell you there is a tunnel the tracks go through" . . . the co-pilot more in fright than anything said: "Well, you're so good—why didn't we fly through the tunnel and get out of this awful rain?" . . . Norm smiled a bit and said: "I would have, but I remembered Old No. 12 would be using the tunnel about now" . . . and so it was with all of us in the early days of aviation . . . to Norm's widow and his son—our deepest sympathy and may his soul through the mercy of God rest in peace.

GEN. THADDEUS KOSCIUSZKO—A GREAT SOLDIER AND STATESMAN

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. PEYSER. Mr. Speaker, on February 12, we pause to join our loyal Polish

friends in celebration of the 225th anniversary of the birth of Gen. Thaddeus Kosciuszko.

Americans cannot recall without deep emotion that he was the brave and courageous Polish soldier and statesman who voluntarily entered the American Continental Army and distinguished himself in the battles of New York and Yorktown.

Even before our Declaration of Independence was signed this young Polish officer sailed across the Atlantic and appeared before Gen. George Washington to volunteer his military skill and training to help create a telling military force from the fledgling Continental Army.

Kosciuszko was commissioned a colonel of engineers in the Continental Army with the task of strengthening the breastworks at Saratoga as well as the fortifications along the Delaware River and at West Point. The ardor and the zeal of this young officer were equaled only by his courage. It is small wonder that Thomas Jefferson hailed him as "the purest son of liberty I have ever known."

Throughout the six long and bleak years of the American Revolution, Kosciuszko devoted himself to helping General Washington win the war. In addition to his engineering prowess which meant so much to the Continental Army, this talented officer fought valiantly on the battlefields in the North as well as in the South. Leading cavalry troops through the bitter campaign of the Carolinas, he played a major role in driving the British out of Charleston.

Kosciuszko might have chosen to dwell in America and enjoy the love and acclaim of the American people while making continued contributions to our Armed Forces of which he was now a full fledged general officer. The grateful Congress, in addition to land and money, had bestowed upon him all the rights and privileges of American citizenship.

Kosciuszko chose to return to Europe and to his native Poland where he issued a call to arms. Polish patriots rushed to his side to begin a telling battle for Polish independence. Unfortunately, the military might of Catherine the Great was so enormous, the efforts of Kosciuszko and his followers were in vain. The gallant leader was captured at the battle of Maciejowice and imprisoned in a dungeon. Only upon the death of Catherine was he liberated—sorely ill and suffering physically, but still with a burning passion for freedom.

Mr. Speaker, few men have contributed more to the gaining and preservation of liberty in this country than did Gen. Thaddeus Kosciuszko. None of our heroes is more deserving of our affection and our warmest praise. It is no wonder that since our own freedom was so significantly influenced by such Polish patriots as Kosciuszko, Pulaski, and others, we have such deep bonds of friendship with the Red-dominated people of Poland today. We can only repay our debts to these great colonial heroes by constantly championing the rights of the Polish people for the return of their independence and self-determination. To this end we should rededicate ourselves on the anniversary of one of our greatest Polish-American citizens.

CONSERVATION OF TIMBERLAND IN SOUTH CAROLINA

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Thursday, February 11, 1971

Mr. THURMOND. Mr. President, in a day when industrialization and population growth are slowly utilizing more and more of America's open spaces, it is refreshing to note that not all of our maiden outdoors will give way to the insatiable hunger of a growing and developing society.

It is good that our society is growing and developing, and it is good that natural resources are still available to make that progress possible. But I submit, Mr. President, that it is also good to preserve a small bit of yesteryear—it is good to reserve for following generations a small portion of God's original handiwork.

Mr. President, I refer to an article entitled "Four Holes Swamp; Sanctuary Planned," published in the Charleston, S.C., News and Courier of January 24. This fine article, written by this excellent paper's environmental editor, Mr. Farley Smith, reports that 3,500 acres of South Carolina timberland is being purchased by the Nature Conservancy and the National Audubon Society.

This huge tract includes 1,800 acres of what is believed to be the last large stand of uncut river-bottom cypress trees on the continent. These trees are probably the finest virgin cypress in existence anywhere. Some of these huge giants stand taller than a 10-story building, with circumference of more than 15 feet. They are older than our Nation itself. Some of them have stood for more than 700 years.

The area being purchased is known as Four Holes Swamp. It is an approximately 65-mile-long tributary of the Edisto River. Geographically, the site lies 35 miles northwest of Charleston and 70 miles southeast of Columbia.

This undisturbed wilderness offers more than 120 species of woody plants alone, and hundreds of species of birds migrate through or nest in the forest, adding to the abundance of wildlife already present. Mr. Smith's article informs us that the wild animals there include alligators, deer, otters, bobcats, raccoons, and many other smaller mammals, reptiles, and amphibians.

Mr. President, the article lists those individuals who are responsible for preserving Four Holes Swamp for conservation purposes. I hereby add my tribute to those already paid them. I ask unanimous consent that the article be printed in the Extensions of Remarks.

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

FOUR HOLES SWAMP SANCTUARY PLANNED

(By Farley Smith)

Approximately 1,800 acres in Four Holes Swamp containing what is believed to be the last large stand of virgin river-bottom cypress trees on the continent, will become a sanctuary of the National Audubon Society.

The virgin tract is part of a 3,500-acre block between Holly Hill and Harleyville

being purchased jointly by the Nature Conservancy and the National Audubon Society for \$1,450,000.

The area is being bought by the two national conservation organizations from the Francis Biedler Estate.

The virgin forest, timeless and undisturbed, contains what are probably the finest quality virgin cypress trees in existence anywhere. The columned giants, many of which are taller than a 10-story building and have circumferences of over 15 feet, predate the founding of America, with life spans of more than 700 years. The trees are practically all that remain of the great cypress stands that once dotted the fresh water rivers of the eastern United States.

The Four Holes tract also contains impressive stands of original growth tupelo, gum and other hardwoods, and giant virgin pine trees.

The entire Four Holes Swamp is an approximately 65-mile-long tributary of the Edisto River. It begins about eight miles southeast of the Congaree River in Orangeburg County and winds its way south to join the Edisto about 10 miles northeast of Summerville. It is one of the largest "black-water" river bottom lands in the state.

The portion of the swamp being purchased by the Conservancy and the Audubon Society contains 3,415 acres. The virgin tract comprises some 1,783 acres. The remaining 1,622 acres, a part of which will serve as a buffer zone to the sanctuary, has been timbered, the latest cutting occurring in 1969.

Bordered on both sides by high bluffs, the virgin tract is an irregular triangle about four and one-half miles long and one-half to one and one-half miles wide. It contains about 40 miles of waterways including two main streams which are fed constantly by countless springs. The streams probably are as unpolluted as any that can be found in eastern North America.

Geographically, the site lies approximately 35 miles northeast of Charleston and 70 miles southeast of Columbia via I-26 and 10 miles southeast of Holly Hill via Highway 27.

In announcing the acquisition of the area, Tom Richards, president of the Nature Conservancy, said:

"We of the Nature Conservancy are pleased to join with the National Audubon Society in this effort to preserve this immensely valuable forest. We have worked with the National Audubon Society often in the past, but never on so large a scale. I feel certain that our planned acquisition of the area in Four Holes Swamp marks the beginning of an even stronger future alliance in striving together to preserve many of the nation's threatened wilderness and wildlife areas."

Richards praised the Biedler Estate for its decision to sell the extensive holding in the swamp for conservation purposes rather than to lumbering interests. The Biedler family once operated the Santee River Cypress Lumber Co. which carried out extensive timbering operations.

Others lauded as being highly instrumental in the long and continuing preservation efforts of the Four Holes tract were: Peter Manigault, president of the Post and Courier Publishing Companies and a member of the board of directors of the National Audubon Society; Mrs. D. L. Fleischmann, a director of the National Audubon Society and a member of the Conservancy's National Council; Robert F. Knoch, an independent consulting forester and agent for the Biedler interests in South Carolina; Farley Smith Jr., environmental writer for The News and Courier and the Charleston Evening Post; H. Ego Hilton, land conservation consultant from Cross; William P. Baldwin, land management consultant from Summerville; John Dennis, prominent botanist and ornithologist from Virginia; Jim Fowler, developer of the ani-

mal forest at Charles Towne Landing and a co-host of television's "Wild Kingdom"; and Dr. Charles H. Wharton, author and professor of biology at Georgia State University.

Both the Conservancy and the National Audubon Society have for some time been involved in the creation of privately established preserve areas.

The Nature Conservancy is the only national environmental organization whose resources are solely devoted to the preservation of ecologically and environmentally significant land. It has been involved in the conservation of about 210,000 acres of land throughout the country.

The National Audubon Society maintains and protects some 40 different areas of land and water from Maine to California as sanctuaries, in addition to involving its 115,000 members in environmental action and education.

Richards noted that although the contract for the acquisition of the Biedler tract in Four Holes Swamp has been made, donations are being sought at this time. He pointed out that all donations are tax deductible.

Charles H. Callison, executive vice president of the National Audubon Society, said in addition to preserving the virgin forest as a sanctuary, the area will be used for outdoor education, conservation and scientific purposes.

In a preliminary evaluation report of the area, Raymond J. Kordish, site planner for the Nature Center Planning Division of the National Audubon Society, said the best safeguard for the protection and perpetuation of the area is a policy of wise public use consistent with the natural values of the area.

"From ecological, educational and aesthetic viewpoints, it is an outstanding natural area that should be preserved for public use and enjoyment," Kordish said.

Kordish suggested a system of well-planned facilities and programs for the general public and for school groups stressing outdoor conservation education.

"For these purposes, an interpretive building, several water trails and boardwalks could be built with minimum disturbance to the swamp," he said.

Kordish also suggested that the area would be an excellent location for a small research facility, that, in addition to carrying out basic ecological research, could provide much useful information for an interpretive program.

From the start of such a program Kordish estimated that 20,000 visitors could be expected to make use of such facilities and programs annually and that eventually this number could be increased to 50,000 each year.

In the meantime, however, the Nature Conservancy and the National Audubon Society said H. Ego Hilton, who lives near the forest and has intimate knowledge of the area, will be in charge.

So rich and so rare are some of the wonders of the forest that observers have been moved to describe it as "a priceless ecological and biological laboratory," "a botanical wonderland" and "a heritage that should never be destroyed."

"It excels any other swamp I have ever seen," Charles H. Wharton, professor of biology at Georgia State University and author of "The Southern River Swamp," said, "Among the southern river swamps it's a jewel ecosystem."

Although the understory of the forest is relatively open, it offers a wide variety of plant life. More than 120 species of woody plants alone have been counted in the area and the list will undoubtedly grow.

The green-fly orchid with its delicate petaled blooms picturesquely appears on trees throughout the swamp. Spanish moss characteristically festoons the branches of

the gerat cypresses. Resurrection ferns and cardinal flowers that grow along the banks of the narrow coffee-colored streams enhance the tranquil beauty of the primeval forest.

The area also contains an abundance of wildlife. Hundreds of species of birds either migrate through or nest in the forest. It is a preferred nesting site of herons and wood duck, and may provide sanctuary for the rare Bachmann's warbler.

Among the swamp denizens are alligators, deer, otters, bobcats, raccoons and a variety of smaller mammals, reptiles and amphibians.

The region, moreover, is rich in Revolutionary War history. Four Holes Swamp is a documented operating area of Gen. Francis Marion, the "Swamp Fox," and the virgin forest is typical of the cover where his forces camped between guerrilla like strikes on the British regulars.

As shadowy as the forest itself is the origin of the name Four Holes. It may have come from four large springs or possibly at some crossing in the swamp there were four "holes" or creeks. It also has been suggested that the name may have come from four branches or "holes" at the head waters of the swamp.

The swamp is mentioned in the early history of the state and may have been the last sanctuary of the Natchez Indians in South Carolina.

According to the Journal of Commons, the Colonial House of Commons decided on Sept. 16, 1738, that the Natchez Indians "now encamped at the Four Holes Swamp be sent as soon as possible to scout about Port Royal." Later, the Natchez were placed on an island reservation in Port Royal Sound.

HOW TO SUCCEED IN BUSINESS WITHOUT BEING TRIED—PART II

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. BOB WILSON. Mr. Speaker, with the rash of attacks on big business, I recently read an interesting speech by Lee Loevinger, Partner, Hogan & Hartson, Washington, D.C., and former Assistant Attorney General for Antitrust, before the Association for Corporate Growth, Inc., Wednesday, January 13, 1971, at the Hotel Pierre, New York City, entitled "How To Succeed in Business Without Being Tried," part II.

(Continued from Part I) Furthermore, there are a number of statistical flaws which discredit the concentration figures relied on by the Department of Justice. First, these figures are taken from census data which attribute all shipments from a plant or business to the industry in which it is primarily engaged. Since industry leaders are the larger companies and are most likely to be diversified, this exaggerates concentration ratios based on such data. As Fortune points out, this leads to ludicrous results. Although oil companies account for about 70% of U.S. production of lubricants and greases, this production is included in the census classification for the oil industry and there is a separate category for "lubricating oils and greases". Thus, concentration ratios for the lubricating oils and greases industry cover only 1/3 of American production of these products, and it is probable that none of the largest producers are included in statistics for the field.

Second, accepted measures of economic concentration are the percentages of business controlled by a small number (commonly 4 or 8) of the leading firms in a market. Such statistical measures do not disclose asymmetry of market structure which affects market power. For example, a market in which the 4 largest firms control over 90% of the business would be called "concentrated" by anyone familiar with antitrust. Yet there is a vast difference between a market in which the 4 largest firms each control between 20% and 25% of the business and a market in which the largest firm controls 85% of the business, the second largest about 7%, the third about 1%, and all others fractions of one percent. The latter corresponds roughly to conditions in the telephone market, reflected in the market structure of telephone equipment manufacturing. Even conventional concentration statistics for such a market indicate little about its structure or power distribution.

A third distorting factor in such statistics is that production which is exported is included in the totals for the domestic market, but that imports produced abroad are excluded. This tends to attribute to domestic producers a larger market share than they actually have. Similarly, statistics based on assets include not only domestic assets but also foreign assets of companies engaged in foreign markets. Since larger companies are most likely to have substantial foreign assets, this exaggerates the percentage of assets apparently owned by larger companies in the domestic market.

A fourth factor making concentration figures unrealistic is that they are based upon industry classifications established for census purposes by product differentiation, which may or may not correspond to actual competitive markets. Census classifications give national totals for such products as steel, automobiles, bread, and milk regardless of whether economic realities permit these products to be sold in national, regional or local markets. As a result, it is possible to find contrary and conflicting trends in the statistics. For example, many products in the past have been sold in local markets that were highly concentrated or monopolized. As larger national companies diversify and move into these concentrated local markets there may be a statistical trend apparently showing national concentration, while in fact there may be more actual competition in local markets.

As a result of such flaws, the statistics relied on by the Department grossly distort the concentration in an economic sector such as manufacturing. Larger manufacturing companies have been the most active in diversifying into non-manufacturing markets in recent years. They own hotel chains, rental car services, credit card services, broadcasting stations, financial service companies, and many other service enterprises, as well as foreign subsidiaries. Yet the aggregate concentration statistics attribute all assets of such service enterprises and foreign subsidiaries to the diversified manufacturing companies in calculating percentage of national manufacturing assets controlled by such companies. Politicians who have tried to count votes this way have gone to jail.

Finally, determining whether there has been an increase in aggregate concentration, even without regard to defects in the statistics, depends entirely upon the data base selected. For example, taking the ten largest industrial companies by asset size, in 1954 they had 27.4% of the assets of the largest 500 but by 1968 held only 24.3% of all such assets. Taking the largest 50 industrial corporations, in 1954 they held 54.6% of the assets of the largest 500 while this percentage dropped to 52.2% by 1968.

The 200 largest industrial corporations do not remain the same from year to year, and to make a fair or rigorous comparison over a

period of time it is necessary to specify the corporations involved, the years for which lists are drawn and the method of ranking. The increase in assets of the 200 largest industrials between 1954 and 1968 ranges from 173% to 248% depending upon whether you take the 200 largest at the beginning of the period, at the end of the period, or for the first and last year separately. All manufacturing corporations taken together increased their assets by 171% over the same period. Similarly, large acquisitions or mergers made about the same contribution to the growth of the 200 largest as they did to the growth of all manufacturing corporations over the period. A rigorous statistical analysis of large mergers in the manufacturing sector suggests that large mergers were more important in allowing companies below the 200 largest to challenge the position of those first in that group than in supporting the growth of those already among the 200 largest.

The Department claims about aggregate concentration are also discredited by the reports of two Presidential Commissions of experts which the Department has simply ignored. President Johnson appointed a Task Force on Antitrust Policy which reported that the concentration of economic activities in a few large firms "is not now imminent", and that "among the largest firms, the net effect of mergers has been to expand the size of smaller firms relative to the top few." President Nixon appointed a Task Force on Productivity and Competition which cautioned the Antitrust Division against "an active program of challenging conglomerate enterprises on the basis of nebulous fears about size and economic power", and said that such action on the basis of present knowledge "is not defensible".

One of the most recent, careful and scholarly reviews of this subject concluded that monopolistic control of manufacturing industry actually declined from 32% in 1899 to 29% in 1958. This conclusion is corroborated by the traditional and significant test of market price behavior. The head of the Antitrust Division recently testified before the Joint Economic Committee of Congress that a statistical study of price behavior showed that during periods of price stability there was no correlation between economic concentration and price changes and that during periods of inflation price increases were much less in concentrated industries than in those that are highly competitive. During the past decade, the cost of living has been increased substantially more by increases in the cost of services than by increases in the cost of manufactured commodities. Recent research at the UCLA Graduate School of Business Management has found that there is no significant relationship between market concentration and profit rates of companies in various markets, that the number of independent business enterprises has not declined but has increased over the last half century at the same rate as the population, and that the proportion of individuals who are independent entrepreneurs is larger today than it was thirty years ago. On the demonstrative evidence of performance in market price and increase in number of independent enterprises, as well as rigorous economic analysis of markets, the conclusion is compelled that there has been no overall, or aggregate, increase in economic concentration.

The logic of the theory on which conglomerate mergers are being attacked is as false as the premises on which the attack is based. The basic fallacy in the potentiality theory is that it ignores the difference between mere possibility and reasonable probability. Anything and everything is possible. A pan of water on a hot stove may freeze; all the air in the room may suddenly collect near the ceiling, leaving the occupants to suffocate. Such things are not impossible,

only extremely improbable. But such possibilities are so remote they must be disregarded for all practical purposes. The only rational basis for action is probability. Yet the potentiality theory disregards probability and seeks to enforce the antitrust laws on the basis of hypothetical possibility. Under potentiality theory, anyone who puts a pan of water on a hot stove may be found guilty of causing it to freeze—potentially! By the same reasoning, anyone who achieves business success may be found guilty of monopolizing—potentially! (Continued in Part III)

HOUSING RIGHTS ACT OF 1971

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. PRICE of Texas. Mr. Speaker, I have joined with the distinguished gentleman from California (Mr. WILSON) in introducing the Housing Rights Act of 1971.

In simple terms this proposal would create new legal conditions wherein needed numbers of good, solid, and attractive homes could be built utilizing cost-saving techniques such as prefabrication, modular construction, and other technological advances.

The barriers presently obstructing the accomplishment of this goal are twofold: Antiquated local building codes often retard the successful implementation of modern technology; and, many union contracts effectively prohibit prefabricated housing parts, modular housing, or other cost-saving practices from being efficiently employed in the building trade. Under the Housing Rights Act of 1971 such building codes or union agreements would be suspended in all federally financed housing projects.

The rationale for my proposal becomes very clear when conditions in the housing industry are analyzed. It has been estimated that if this Nation is to meet its housing needs in the coming decade, 25 million new dwellings need to be constructed. Of these, 6 million should be suitable for low- and moderate-income families.

The historical record of the housing industry is enough to give anyone pause about the sheer magnitude of this prospect. Never has the industry generated as many as 2 million new units in any one year. And in the last decade, the average annual output was less than 1.5 million.

Unfortunately, prospects for the future do not appear any more promising even when just the need for 6 million new federally assisted housing units is considered. For if the achievement of this goal is couched in terms of what was the record of the sixties, hopes for success are dim indeed. During the past 10 years, only 634,000 federally assisted united housing units have been erected; moreover, since the start of the problem in 1949, only 938,000 such dwellings have been constructed.

These undisputed facts disturb me greatly especially when they are coupled with the just-released U.S. Census re-

port that the construction of both public and private housing declined 6 percent from the pace of the fifties. Consequently, I seriously question whether U.S. housing needs in general and rural housing needs in particular can be even approached much less met in the seventies.

Mr. Speaker, I am particularly troubled about the state of rural housing because according to the last census, and I have no reason to think circumstances have been dramatically reversed since:

Four out of every five urban residents—81.4 percent—live in sound homes with complete plumbing. Only a little more than one out of two rural families—56.7 percent—can claim equally good housing;

Rural areas account for nearly one-third of all housing units, but they contain about 44 percent of all the housing lacking structural soundness or complete plumbing;

Approximately 1.5 million rural families live in dilapidated structures and another 3.5 million live in structures needing major repairs;

In terms of living comforts, nearly one out of three homes—69.1 percent—do not have complete baths compared to more than nine out of 10 urban families—96.3 percent;

One out of five rural families—21 percent—do not have running water, while only a tiny minority of urban families—1 percent—lack similar facilities; and

Finally, nearly one out of every five rural families do not have both hot and cold running water, as contrasted to one out of 20 urban families.

While the causes of these difficulties are varied money, or the lack of it, surely lies at their roots. As I have stated before, although rural America has one-third of the Nation's population, it has one-half of its poverty stricken; a percentage if translated, means that almost 14 million poor people reside on farms, ranches, and small rural communities.

I have tried to strike at the core of these problems by introducing the Rural Job Development Act of 1971, a proposal designed to create new rural job opportunities for young people as well as older persons interested in bettering themselves. In addition, I have introduced the Human Investment Act of 1971, a bill aimed at providing businesses with a tax incentive to establish and maintain job training programs for the young, the unemployed, and the underemployed. While neither of these bills separately or together promise to solve all the ills of rural America, I do think they provide a workable approach to revitalizing rural areas and strengthening the very grassroots of our Nation.

At the same time, however, I must point out that these proposals are aimed at rural income problems. They do not really focus on rural housing problems. The causes of housing ills are far more complex than can be met by merely raising the income level of a particular area. For this reason, other measures must be resorted to; such as, the Housing Rights Act of 1971.

Mr. Speaker, if 6 million new federally assisted housing units are needed to meet the swelling demands of the seventies,

reason and justice dictate that a very substantial number of them should be constructed in rural areas. This means more jobs for more people. This means better housing for more people.

But if tax dollars to be allocated to fund these efforts are to be used to their fullest advantage, and if the people for whom federally assisted housing is directed are to receive the fullest benefit, then all artificial obstacles must be removed. Outdated building codes, and regressive union agreements must be bypassed. The public interest demands nothing less.

TAXES AND THE RUSSIANS

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. WOLFF. Mr. Speaker, I am introducing today two bills to provide some financial relief for local governments having jurisdiction over real estate owned by foreign governments.

One of these bills, which I first introduced during the last Congress, would authorize the Federal Government to reimburse local governments for property taxes lost because of diplomatic tax exemption or because of the voluntary waiving of taxation on certain real property owned by foreign governments. The other bill, which is similar to one introduced earlier this year by my colleague, the gentleman from New York (Mr. KOCH), would extend the responsibilities of the Executive Protection Service to include foreign missions, including consulates and residences throughout the country.

Both of the measures I am introducing today would provide considerable relief for the city of Glen Cove, located within my congressional district. Glen Cove is responsible for protecting an estate used as a weekend retreat by the Soviet representatives to the United Nations, but has not collected taxes on the estate since 1966, when the city acceded to the request of the U.S. delegation to the U.N. that real property taxes on the estate be waived.

In my judgment, if it is in the national interest of the United States to grant or request such tax exemptions for foreign governments, then it should be equally in the interest of the United States to reimburse the localities involved for their lost revenue. Each year since 1966, the city of Glen Cove and Nassau County have lost the substantial annual sums of \$30,000 and \$10,000, respectively. Such tax losses are intolerable for hard-pressed local governments; and yet a Federal judge recently permanently enjoined the city of Glen Cove from making any attempt to collect taxes or sell tax liens on the Soviet estate.

Mr. Speaker, we can all understand the necessity for tax exemptions for essential diplomatic office and residential facilities—especially when we realize that other countries reciprocate on such exemptions. However, the tax loss to Glen Cove seems like an unfair burden, especially when one considers that the

United States is not even permitted to own property in the Soviet Union, but must rent its facilities. In addition, the property being exempted from local taxes in Glen Cove, Killenworth, is used exclusively on weekends for rest and recreation by the Soviet legation to the United Nations.

In view of the fact that the U.S. Representative to the United Nations originally requested this waiver of taxes, it seems to me to be in the interest of the city of Glen Cove and the Government of the United States that legislative relief be offered to this town, and others in similar circumstances. If a tax loss is in the interest of the United States in order to ease our relationships with foreign nations, then such tax loss should be borne by all the people of the United States—and should not be a penalty borne only by the community selected for a diplomatic office or residence, if that community accedes gracefully to a request for tax exemption.

Just as the Federal Government should assume the tax losses on foreign offices and residences, so it should be responsible for protection of such residences—whether or not they are located in Washington, D.C. At the present time the city of Glen Cove, which is unable to collect taxes on Killenworth, nonetheless provides police protection and other services to the estate. I believe that the Executive Protection Service should provide the needed guards, and thus relieve Glen Cove of the expenses involved, and free the local police to return to their own duties.

I hope that both of these measures vital to our local governments will receive attention early in this Congress. I am including in my remarks, for the information of my colleagues, a recent editorial from the Glen Cove Record Pilot which indicates the need for this legislation:

TAXES AND THE RUSSIANS

Tax-collecting has been an unpopular job for almost forever, but it's never been forbidden, we think.

And since a federal court has seen fit to prohibit the city of Glen Cove from extracting its just due in property taxes from the Russians at Killenworth, then we think the mayor is correct in asking the federal government to stand the costs.

We hope the mayor does not back down in his efforts to make the United States assume the burdens of protection for its foreign guests. There is simply no justification for the assumption of tax and services charged by the 26,000 taxpayers of Glen Cove, in order as the mayor said this week, that "the U.S. government be able to maintain and preserve peaceful, safe living conditions for the Russian nationals residing at the estate." That is unjust. The costs should be shared by all U.S. citizens, since all have a stake in the state of Soviet-American relations.

PROPOSED DISTRICT OF COLUMBIA COMMUTER TAX

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, February 11, 1971

Mr. BYRD of Virginia. Mr. President. The Lynchburg, Va., News has discussed

editorially the proposal by the District of Columbia to impose its income tax on Virginia and Maryland residents who work in the District.

The proposed tax would be inequitable. It would cost Virginia \$17 million annually in revenues, and Maryland \$28 million.

It also would raise the tax bills of many residents of the Virginia and Maryland suburbs.

The editorial discusses some of the consequences of the proposed tax.

I ask unanimous consent that the editorial, entitled "A \$17 Million Loss?" be printed in the Extensions of Remarks.

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

MATTER OF OPINION: A \$17 MILLION LOSS?

We hope the General Assembly was paying attention when Senator Harry F. Byrd Jr. took the Senate floor last week to object to a proposed "reciprocal income tax" that could cost Virginia some \$17 million a year in revenue.

The plan was proposed by the District of Columbia which has been trying for years to tax Virginians and Marylanders working in the District. In exchange, the District would let Virginia and Maryland tax its residents working in those states.

Under this arrangement, the District would collect an estimated \$51 million, Senator Byrd noted, while Virginia would lose \$17 million and Maryland \$28 million.

As a result, Virginia and Maryland would have to make up the loss of such revenue by increasing taxes. This would mean that the taxpayers of these two states would, in effect, be paying a special tax to the District—over and above the portion they pay of the Federal Government's \$537 million yearly subsidy to the District.

Virginia can't afford to lose \$17 million in revenue and nobody knows it better than the Governor and the General Assembly. It would be wise to investigate the District proposal and support Senator Byrd's objections—vigorously.

DANGER IN BIG ARMIES

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Thursday, February 11, 1971

Mr. THURMOND. Mr. President, the Aiken, S.C. Standard of January 28, 1971, contains a thought-provoking editorial entitled "Danger in Big Armies."

Editor Samuel A. Cothran points out that conscription, if properly managed, greatly serves the needs of the Nation as well as the Army. He also notes that larger size armies than the United States has formerly had in peacetime will be needed in future years and that such an army, if entirely professional, might constitute a menace to our people.

Mr. President, these interesting comments deserve the consideration of Congress. I ask unanimous consent that the editorial be printed in the Extensions of Remarks.

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

DANGER IN BIG ARMIES

When it is properly administered, selective service provides a wholesome mix of the

citizen soldier and the professional soldier and guards against a military class insulated from the nation as a whole. Besides, it is only by conscription that ranks of a large army can be filled at reasonable cost in the absence of a war which converts latent patriotism to action. The country abounds in people ready to fire off slogans against Communism from back home but there are not as many who are willing to pick up a rifle and go into the line.

President Nixon is nevertheless talking about an all-volunteer army. On that tack he is reacting partly to popular dislike of the draft and partly to the complaints about the current crop of draftees.

Most Americans will not live to see the day when military conscription becomes popular in the land, nor may the time ever come when amateur soldiers are as efficient on the whole as career professionals. Yet much of what is wrong with the draft could be cured by corrective action—eliminating deferments for college students, for instance—and amateur soldiers can be trained to fight splendidly.

All-volunteer armies are not without precedent in this country. What is unprecedented is the size of the one which Mr. Nixon would have to have if he did away with the draft. Without a leavening of citizen soldiers to keep lines of communication open with civilian society, a big professional army could prove a menace to the people who created it. Anybody who doubts that statement ought to take lessons in history.

FIFTY-THIRD ANNIVERSARY OF LITHUANIAN INDEPENDENCE

HON. LOWELL P. WEICKER, JR.

OF CONNECTICUT

IN THE SENATE OF THE UNITED STATES

Thursday, February 11, 1971

Mr. WEICKER. Mr. President, February 16, 1971, marks the 53d anniversary of the independence of Lithuania. On this day in 1918, Lithuanian patriots declared their state an independent nation, thus ending foreign domination.

For 22 years, the proud people of this nation lived and thrived as they demonstrated their capacity and ability for self-government. During these years of freedom, Lithuanian leaders brought about land reform, expanded the nation's industry, built a transportation system, provided for a national education program, and enacted social legislation.

The progress and freedom enjoyed by the people of this developing nation was viewed as a menace by its neighbor the Soviet Union where political purges and the failures of communism made life a misery.

On August 3, 1940, the Lithuanian peoples' hopes for freedom and self-determination were destroyed as the nation was occupied by Soviet troops and Lithuania was declared a constituent republic of the U.S.S.R.

In World War II, the German forces drove the Russians out of Lithuania and the totalitarianism of communism was replaced by Nazi enslavement. In 1944, the U.S.S.R. reconquered the country and Lithuania became one more of the captive nations that has submerged under the oppression of communism.

In recent weeks we have seen prime examples of life under the yoke of the

Communist oppressor. In Lithuania and in the Soviet Union, people are forced to take desperate actions in an attempt to obtain the basic freedom of free movement out of the country. Lithuanians, like the Russian Jews, are subject to constant pressure to give up their language and their culture. More than half of the churches in Lithuania, historically a Roman Catholic nation, have been closed down. It is obvious that it is the goal of the U.S.S.R. to bring about the complete extinction of the Lithuanian nation by destroying the culture, language, and heritage of its people.

On this anniversary of Lithuanian freedom, it is fitting that the freedom-loving people of this Nation and world give encouragement and hope to the captive people of Lithuania and all oppressed nations that their cause is not forgotten.

The people of Lithuania have much spirit and faith in their national destiny, and their desire for independence is the common cause of all Lithuanians everywhere.

LIBERTY FOR LITHUANIA

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. MURPHY of New York. Mr. Speaker, in June 1940, the Russians overran Lithuania, Latvia, and Estonia and conducted a mass deportation to Siberia which caused the death of thousands of innocent people. Once more, I wish to pay tribute to the gallant freedom-loving peoples of these Baltic States who lost their independence 30 years ago and became captive nations of Soviet communism. For these beleaguered men and women, the dream of liberty still remains; and as long as freedom exists anywhere in the world, and as long as we here in the free world continue to give them encouragement to persevere, I know that these courageous people will not abandon their hope for liberation. During the 89th Congress, I sponsored one of the many resolutions urging that the United States exert every effort through the United Nations to win the right of self-determination for these captive nations. Through the ensuing Congresses, I have repeatedly sponsored measures to keep the light of liberty burning brightly as an inspiration to our brothers trapped behind the Iron Curtain.

I, therefore, include a brief history of 30 years of oppression and urge my colleagues to support the following resolution, which passed unanimously in the 89th Congress, in order that our belief in the fundamental rights and the inherent dignity of the courageous Lithuanians, Estonians, and Latvians may be reaffirmed by all nations. For the denial of freedom to the Baltic people is intolerable and a blow to the rights of all mankind.

The material follows:

LITHUANIA'S FIGHT FOR FREEDOM: 30 YEARS OF SOVIET OPPRESSION

For too long too many people throughout the world have been unaware of what

happened to the people of Lithuania. The Kremlin is fond of saying that Russian imperialism died with the czar. But the fact of Lithuania shows this to be a cruel fiction. The Communist regime did not come to power in Lithuania by legal or democratic process. The Soviets invaded and occupied Lithuania in June of 1940, and the Lithuanian people have been suffering in Russian-Communist slavery for more than 30 years.

Americans of Lithuanian origin or descent, numbering over 1,000,000 in the United States, and their friends in all parts of the country will commemorate two very important anniversaries during the second part of February, 1971: (1) They will observe the 720th anniversary of the formation of the Lithuanian state when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251; and (2) They will mark the 53rd anniversary of the establishment of the modern Republic of Lithuania on February 16, 1918. But this celebration of Lithuania's Independence Day will not be similar to American celebration of the Fourth of July. It will contain no note of joy, no jubilant tone of achievement and victory. On the contrary, the observance will be somber, sorrowful, underlined with the grim accent of defeat and tragedy. For Lithuania has lost its independence, and today survives only as a captive nation behind the Iron Curtain.

The Lithuanians are proud people who have lived peacefully on the shores of the Baltic from time immemorial. Lithuania has suffered for centuries from the "accident of geography." From the West the country was invaded by the Teutonic Knights, from the East by the Russians. It took remarkable spiritual and ethnic strength to survive the pressures from both sides. The Lithuanians, it should be kept in mind, are ethnically related neither to the Germans nor the Russians. Their language is the oldest in Europe today.

After the Nazis and Soviets smashed Poland in September of 1939, the Kremlin moved troops into Lithuania and annexed this republic in June of 1940. In one of history's greatest frauds, "elections" were held under the Red army guns. The Kremlin then claimed that Lithuania voted for inclusion in the Soviet empire.

Then began one of the most brutal occupations of all time. Hundreds of thousands of Lithuanians were dragged off to trains and jammed into cars without food or water. Many died from suffocation. The pitiful survivors were dumped out in the Arctic Siberia. The people of Lithuania have never experienced such an extermination and annihilation in their long history through centuries as during the last three decades. Since June 15, 1940, Lithuania has lost more than one-fourth of the country's population. The genocidal operations and practices being carried out by the Soviets continue with no end in sight.

Since the very beginning of Soviet-Russian occupation, however, the Lithuanians have waged an intensive fight for freedom. This year marks the 30th anniversary of Lithuania's successful revolt against the Soviet Union. During the second part of June of 1941 the people of Lithuania succeeded in getting rid of the Communist regime in the country: freedom and independence were restored and a free government was re-established. This free, provisional government remained in existence for more than six weeks. At that time Lithuania was overrun by the Nazis who suppressed all the activities of this free government and the government itself. During the period between 1940 and 1952 alone, more than 30,000 Lithuanian freedom fighters lost their lives in an organized resistance movement against the invaders. The cessation of armed guerrilla warfare in 1952 did not spell the end of Lithuania's resistance against Soviet domination. On the contrary, resistance by passive means gained a new impetus.

The persecution of Solzhenitsyn, the clamp of Rostropovich and other dissenters in the Soviet Union received a great deal of publicity in the free world's press. Very well publicized were the Simas Kudirka-Coast Guard tragedy, the Hijacking of a Russian jet liner by Brazinskis and his son, death sentences imposed on two Jews and a young Lithuanian, Vytautas Simokaitis, for trying to escape the Communist tyranny. But this is only the tip of the iceberg of desperation in the Soviet empire. In slave labor camps in the Soviet Union millions of people are still being held. Many dissenters are being confined to psychiatric institutions and being murdered by the Kremlin thugs. It is an established fact that a brilliant Lithuanian linguist, Dr. Jonas Kazlauskas, 40 years old, was murdered in a psychiatric hospital three months ago. His only "crime" was that he had received an invitation to come to the University of Pennsylvania (in Philadelphia, Pennsylvania) as a guest professor for this very spring semester of 1971.

The Government of the United States of America has refused to recognize the seizure and forced "incorporation" of Lithuania by the Communists into the Union of Soviet Socialist Republics. Our Government maintains diplomatic relations with the former free Government of Lithuania. Since June of 1940, when the Soviet Union took over Lithuania, all the Presidents of the United States (Franklin D. Roosevelt, Harry S. Truman, Dwight D. Eisenhower, John F. Kennedy, Lyndon B. Johnson, and Richard M. Nixon) have stated, restated and confirmed our country's nonrecognition policy of the occupation of Lithuania by the Kremlin dictators. However, our country has done very little, if anything, to help the suffering people of Lithuania to get rid of the Communist regime in their country.

At a time when the Western powers have granted freedom and independence to many nations in Africa, Asia and other parts of the world, we must insist that the Communist colonial empire likewise extends freedom and independence to the peoples of Lithuania, Latvia, Estonia and other captive nations whose lands have been unjustly occupied and whose rightful place among the nations of the world is being denied. Today and not tomorrow is the time to brand the Kremlin dictators as the largest colonial empire in the world. By timidity, we invite further Communist aggression.

The United States Congress has made a right step into the right direction by adopting H. Con. Res. 416 that calls for freedom for Lithuania and the other two Baltic republics—Latvia and Estonia. All freedom-loving Americans should urge the President of the United States to implement this very important legislation by bringing the issue of the liberation of the Baltic States to the United Nations. We should have a single standard for freedom. Its denial in the whole or in part, any place in the world, including the Soviet Union, is surely intolerable.

H. CON. RES. —

Whereas the subjugation of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its

effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

MIRV AND SALT

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. WYMAN. Mr. Speaker, in light of the current SALT talks, much controversy has arisen over the impact the U.S. deployment of MIRV will have on our negotiations with the Soviet Union. The Nixon administration has been unfairly criticized for not proposing a MIRV test moratorium, and some have even suggested that the MIRVing of our Minutemen missiles threatens the Soviet Union with a first strike.

An article discussing these questions appeared in the February 1971, issue of Air Force magazine entitled, "MIRV: Anatomy of an Enigma," written by Mr. Phillip A. Karber, a research fellow at the Center for Strategic and International Studies at Georgetown University. Mr. Karber, an arms control analyst, rebuts the criticisms of the administration's MIRV deployment and emphasizes that President Nixon's policy not only safeguards America's deterrent posture but also provides the sound basis upon which productive limitations on the destabilizing aspects of MIRV can be reached.

The article follows:

MIRV: ANATOMY OF AN ENIGMA

(By Phillip A. Karber)

On September 22, 1970, Gen. John D. Ryan, USAF Chief of Staff, told the Air Force Association that the Minuteman III missile, "with a multiple, independently targetable, reentry vehicle, will be our best means of destroying time-urgent targets like the long-range weapons of the enemy." This was misinterpreted, first in the Senate and subsequently in the press, as a provocative "first-strike" policy that would lead the USSR to believe the U.S. is attempting to threaten Soviet strategic forces. The resultant political uproar precipitated a disclaimer from Secretary of Defense Melvin R. Laird, who emphasized that the U.S. does not have, and is not attempting to establish, a "first-strike option."

Yet General Ryan's comment on the counterforce advantage of the MIRVed Minuteman is neither mistaken nor contradictory to

Administration policy. It merely fell victim to the unenlightened, emotional, and one-sided approach that has characterized recent public consideration of strategic issues. The purpose here is not to argue for or against MIRV but to discuss the logic upon which the Nixon Administration's MIRV policy and its implementation by the Defense Department is grounded.

MIRV AND STABILITY

When combined with high yields and great accuracy, a MIRVed missile potentially can destroy more than one of an opponent's missile silos. For example, the Soviet SS-9, with its tremendous throw-weight of twenty-five megatons, could, when MIRVed, provide the USSR with the ability to destroy ninety-five percent of our land-based missiles. Thus, with approximately 400 boosters, the Soviet Union could knock out nearly 1,000 Minuteman missiles in a surprise first strike.

Only our manned strategic bombers and seabased Polaris force would survive. However, the B-52's are vulnerable to attack by Soviet submarine-launched missiles, as well as by the SCRAP orbital bombardment system, whose limited accuracy is offset by its advantage of short warning time and extremely high-yield warhead. Furthermore, the B-52s remaining would face the largest air defense system in the world, including more than 7,000 SAM launchers, which would be ready and waiting, unscathed, since the Minuteman missiles that could have disrupted the SAM defensive effort would have been destroyed in their silos.

While the portion of the Polaris force deployed at sea could survive a first strike, only about half are at sea and within range of their targets at any time. Also, since Polaris submarine-launched missiles cannot be fired in salvo, they would arrive over their targets at different times. This would leave the Polaris missiles vulnerable to the Soviet area-defense ABM system. Therefore, an American second strike would inflict less damage than the USSR received in World War II. And the Russians would still have more than 1,000 land-based missiles, mostly Minuteman-size but liquid-fueled SS-11s, plus their entire bomber force, remaining for counterforce coercion or for mopup operations.

The impending Soviet strategic posture is destabilizing because it threatens a first strike by the USSR and accelerates the nuclear arms race by its continued deployment of the SS-9.

To counter the threat of a Soviet first strike, the Nixon Administration has wisely begun development of the Safeguard ABM system to protect our land-based missiles and bombers. By deploying 500 Minuteman III missiles carrying three MIRV warheads each and the Poseidon submarine-launched missiles, with ten to fourteen lower-yield MIRV warheads per booster, the President has also increased the penetration capability of our strategic retaliatory forces.

Unlike Soviet strategic developments, the American ABM and MIRV are stabilizing in that they counterbalance the SS-9 first-strike threat without posing a US first-strike threat to the Soviet strategic forces. Safeguard is not an area-defense ABM system and, therefore, does not impair the Soviet retaliatory capability; the Poseidon cannot be used in a first strike because of its limited accuracy, low MIRV payload, and limited range; and, while the MIRVed Minuteman force is capable of counterforce targeting, it does not constitute a preemptive threat to the Soviet Union.

If all the American Minutemen were MIRVed, they could destroy less than half of the Russian land-based missiles in a first strike. Even by the end of the decade, assuming that the current accuracy of our Minutemen is doubled, we would not have the means to launch a first strike against the Soviet Union.

POST-PREEMPTIVE COERCION

If we lack a preemptive capability, then why mention the counterforce role of our MIRVed Minutemen? Our land-based missile force was designed, through dispersion and hardening, to ride out any Soviet attack that has been feasible thus far. This posture not only decreases the possibility of a miscalculated launch but also provides the Commander in Chief with the flexibility of controlled retaliation. However, this prudent doctrine is weakened by the growth of the Soviet strategic arsenal. Should the Soviets attack our land-based retaliatory forces before Safeguard is fully operational, the President would have to decide whether or not to fire our surviving Polaris missiles against Soviet cities, in the full knowledge that the Russians then could wipe out American cities. The President expressed this worry in his State of the World message in February of last year:

"Should a President, in the event of a nuclear attack, be left with the single option of ordering the mass destruction of enemy civilians, in the face of certainty that it would be followed by the mass slaughter of Americans? Should the concept of assured destruction be narrowly defined and should it be the only measure of our ability to deter the variety of threats we may face?"

Clearly, enough of our strategic forces to do unacceptable damage to an attacker must be able to ride out a surprise first strike. But why should we passively watch the destruction of our Minuteman force in its silos if, through infrared satellite detection and over-the-horizon radar, we have sufficient and unambiguous warning that a massive attack has been launched? A Soviet first strike would require all of their SS-9s and most of their submarine-launched missiles. The remaining Soviet land-based missiles would be reserved as a coercive option—as a deterrent to and retaliation against a US counterforce response. Yet, with a half-hour's warning and surveillance capability of infrared detection satellites to identify which Soviet missiles had not been fired, we could launch our Minutemen against the remaining Soviet missile force, thus foreclosing the Soviet coercive option. For every Russian missile destroyed, an American city would be spared and the Soviet SS-9s would have been wasted on empty silos.

MIRV increases the American deterrent, not only through the threat of assured destruction but also through the Minuteman potential of damage limitation. And, unlike the Soviet ABM system and MIRVed SS-9s, our damage-limitation capability is stabilizing, since it would threaten only the Soviet missiles held in reserve as a coercive force should the Russians launch a first strike.

MIRV AND ARMS CONTROL

Many popular and some professional commentators are now criticizing the Administration for not accepting recent congressional resolutions calling for a MIRV testing moratorium. They argue that the Administration failed to act when it could have halted the Soviet development of the MIRVed SS-9. This is curious hindsight at best, for the moratorium arms-control method of the 1950s, which utilized primitive international bargaining, is not necessarily the most applicable, efficient, or secure technique of stabilization in the decade of the 1970s.

The Nuclear Test Moratorium, in effect from 1958 through 1961, provides an excellent case study of the ineffectiveness of the moratorium method of arms control. The Nuclear Test Moratorium was the first arms-control measure to be effected in the post-war period. Because of political tensions and the lack of a successful bargaining precedent, this first nuclear arms limitation was more tacit and ambiguous than explicit. What success it had was due to the fact that nuclear

weapons had been tested for thirteen years and because the technicians on both sides generally assumed that nuclear weapons technology had reached a plateau. The nuclear bomb of the late 1950s was not a new technological breakthrough but a weapon that had been extensively tested, the effects of which were catalogued in detail, and one with which both sides were closely matched in experience.

Yet, after three years of moratorium and after the USSR had achieved theoretical advances in large megatonnage and high-altitude detonation-effects technology, the Soviet unabashedly abrogated the Nuclear Test Moratorium without so much as an announcement. US intelligence failed to give warning of the Soviet preparations for testing; official political judgment erred in assessing Soviet intentions; and for unknown and unexplained reasons, a prudent US posture of readiness was not maintained despite the pleas and warnings of the military establishment and the Atomic Energy Commission.

It was the moratorium's potential for surprise abrogation, without even the moral or legal restraints of a negotiated treaty, that led President Kennedy to denounce the moratorium method as an ineffectual and destabilizing approach to arms control. His statement is just as relevant today as when it was made:

"We know enough about broken negotiations, secret preparations, and the advantages gained from a long test series never to offer again an uninspected moratorium."

"Some may urge us to try it again, keeping our preparation to test in a constant state of readiness. But in actual practice, particularly in a society of free choice, we cannot keep topflight scientists concentrating on the preparation of an experiment which may or may not take place on an uncertain date in the future, nor can large technical laboratories be kept fully alert on a standby basis, waiting for some other nations to break an agreement. This is not merely difficult or inconvenient. We have explored this alternative and found it impossible of execution."

The proposed MIRV testing moratorium resolutions introduced in the Congress have been extremely imprecise in defining MIRV, what type of testing would be allowed, the length of the abstention, whether it would automatically be terminated or extended, and through what means a suspected violation could be challenged without precipitating an international crisis. A tacit agreement cannot be expected to go into the detail that is necessary to achieve a successful moratorium on MIRV testing.

The wisdom of maintaining high arms-control standards was demonstrated by the recent examples of Soviet cheating along the Suez Canal. Here they blatantly violated a negotiated and easily verifiable agreement by moving in hundreds of missiles virtually overnight, thereby drastically altering the tactical military balance. This raises the question of whether any moratorium agreement to limit MIRV development or deployment can be depended on.

Both sides now have tested to such an extent that even a SALT agreement calling for a ban on all missile testing would not convince the Soviets of a reversal in our MIRV deployment or ensure us of their lack of operational confidence in the multiwarhead SS-9. A comprehensive deployment ban would require on-site inspection, which the Soviets have traditionally refused, and, according to the Nixon Administration's prestigious verification panel, no practicable amount of on-site inspection would add assurance to a MIRV deployment ban.

Yet, contrary to the prophets of doom, the destabilizing aspects of MIRV can be limited at the Strategic Arms Limitation Talks. The SS-9 is a threatening first-strike weapon be-

cause of its combination of multiple warheads, high accuracy, extremely large yield, and the extensive numbers being deployed. While we cannot ascertain the accuracy of a particular missile or verify, except through on-site inspection, whether it has been MIRVed, we can, through satellite observation, reliably estimate its yield and the extent of its deployment. As Dr. Harold Brown, former Secretary of the Air Force, suggested:

"It is possible that even without on-site inspection we can tell enough about each other's missiles to obtain reasonable assurance. This is so because the probable number of warheads per missile is proportionate to the payload of that missile, and payload, in turn, is directly related to the gross volume, which we may be able to determine unilaterally. Thus, a ceiling on numbers and sizes of missiles could also limit MIRVs to a number less than that needed for an effective first strike, and yet permit enough re-entry vehicles to penetrate missile defenses—as required for deterrence. The size of the missile force and its general characteristics can probably be monitored satisfactorily without on-site inspection."

Thus, should the Soviets agree at SALT to limit the number of deployed SS-9s, in exchange for an American commitment to keep Safeguard from becoming an area-defense ABM, and should a mutual gross ceiling on all ICBMs be set, then the Minuteman, Poseidon, and the Soviet SS-11 missiles—even if MIRVed—would not have the numbers, accuracy, or yields to pose a first-strike threat on either side.

MIRV is destabilizing only to the extent that the Soviet Union is obstinate at SALT. If the Russians want strategic instability, as their continued deployment of the SS-9 has seemed to indicate, unilateral American abandonment of our MIRV option will furnish it.

53D ANNIVERSARY OF LITHUANIAN INDEPENDENCE—"EVERY RIGHT TO BE FREE"

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Thursday, February 11, 1971

Mr. SCOTT. Mr. President, February 16, 1971, marks the 53d anniversary of Lithuanian independence, that was all too short. The past 53 years for the Lithuanian people have been brutal and harsh. The worst suffering, however, has occurred and is at this moment occurring under the tyranny of the Iron Curtain, with one-fourth of the Lithuanian population of 3 million lost since June 15, 1940. Certainly, a small nation groping for sovereignty should be entitled to steer its own course in the world. Lithuania has every right to be free.

Recent unrest in Poland points to one oppressed nation's desire for freedom in Eastern Europe. That same desire is alive in Lithuania and is constantly trying to surface in examples of continuous defection from the Communist grip.

The subject of Lithuanian independence, as well as the other Baltic nations of Estonia and Latvia, should be immediately presented to the United Nations. Congress must remember the unanimous passage of Concurrent Resolution No. 416 during the 89th Congress that calls for the independence of the Baltic States. The 92d Congress can further utilize this

legislation to communicate U.S. concern for the enslaved Lithuanian people.

On this 53d anniversary of Lithuanian independence, I will strive for the United States to live up to its commitments in the Atlantic Charter, "To see sovereign rights and self-government restored to those who have been forcibly deprived of them."

THE NIXON REVENUE-SHARING PLAN

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Thursday, February 11, 1971

Mr. THURMOND. Mr. President, a thoughtful column on revenue sharing by one of South Carolina's most outstanding journalists appeared in the Columbia Record of February 1, 1971.

The writer, H. Harrison Jenkins, points out that in the last four decades the United States has wandered from the principles set forth by Thomas Jefferson. Mr. Jenkins states that President Nixon's revenue-sharing plan would return some of the power in Washington to the people as envisioned by Jefferson. He notes that both political parties endorsed such an approach at their last conventions.

Mr. President, the editorial should be of interest to Members of the Congress and the people of the country as well. I ask unanimous consent that it be printed in the Extensions of Remarks.

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

[From the Columbia (S.C.) Record, Feb. 1, 1971]

NIXON'S JEFFERSONIAN PRINCIPLE

(By H. Harrison Jenkins)

When the warm zephyrs of change catch unwary politicians bundled in their overcoats for winter's chill, they perspire. And the warm wind of change—a demand for a responsive government closer to the people—has nudged over Pacific boulders, ridged the Rockies, pulsed across the Plains, gyrated around the Great Lakes, arched the Appalachians and angled to the Atlantic.

Not a man usually unsusceptible to environmental bouleversements, President Nixon is dressed for the occasion. In his State of the Union speech, he asked Congress for "a peaceful revolution in which power was turned back to the people, in which government at all levels was refreshed and made truly responsive."

As part of a truly modern, functional government, he asked Congress to share Federal revenues with the states. Although the idea is not new, its time has come. Said Mr. Nixon: "The time has come to reverse the flow of power and resources from the states and communities to Washington and start power and resources flowing back from Washington to the states and communities and more important, to the people, all across America."

Few presidents in history have asked for more fundamental reforms than did Mr. Nixon—and the restoration of power to the states and cities, where people manage their smaller governmental units better, is a fundamental principle.

Other presidents have been as reformist: Jefferson, Lincoln, Teddy Roosevelt, Wilson, Franklin Roosevelt. Consider the inaugural

address of the earliest, Thomas Jefferson. In his speech, Jefferson detailed the fundamental principles of the American republic, enumerating among them "the support of the state governments in all their rights, as the most competent administrations for our domestic concerns, and the surest bulwarks against anti-republican tendencies." The Virginian added a warning in that address, saying that if the United States wandered from these principles "in moments of error of alarm, let us hasten to retrace our steps and to regain the road which alone leads to peace, liberty and safety."

That basic principle was observed until about five decades ago and since then, the Federal government has accrued power unforeseen by Jefferson with state and Federal governments—despite energetic financial efforts—eroding and decaying.

Despite contrary impressions, national defense has accounted for increasingly smaller percentages of our Federal budget since 1959. At the same time, civilian programs—and especially human resources agencies by the dozens—have consumed increasingly larger percentages of the Federal budget.

Under the New Deal, the Fair Deal, the New Frontier and the Great Society, billions upon billions of dollars have been expended to solve problems of health, housing, transportation, race problems, education and poverty. While these programs, spawned from the same molds created in the 1930's, have alleviated some of the problems, they do not offer final solutions—nor do they promise in the foreseeable future even expectations of success.

The basic idea of Mr. Nixon's revenue sharing is to turn over to state and local governments some of the revenue collected by the Federal government to do with as they wish, each according to its need.

The principle is sound. Conservatives who oppose revenue sharing contend that it would be better if the Federal government reduced income taxes (its greatest source of revenue) by 10 per cent and leave that in the states. This isn't going to happen.

Thus, the viable options are: (1) to share revenue with the states, or (2) to increase Federal spending on old and new programs of human resources directed from Washington. Included are the staggering number of categorical grants which are termed Federal-state cooperation. The fact is that in this arrangement Washington is the senior partner and anyone who's had to comply with a set of Washington regulations knows that he could build a Mount Mitchell with the paperwork necessary for a single grant of a couple of thousand bucks.

So, Mr. Nixon has enunciated and will fight for a political principle—revenue sharing, which was endorsed by both national parties in the platforms of their last conventions. Mr. Nixon is keeping the Republicans' word. What of the Democrats?

Politically, the Democrats are going to look mighty foolish if they do not emerge with an equitable distribution alternative. And the present arguments advanced by Congressman Wilbur Mills are balderdash. The Democrats are supposed to be the party of change, innovation and creativity in government. They now sound like Neanderthals, and they can't wait too long before responding with sense and sensitivity.

The truth is that a profoundly disillusioned people living in a complex age lack confidence in government. The further removed from their source of power and surveillance, the greater the lack of confidence.

The United States has wandered from the principles enunciated by Jefferson and the principle of local government strength in domestic concerns must be regained. "Let us retrace our steps," said Jefferson. The principle of revenue sharing must be accepted by the Congress.

THE VIETNAM DISENGAGEMENT
ACT AND THE EXTENSION OF THE
COOPER-CHURCH AMENDMENT

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. WILLIAM D. FORD. Mr. Speaker, I am joining my colleagues in the House of Representatives in introducing two bills designed to bring an end to the war in Southeast Asia—the Vietnam Disengagement Act of 1971, which we are introducing today, and an amendment to the Special Foreign Assistance Act of 1971, which was introduced yesterday.

The Vietnam Disengagement Act of 1971 provides that no funds shall be authorized or expended to maintain a troop level of more than 284,000 in Vietnam after May 1, 1971. After this date any funds appropriated could be spent only for the safe, systematic withdrawal of the remaining forces in Southeast Asia, to insure the release of our prisoners of war, and to arrange for the safety of any of the South Vietnamese who may be physically endangered by the withdrawal of American forces.

The amendment to the Special Foreign Assistance Act would extend the provisions of the Cooper-Church amendment, which was passed last year, which bars the use of U.S. ground troops in Cambodia. Under the new provision, no funds could be used to introduce U.S. ground combat troops into Laos or to provide U.S. advisers for the Laotian military forces. This amendment would also prohibit the use of funds for U.S. air or sea combat support for any military operations in Laos, or to provide support of any kind for any military operations in Laos.

The policy advocated by these two bills is neither extreme nor unreasonable. In fact it is one which I believe will be favored by the American people, who are becoming fed up with Mr. Nixon's war games in Southeast Asia. The American public has thus far been remarkably patient with the disappointing results of the President's Vietnamization program and the risky military actions being taken under the guise of making this program viable.

In 1969, President Nixon told the Nation that—

We have ruled out attempting to impose a purely military solution on the battlefield.

Yet last spring he proudly proclaimed the spectacular success of the Cambodian invasion. Next we were told that U.S. air power would be used anywhere in Cambodia or Laos against any force which might "ultimately" attack our troops.

On one day we are assured that no American troops are in Cambodia and on the next we are confronted with American troops in civilian clothing at the Cambodian Capitol Airport. I find it exceedingly difficult to reconcile the administration's verbal policy of "winding the war down" and bringing U.S. troops home with the policies presently

being carried out by the Defense Department.

Mr. Speaker, now is the time for determined congressional action to bring an end to this war. Enactment of these two bills would assure both an end to the war and the release of our American prisoners.

I am including the text of both of these bills as follows:

THE VIETNAM DISENGAGEMENT ACT OF 1971

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Vietnam Disengagement Act of 1971.

SEC. 2. Congress finds and declares that under the Constitution of the United States the President and the Congress share responsibility for establishing, defining the authority for, and concluding foreign military commitments; that the repeal of the Gulf of Tonkin Resolution raises new uncertainties about the source of authority for American involvement in Vietnam; that both the domestic and foreign policy interests of the United States require an expeditious end to the war in Vietnam; that the conflict can best be resolved through a political settlement among the parties concerned; that in light of all considerations, the solution which offers the greatest safety, the highest measure of honor, the best likelihood for the return of United States prisoners and the most meaningful opportunity for a political settlement would be the establishment of a date certain for the orderly withdrawal of all United States Armed Forces from Vietnam.

SEC. 3. Chapter 1 of part III of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"Sec. 620. (a) In accordance with public statements of policy by the President, no funds authorized to be appropriated under this or any other Act may be obligated or expended to maintain a troop level of more than two hundred and eighty-four thousand Armed Forces of the United States in Vietnam after May 1, 1971.

"(b) After May 1, 1971, funds authorized or appropriated under this or any other Act may be expended in connection with activities of American Armed Forces in and over Vietnam only to accomplish the following objectives:

(1) To bring about the orderly termination of military operations there and the safe and systematic withdrawal of remaining American Armed Forces by December 31, 1971;

(2) To insure the release of prisoners of war;

(3) To arrange asylum or other means to assure the safety of South Vietnamese who might be physically endangered by withdrawal of American forces; and

(4) To provide assistance to the Republic of Vietnam consistent with the foregoing objectives."

Amending section 7. (a) of the Special Foreign Assistance Act of 1971 (P.L. 91-652) by adding a new paragraph (2):

(2) None of the funds authorized or appropriated pursuant to this or any other Act, may be used to finance the introduction of United States ground combat troops into Laos, to provide United States advisors to or for Laotian military forces, to, provide United States air or sea combat support for any military operations in Laos, or to provide support of any kind whatsoever by the United States or any other nation for a military operation of any kind whatsoever in Laos.

THE FEDERAL BUDGET

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, February 11, 1971

Mr. BYRD of Virginia. Mr. President, the February 8, 1971, edition of the Daily Progress of Charlottesville, Va., included an excellent editorial on the subject of the Federal budget.

The editorial points out that the so-called unified budget, by including trust fund surpluses with general funds, distorts the picture of the Nation's finances. The unified budget makes big deficits look smaller, and, unfortunately that is its only purpose.

I ask unanimous consent that the text of the editorial, "The Federal Budget," be included in the Extensions of Remarks.

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

[From the Charlottesville (Va.) Daily Progress, Feb. 8, 1971]

THE FEDERAL BUDGET

This will hardly be news to most people, but Tax Foundation Inc., revealed in a report last weekend that receipts of federal trust funds like Social Security have been growing more than twice as fast as general revenues and are becoming a "prominent element" in the tax burden.

In the ten-year period 1960-70, trust fund receipts rose by 210 per cent, from \$19 billion to \$59 billion while general revenues rose only 88 per cent from \$76 billion to \$143 billion, said the foundation. The unified budget includes both fund receipts and general revenues.

The new budget proposed by the President shows that the trend is accelerating, with trust fund receipts estimated to rise more than \$66 billion in the current fiscal year and to \$75 billion in fiscal 1972.

The combined, cumulative receipts of the trust funds since their beginning through June 30, 1969, totaled more than \$489 billion, their expenditures more than \$407 billion.

"Trust fund operations represent a large and rapidly expanding segment of the 'unified' federal budget," said the study which estimated that trust fund spending in fiscal 1970 exceeded \$49 billion, or "more than 47 per cent of total federal spending for domestic purposes." This growth, the study added, has been particularly significant since the mid-1960s and this trend is likely to continue.

The 14 major funds—actually there are 831 trust funds including 673 Indian tribal funds—account for all but a major part of these total trust fund finances.

The Tax Foundation said inclusion of the trust funds' receipts and expenditures in the unified Federal budget, beginning in fiscal 1969, tends to obscure the true status of the budget since fund surpluses tend to offset deficits in the general or ordinary budget fund accounts.

The confusion said to be caused by this inclusion—and supporting Congress' complaint about the effect—is backgrounded by the study's illustration: In 1969, there was a federal budget surplus of \$3.2 billion, inasmuch as an \$8.7 billion surplus in the trust funds more than offset the \$5.5 billion deficit in the federal fund accounts.

Similarly, in 1970, a trust funds surplus of \$10.1 billion was applied to the \$13 billion

Federal fund deficit, reducing the deficit to \$2.9 billion.

The Tax Foundation study lends support to the observation that the federal budget is in far from good shape. If it is balanced or there should be a slight surplus, it is largely because of manipulation of trust funds, which do not give an accurate picture of the condition of the taxpayers' money.

It is still elementary that a balanced budget will come only from curtailed federal spending or increased taxes to take care of the federal spending. We doubt very much if the people of the United States would vote for more taxes.

GENERAL HODSON'S NEW AMERICAN REVOLUTION IN THE U.S. ARMY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 10, 1971

Mr. RARICK. Mr. Speaker, apparently the two-star general, Kenneth J. Hodson, the Judge Advocate General of the U.S. Army, is assured of his third star that he has been bucking for so hard. In fact, I am satisfied that he will shortly receive praise and international acclaim from the civil rights movement, the anti-war crowd, and every leftwinger in our country. He may even attain status as the military equivalent of Martin Luther King for his antiracist involvement and commitment.

General Hodson is prepared to purge from his staff every officer who will not compromise his first amendment rights of freedom of association by renouncing all family training, customs, and traditions.

The case at point is the matter of Capt. Jerry L. Finley, a member of the Judge Advocate General's Corps, who was suspended from his duties as a legal officer in Okinawa and faces expulsion from the U.S. Army because, as General Hodson states, he "deliberately and publicly refused to greet or to shake hands with a black officer at an officers' club on Okinawa."

General Hodson shows concern for neither personal freedoms nor human rights in the American tradition and apparently has decided that no white serviceman who does not shake hands with a Negro is the caliber of man who can serve as an officer in the U.S. Army.

Carrying his reasoning to a conclusion, General Hodson is prepared to give quasi-official notice to every white American, who still believes in exercising his individual freedom and first amendment rights, that he is unqualified to serve in the U.S. Army unless he gives notice that he will shake hands with every black, which must necessarily include Black Panthers, blacks wearing peace medals, and the other assortment of revolutionary agitators who are being given sanctuary in the armed services these days.

General Hodson's order may please the great majority of the antiwar, antimilitary industrial complex, but it can be

expected to create havoc with the President's dream of an all-voluntary army.

This is indeed a tragic situation not only being tolerated, but upheld by a man in command of the legal department of the U.S. Army. General Hodson, more than any other man, is charged with maintaining military justice and fairness and with seeing that our soldiers' rights are protected under the so-called Uniform Code of Military Justice.

From what I have seen of the inaction and arbitrary noncooperation of Major General Hodson, the military service would benefit more by the elimination of General Hodson and his Black Panther-like pimp than it would by the elimination of Captain Finley.

The code of military justice and the country be hanged—so long as General Hodson's 201 file remains spotless.

Mr. Speaker, I include the statement of Captain Finley, delivered at a press conference on this date, and my correspondence and replies from the Judge Advocate General in the RECORD:

STATEMENT OF CAPT. JERRY L. FINLEY,
JUDGE ADVOCATE GENERAL'S CORPS, U.S. ARMY

I was commissioned in the United States Army Reserve on 1 October 1970 as a First Lieutenant.

I entered on active duty 7 October 1970 as a Captain in the Judge Advocate General's Corps of the United States Army, at which time I was assigned to attend the 58th Basic Course at The Judge Advocate General's School in Charlottesville, Virginia. I graduated from this class on 18 December 1970, on the Commandant's List, which list is composed of the top 20% of the class.

I was assigned to the office of the Staff Judge Advocate, Headquarters, U.S. Army Ryukyus Islands (Okinawa) with a reporting date of 13 January and actually reported for duty on 10 January 1971. I was assigned and performed duties as a legally qualified defense counsel.

On 19 January, I was eating lunch with several other officers when a colored officer (Captain Ronald Branch) approached the table and started conversing with one of the officers sitting at the table. I assumed he was acquainted with this officer and continued eating my lunch. Thereafter, the officer with whom Captain Branch was talking introduced him to me, at which time I gave him a courteous oral greeting and continued to eat my lunch. Then the Captain reached across the seated officer's plate and stuck out his hand. I went on eating my lunch and noted the colored officer coming toward me. He arrived at my place and again stuck out his hand, saying, "Shake." I continued to eat. He then said, "You don't shake?" I replied, "No." There were no ensuing words nor was there any commotion whatsoever. Shortly thereafter, Captain Branch left.

The following day, on 20 January, I was summoned before Colonel C. E. Carney, the Staff Judge Advocate and advised that a complaint had been filed against me for not shaking hands with the colored officer.

I tried to explain to Colonel Carney that I did not shake hands with Captain Branch because first, I was busy eating my lunch, that I did not know this man—I had never seen him prior to that occasion. I advised Colonel Carney that in the section of the country from where I come, it is not customary nor considered in good taste to shake hands with colored people with whom one is not acquainted.

Colonel Carney summarily relieved me of my duties and informed me that I would be returned to the United States but told me

that I would be subjected to no disciplinary action.

On 25 January, I was ordered to report to the Military District of Washington on 1 February 1971, at which time I was also informed that it had been recommended that I be eliminated from the United States Army.

I have never been formally charged or informed of exactly the grounds on which I should be eliminated from the Service.

If this is considered as "incident," I must admit I was not the aggressor but the innocent non-assertive victim. As an attorney and as an officer in the United States Army, before entering both professions I took an oath to preserve and defend the Constitution of the United States. In not shaking hands with a person, one is exercising his First Amendment right of freedom of association. I have tried to be an exemplary soldier and have observed every form of military courtesy as prescribed by Department of Army Regulations.

I have never refused to perform my duties nor have I been insubordinate in the performance of any of my duties. Prior to my departure from Okinawa, as a military attorney, I represented clients of every race to the very best of my legal talents.

I do not feel that as an officer, I am obligated to shake hands with every member of the armed forces, especially during the partaking of my meals. To conclude that an officer could be relieved of his duties and eliminated from the United States Army because he observed one of the rules of personal hygiene and exercised his First Amendment rights is beyond the reasoning of any intelligent citizen.

During my short military tour of duty, I have never been advised nor ordered to shake hands with any officer as a matter of military courtesy or discipline. Likewise, in my study of the military regulations and precedents, I have never seen any written orders requiring complete abdication of all civil liberties by any American because he is serving his country in the Armed Forces.

As a result of the action by the United States Army in accepting, condoning, and supporting the arrogant actions of agitator Branch's efforts to humiliate, degrade, and embarrass an officer of the United States Army, I have suffered undue physical, mental, and economic hardships. My career as an officer in the United States Army has been destroyed. Even if the recommendation that I be eliminated from the service is not approved, my chances for advancement or promotion are practically nil.

I had to leave an automobile in Okinawa that I had just purchased in order that I might perform my military duties more capably. I have now had to lease an apartment in the Washington, D.C. area, faced with the uncertainty of whether or not I will be here for a few days, weeks, months, or longer. I was forced to return to Washington, D.C. in less than half the time usually allowed for the distance involved. By relieving me of my duties in Okinawa, I was prevented from carrying out my legal duty to my clients who may well be denied their Constitutional right to counsel.

What has happened to me as a result of this arbitrary action by the Army is of little consequence when one considers the overall effect of similar actions by the Army on other officers and men. The realization that similar actions could and probably will be taken against any officer in the United States Army who does not comply with the demands of the agitators is frightening. If an officer in the legal department can be subjected to such treatment on a whim, then the effect of such constant threats upon the ability of any officer to perform his duties is demoralizing and frightening.

If an officer or enlisted man loses every freedom and civil liberty when he takes the

oath to preserve and defend the Constitution, which expressly perpetuates under the First Amendment certain freedoms to all individuals, then all American men should be advised thereof before they offer to serve their country.

If this matter were properly investigated, I believe that it would be determined that I am not the first officer in the United States Army who has been humiliated, degraded, and embarrassed by this same colored officer.

Since asking Congressman Rarick to call this news conference, I have been advised orally that if I will not abdicate my rights under the First Amendment by socializing with persons other than those of my choice, then I may submit a request to be relieved from active duty.

Gentlemen, this is my prepared statement. I thank you for the courtesy of your presence and wish that I could say more, but inasmuch as I am still on active duty and the issue which I have reported to you is unresolved, in my own interest and in the interest of the Army, I feel it best that I do not entertain any question at this time. Thank you.

HOUSE OF REPRESENTATIVES,

Washington, D.C., January 22, 1971.

Maj. Gen. KENNETH J. HODSON,
The Judge Advocate General,
U.S. Army,
Washington, D.C.

DEAR GENERAL HODSON: In response to a telegram from CPT Finley, who advised that he had been relieved from duty, I immediately contacted the officer at his duty station for his explanation.

CPT Finley advised me that three days ago he was eating lunch in the cafeteria with several other JAG officers when a Negro officer, identified as CPT Ronald Branch, approached the table and started a conversation. CPT Finley felt that one of the JAG officers was apparently acquainted with CPT Branch. Thereafter, CPT Branch started shaking hands with the officers at the table and offered to shake hands with CPT Finley. CPT Finley states he courteously returned the oral greeting but did not extend his hand for the handshake. In fact, he indicated that he was engaged in eating and paid little attention to the Negro officer until he was asked if he was not going to shake hands, to which CPT Finley replied, "No."

CPT Finley advised that he was new at this station—that he had never seen CPT Branch before, and that there was no further exchange of words between the two. After talking with the other officers at the table, CPT Branch left.

CPT Finley said he disregarded the entire incident, but the following afternoon he was notified to report before Colonel C. E. Carney, Staff Judge Advocate. Colonel Carney advised CPT Finley that a complaint had been filed against him by CPT Branch and he was asked why he did not shake hands with the Negro officer. CPT Finley advised me that he straightforwardly explained to Colonel Carney that he did not shake hands with CPT Branch because first of all, he was busy eating his lunch, and secondly, because of the custom of the area in which he was raised being that white people do not shake hands with Negroes with whom they are not acquainted.

Thereafter, CPT Finley was notified that he was relieved of his duties but that he was subject to no disciplinary action and has since been doing nothing but remaining in and around his quarters.

CPT Finley advised me that he regretted notifying me of this incident by wire rather than by phone but that he had been refused permission to use the phone to call his Congressman or his attorney since it was explained that such a call would be personal rather than official business.

This is the gist of the conversation that I had with CPT Finley and seemingly all that he knows about the incident.

CPT Finley has advised me that he has tried to be an exemplary soldier and that he observes every form of military courtesy as prescribed by the Department of Army Regulations. However, he did not feel that as an officer he was obligated under the punishment of being relieved from duty to shake hands with every member of the armed forces, and especially during the partaking of his meals.

I have personally known CPT Finley for many years, as if he were a member of my own family, and I have never had any reason to doubt CPT Finley's sincerity, veracity, and patriotism to our country, nor have I ever known him to display anything other than the manners of a true gentleman.

Accordingly, I make this inquiry on behalf of CPT Finley, as to the basis for his being relieved from duty.

Sincerely,

JOHN R. RARICK,
Member of Congress.

DEPARTMENT OF THE ARMY,

OFFICE OF THE

JUDGE ADVOCATE GENERAL,

Washington, D.C., January 28, 1971.

Hon. JOHN R. RARICK,
House of Representatives,
Washington, D.C.

DEAR MR. RARICK: This is in reply to your letter of 22 January concerning Captain Jerry L. Finley, Judge Advocate General's Corps.

At the request of the Commanding General, Ryukyus Command, I have approved the reassignment of Captain Finley from Okinawa to the Office of the Staff Judge Advocate, Headquarters, Military District of Washington, Washington, D.C.

I have asked for a full report of the incident involving Captain Finley and shall provide you with further information when the report is received.

Sincerely yours,

KENNETH J. HODSON,
Major General, USA,
The Judge Advocate General.

HOUSE OF REPRESENTATIVES,

Washington, D.C., January 30, 1971.

Maj. Gen. KENNETH J. HODSON,
The Judge Advocate General,
U.S. Army,
Washington, D.C.

DEAR GENERAL HODSON: This will acknowledge your letter of January 28, 1971, in reply to my Special Delivery letter of January 22, 1971, sent to you personally and marked, "For Immediate Attention."

Your reply does not answer my inquiry. While you indicate that you will later advise me, following receipt of your report, nevertheless, you have approved of Captain Finley's reassignment.

Apparently you have some information on the subject of my inquiry; otherwise I must assume you would not have approved of the reassignment of Captain Finley to the Military District of Washington from Okinawa.

It is truly unfortunate that it has taken me eight days to even get an acknowledgment of my inquiry on a matter which by now may have destroyed the military career of a young officer.

I am very disappointed in the lax manner in which my inquiry has been handled. Certainly, I would have expected the courtesy of an immediate acknowledgment of my letter to you rather than the delay of eight days for a reply which sounds more like a brush-off or an effort to conceal the actions of your subordinates in the handling of this matter.

I hope that the military has not deteriorated to such a state of affairs that this is now SOP rather than exception to the rule.

I will await with great interest final receipt of your report, as indicated.

Yours very truly,

JOHN R. RARICK,
Member of Congress.

DEPARTMENT OF THE ARMY,
OFFICE OF THE JUDGE ADVOCATE GENERAL,
Washington, D.C., February 3, 1971.

Hon. JOHN R. RARICK,
House of Representatives,
Washington, D.C.

DEAR MR. RARICK: This is in further response to your letters of 22 and 30 January concerning the reassignment of Captain Jerry L. Finley from Okinawa.

Preliminary information furnished by the Commanding General, Ryukyus Command, indicates that Captain Finley deliberately and publicly refused to greet or to shake hands with a black officer at an officers' club on Okinawa; upon being questioned, Captain Finley is reported to have said that his upbringing precluded his "socializing" with blacks, even under the circumstances outlined. On another occasion he refused to perform his Army duties when they required his conversing with a black officer. The commander therefore considered it in the best interests of the Army and his command that Captain Finley be reassigned.

As I advised you in my letter of 28 January, I have asked for a full report concerning Captain Finley and shall provide you with further information when the report is received and evaluated. In the meanwhile, Captain Finley is performing duty in the Office of the Staff Judge Advocate, Headquarters, Military District of Washington.

Sincerely yours,

KENNETH J. HODSON,
Major General, USA,
The Judge Advocate General.

ROTC IS NOT A DIRTY WORD TO CAROLINIANS

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Thursday, February 11, 1971

Mr. THURMOND. Mr. President, it is refreshing and reassuring to note a South Carolina newspaper report that Reserve Officer Training Corps programs in South Carolina educational institutions remain productive and useful. I am proud that many South Carolina students still consider it an honor and privilege to serve their country in uniform.

Our country can be thankful that hundreds of our Nation's educational institutions and thousands of our Nation's youth continue to work together to develop leaders for our military. It is gratifying to know that South Carolina is one of many States still strongly supporting ROTC in spite of the disgraceful and un-American attitude of some students and institutions in some parts of the country.

In my judgment, the ROTC training program is one of our Nation's most valuable institutional assets. Whether a young man follows a military career or not, the training helps to develop leadership traits. It teaches self-reliance and self-discipline and helps to develop the attributes of dedicated citizenship and patriotism. Even though all these young officers do not follow a military career after serving their obligated tour, the

programs provide a trained source of personnel in case of emergency.

Mr. President, this newspaper article was written by Mr. Ken Hare and was published in the January 31, 1971, issue of the State newspaper, Columbia, S.C. The writer's treatment of his subject was objective and the information obtained in his study should be useful to many interested parties. Although there have been some changes and some adverse reaction as a result of the wave of anti-military activities in the country due to the Vietnam war, South Carolina institutions are still making significant contributions to our Nation's security. In my view, anti-ROTC activities in the country are a demonstration of narrow-mindedness and shortsightedness.

Mr. President, I ask unanimous consent that the article, entitled, "ROTC Isn't a Dirty Word to Carolinians," be printed in the Extensions of Remarks.

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

ROTC IS NOT A DIRTY WORD TO CAROLINIANS
(By Ken Hare)

Anti-military sentiment has gotten the Reserve Officers' Training Corps into hot water on many of the nation's campuses, but according to ROTC commanders and most of the state's college students, South Carolina is a "totally different kettle of fish."

But a few students throughout the state still link ROTC with the military, Vietnam and killing and want it removed from campus.

During the past year, ROTC has been under fire nationally with 16 colleges abolishing 23 ROTC units. Others have removed academic credits from the courses.

Enrollment has also dropped by 25 per cent during the current school year, but the Pentagon blames much of this drop on decreasing requirements for officers.

And more than 50 colleges have shifted ROTC from a compulsory status for all male students to a voluntary status in recent years. Included in this group is Clemson University, which dropped the requirement for all males to enroll in two years of ROTC during the past school year.

Clemson carries both Army and Air Force ROTC units.

"We have a totally different kettle of fish in South Carolina," says Capt. J. H. Fitzgerald, commander of the Naval ROTC unit at the University of South Carolina. "USC has no Timothy Leary."

And ROTC does, on the whole, look much healthier in South Carolina than throughout the rest of the United States.

Newberry College announced the addition of an Air Force ROTC unit in mid-December. The Citadel is in its first academic year with a Naval ROTC unit. Enrollment in ROTC programs is up at the majority of the state's participating colleges, with Clemson an exception because of the change from mandatory to voluntary programs.

Fitzgerald, who came to USC from a post in Vietnam, says the South is a "very fertile atmosphere from a standpoint of support."

"I don't think patriotism is a dirty word in South Carolina," Fitzgerald says.

The commander of the Army ROTC program at Clemson agrees with Fitzgerald that the South provides a more welcome atmosphere than the remainder of the nation for ROTC. Col. G. K. Maertens, a stocky military type with closely-cropped hair, says that the number who support abolishing ROTC at Clemson could be "counted on two hands."

"Right now we're being left alone," Maertens says, "but I'd better knock on wood."

And Dick Harpootlian, editor of the Clemson University student newspaper, The Tiger, agrees that a little wood-knocking might be in order for ROTC on the Clemson campus.

Harpootlian says the edge of antimilitary sentiment at Clemson has been dulled by the changeover from mandatory ROTC and the de-escalation of the war in Vietnam, but that he sees in the future a "move to eliminate academic credit for ROTC."

The Tiger editor says anti-ROTC sentiments may be limited to a minority of students at Clemson, but that Maertens' estimate of being able to count them "on two hands" was too low.

"There are some students who feel ROTC has no place on campus," Harpootlian says. "I think there may be a place for ROTC at a land grant college like Clemson, but it is my opinion that it should not receive academic credit."

"They're paid," Harpootlian said, speaking of ROTC cadets. "That's enough. I don't see how academic credit is justifiable."

Cadets in the ROTC advanced program leading to a commission as an officer in the military after graduation receive a \$50 per month stipend. There is currently a move in Congress supported by the Pentagon to get this stipend raised to \$100.

At Furman University, where the mandatory requirement similar to Clemson's was changed in 1968, sentiment against ROTC has shifted somewhat. But Cynthia Struby, editor of the Furman Paladin, estimates that there "could be as many as 40 or 45 per cent of the student body opposed to ROTC."

Miss Struby sees the student's opposition as being based on opposition to Vietnam and only being aimed at ROTC because of the military connection.

"I'm very glad it was made voluntary," she said, "but I think there is perhaps a place for it on campus, at least as long as those who don't want to take it don't have to."

The issue of academic credit is becoming more and more of a problem for the ROTC units. Among complaints of students are purported "crip" courses and the lack of an adequate academic background for ROTC instructors.

Many, such as Gary Jardim of USC, think ROTC should be moved off campus, or if it stays on campus, limited to the status of an extra-curricular activity.

"We're not denying anyone the right to take 'rotsey', the 18-year-old freshman said. "But we don't think it has a place on campus."

Jardim heads a group at the University called Progressive Students for Change. The group has listed among their major objectives the "end of the University's complicity with the Vietnam war," including the removal of ROTC from campus and a boycott of defense research contracts by USC.

Jardim readily admits that students wanting to do away with ROTC are a minority at the Columbia campus.

Fitzgerald denies that ROTC has any "gravy" courses, noting that Naval ROTC cadets are among the academic leaders on campus. His sentiments are echoed by Col. Joe N. Swanger, head of the Air Force ROTC unit at USC.

Swanger says that the Air Force is starting a policy of requiring ROTC instructors to have a Master's Degree.

"We try to even further enrich our program by using other faculty members as guest speakers," Swanger says.

As of now, neither the Navy nor the Army require master's degrees for instructors.

But even with academically qualified instructors, many students oppose the type of courses that receive credit.

"Many of the courses just teach you how to kill," says one Clemson senior who did not want his name used. "I went through 'rotsey' when it was mandatory, and I couldn't stand it."

VICTORY IN VIETNAM

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. WOLFF. Mr. Speaker, together with more than 50 other Members of the House, I am joining today in introducing the Vietnam Disengagement Act of 1971, which calls for an end to U.S. offensive operations by May 31 and for total withdrawal of U.S. forces from Vietnam by the end of the year.

On February 8, Newsday, the provocative Long Island paper, published an editorial which merits the consideration of all my colleagues. According to the editorial, we can yet win victory in Vietnam if we face up to the fact that the real enemy there is our own pride, begin a complete American withdrawal from Indochina, and then celebrate the victory for America's best instincts.

All Americans are concerned over the continuing bloodshed in Vietnam, and the neglect of domestic problems which has been wrought by our concentration of economic and human resources on fighting this war. If we are to become united again as a nation, if we are to attack the problems of crime and urban blight and pollution, we must end our involvement in Southeast Asia. I, therefore, include the recent Newsday editorial at this point in the RECORD:

VICTORY IN VIETNAM

In the beginning it was Vietnam, then Cambodia, and now Laos. No one who has watched the tragedy of Indochina unfold since the first American military mission arrived in Saigon 20 years ago should be surprised at our government's decision to spread death and devastation to still another country. It doesn't matter that the ground troops who have been crossing the Laotian border are South Vietnamese and not American. We subsidize them, arm them, train them, "advise" them, transport them and give them air, artillery and logistical support. They are our mercenaries; we call the shots; this is an American adventure—make no mistake about that.

And it is all quite understandable and justifiable if you can picture yourself sitting at a desk in the White House or the Pentagon. Just imagine the mounting frustration of waging an expensive, unpopular, bloody and unwinnable war—year in and year out—in a faraway land where our national interest is hard to define, let alone locate. Is it any wonder that our military and political leaders—who have staked their reputations on assurances, first of victory and then of "Vietnamization"—want to pull off one more spectacular operation? Especially one that—who knows—might vindicate them at last?

Never mind public opinion at home or abroad. Never mind the cost in blood and treasure. Never mind the peasants in the villages of Laos: They have now become as expendable as their brothers in Cambodia and Vietnam. Hell, our B-52s have already given parts of Laos the works; and by now it should make little difference to the poor wretches who live in these places whether they are machinegunned in ditches or bombed from the skies.

NOTHING HAS WORKED

Of course, this latest adventure won't work. Nothing we have done in Vietnam has

worked. Not even last May's "incursion" that turned placid Cambodia into a slaughterhouse. A Reuters news dispatch from Cambodia last week quoted "senior Cambodian officers" as saying that "the Viet Cong were returning to sanctuaries cleared by South Vietnamese and U.S. troops last summer and building new ones opposite South Vietnam."

The reason things don't happen as programmed by the Pentagon is that there is no way to win the kind of victory we seek so long as the willingness of the Vietnamese to die is greater than the willingness of Americans to kill. (We could, technically, obliterate Vietnam with nuclear weapons but would we—and would that be victory?) And after 25 years of fighting to rid their country of foreign troops, the Vietnamese aren't likely to quit now or even to negotiate on our terms. Time has always been on their side.

It took the French eight years to learn that you cannot subjugate a determined and patriotic people by superior fire-power. So they gave up trying. But it has been 10 years since the first American combat death in Vietnam, and our government is still trying—250,000 American casualties, 5,000,000,000 tons of bombs and \$105,000,000,000 later. And we the people are paying this bill—in many more costly, corrosive ways than merely tax dollars.

Victory in Vietnam? It can yet be won if we face up to the fact that the real enemy is our own stubborn pride. We don't have to admit defeat if that is more than our collective national ego can stand; but we can and should admit to making a mistake. We can and should stop kidding ourselves—as we have been doing for 10 long bloody years.

It wouldn't be so hard. Not even politically. The latest Gallup poll reports that 73 per cent of our people now want to end American troop involvement in Vietnam by the end of the year.

At his next press conference, the President could simply announce that we have long since discharged whatever obligation we had to the Saigon generals; that this is and always was their war, not ours; and that our objective—to beef up their army—has been achieved.

As commander-in-chief he could then announce a complete and immediate American withdrawal from Indochina. Not a phase-out, but a pull-out. Not just ground troops but naval vessels, aircraft, helicopter gunships, patrol boats, military advisers, napalm, pesticides, everything lethal. And we would also bring home the hundreds of American prisoners now languishing in North Vietnamese camps.

The Vietnamese could continue their civil war if they wanted to. But for our part, we would finally stop killing innocent people and begin taking care of pressing and unfinished business here at home.

This would be a victory worth celebrating. A victory for America's best instincts. A victory for reason and humanity and common sense. A victory that the whole world would applaud.

LESSING J. ROSENWALD— NATIONAL BENEFACTOR

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Thursday, February 11, 1971

Mr. SCOTT. Mr. President, national greatness depends upon many things. Responsible leaders and wise lawmakers contribute to it. But greatness that endures, that grows and deepens and broadens with the times, comes only

from great citizens, generous citizens, thinking citizens.

February 10 is the 80th birthday of a great citizen, one who has recognized his responsibility to the Nation and to its Government in ways that not only benefit this generation but will also enrich and teach generations yet to come.

The "Annual Report of the Librarian of Congress" for 1943 recorded "one of the most exciting and welcome gifts ever received by the Library," 500 choice titles presented by Lessing J. Rosenwald, of Jenkintown, Pa., describing it as one that "will always be numbered among the great examples of private beneficence to the National Library." Further, said the Librarian, Mr. Rosenwald had, with "an unusual and imaginative understanding of the needs of the Government and the relation to each other of the Library of Congress and the National Gallery of Art—divided his collection of fine prints and printed books between the Gallery and the Library of Congress to the enrichment of both and the common advantage of the Government's holdings and service in letters and the arts."

In the succeeding years Mr. Rosenwald added to the books he had given to the Library. Among the additions is one that has delighted millions of visitors to the Library—the Giant Bible of Mainz, laboriously produced in manuscript at the same time that Gutenberg commenced the printing of his famous Bible. A continuing challenge to scholars, the Giant Bible not only astounds the beholder with its beauty but intrigues the bibliophile with the mystery that enshrouds its history.

Subsequent gifts increased the Rosenwald collection of the Library of Congress to 1,500 titles, when in July of 1964, Mr. Rosenwald announced the gift of more than 700 rare books, including a number of rarities in the field of Americana. He has also given the Library several thousand reference books relating to his special collecting interests. And, year by year, through his continuing generosity, these collections grow in richness and in numbers.

Mr. Rosenwald once said in speaking of the Library of Congress:

The acquisition of this vast storehouse of information is in itself a formidable undertaking. It is, however, only the first step. The next and more difficult task is that of making the knowledge available to the people. Just as is the case now, some of this material can be consulted directly by those interested. In other cases, some of the material can be loaned under proper auspices to responsible, recognized institutions. Great progress has been made recently in this particular aspect, thus avoiding unnecessary duplication of required information. Possibly, of even greater importance in certain fields is that of scientific research into the secrets buried in this vast treasury of knowledge. Coupled with this last is the necessity for the publication of the results of the research when such findings merit it.

Accordingly, several choice items from the Rosenwald collection have been made available to scholars, libraries, and book collections through facsimile editions. Among them are the "Doctrina Christiana," the first book printed in the Philippines and of which the Rosenwald copy

is the only known extant original; the lavishly illustrated first Paris edition of "Le Chevalier Délibéré," printed in 1488; an English translation of the Florentine "Fior Di Virtu" of 1491 with facsimiles of the original woodcuts; and the Latin edition of "The Dance of Death," printed in Paris in 1490 and considered one of the great examples of French book illustration. This book, printed by the Government Printing Office, was one of the Fifty Books of the Year in 1947.

No truly great person ever limits his generosity to his possessions; he gives of himself as well. One cannot catalog all the activities that have had the advantage of Mr. Rosenwald's counsel and support, but one can point to a few of the ways in which Librarians of Congress have made use of his wisdom. When Archibald MacLeish organized a Librarian's Committee of distinguished men in many fields to advise him on problems affecting the Library's relations with other libraries and institutions, he invited Lessing J. Rosenwald to be a member. Luther Evans, in forming a group of representative users of the Library, each eminent in a special field, who would undertake a "direct, fresh, and unprejudiced examination of the future role of the Library," asked Mr. Rosenwald to serve on it. And the present Librarian, L. Quincy Mumford, appointed him as honorary consultant in rare books for several terms.

Many years ago, in speaking of Lessing J. Rosenwald's gifts to the Library, the Librarian of Congress praised the "act of private munificence" by which "the American people have become heirs to much of the most precious heritage of the past."

As beneficiaries of his generosity, the people of the Nation hail the man who is more than a great collector, more than a great bibliophile. He is a great American.

A ZERO BALANCE

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. ROBISON. Mr. Speaker, there are warning signs in abundance. If there is no response thereto on the part of Congress or the executive branch there will be no refuge behind the old excuse that we simply "did not know."

I refer to the steadily developing energy crisis, typified in so many ways by news stories such as the one appearing in the New York Times a few days ago to the effect that, on the second coldest day of this winter, the Consolidated Edison Co.—serving the metropolitan area—was using every single available kilowatt of its own and purchasing electrical power from outside sources; the first time ever, even including during last summer's troubles, that this company reported a zero balance in power reserves. The mini-blackout that ensued a few days after this—from causes still uncertain—was another ominous sign foreshadowing, in a very real way, the

much more serious difficulties that can be expected this coming summer when air conditioners and the like again impose their especially heavy power burdens.

On numerous occasions now, I have addressed myself to this problem, to its causes and, in generalities—since it remains difficult to come up with specifics at this point in time—to possible remedies.

Surely, we can all at least agree that there is a need—an urgent need—for a review and a rationalization of power policies at both the State and Federal levels of government. The review procedure should encompass an inquiry into the reasons behind the fact that, historically, the use of electric power in this Nation has been doubling about every 10 years—and at even a bit faster rate of late; an inquiry into the true nature of that demand—with a special emphasis on the question of what portion thereof, if any, is manageable in the sense of controllables versus uncontrollables; an inquiry—and, so far as I know, for the first time an in-depth one—into the correlation between such public planning as may exist in this field and the planning processes of the electric power industry, itself; plus, of course, an inquiry into the effect on these planning processes resulting from the quite properly escalating concern we all exhibit over the contributions additional electric powerplants will make to an already staggering national burden of air and water pollution.

Mr. Speaker, at the moment I do not see much chance existing that any inquiry of this sort might develop on its own—either downtown in the executive branch, or here on Capitol Hill. This is because, in both instances, there is a confusing jumble of overlapping responsibilities, whether one is referring to those carried by different departments, agencies, or bureaus within the administration, or to legislative committees within the Congress.

The President, of course, if he saw fit could cut across this maze of conflicting and competing administrative activities and concerns. He could do it, perhaps, by referring such a task to the Federal Power Commission, an agency whose powers, duties, and responsibilities ought to probably be reviewed by Congress one of these days, anyway. Or, he could do it by requesting the Office of Science and Technology to broaden its own, inherent interest in this field. He could move in either of these directions, or in other directions to accomplish the same result, as I hope someday soon he will; and the reference to powerplant siting problems as made in his admirable environmental message sent us earlier this week does indicate a quickening of interest on his part in this general problem.

However, the prospect of action by the Chief Executive does not absolve us of our own responsibilities, here in the Congress.

Mr. Speaker, I assume you could use your own influence to initiate such an inquiry within this House—but I suspect you would be troubled, as am I, over the

right answer to the question: What committee of this House, as presently constituted, would be the proper one to conduct such a study—and do it in an objective fashion, free of any bias stemming from its Members' interest in and expertise accumulated regarding that particular portion of the overall energy-source problem currently under its jurisdiction?

The answer does not easily come to mind.

Which is why, Mr. Speaker, after reviewing the remarks as made on January 21 of this year by Mr. FULTON, of Tennessee—and as reported on page 35 of the CONGRESSIONAL RECORD for that date—I have decided to join him as a cosponsor, following the current recess, in reintroducing House Resolution 155, which would establish a select House committee to investigate into the energy resource field and problems relating thereto as faced by this Nation.

Mr. FULTON—in his preliminary remarks—concentrated, and I think properly so, on the increasing nagging questions relating to our domestic fuel reserves; on our reservoirs of coal, gas, and oil as used to develop power. This is an essential area for study, along with consideration of the problems faced by the nuclear-power proponents, and specifically those being encountered by the Atomic Energy Commission about which I have acquired some familiarity as a member for some time now of the Public Works Subcommittee of the Committee on Appropriations. And he suggests a need for what he calls a "national fuel policy," which I think might well be broadened into something that could be called a "national energy policy;" but, no matter, for we seem to be working in the same general direction—that is, to acquire the necessary background information to enable the Congress to begin to unravel the various entangled strands that make up this complex fabric of recurring fuel and energy crises that threaten to further expose our citizens to danger and discomfort and, eventually, that threaten to strangle our national growth.

Mr. Speaker, I would now like to include two items. The first of these is an editorial from a recent issue of "The New York Times," commenting on New York City's own, special problems—a piece which speaks for itself:

THE MINI-BLACKOUT

The mini-blackout which shrouded much of midtown Manhattan in absolute darkness for several stormy hours Sunday evening has pointed up, once again, the shocking vulnerability to breakdowns of the city's aging electrical generating system. Overstrained because major generating stations at Ravenswood and Indian Point have been out of commission for some time and the Arthur Kill plant was temporarily out of service, this system snapped at its oldest point. The break came in a tributary of the Waterside plant, constructed in 1901. This plant and its substations were trying to make up too large a share of the power normally supplied by these other stations.

Recent weeks have been full of difficulties, in which voltage has been trimmed and New Yorkers have been asked to conserve electricity. This ominous series foreshadows, in

a real way, much more severe difficulties this summer when air conditioners impose their especially heavy burdens.

Warnings of potential disaster have been piling up for a long time. In 1965 there was a general blackout in the northeast part of the nation caused by failures that began outside New York City, but in 1959 there was a local power failure affecting central Manhattan. In 1961, there was another. Investigations in the wake of these failures urged a greater "sectionalization" of the Consolidated Edison system so that breakdowns would be minimal in impact.

Recent company policy has been ambivalent: commendably, the number of networks has been increased from 17 in 1960 to 27 in 1970, but construction of the giant "Big Allis" generator at Ravenswood violated the essence of the recommendation. Its breakdown is at the core of much of today's troubles, causing other power stations to operate overtime.

There is a need for both immediate and long-range remedial action. Consolidated Edison must move much more swiftly to improve its "fail-safe" mechanism which failed again. A better system could assure a constant flow of power, not create dizzying patterns of cutoff.

For the longer-range, the company must acquire additional and more reliable generating capacity. It must proceed with the construction of new generating capacity at its Astoria site. The company's continuing difficulties underscore the wisdom of Mayor Lindsay's decision to permit this construction, despite the risk of further air pollution that it necessarily poses. The city must have adequate power, and the Astoria expansion is essential to provide it.

Historically, the use of electrical power has been doubling about every ten years and this growth has accelerated within the past several years as a result of increasing per capita consumption reflected in the proliferation of home appliances and office air conditioners. Power demands for New York City will leap forward with the expected construction of an additional 32-million square feet of office space this year. When it goes into full operation next year, the new World Trade Center will consume as much electricity as the entire city of Schenectady.

There is, therefore, the broader need for a rationalization of power policies at the state and Federal levels of government. As Mayor Lindsay pointed out in approving expansion of the Astoria site, policies at the highest level of government are in conflict. Maximum levels are properly set on pollution emission, but other official rules deny the availability of fuels that would assure compliance. The state must assume a larger role in designating power plant sites and resolving disputes that ensnare local communities.

No city can survive without power, and New York least of all. The worry now is whether Consolidated Edison can acquire enough auxiliary gas turbine generating equipment to stagger through this emergency period caused by plant failures and inadequate replacement planning. Can it meet the peak power needs that air conditioners are sure to impose? If a winter mini-blackout shrouds midtown now, can a summer maxi-blackout be far behind?

The second such inclusion is a copy of the remarks as recently made by Joseph C. Swidler, Chairman of the New York State Public Service Commission, during a panel discussion before the Institute of Electrical and Electronic Engineers, Inc., as held in New York City.

Just to highlight Mr. Swidler's remarks—though I hope my colleagues will read them in their entirety—it is worth

nothing that, as he says, the electric power industry is a tremendously big industry, earning revenues in excess of \$30 billion a year, burning more than half the Nation's coal production, 5 percent of its oil and 17 percent of its gas production, as well as one having a crucial impact upon the Nation's environment. And, yet, this industry currently expends less than one-quarter of 1 percent of its revenues on research to improve the quality of its performance—as compared to an all-industry average in the United States of over 4 percent, about which half is funded by governmental sources. He then reminds us—if we need reminding—that, insofar as Federal assistance is concerned, though:

... the government agencies in Washington deliver severe lectures on the need for improved technology for reliability and environmental protection. ... the research budget in the energy area, except for nuclear systems, is minuscule in relation to the importance of the problems.

Finally, Mr. Swidler goes on from there to suggest—and I submit it is well worth thinking about—that Congress might:

... earmark a special source of revenue to support a program of research which bore a reasonable relationship to the urgency and importance of the reliability and environmental problems presented by the electric power industry." He argues that, though "... the research needs of (this) industry are as endless as they are urgent.

It sits on the sidelines while Hydro Quebec, in Canada, is in the process of constructing its own \$40 million research center near Montreal—access to which will soon be requested by American utilities and manufacturers because there will be nothing comparable to it in the United States. The Swidler proposal?—a Federal tax on energy use in the amount of 1 percent of gross revenues to be earmarked for research administered by a joint Federal-industry council. Well, he has thrown both us and the industry a challenge, to say the least; now, what are we going to do about it?

The article follows:

RESEARCH, RELIABILITY AND THE ENVIRONMENT IN THE POWER INDUSTRY

(By Joseph C. Swidler, Chairman, New York State Public Service Commission)

PANEL DISCUSSION AT A MEETING OF THE INSTITUTE OF ELECTRICAL AND ELECTRONICS ENGINEERS, INC., STATLER HILTON HOTEL, NEW YORK CITY, FEBRUARY 2, 1971

My specific assignment on this panel is to provide a state regulatory viewpoint on priorities, financing and administration of research into the problems of reliability and environmental protection of the power industry. The other panelists have been asked to speak on these problems from other viewpoints. The Program Committee was prudent in attempting thus to insure that all the panelists would not be covering the same ground. On more than one occasion when I have been on a panel, by the time my turn came there was very little that I could say that had not already been well covered. I doubt, however, that the effort of the Program Committee to parcel out assignments will outwit the panelists, because speakers have an irresponsible way of talking about what interests them. Most panelists have some other source of support

than their income as panelists, so that it is hard to discipline them.

Let me start by describing the responsibilities of the New York Public Service Commission with respect to reliability and environmental protection. I presume that most public service commissions, even without special legislation on the subject, carry a degree of authority over these matters, arising out of their general surveillance of public utility service. Some have broad authority over the certification of all major utility facilities, which I presume implies the need to consider reliability and environmental factors as well as engineering and economic considerations. In the case of the New York Public Service Commission, our authority is explicit, but not unlimited.

As a result of legislation passed by the 1970 Legislature on the initiative of Governor Rockefeller, the Commission must certify all new high voltage transmission lines before construction can begin. In order to secure a certificate which is suggestively called "a certificate of environmental compatibility and public need," the utility must demonstrate that any such line "represents the minimum adverse environmental impact, considering the state of available technology and the nature and economics of the various alternatives, and other pertinent considerations" and also "that such facility conforms to a long-range plan for expansion of the electric power grid of the electric systems serving this state and interconnected utility systems, which will serve the interests of electric system economy and reliability."

The determination of the compatibility of a transmission line with long range expansion plans obviously raises a question as to the soundness of plans for generating sources, but there is no requirement for certification of generation as such. Whether and how to make provision for certification of thermal plants are questions confided by the Legislature to a Temporary Commission which is required to report its recommendations to the Governor and the Legislature. Governor Rockefeller has announced his intention to sponsor legislation on this subject in the current session, and his proposal may or may not be based on the recommendations of the Temporary Commission. It seems likely, therefore, that these questions will be resolved in the current legislative session, but I cannot say in what way.

A paragraph on power system planning was added to the Public Service Law last year which may prove of even more far-reaching importance than the certifying jurisdiction. I shall read it to you.

"The Public Service Commission shall encourage all persons and corporations subject to its jurisdiction to formulate and carry out long range programs, individually or cooperatively, for the performance of their public service responsibilities with economy, efficiency, and care for the public safety, the preservation of environmental values and the conservation of natural resources."

The Commission has constructed this language as mandating an effort to work with the power companies of the State, all of which are members of the New York Power Pool, in developing long range plans for new transmission and generation which will meet the statutory standards for adequacy, reliability, and environmental compatibility. The Commission is now in the process of working with the members of the New York Power Pool on the details of the arrangement, about which I shall say no more than that they will not relieve the companies of their planning responsibilities but will, I hope, provide an opportunity at each stage of the planning process for the Commission staff to review and appraise the status of the plans and to comment on their probable conformity with the statutory tests.

All this is by way of explaining that the Public Service Commission does indeed have an interest in the reliability and environmental impact of the power company systems in the State of New York, and necessarily in the improvement of those systems by bringing to bear the resources of the research community.

The essence of the Commission's interest can perhaps best be exemplified by the dilemma presented in many, if not most, certification and licensing proceedings. The proposed project may clearly threaten an adverse environmental impact either in terms of air pollution or because of the thermal effect on surface waters, or in some other way. The project may nevertheless be the best available answer to an urgent power need, within the limits of present-day technology. The choice is therefore between environmental damage on the one hand, and energy shortage on the other. This is the kind of a Hobson's choice which is destructive both of the prestige of the industry and the credibility of the licensing authority, not to mention the public well-being. It seems to me that this kind of dilemma could and should be resolved by the development through research of options which will make it possible to provide for the nation's energy needs without large-scale environmental damage.

Sometimes the environmental offense can be greatly mitigated, but only at vast additional cost, for example by purchase of low sulfur fuel, or by building the project at a great distance from the load. Whatever may be said by partisans in licensing cases about the great willingness of the public to pay much higher rates for a higher degree of environmental protection, their voices are not heard in the rate cases. Here, too, the dilemma of high cost or shortage is severe, and either horn may impale the regulatory agency, the utility and the public alike.

Two of the industry problems of highest priority are cleaning up stack gases and reducing the thermal load on surface waters. If it were clear that the technological difficulties standing in the way of progress on these problems were beyond the ready help of science and research, the regulatory agencies and the public might be willing to accept environmental impairment as the price for adequacy of energy supply. This is not the case, as I am led to believe. I am sure that the agenda of this conference will have made clear the enormous opportunities which lie before us to improve the technology of the power industry in these respects. It is frustrating to us as regulators, and infuriating to the public, that neither on the industry nor on the governmental level has there been a dedication of the money and scientific resources required to solve these and similar problems which have major impact on the reliability and environmental consequences of power generation and transmission.

The electric power industry is the largest in the country by far. Its revenues are now running at the rate of some 30 billion dollars a year. It burns more than half the nation's coal, 5% of the oil and 17% of the natural gas. It is not the only, nor the worst, environmental offender, yet its impact on the quality of the nation's environment is a crucial one. The public has made clear in the most forceful terms that it is not satisfied with the industry's level of performance insofar as environmental impact is concerned. The leaders of the industry themselves are far from satisfied with their own performance. Yet this great and vital industry, led by so many able and dedicated people, spends less than 1/4 of 1% of its revenues on research to improve the quality of its performance. The all-industry average in the United States is over 4%, above half funded by government. The power industry spends only a tenth of the all-industry average even if the govern-

ment share of the latter is disregarded in the comparison.

In recent years the various segments of the industry have joined to create the Electric Research Council, which serves an important coordinating role in administering the industry's research program, but its means are too limited for the task ahead. A far more ambitious program is essential if the industry is to move ahead in solving its environmental and reliability problems at the pace which their urgency requires.

The government agencies in Washington deliver severe lectures on the need for improved technology for reliability and environmental protection, but the research budget in the energy area, except for nuclear systems, is minuscule in relation to the importance of the problems. There are many claims on the federal budget, we all know, but this does not explain so distorted a sense of priorities as to place research for improved energy technology at the bottom of the federal spending schedule. Considering the scale of energy use and national expenditures for energy, there is no reason why research in the energy area should need to compete in the budget with welfare, national defense, education, the Mexican Boundary Commission and other expenditures in non-commercial areas. It would be easy for the Congress to earmark a special source of revenue to support a program of research which bore a realistic relationship to the urgency and importance of the reliability and environmental problems presented by the electric power industry.

It must seem strange to visitors from abroad to learn that the electric power industry of the United States, unlike most great electric power industries in the rest of the world—France, Great Britain and the U.S.S.R., to take three examples—does not maintain a single major research laboratory or testing facility, but relies entirely on the facilities of manufacturers, who are necessarily governed by their own proprietary interests and resulting sense of priorities, not to mention limitation of resources. I know it seems strange to me, and all the more so when I consider that the lack of testing facilities in this country makes it necessary for some utilities and manufacturers to seek the use of facilities abroad in testing high voltage equipment.

We are all familiar with the peculiarities of the institutional framework of the industry in the United States which inhibits an organized and massive effort to provide adequate research capability. There are over 3,000 industry units, no one accounting for as much as 10% of power output. They are divided among four institutional groups, federal systems, state and local public systems, cooperatives, and the private companies which constitute some three-fourths of the industry. This dispersion of service responsibility has many operating advantages, but it has also resulted in a diffusion of responsibility for the technological improvements essential for the welfare of the industry and the well-being of the consumers of this country.

The difficulty of the organizational problem is understandable, but what is difficult to understand is the failure of any adequate effort to cope with it. Where are the industry leaders who should be attempting to transcend these institutional limitations and to organize a research effort commensurate with the nation's needs? Where is the boldness required to determine the extent of needed research facilities and to create the plans for building and operating them? Where are the men of vision who will determine research needs and priorities and who will attempt to enlist nationwide participation in meeting the financial goals suggested in such an appraisal?

Hydro Quebec is now in the process of constructing its own \$40 million research center near Montreal. There will be nothing comparable to it in the United States, and there is little question that American utilities and manufacturers will soon be applying for access to its use. I find nothing wrong with the cooperative use of this major test facility. Hydro Quebec is entitled to warm congratulations for building it. However, this one facility will not serve all the research needs on the North American continent, and it is a matter for concern that the inaction of the utilities of this country has created a research gap which is being filled by a neighbor in another country no larger than a number of single companies in the United States. I might add that there are manufacturers in Canada, too, which carry on research, and that U.S. manufacturers bid for Canadian business. Nevertheless, Hydro Quebec is mounting its own research effort, while U.S. power companies sit on the sidelines.

One of the best reasons for direct power industry participation in research is that only in this way can it obtain the services of research scientists qualified to appraise the quality and pace of the research conducted by manufacturers, universities and research institutes. I do not suggest that the power industry should carry out all or most of its research program with its own people and facilities, but it seems to me it cannot effectively determine research priorities or set research goals without at least a nucleus research staff of its own, of the very highest caliber.

The research needs of the industry are as endless as they are urgent. We need to learn to take sulphur out of the coal or the stack gases or both. We need to minimize nitrous oxide pollution in the burning of all fuels. We need to learn what other pollutants in stack gases may be doing harm now, or are likely to do so as fuel volumes grow, and deal with them before and not after a public alarm. We need to develop the technology of closed cycle cooling so that our industry will not remain a major threat to the ecology of surface waters. We need to develop new generating sources, as well as to improve existing ones, in order to make more efficient use of fuels both as a conservation measure and to bring down costs. We need a great deal of advanced work on metallurgy and on quality control in order to move to higher unit temperatures and pressures and to increase unit reliability. We need to accelerate development work on EHV and DC technology to reduce costs, improve reliability and avoid unnecessary drain on land resources for transmission line rights-of-way. We should be mounting an adequate research program in undergrounding of transmission lines, in response to the demand of the increasing number of people who find overhead lines aesthetically offensive.

It would be Utopian to think that enough money could be found to pursue all of these lines of research with equal vigor, and if the money were available there are probably not enough trained people to carry it on. The question, therefore, is how large a research effort is practical and feasible, and how is it to be financed and carried on. A number of people, myself among them, have advocated a federal tax on energy use in the amount of 1% of gross revenues, which produces something in the order of \$300,000,000 at present levels of use if the tax is limited to the electric power industry, and much more if it is extended to other energy industries. The money would be earmarked for research and would be administered by a joint federal-industry council. Perhaps some of this money could be used to fund the creation of several national energy laboratories. Patterned after Argonne or Brookhaven, such laboratories would be geared to research

and development in all areas of energy production and transmission. Such laboratories would complement the research done by private industry.

There is opposition to this plan on the ground, among others, that government participation would somehow distort the research program. I do not see why this should happen if the fund is properly established. Another objection, based on the history of the Highway Trust Fund, is that such funds tend to be self-perpetuating, even after the justification has disappeared. I cannot believe energy research is likely to be of only short-term importance, but I should see no objection to limiting the life of the fund to a reasonable period of years.

The tax proposal has the merit of providing a response to an urgent problem which has baffled the power industry for many years. It solves the institutional difficulty I have mentioned, that there are so many entities and varieties in the electric power industry, and such a resultant diffusion of responsibility, that the industry has almost totally renounced a research role. A federal tax would raise funds on a scale reasonably commensurate with needs, on the basis of nationwide participation and an equitable distribution of the costs. I do not argue this is the only possible road to research progress or necessarily the best one, but it is better than the present situation of almost total industry default in the research area. I should gladly support, and I believe most of the others who have suggested the tax device would support, any other realistic plan which achieved the same goals, and behind which the industry would unite. It seems to me that the challenge to the leaders of the industry is to come up with an alternative plan on an adequate scale, or to support this one.

ENVIRONMENTAL EDUCATION

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Thursday, February 11, 1971

Mr. METCALF. Mr. President, although adults of our Nation are becoming fully aware of the dangers inherent in misuse of the environment, programs to pass this awareness on to our schoolchildren are often still in the formative stages.

For this reason, I was pleased to hear of a reception here last week when it was announced that the National Council of State Garden Clubs, as its 1971-72 civil development project, plans to distribute teachers' guides to conservation education to every school in the United States.

Congress has acted to encourage environmental education and it is gratifying to see citizen initiative in this vital area. The national projects chairman of this activity is a lady from Montana, Mrs. Lyle Johnsrud of Fort Benton.

In a news release Mrs. Johnsrud brought to my office, her organization outlines the goals of this most worthwhile endeavor.

I ask unanimous consent the news release be printed in the RECORD.

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

ENVIRONMENTAL EDUCATION FOR ALL CHILDREN GOAL OF NATIONAL COUNCIL OF STATE GARDEN CLUBS

WASHINGTON, D.C., JANUARY 27, 1971

National Council of State Garden Clubs, Inc. announced their Civic Development Project for 1971-1972 at a reception held today in Washington, D.C. The goal of the Project is to provide teachers with the material necessary to make conservation/environmental education an integral part of the educational activities in every classroom in the United States.

In the weeks and months ahead, members of Garden Clubs in communities across the nation will be contacting schools and teachers, neighbors, civic and business leaders for their support of what National Council has termed "one of the most important and far reaching programs ever undertaken by any national organization."

In a statement released at the reception, National Council of State Garden Clubs, Inc., said: "We have committed ourselves to this enormous nation-wide task because we firmly believe the greatest single step to safeguard our environment and to improve the quality of life is to provide the children in our schools with the means to understand and appreciate the world they will inherit."

"Earnestly seeking the support and aid of friends, neighbors, other civic organizations, businessmen and members of industry, our 387,700 members in over 14,500 Garden Clubs across the nation will work to donate the appropriate volume from the Series of Teachers' Curriculum Guides to Conservation Education, People and Their Environment, to teachers in every school in the United States."

People and Their Environment is a program written for teachers by teachers and designed to make conservation/environmental education an integral part of any school system's curriculum. It was edited under the direction of Dr. Matthew J. Brennan, and is published by J. G. Ferguson Publishing Company, a subsidiary of Doubleday & Company, Inc. Each of the eight volumes in the Series was specifically developed for a different grade level and/or subject area. The eight volumes are: Grades 1, 2, 3; Grades 4, 5, 6; Science, 7, 8, 9; Social Studies, 7, 8, 9; Social Studies, 10, 11, 12; Biology; Home Economics; and Outdoor Laboratory, 1-12.

Representing National Council of State Garden Clubs, Inc. at the reception were: 1st Vice-President and Acting President, Mrs. Maxwell W. Steel of Huntingdon, Pennsylvania; Vice Presidents: Mrs. Howard S. Kittel of Fort Worth, Texas and Mrs. Vernon L. Conner of Mount Dora, Florida; Treasurer, Mrs. Robert R. Crosby of New York, N.Y.; National Projects Chairman, Mrs. Lyle Johnson of Fort Benton, Montana; and Conservation Chairman, Miss Elizabeth Mason of Atlanta, Georgia.

FEDERALIZATION OF WELFARE AND REVENUE SHARING

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. VANIK. Mr. Speaker, in the current debate on the advantages to the State and local communities of the President's program of revenue sharing, it is important to compare the community benefit of the Federal assumption of full financial responsibility for welfare compared to President Nixon's plan on revenue sharing.

According to the President's proposal for a \$5 billion "free" distribution of Federal funds to local communities based on a distribution of 1.3 percent of the personal taxable income base, the distribution in Cuyahoga County—Metropolitan Cleveland—would be as follows:

Cuyahoga County	\$3,481,201
Cleveland	5,719,158
East Cleveland	268,079
Euclid	363,739
Shaker Heights	240,544
Highland Heights	11,754
Lyndhurst	52,213
Mayfield Heights	48,057
South Euclid	105,400
University Heights	\$59,941
Pepper Pike	18,833

Total, revenue sharing----- 10,500,000

On the other hand, if the Federal Government were to assume the total cost of the welfare program it would release \$85,056,999 in State and local dollars spent every year in Cuyahoga County. The present grand total cost of welfare in Cuyahoga County totals \$140,925,581, as follows:

Federal	\$55,868,582
State	74,616,969
Local	10,440,030

The reform and federalization of welfare would release \$85 million in State and local expenditures in Cuyahoga County for other purposes including education, safety, and pollution control.

The 1971 welfare expenditures in Cuyahoga County are projected as follows:

Aid for dependent children:	
Federal	\$27,588,352
State	34,642,726
Local	3,849,192
Total	66,080,270

Aid for aged:	
Federal	4,096,524
State	1,736,385
County, local	192,932
Total	6,025,841

Aid for disabled:	
Federal	2,215,250
State	1,495,795
County, local	166,200
Total	3,877,245

General relief:	
State	14,962,165
Local	4,987,388
Total	19,949,553

Vendor maintenance:	
Federal	898,954
State	734,356
County	81,595
Total	1,714,905

Medicaid:	
Federal	16,698,507
State	15,156,714
Total	31,855,221

Administration:	
Federal	4,192,995
State	5,771,246
Local	1,149,658
Total	11,113,899

Total welfare----- 140,925,581

Mr. Speaker, total Federal cost of welfare in Cuyahoga County is \$55,868,582, total State cost of welfare in Cuyahoga County is \$74,616,969, and total local cost of welfare in Cuyahoga County is \$10,440,030.

The full Federal assumption of welfare programs would release \$85,056,999 for other State and local programs.

The projection of costs and Federal contribution does not include the \$16,800,000 Federal contribution in the food stamp program.

This alternative approach to revenue sharing must be carefully reviewed and compared. The reform of the welfare program and the development of uniform standards in administration would provide higher standards, more responsible administration and greater efficiency.

FACTS BEHIND RECENT MOVE IN LAOS

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Thursday, February 11, 1971

Mr. SCOTT. Mr. President, in the Washington Post yesterday, columnist Joseph Alsop has very clearly detailed the facts behind the recent move in Laos. I commend it to the attention of every Member of the Senate.

Mr. Alsop says President Nixon has demonstrated the courage of his convictions to end this war. The column points out that there were 16 reasons why the operation should not have been attempted, but there were two reasons that outweighed them, thus the courageous decision by President Nixon.

Mr. President, I ask unanimous consent that Mr. Alsop's column be printed in the Extensions of Remarks.

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

LAOS: NIXON'S REASONS

(By Joseph Alsop)

"There were sixteen good reasons against doing it, and there were only two reasons for doing it. But if you analyzed them, the two reasons for, completely outweighed the 16 against—which were mostly domestic political reasons anyway."

Thus President Nixon himself, concerning his second great Southeast Asian gamble, to support the current, critically significant South Vietnamese drive across the border of Laos.

The first reason was the need to force the Hanoi war-planners to take the hardest kind of hard new look at their own situation and future prospects. A new look in Hanoi will hardly be avoidable, if the Laos trails are cut in the area around the little town of Sepone—which is the obvious aim of the big effort now in progress.

The intent, if the operation succeeds, is to keep the trails cut until the full onset of the rainy season in late spring. The big rains always make the Laos trails all but impassable, particularly for serious supply movement, until the dry season begins again. This will be about the beginning of next December.

For 10 months, then, about 130,000 North

Vietnamese troops and other personnel in Cambodia and southern Laos, will have their unique existing lifeline severed—if all goes according to plan.

Yet if their unique lifeline is in fact severed as planned, they will get almost no replacements, or ammunition or other military supplies. In South Laos, where virtually no food is locally available, they will also get none of the rations they need from the north.

As to the President's second decisive reason for his gamble, it should also be obvious. It was to leave the South Vietnamese in a solid position to defend their own independence, after the withdrawal of U.S. troops.

There is nothing to prevent the South Vietnamese from cutting the Laos trails next dry season, if they manage to do so this time. In sum, the President has now moved to finish what he began when he invaded the Cambodian sanctuaries.

The great result of the Cambodian operation was to close off the main lifeline of the North Vietnamese invaders of their neighbor countries. This was the seaborne supply route, running through Sihanoukville and Cambodia.

In the old days, when Hanoi had an easy time of it, the rations for the 70,000 North Vietnamese troops in South Laos were also bought on the Chinese markets in Phnom Penh, and they were then trucked north. All that is over now, however, and as already stated, the other remaining lifeline of these same North Vietnamese troops is also likely to be cut.

Another effect of the President's decision, one must add, is to underline the sheer ludicrousness that has so long pervaded most discussion of the Vietnamese war in this country. Take the howls about General Abrams' famous "news embargo," for example.

To begin with no sensible reporter ought ever to wish to describe in detail and in advance any forthcoming military operation. Doing so jeopardizes the lives of every man engaged in that operation. To go on with, this supposedly wicked embargo evidently left Hanoi utterly uncertain about where the blow would come. Otherwise there would have been a very nasty welcoming committee for the South Vietnamese, the moment they crossed the Laos border.

Yet there is a far better, and far more depressing example of the folly many people have indulged in during these last years. You simply need to calculate what would have happened, if the same changes in the lunatic rules of the war had been made four years ago. There could have been no Tet offensive, to begin with.

For it is now well established, by computing actual bills of lading picked up in Sihanoukville, that the Cambodian lifeline was vital to the Tet plan. Over 12,000 tons of supply—the enemy's essential sinews of war for the whole southern half of South Vietnam—are now known to have come through Sihanoukville in 1967 and up to March 1968.

Then too, the Hanoi government solemnly committed itself by treaty, negotiated on our side by Gov. Averell Harriman and duly signed in 1962, never to use the Laos trails for supply purposes. They broke that promise before the ink was dry on the treaty. But there was no reason to treat the trails as effective sanctuaries, any more than there was a reason to treat Hanoi's Cambodian bases as sanctuaries.

Untold blood and untold treasure have been wasted, in truth, because the courage to do what President Nixon has done was not found long ago.

TAX SAVING INFORMATION FOR OUR SENIOR CITIZENS

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. PEYSER. Mr. Speaker, as a result of the 1970 Tax Reform Act, there are new tax savings available to our senior citizens. In this year of rising costs these tax savings are especially welcome by our senior citizens who are struggling on their fixed incomes to meet rising bills.

The Senate Special Committee on the Aging has provided an excellent analysis of the tax reform bill as it relates to senior citizens, and I call it to the attention of my constituents:

TAX REFORM BILL ANALYSIS

Several provisions, such as the increase in the personal exemption and the new low-income allowance, in the new law will provide substantial tax relief for older Americans. Other measures, such as the increase in the standard deduction, can help to make tax preparation easier.

These proposals can produce important tax savings—in some cases amounting to several hundred dollars—for older taxpayers. Consequently a basic understanding of these relief measures will be essential for aged persons to receive full benefits from these provisions. Some of the major relief sections include:

Increase in personal exemption deduction: The Act provides for a four step increase in the personal exemption deduction from \$600 to \$750 by 1973. The four stages would be as follows:

\$625 in 1970,
\$650 for 1971,
\$700 by 1972, and
finally \$750 by 1973.

Older Americans will benefit doubly from this increased deduction.

Under prior law, a person who was at least 65 years old was entitled to the regular exemption of \$600 plus an additional \$600 deduction for age—for a total of \$1,200. When this provision becomes fully effective, an elderly single taxpayer would be entitled to a \$1,500 personal exemption deduction—\$300 more than under previous law. By 1973, an elderly married couple would be entitled to an additional \$600 deduction for personal exemptions.

Increase in standard deduction: A three stage increase in the standard deduction will provide significant relief for moderate-income elderly taxpayers. The present standard deduction—10 percent of adjusted gross income with a \$1,000 ceiling—will be increased to 15 percent with a \$2,000 maximum by 1973. Under the new law, the percentages and maximum deductions will reflect the following changes:

Year	Percentage of adjusted gross income (percent)	Ceiling
1971.....	13	\$1,500
1972.....	14	2,000
1973.....	15	2,000

Low-income allowance.—Older Americans will also benefit substantially from the new low-income allowance—equivalent to the former minimum standard deduction plus an additional allowance which would equal a

maximum amount of \$1,100. More than 5 million tax returns will be removed from the tax rolls because of this provision.

The maximum \$1,100 low-income allowance becomes operative in 1970, but it will be reduced in two steps to \$1,000 by 1972 to correspond to the \$100 increase in the personal exemption deduction for 1972. This new low-income allowance together with the personal exemption deduction would be almost equivalent to the poverty index, and would have the effect of removing virtually all persons in the poverty category from the tax rolls.

The effect of the \$1,100 low-income allowance and the \$625 personal exemption is to eliminate tax until income exceeds the following levels for elderly persons in 1970:

Number of persons	Nontaxable amount		
	Tax Reform Act	Prior law	Difference
1. Elderly single person (65 or older).....	\$2,350	\$1,600	\$750
2. Elderly married couple (both 65 or older).....	3,600	3,000	600

Revision in tax rates for single individuals.—The new revised tax structure for single persons who do not support a household in which a dependent lives will benefit many elderly widows and widowers. (Approximately 3.6 million elderly women are widows and live alone.)

Under previous law, the tax rate for a single individual was substantially higher than for a married couple filing a joint return with the same taxable income. In some instances a single taxpayer would pay 41 percent more in taxes than a married couple filing jointly. The new rate structure in the Tax Reform Act will help to relieve this inequity by providing a tax for single persons which will not be more than 20 percent of the tax paid on a joint return with comparable taxable income.

No withholding under Certain Circumstances.—Employees who certify to their employers that they had no tax liability for the preceding year and expect to have no tax liability for the current year will not have Federal income tax withheld from their wages.

About a half million persons 65 and over who work, are not subject to tax because of low taxable income. Previously, many elderly persons who owed no tax, still had to file returns to collect refunds because of the tax withheld.

Because of this provision and changes in filing requirements, more than 2 million older Americans will be relieved from the necessity of filing a tax return.

Reduction and Repeal of the Surtax: The 10 percent surcharge was reduced from 10 percent to 5 percent for the period from January 1, 1970 to June 30, 1970. Effective July 1, 1970, the surcharge will be discontinued. For an individual taxpayer, the effect will be to reduce the surtax to 2.5 percent on an annual basis for 1970 and to eliminate the surcharge for 1971.

Liberalized income averaging.—Income averaging is available for individuals whose incomes fluctuate from year to year to help lessen the tax burden in high income years. Generally, a person is eligible for income averaging if taxable income for the current year is more than \$3,000 greater than 133½ percent of his average taxable income for the preceding four years.

The Tax Reform Act will lower the 133½ percent requirement to 120 percent. In addition, long-term capital gains, wagering income, and substantial income from gifts—which previously did not qualify—would be eligible for averaging.

